REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 23, 1999

On motion of Councillor De Smedt, 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

856 - 2. ***Note: The Executive Policy Committee, in accordance with Section 61.5 of the Procedure By-law No. 5400/64, as amended, recommends that Council grant a further extension of time of 60 days for further consideration of the matter.***

Moved by Councillor De Smedt,
Adoption of the clause.

Carried.

REPORT "A" OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED AUGUST 29, 2000

On motion of Councillor De Smedt, Report “A” of the Standing Policy Committee on Property and Development, dated August 29, 2000, was considered clause by clause.

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

Carried.

Extension of Time - Proposed Subdivision and Rezoning of land located on rue due Monastère, south of rue des Trappistes - Riel Community File DASZ 10/95

857 - 1. On March 20, 1996, Council adopted Clause 3 of the Report of the former Committee on Planning and Community Services dated February 27, 1996, which Clause recommended approval of the subdivision and rezoning of property located on rue due Monastère, south of rue des Trappistes to allow for the construction of single-family dwellings.

Recommendation VII. contained therein stipulated:

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

The by-law has not been enacted and the twenty-four (24) month time limit expired on March 20, 1998.

The applicant (the Planning, Property and Development Department, Real Estate Division) has advised that due to issues involving the consolidation of the subject property from Genstar Development Company, the resolution of the overhead/underground Hydro Electric Power Distribution, the relocation of private land access caveats over the City of Winnipeg lands, and the sale of a treed strip of land adjacent to the subject lands, which are now in the process of being resolved, they have been unable to proceed with the subject application. As these conditions are now being dealt with, a two year extension of time to complete the subject rezoning and subdivision application has been requested.

The Planning, Property and Development Department is of the opinion that approval of an extension of time would be acceptable in view of the fact the City’s interest remains secured and circumstances leading to the original approval are unchanged.

The Standing Policy Committee on Property and Development recommends:

I. That the time limit to provide for the enactment of the necessary subdivision and rezoning by-law under File DASZ 10/95 be extended to October 18, 2002.

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 "A" of the Standing Policy Committee on Property and Development dated August 29, 2000

Proposed Subdivision and Rezoning - land located on the north side of John Forsyth Road, west of the Ashworth Street extension - Riel Community
File DASZ 10/2000

858 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been received from Qualico Developments (Winnipeg) Ltd., 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-5" Agricultural District to an "R1-4" Single-Family District and an "R1-3" Single-Family District to allow for the construction of 25 lots.

The following is the present site description:

Site Area: Exclusive of lanes and street right-of-way, the area encompasses approximately 13,372 square metres

Existing Land Use and Zoning: Land is vacant and zoned "A-5" Agricultural

The following is the present surrounding land use and zoning:

North: Lands immediately to the north are vacant and zoned "A-5" Agricultural
South: Lands to the south are fully developed and zoned "R1-5" Single-Family
East: Lands are zoned "A-5"
West: To the west is a combination of "PR1" Parks and Recreation land and undeveloped lands zoned "A-5"

The applicant, Qualico Developments (Winnipeg) Ltd., proposes to rezone the subject lands and establish 25 new residential lots. The 16 lots fronting onto Tretheway Close and Gablehurst Crescent are to be zoned "R1-4". The 9 lots on Ashworth are to be smaller "R1-3" lots. A lane will flank "R1-3" lots.

The proposal fully complies with Plan Winnipeg policy.

The proposed 25 lots are to be utilized as new single-family housing and is part of the ongoing effort by Qualico Developments (Winnipeg) Ltd. to fill the remaining areas left undeveloped between Dakota Street and St. Anne's Road, north of the Perimeter Highway. Significant development has already occurred along Aldgate Road and focus now appears to be the infilling of remaining areas along John Forsyth, east of Dakota Street. The zoning categories proposed are appropriate and completely consistent and compatible with neighbouring housing area. Proposed lot sizes range from 3,300 square feet at the small end to 5,670 square feet approximately at the upper end. It has been suggested by the Public Works Department that a change in the alignment to the cul-de-sac called Tretheway Close, making it more closely aligned with Beckwith Lane or the south side of John Forsyth should be made by the Developer. From the perspective of the Public Works Department aligning the two streets would be both a safer and more efficient alternative.

A Public Hearing was held before the Riel Community Committee on July 11, 2000. One person appeared in support of the application, and no one registered in opposition thereto.

The Riel Community Committee recommended that the proposed subdivision and rezoning be approved for the following reasons:

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

2. The proposal fully complies with Plan Winnipeg policy.

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

Report "A" of the Standing Policy Committee on Property and Development dated August 29, 2000

I. That the plan of subdivision proposed under File DASZ 10/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 10/2000 dated July 4, 2000, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into an Addendum to Development Agreement AG 31/84 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated June 30, 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 10/2000 dated July 4, 2000, to an "R1-3" Single-Family District and an "R1-4" Single-Family 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 is not applicable given that Dedication was obtained previously through DASZ 31/84.

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 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. 899 for attachment)

Extension of Time - Proposed Rezoning - land located at 894 St. Mary's Road File DAZ 225/96

859 - 3. On February 26, 1997, Council adopted Clause 8 of the former Committee on Planning and Community Services dated February 4, 1997, which Clause recommended approval of the rezoning of the property at 894 St. Mary's Road from an "R2" Residential District to a "C2" Commercial District to permit the establishment of a Contractors Establishment (offices for a cleaning service).

On September 9, 1998, Council passed By-law No. 7291/98 which provided for the rezoning of the property. The enactment clause of the by-law stipulated as follows;

Report "A" of the Standing Policy Committee on Property and Development dated August 29, 2000

2. This by-law shall come into force and effect upon registration in the Winnipeg Land Titles Office of a caveat recording Zoning Agreement DAZ 225/96 against the land affected thereby as a first charge, other than any caveat filed by The City of Winnipeg or an "Area Municipality" as defined in The City of Winnipeg Act, any public utilities caveat, or any building restriction caveat registered prior to the date of rezoning application DAZ 225/96 by not later than September 9, 1999 failing which this by-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

The Standing Policy Committee on Property and Development has been advised that the owner has not been in a position to proceed with the finalization of the rezoning application until recently. In the interim the time limit to have the Zoning Agreement caveat registered on the property title has expired and a Council approved time extension is required to allow for the completion of the rezoning.

The Administration reviewed the Applicant's request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interests have been met and the circumstances leading to the original approval are unchanged.

This request for an extension of time was submitted directly to the Standing Policy Committee on Property and Development rather than through the Riel Community Committee because of time constraints caused by the August 2000 prorogue period and the fall construction season.

The Standing Policy Committee on Property and Development recommends:

I. That the time limit specified in the enactment clause of By-law No. 7291/98, be extended eighteen months to March 8, 2001, to provide for the registration of the caveat for the Zoning Agreement under File DAZ 225/96.

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

Adopted by consent.

Proposed Rezoning - land located at 223 Roslyn Road - City Centre Community
File DAZ 209/2000 [c/r DAV 379/2000D]

860 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Colin Milroy Planning Services, 2506 - 55 Nassau Street North, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from a "R1-4" Single-Family Residential District to a "RM-L" Multiple-Family Residential District to allow for the construction of a 6 unit condominium building.

The following is the present site description:

Site Area: 131.5 feet by 210 feet; 27,615 square feet
Existing Land Use: Vacant

The following is the present surrounding land use and zoning:

North: Single-family housing zoned "R1-4"
South: Across Roslyn Road; multiple-family dwelling at 218 Roslyn Road zoned "RM-7"
East: Single-family housing zoned "R1-4"
West: Single-family housing zoned "R1-4"

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The proposal is to construct a two-storey, 6 unit condominium apartment building with underground parking for 12 cars and surface parking for 4 cars. Vehicular access would be provided off Roslyn Road. To provide front door access, a one-way driveway enters the property at the southeast corner, running between the front of the building and Roslyn Road and exiting the property at the southwest corner. For access to the underground and visitor parking, a second driveway runs along the east side of the property to the rear of the building. This driveway is constructed atop an easement which was established to provide access to the rear of the properties fronting Roslyn Crescent.

The site is situated amidst an enclave of single-family properties enclosed by Roslyn Road and Roslyn Crescent. The enclave includes eleven properties plus the subject site. Eight of these properties abut the subject site with rear or side lot lines. Bordering the site on the north and east sides are newer (mid-century and later), one and two storey, single-family houses fronting Roslyn Crescent. To the west lies the old Nanton estate which remaining buildings include the gatehouse at 229 Roslyn Road and the stable at 61 Roslyn Crescent. Directly across from the site is the Kantor mansion at 218 Roslyn Road, listed on the Historic Buildings Inventory. The gates to the Nanton estate are listed on the Historic Buildings Conservation List as a Grade II structure.

The site is well treed. The owner commissioned an inventory of the trees including their type, location and condition. A program of maintenance and selective removal has been recommended. An attempt is being made to preserve as many of the trees as possible.

The building has been designed to compliment the Kantor mansion and reflects the historic architecture of Fort Rouge. The building footprint is 6,540 square feet, which represents a lot coverage of about 24%. This compares to a maximum allowable lot coverage of 40% for principle buildings and accessory structures under the existing "R1-4" zoning. The building height is 31 feet, compared to the allowable height of 30 feet under the existing single-family zoning. The building contains 3 suites on 2 floors. The suites are large, ranging from 1,750 to 1,850 square feet, and are accessed off an enclosed central corridor. The second floor suites are provided with balconies. The proposed "RM-L" zoning is the lowest density multiple-family zoning and permits 1 residential unit per 2,500 square feet of lot area. In the current case, the zoning would permit 11 residential units.

Plan Winnipeg supports residential infill development that is sensitive to the quality, density, and character of existing housing.

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

a) the project is in keeping with the residential character of Roslyn Road which is developed with a mix of high density and low density housing;

b) the scale of the project is consistent with existing residential buildings on Roslyn Road;

c) the building presents a handsome façade reminiscent of the mansion architecture in the Fort Rouge and Crescentwood neighbourhoods;

d) the building fits the site well and the related zoning variances are considered minor in nature;

e) the building has a comparatively compact foot print, enabling the provision of more open space and the preservation of a greater number of existing trees;

f) the project establishes a reference point for future infill development along Roslyn Road;

g) the proposed project is comparatively modest in view of the fact that, given the economics of property redevelopment, infill housing is inevitably of a higher density than the housing it replaces.

A Public Hearing was held before the City Centre Community Committee on July 4, 2000. Ten persons were heard in support of the application, and three persons registered in opposition thereto.

The City Centre Community Committee recommended that the proposed rezoning be approved for the following reasons:

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1. The project is in keeping with the residential character of Roslyn Road which is developed with a mix of high density and low density housing.

2. The scale of the project is consistent with existing residential buildings on Roslyn Road.

3. The building presents a handsome façade reminiscent of the mansion architecture in the Fort Rouge and Crescentwood neighbourhoods.

4. The building fits the site well and the related zoning variances are considered minor in nature.

5. The building has a comparatively compact foot print, enabling the provision of more open space and the preservation of a greater number of existing trees.

6. The project establishes a reference point for future infill development along Roslyn Road.

7. The proposed project is comparatively modest in view of the fact that, given the economics of property redevelopment, infill housing is inevitably of a higher density than the housing it replaces.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 209/2000 dated June 27, 2000, to an "RM-L" Multiple-Family Residential District, subject to the following:

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

      1. That the maximum building height on the property be limited to thirty-one (31) feet.

      2. That the maximum number of residential units on the property be limited to six (6) residential units.

      3. That any development on the site provide underground parking for building residents.

      4. That prior to the issuance of a development permit plans showing site layout, vehicular access and circulation, building elevations and exterior materials, fencing and landscaping, preserved trees, garbage enclosures, and exterior lighting be submitted for the approval of the City Centre Community Committee.

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 900 for attachment)

Proposed Rezoning - land located at 689 Wellington Avenue - City Centre Community File DAZ 216/2000

861 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Byung Jae Park, 689 Wellington Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from a "R2-T" Two-Family Transitional District to a "C1" Commercial District to reflect the existing land use.

The following is the present site description:

Site Area: 50 feet by 93.4 feet; 4, 670 square feet

Existing Land Use: Two-storey grocery and laundromat.

Surround Land Use and Zoning: "R2-T" Two-Family Transitional District; mix of single-family and two-family dwellings, rooming houses, and apartment buildings.

The main floor of the building contains the Royal Supermarket and the Royal Laundromat. Above the laundromat is a second storey containing a residential suite that is currently used for storage. Parking is provided off the back lane for five vehicles.

The application under DAZ 216/2000 complies with Plan Winnipeg.

The Planning, Property and Development Department supported the rezoning in that the existing use provided needed local commercial services consistent with the mixed-use character of Winnipeg's older, inner city neighbourhoods.

A Public Hearing was held before the City Centre Community Committee on July 4, 2000. Two persons appeared in support of the application, and no one registered in opposition thereto.

The City Centre Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. The existing land use consists of a two-storey grocery store and laundromat.

2. The application complies with Plan Winnipeg.

3. The existing use provides needed local commercial services consistent with the mixed-use character of Winnipeg's older, inner city neighbourhoods.

The City Centre Community Committee also recommended that the ten percent (10%) dedication in lieu of the requirement for land dedication based on the increase in the market value of the land be waived.

The Standing Policy Committee on Property and Development considered the proposed rezoning application under File DAZ 216/2000, and approved the following amendment which has been incorporated in the recommendations as set out below:

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- The recommendation from the Manager of Planning and Land Use, Planning, Property and Development Department for ten percent (10%) dedication to be made by a payment of a sum of money to the City be concurred in, and Recommendation II. (of the Community Committee) be deleted in its entirety and replaced with the following:

  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.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre 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 216/2000 dated June 26, 2000, to a "C1" Commercial District, subject to the following:

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

      That the use of the land be limited to the following uses:

      i) a grocery store
      ii) laundry (self service)

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 901 for attachment)

Proposed Amendment to Downtown Winnipeg Zoning By-law - Proposed Rezoning on lands bounded by Logan Avenue to the south, CP Main Line to the north, Princess Street to the West, and Maple Street/Disraeli Freeway to the east - Lord Selkirk-West Kildonan Community
File DAZ 217/2000

862 - 6. The Standing Policy Committee on Property and Development has been advised that the Director of Planning, Property and Development submitted an application under File DAZ 217/2000 to adjust the boundaries of the Downtown Winnipeg Zoning By-law No. 4800/88 to coincide with the lands defined by the boundaries of CentrePlan by:

Report "A" of the Standing Policy Committee on Property and Development dated August 29, 2000

1. Amending the Winnipeg Zoning By-law No. 6400/94 by deleting the subject area affected.

2. Amending the Downtown Winnipeg Zoning By-law No. 4800/88 to include the area affected; and rezoning the lands in the area affected from a "C2" Commercial District and an "M1" Industrial District, to the following Zoning Designations:

"Rc"	Residential Use Group (c)
"Nrd" or "Nre"	Non-residential Use Group (d) or (e)
"BR-1"	Bulk Range One
"P/L1"	Parking Loading Range One
"S-3" or "S-4"	Sign Range Three or Sign Range Four
"PL"	Pedestrian-Level Design Review

Site Area: The area affected is bounded by Logan Avenue to the south (the present northern extent of the Downtown Winnipeg Zoning By-law); Princess Street to the west; the CP Main Line to the north; and Maple Street/Disraeli Freeway to the east.

Existing Land Use: Land use is varied throughout the area. The western portion consists of primarily warehousing, wholesaling and light industrial, with some retail. The central section, centering along Main Street, includes a number of vacant properties, retail, the Thunderbird House and related lands, charitable organizations, hotels and restaurants. The eastern section consists primarily of institutional/office uses, parking, a hotel and some retail/wholesaling.

The existing zoning under the Winnipeg Zoning By-law (No. 6400/94) is as follows:

"C2" Commercial The intention of the "C2" Commercial Designation is to regulate more intensive commercial sites that do not have a local or neighbourhood orientation. Presently within the subject site, "C2" designated properties are located along the east and west sides of Main Street (south of Higgins Avenue) and along the east side of King Street (south of Higgins Avenue)

"M1" Industrial The intention of the "M1" Industrial Designation is to permit higher standard industrial development with all operations contained within an enclosed building. The remainder of the subject site (surrounding the "C2") is designated "M1".

The purpose of the application is to extend the jurisdiction of the Downtown Winnipeg Zoning By-law to coincide with the boundaries identified by CentrePlan, Winnipeg's Downtown development plan. The direction to proceed with this application has been provided by Council upon the establishment of CentreVenture on May 13, 1999. Council stated "that the mandated area of CentreVenture be defined by the CentrePlan Boundary Map, requiring an amendment to the Downtown Winnipeg Zoning By-law".

The Director of Planning, Property and Development has applied to have the subject area removed from the Winnipeg Zoning By-law and added to the Downtown Winnipeg Zoning By-law. The area affected is to be rezoned from the present designations under the Winnipeg Zoning By-law, to designations under the Downtown Winnipeg Zoning By-law which most accurately reflect the existing zoning and character of the site.

The Administration's recommended designations and boundaries are outlined on Schedule "A" and designated as Area 1 and Area 2.

The proposed zoning designations under the Downtown Winnipeg Zoning By-law are as follows:

Residential Use – "Rc" The "Rc" residential designation would permit a variety of residential opportunities as principal and secondary uses, which include dwelling units. This designation would constitute an extension of the existing zoning of Downtown Winnipeg Zoning By-law located directly to the south of Logan Avenue. This would also correspond with the residential zoning for a majority of Downtown Winnipeg.

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Non-residential Use - "NRd" and "NRe"	"NRd" is designed to apply a Downtown retail focus, by encouraging retail businesses and personal services at ground level and above. It is proposed that the "NRd" designation be applied along the central section of the subject site, centering along Main Street. This would create a retail focus for the area, along with permitting personal services, offices as well as a number of additional uses. This classification is consistent with the existing land use situation of the area, and proposed future land uses. "NRe" is designed to accommodate industrial uses in parts of Downtown where wholesale businesses, warehousing and light manufacturing remain. It is proposed that the "NRe" designation continue from the south along the east and west sides of the subject area. This would encompass much of the area presently zoned "M2", and reflects the character of existing land uses. Uses such as light manufacturing, wholesaling, warehousing, personal services, furniture establishments, and offices are permitted principle uses. A number of additional uses such as retail and institutions are permitted as secondary uses.
Building Bulk – "BR-1"	The bulk range designation controls building height and size. The "BR-1" designation is proposed for the entire site. This would provide a Floor Area Ratio of 6.00, with a maximum building height of seven stories. This is consistent with existing properties, and would constitute an extension of the existing zoning of the Downtown Winnipeg Zoning By-law located directly to the south of Logan Avenue. The application of "BR1" should not hinder any future development prospects.
Parking and Loading – "P/L1"	The Downtown Winnipeg Zoning By-law includes two Parking and Loading Ranges which establish minimum requirements for parking and loading for certain uses. The "P/L1" designation is proposed for the entire site. With the exception of three areas where accessory parking and loading are critical to character (the Exchange District, Chinatown, and along the riverbanks), the entire Downtown is designated as "P/L1". Parking and loading requirements are based on the use and size of property. Parking regulations would become less restrictive under this designation that what presently exists under the Winnipeg Zoning By-law.
Signage – "S-3" and "S-4"	The "S-3" designation permits building and use identification signs, with controls on size. This designation is proposed along the east and west sides of the site. This is consistent with existing conditions and would constitute an extension of the existing designation to the south. The "S-4" designation is similar to "S-3", however permits slightly larger signage. The "S-4" is proposed along the central section of the subject site, centering along Main Street.
Urban Design – "PL"	The "PL" – pedestrian level designation – is proposed for the entire area. This designation is consistent with the majority of the Downtown, outside of specific areas such as the Exchange District, the Legislative area and Chinatown. This designation is applied to areas of Downtown for the protection and enhancement of the pedestrian environment where character is not otherwise reviewed.

Plan Winnipeg identifies and recognizes the importance of Downtown Winnipeg to the overall health and well being of the entire city. Policy 5B-18 identifies the preparation and implementation of a Downtown plan. This plan - CentrePlan - builds upon the foundation established in the "Downtown" section of Plan Winnipeg and provides the visionary framework and action plans for the Downtown. The boundary of Downtown Winnipeg as identified by CentrePlan includes the area affected by the subject application. Upon completion of this zoning action, and as part of the Plan Winnipeg review, the boundary of Downtown Winnipeg will be consistent between the City's planning and zoning documents.

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The application to extend the coverage of the Downtown Winnipeg Zoning By-law is a three step process requiring the removal of the area from the jurisdiction of the Winnipeg Zoning By-law, the addition of the area to the Downtown Winnipeg Zoning By-law, and the rezoning of the area to coincide with the designations of Downtown Winnipeg Zoning By-law.

The Planning, Property and Development Department has reviewed the present land use and zoning designations in the area, and has proposed designations under By-law No. 4800/88 which most accurately reflect the present status. Also taken into consideration are the existing zoning designations on the abutting property directly to the south of Logan Avenue, which is presently within the jurisdiction of By-law No. 4800/88.

Upon the conclusion of this action, the boundary of Downtown Winnipeg will be consistent between CentrePlan and the Downtown Winnipeg Zoning By-law.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on July 4, 2000. The Development Management Coordinator and the Intergovernmental Agreements Officer, both of the Planning and Land Use Division of the Planning Property and Development Department appeared in support of the application. No one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the application be proceeded with for the following reason, namely, the rezoning is required to have the boundary of Downtown Winnipeg consistent between CentrePlan and the Downtown Winnipeg Zoning By-law.

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 Winnipeg Zoning By-law No. 6400/94 be amended by removing the area affected as outlined on Schedule "A", for File DAZ 217/2000.

II. That the Downtown Winnipeg Zoning By-law No. 4800/88 be amended by adding the area affected as outlined on Schedule "A", for File DAZ 217/2000.

III. That the Downtown Winnipeg Zoning By-law No. 4800/88 be amended by rezoning the area affected as outlined on Schedule "A", for File DAZ 217/2000, from the "C2" Commercial District and "M1" Industrial District to the following designations:

Area 1:	Area 2:
"Rc" Residential Group C;	- "Rc" Residential Group C;
"Nrd" Non-Residential Group D;	- "NRe" Non-Residential Group E;
"BR-1" Bulk Range One;	- "BR-1" Bulk Range One;
"P/L1" Parking Loading Range One;	- "P/L-1" Parking Loading Range One;
"S-4" Sign Range Four; and - "S-3" Sign Range Three; and	
"PL" Pedestrian Design Review	- "PL" Pedestrian Design Review

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

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

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

Adopted by consent.

(See Minute No. 902 for attachment)

Report "A" of the Standing Policy Committee on Property and Development dated August 29, 2000

Proposed Rezoning - land located at 433 - 449 Grassie Boulevard - East Kildonan-Transcona Community
File DAZ 218/2000
[c/r DAV 413/2000D, DCU 146/2000D]

863 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject lands from an "R1-5.5" Residential District to an "RM-2" Multiple Family District to allow for the construction of a multiple-family development (Seniors Assisted Living).

The following is the present site description:

Site Area: .72 acres (approximately 134.5 feet by 236 feet)

Existing Land Use and Zoning: Currently vacant land, zoned "R1-5.5" Residential District

The following is the present surrounding land use and zoning:

North:	Single family detached dwelling on the south side of Jacques Avenue; zoned "R1-4" Single Family District
South:	Single family dwellings on the south side of Grassie Boulevard; zoned "R1-5.5" Single Family District
East:	Single family detached dwellings with frontage on Grassie Boulevard; zoned "R1-5.5" Single Family District
West:	Single family detached dwellings with frontage on Grassie Boulevard; zoned "R1-5.5" Single Family District

The developer, North Grassie Properties Inc., plans to construct a one-storey, twenty-two unit residence for seniors' assisted living that includes a 1,287 square foot manager's suite on a second storey in the center at the building.

Assisted Living, also called Enriched Housing, is a housing model that provides environments that support independent living by providing limited services such as meals, housekeeping, laundry and courtesy transportation to shopping and appointments.

Plan Winnipeg
The subject property is located in a Plan Winnipeg Neighbourhood Policy Area. The proposal does not appear to be contrary to any Plan Winnipeg Policy and is, generally, supported by policies that allow mixed uses in neighbourhoods (5A-12), promote compact development by encouraging infilling of vacant lands (5A-14) and encourage special needs housing which is integrated into residential neighbourhoods (4B-07).

Background
The subject property was included in two previous rezoning applications. In May 1990, an application to rezone the property to "RM-1" and the adjacent property to the north to "R1-4" (File DAZ 225/90) was rejected by Community Committee due to resident opposition. Most residents at the public hearing were opposed to lots facing Skowron Crescent and a few residents were also opposed to the idea of multiple family development.

In July 1993, Community Committee concurred with an application to rezone the subject property to "R1-5.5" and the adjacent property to the north to "R1-4" (DASZ 11/93). Five single dwelling lots would face Grassie Boulevard and were subject to a Development Agreement requiring services be extended along Grassie Boulevard when those lots were developed.

The developer has expressed his view that single family residential lots facing Grassie Boulevard are not viable in Winnipeg's housing market in the foreseeable future. The Planning and Land Use Division of the Planning Property and Development Department is supportive of the current development proposal to construct small-scale seniors housing on the property.

Report "A" of the Standing Policy Committee on Property and Development dated August 29, 2000

Neighbourhood Context

The immediately adjacent properties are mostly bungalows with some two storey single family dwellings. The height of the proposed building will not be out of context with existing homes. The proposed building falls well within the maximum height allowed under an "RM-1" designation but requires an "RM-2" designation in order to comply with the regulations for minimum lot area per dwelling unit. The building height can be restricted through the Zoning Agreement. There are five sizes of units ranging from 156 square feet to 298 square feet, all significantly smaller than traditional multi-family apartments. Common spaces are provided on the main level including eating areas, patios and a great room.

Assisted Living is best located in an existing residential Neighborhood to provide people the opportunity to remain in their neighborhood as they age even though they may require some assistance to enjoy as much independence as possible. This particular neighbourhood lacks amenities, like adequate public transportation or a corner store, that would generally be deemed important attributes for assisting living housing. The developer plans to overcome this issue by relying on alternate transportation to take residents shopping, on recreational trips and to appointments.

Traffic

The main concern with the proposed development is the management of traffic on Grassie Boulevard. Grassie Boulevard is a collector street and narrows at this location. The property is currently subdivided for five single-family lots that would each require its own access (unless a joint access could be configured across the properties).

It is anticipated that assisted-living housing will attract many residents who do not drive their own vehicles but will rely on transportation provided on-site. During rush hour (the times of highest traffic volume on Grassie Boulevard), the proposed development will likely generate less traffic than five single-family dwellings.

Site plans submitted for the 22-unit development indicate angular private approaches that are not acceptable to the Traffic Assessment Division of the Public Works Department on an undivided roadway with no center median. The applicant is aware of this and has indicated his willingness to revise the site plan to consider a safer approach on Skowron Crescent. The Community Committee through Plan Approval can consider the issue of site access.

Site Design - Parking

The Winnipeg Zoning By-law requires one (1) parking space per five (5) dwelling units for multiple family dwellings for senior citizens. Assisted living housing, in particular, will attract many seniors who do not own or drive their own vehicles. The proposed development requires five (5) parking spaces according to the by-law. The site plan submitted with this application indicates the development has planned for eighteen (18) parking spaces, including a loading space.

Site Design – Yards and Landscaping

The development is providing a 19-foot west side yard, a 10-foot east side yard and an 18-foot rear yard. Variances have been applied for the east yard and the rear yard. The building is set back 45 feet from the front property line but an additional variance is required for parking in the 25-foot front yard as required by the by-law. A six-foot high privacy fence is planned along the north and east property lines. A complete landscaping plan has not been included with this application and should be submitted through the Plan Approval process to ensure the substandard side and rear yards are adequately buffered from neighbouring properties.

Municipal Services

Services are currently installed along Grassie Boulevard to just east of Skowron Crescent. The developer will be required to extend services along Grassie Boulevard to the east limit of the property as a condition of approval of this development, regardless of whether he accesses the services from Skowron Crescent or Grassie Boulevard. The report of the Administrative Coordinating Group dated June 19, 2000, detailed these requirements.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on July 11, 2000. One person appeared in support of the application, nine persons registered in opposition thereto, and two persons registered for information thereon.

The East Kildonan-Transcona Community Committee recommended that the proposed rezoning be approved as it is appropriate at the referenced location.

The Standing Policy Committee on Property and Development considered the proposed rezoning application under File DAZ 218/2000, and approved the following amendment which has been incorporated in the recommendations as set out below:

Report "A" of the Standing Policy Committee on Property and Development dated August 29, 2000

That Recommendation I.B.2. be amended by deleting the words "and maintained thereafter to the satisfaction of " before the words "approved by the East Kildonan-Transcona Community Committee".

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 218/2000 dated July 4, 2000, to a "RM-2" Multiple Family District, subject to the following:

A. That the applicant be required to enter into a Development Agreement with the City containing therein all the conditions outlined in the report of the Administrative Coordinating Group dated June 19, 2000.

B. 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 building shall be limited to two storeys in height at the centre section, and the remainder of the building shall remain one storey.

2. That no buildings, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed buildings, the location and design of accessory parking areas, loading areas, private approaches, driveways, fencing, garbage enclosures, exterior lighting, signage and landscaping are submitted to and approved by the East Kildonan-Transcona Community Committee, and the Chief Administrative Officer or designate under the designations as Schedule "A" to Zoning Agreement DAZ 218/2000, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement.

3. 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.

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

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

IV. That the 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.

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. 903 for attachment)

Report "A" of the Standing Policy Committee on Property and Development dated August 29, 2000

Proposed Rezoning - land located at 2116 Portage Avenue - Assiniboia Community
File DAZ 219/2000

864 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Fredrickson Cooper Architects, 10-395 Berry Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject lands from an "R1-5" Residential District to a "C2" Commercial District to allow for the establishment of a non-accessory parking area.

The following is the present site description:

Site Area: .79 acres (3,212.308 square metres)
Existing Land Use and Zoning: Currently a single family dwelling and garage

The following is the present surrounding land use and zoning:

North:	Across Portage Avenue, the Women's Tribute Memorial Lodge (designated as a Grade II Historical Building), zoned "R1-5.5A"
South:	Assiniboine River
East:	Across 50-foot wide vacant easement area, single family dwelling; zoned "R1-6A".
West:	2.74-acre surface parking lot for Deer Lodge Centre with a storage building, zoned "R1-6A"

Deer Lodge Centre plans to demolish the existing house and garage and construct a surface parking lot on the subject land. The subject property is located in a Plan Winnipeg Neighborhood Policy Area. The proposal appears to be contrary to Plan Winnipeg Policy with regard to the following policies:

> 3E-04 Protect, Preserve and Maintain Riverbanks - The City shall endeavour to protect, preserve, and maintain its riverbanks and shall promote riverbank development which is environmentally appropriate and sensitive to the aesthetic qualities of the landscape.
>
> 3E-05 Protect Riverbank Aesthetics - The City shall protect the aesthetic quality of riverbank lands under public ownership and shall encourage its protection on privately-owned land.
>
> 5A-13 Protect Existing Neighbourhoods - The City shall evaluate new developments to protect existing neighbourhoods from unacceptable economic, environmental, or social impacts.

The subject property is currently a large established residential lot with more than twenty towering mature trees. There is a vacant two-storey home and garage on the property that are slated for demolition upon approval of this application. Deer Lodge Centre, the property owner, requires additional parking and plan to pave this residential lot to add much needed parking to their existing parking lot. There are several issues associated with an initiative to develop a non-accessory parking lot adjacent to the Assiniboine River.

Riverbank Protection

Plan Winnipeg is clear in its intention to protect Winnipeg's riverbanks. Recent initiatives by the City, like the Winnipeg Riverbank Parkway System, further emphasize the need to protect, if not enhance, this invaluable asset. The extended paving of this portion of the Assiniboine riverbank is even more of a concern given its context across the river from Assiniboine Park.

Water Quality

Studies have shown that extensive paving of urban areas eliminates natural filtration and cleaning of salt, oil and other pollutants from the water. The impervious surface speeds up the movement of water into rivers and streams, which leads to riverbank erosion, increased flooding and reduced water quality. The extent of pavement proposed in this application adjacent to the riverbank further exacerbates this environmental problem.

Report "A" of the Standing Policy Committee on Property and Development dated August 29, 2000

Safety

The proposed parking would serve Deer Lodge Centre on the north side of Portage Avenue. An increase in pedestrian traffic crossing the eight lanes of Portage Avenue at this location poses a potential safety concern. It is bad planning to have a main City thoroughfare separate a health care facility and its associated parking. It is interesting to note that even with a new accessible adjacent parking structure at St. Boniface Hospital, many visitors still choose to park on nearby residential streets and walk.

Neighbourhood Context

The proposed parking area is adjacent to an existing 2.74 acre paved parking area with storage garage. This concentrated amount of surface parking is already out of scale with the area. An additional .79 acres of parking lot will only escalate the intensity of the use that is already out of context.

The development of this property into a parking lot will further isolate the five remaining homes on the south side of Portage Avenue between the Assiniboine Park entrance and the existing parking lot. Approval of this application will serve to decrease the residential frontage at this location by 115 feet.

The 50 foot lot adjacent to the east is subject to an easement that restricts development on the land due to sewer and water lines and is proposed as a landscaped buffer area in the subject application. This will leave only 364 feet of isolated residential frontage (5 lots).

Airport Vicinity Protection Area

The subject property may be considered somewhat devalued due to its location in Area I of the Airport Vicinity Protection Area, its frontage on Portage Avenue and its adjacency to a built up 2½ acre parking lot. The Airport Vicinity Protection Area Zoning By-law restricts only the intensification of residential development in the area. Multiple family residential development is not possible on these properties. Replacement and minor infill residential development are permitted as well as other non-residential uses. The ongoing investments of the five homeowners east of the subject property in their own properties are testament to the continued value of this land, even for a single-family dwelling.

Future Consideration

Although this application concerns only a surface parking area and no additional phases are formally planned, initial discussions with the applicant indicated future phases of development to include multi-level parking on the property. The Planning and Land Use Division is concerned that this application is a precursor to a parking structure on the riverbank.

With all due respect to the needs of Deer Lodge Centre, the Planning and Land Use Division of the Planning Property and Development Department cannot support an extended parking lot use on this property nor the pavement of this extent of riverbank property. Deer Lodge Centre should investigate other possible solutions to its parking dilemma. Properties north of Portage Avenue could be considered provided the residential neighborhood is respected and the development is compact. Having already established parking on the south side of Portage Avenue directly south of Deer Lodge Centre, it may be an option to consider multi-level parking at the existing location while addressing the safety issues and respecting the pedestrian experience and scale of development from Portage Avenue.

In any case, it is advised that Deer Lodge Centre should undertake meaningful consultation with the City and the local residents in order to assist in a solution to the parking problem and prior to proceeding with any new formal development applications.

The Planning and Land Use Division recommended the rezoning of this property to "C2" Commercial District for the purposes of establishing a non-accessory parking lot be denied.

A Public Hearing was held before the Assiniboia Community Committee on July 11, 2000. Two persons appeared in support of the application, and twelve persons registered in opposition thereto.

The Assiniboia Community Committee recommended that the proposed rezoning not be proceeded with inasmuch as that rezoning the subject property from an "R1-5" Single-Family District to a "C2" Commercial District is not in accordance with the Plan Winnipeg Neighbourhood Policy Area of Portage Avenue.

Report "A" of the Standing Policy Committee on Property and Development dated August 29, 2000

The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and recommends that the application under File DAZ 219/2000 for a zoning change under Zoning By-law No. 6400/94 by rezoning the subject lands from an "R1-5" Single-Family District to a "C2" Commercial District not be proceeded with.

Adopted by consent.

(See Minute No. 904 for attachment)

Proposed Zoning Agreement Amendment - land located at 2188 McPhillips Street - Lord Selkirk-West Kildonan Community File ZAA 2/2000 [c/r DASZ 11/79, ZAA 8/82, ZAA 19/99]

865 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from Crystal Properties Ltd., 101 - 90 Garry Street, Winnipeg, on behalf of Garden Oaks Square, to amend the Zoning Agreement DASZ 11/79 affecting the property by permitting a mobile sign on the existing multi-tenant commercial site.

The following is the present site description:

Dimensions: There is 276 feet of frontage along McPhillips Street and 701 feet frontage along Kingsbury Avenue.

Site Area: The overall site area totals 4½ - 5 acres in size.

Existing Land Use and Zoning: There is a multi-tenant mall zoned "C2" Commercial on the site.

The applicant requests permission to amend the subject agreement to permit a mobile sign on premises.

The subject site is at the northwest corner of Kingsbury Avenue and McPhillips Street. The property is zoned "C2" Commercial and there are approximately 14 different businesses in two separate buildings on the site. It is not clear why there was a prohibition established against mobile signs in the original agreement in 1979. However in 1982, a Zoning Agreement Amendment was approved allowing the establishment of two mobile signs for a period of three years. The current application requests the right to have a single mobile sign on site. Given that there is no apparent explanation for a prohibition on mobile signs on this site as opposed to other sites in the area, it is the position of the Development Management Branch of the Planning, Property and Development Department that Zoning Agreement DASZ 11/79, By-law No. 2440/79 be amended to permit a mobile sign on the subject property without conditions.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on July 4, 2000. Two persons appeared in support of the application, and no one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning agreement amendment be approved as it will not create an adverse effect on the community.

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 Agreement DASZ 11/79 (By-law No. 2440/79), Section 2B, be amended to permit mobile signs on the subject premises, subject to all other City by-laws.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 11/79 (By-law No. 2440/79), as approved in Recommendation No. I.

Report "A" of the Standing Policy Committee on Property and Development dated August 29, 2000

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

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

Adopted by consent.

Proposed Zoning Agreement Amendment - land located at 1014/1026 St. Mary's Road - Riel Community
File ZAA 3/2000 [c/r DASZ 11/98, DCU 167/2000D & DAV 490/2000D]

866 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Group II Investments, 1301 Inkster Boulevard, Winnipeg, to amend the Zoning Agreement affecting the property at 1014/1026 St. Mary's Road by amending Clause 3 (By-law No. 7497/99) in order to permit a restaurant and drive through component.

The following is the present site description:

Dimensions:	Approximately 120 metres of frontage along St. Mary's Road and 40 metres of frontage along Hastings Street.
Existing Land Use and Zoning:	A multi-tenant mall exists on the site with a wide range of uses (i.e., offices, hair salons and restaurants).

The applicant proposes to convert the existing restaurant (previous Chicken Delight) into a sit-down restaurant with maximum seating of 60 to 70. There is a drive-thru proposed for the north side of the building. Parking is more than adequate. Vehicles will exit the site via Hastings Street out to St. Mary's Road. It should be noted that the overall square footage of the restaurant is 2,659 square feet.

Under the Zoning Agreement for DASZ 11/98, By-law No. 7497/99, there is a clause which restricts restaurants with drive-thrus. The intent of that restriction was intended to disallow drive thrus on the north half of the lot in the area of new development – not in the existing commercial mall area which is where Arby's intends to establish. Arby's Restaurant is actually going to occupy the old Chicken Delight premises which in 1985 (File ZAA 32/85) acquired right to a drive-thru window. Presumably those rights have now expired with the long term absence of Chicken Delight and Arby's therefore has to repeat the process. However, it is the view of the Planning, Property and Development Department that there were never complaints with respect to the previous drive-thru, so there appears to be no reason not to support the subject application.

The Planning, Property and Development Department therefore recommended that Council support the proposed amendment to By-law No. 7497/99.

A Public Hearing was held before the Riel Community Committee on July 17, 2000. One person appeared in support of the application, no one appeared in opposition to the application, and three people registered for information thereon.

The Riel Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1. There is no opposition to this application.

2. No complaints were received by the Administration relative to the previous drive-through restaurant at this location.

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

Report "A" of the Standing Policy Committee on Property and Development dated August 29, 2000

I. That Zoning Agreement DASZ 11/98 (By-law No. 7497/99) dated September 29, 1999, be amended by amending Clause 3 to thereby permit drive-through restaurants.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 11/98 (By-law No. 7497/99) dated September 29, 1999, as approved in aforesaid Recommendation No. I, subject to the following conditions:

(a) That appropriate fencing (for the dead space behind the building) be installed to the satisfaction of the Director of Planning, Property and Development, or his designate.

(b) That speakers and lights to be installed on the premises for the operation of the drive-through facility be installed and controlled in such fashion so as to not be an unreasonable nuisance to the surrounding area, and be to the satisfaction of the Director of Planning, Property and Development, or his designate.

(c) That the hours of operation of the drive-through facility be limited to no later than 11:30 p.m. daily.

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

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

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED AUGUST 31, 2000

On motion of Councillor De Smedt, the Report of the Standing Policy Committee on Property and Development, dated August 31, 2000, was considered clause by clause.

Moved by Councillor De Smedt,
That the Consent Agenda, Clauses 1,3 and 4, be adopted.

Carried.

Proposed Rezoning - land located at 95 Sutherland Avenue - Lord Selkirk-West Kildonan Community File DAZ 213/2000

867 - 1. The Standing Policy Committee on Property and Development has been advised that an application has been received from Naylor Real Estate Ltd. (Avrom Kushner), 100 Sutherland Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject lands from a "R2" Residential District to a "C2" Commercial District to allow for a non-accessory parking lot.

The following is the present site description:

Site Area: Approximately 7,500 square feet in overall size

Existing Land Use and Zoning: The subject site is currently a vacant parcel zoned "R2" Residential

The following is the present surrounding land use and zoning:

North: Properties to the north are residential and zoned "R2"
South: Properties to the south are commercial, industrial business zoned "M1"
East: Lands to the east are a mix of "PR1", "R2" and "C2" Commercial (business) properties
West: Lands to the west are a mix of "C1" Commercial, "R2-T" and "R2" Residential

The applicant proposes to construct a parking area (fenced in) with asphalt surface to accommodate thirty-five (35) stalls.

The proposed use fully complies with Plan Winnipeg policy.

The subject property is situated at the northeast corner of Sutherland Avenue and Disraeli Street. The site is a block north of the Disraeli Freeway and is located in neighbourhood which is a mix of industrial/commercial businesses and older residential homes. The south side of Sutherland Avenue is predominantly zoned "M1" Industrial and the north side is a mix of "R2-T" and "R2" Residential. The south side of Sutherland Avenue is predominantly zoned "M1" Industrial and the north side is a mix of "R2-T" and "R2" Residential. The entire area north of the CPR Mainline is designated Neighbourhood under Plan Winnipeg. The applicants Naylor Real Estate Ltd. operate their business at 100 Sutherland Avenue which is directly opposite the subject parcel. They purchased the subject site at 95 Sutherland Avenue some time ago and demolished the existing buildings with the expressed purpose of constructing an accessory parking area for their business. Under the Winnipeg Zoning By-law, non-accessory parking structures/lots are conditional uses under a "C2" Commercial zoning category. Hence the requirement for a change to the existing zoning and an accompanying conditional use application. Given that there are other "C1" Commercial sites in the immediate area, a "C1" or "C1-5" zoning category would have been more appropriate and suitable choice, from our perspective but procedurally that is not possible.

Therefore, it is the view of the Development Management Branch of the Planning, Property and Development Department that the requested zoning change be approved but restricted to the single use requested – a non-accessory parking area. It is the Department's position that given the proximity of the lot in question to adjacent homes, there are a significant number of "C2" Commercial uses (i.e., liquor stores, medical clinics, dry-cleaning

Report of the Standing Policy Committee on Property and Development dated August 31, 2000

establishments, tire sales outlets, shelter houses, wood products, manufacturing outlets, automobile sales outlets to name a few) which would, in our view, have an adverse effect on the neighbourhood should any of those aforementioned uses replace the proposed parking area at sometime in the future. The Planning, Property and Development Department therefore supported the proposed zoning change to a "C2" Commercial category but that use of the site be restricted to a non-accessory parking area.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on July 4, 2000. One person appeared in support of the application, and no one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed rezoning be approved as it is appropriate at the referenced location.

The Standing Policy Committee on Property and Development considered the proposed rezoning application under File DAZ 213/2000 and an additional report from the Land Development Engineer of the Planning, Property and Development Department dated August 30, 2000, and approved the following amendment which has been incorporated in the recommendations as set out below:

· That Recommendation 1.A.1 be deleted in its entirety and replaced with the following:

1. That the owner be required to erect and maintain a two (2) metre high fence along the eastern property.

2. That final site plans indicating fencing/landscaping detail, approaches, number of stalls, etc. be submitted to and approved by the Lord Selkirk-West Kildonan Community Committee and Director of Planning, Property and Development prior to November 30, 2000.

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 Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 213/2000 dated June 26, 2000, to a "C2" Commercial District, subject to the following:

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

1. That the owner be required to erect and maintain a two (2) metre high fence along the eastern property.

2. That final site plans indicating fencing/landscaping detail, approaches, number of stalls, etc. be submitted to and approved by the Lord Selkirk-West Kildonan Community Committee and Director of Planning, Property and Development prior to November 30, 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 thirty-six (36) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

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

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

Report of the Standing Policy Committee on Property and Development dated August 31, 2000

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. 905 for attachment)

Proposed Sale of 120 Eugenie Street - Riel Community File FI-2.4(35) (Vol. 9)

868 - 2. ***Note: This clause has been laid over by the Executive Policy Committee and referred back to the Standing Policy Committee on Property and Development with instruction to the Administration to allow the occupying tenant to remain there for the time-being.***

Laid over by the Executive Policy Committee and referred back to the Standing Policy Committee on Property and Development with instruction to the Administration to allow the occupying tenant to remain there for the time-being

Proposed Land Acquisition for Sterling Lyon Parkway - Proposed Easement in St. Boniface Industrial Park - Manitoba Hydro - Assiniboia and Riel Communities Files FI-2(31) (Vol. 4) and FI-2.4.5(Vol. 17)

869 - 3. The Standing Policy Committee on Property and Development has been advised that on March 3, 1997, the former Committee on Finance and Administration instructed the Administration to negotiate the acquisition of the lands needed for the Sterling Lyon Parkway as they become available.

The Manitoba Hydro owned property identified as "Proposed Street Opening" on Misc. Plan No. ASBA 9287 has been identified as being required for the future Sterling Lyon Parkway. Particulars of the subject property are as follows:

Location:	East of Kenaston Boulevard, south of Wilkes Avenue, identified as "Proposed Street Opening" on Misc. Plan No. ASBA 9287
Legal Description:	Pt Lot 57 O.T.M., Plan 3049
Certificate of Title:	837034
Registered Owner:	The Manitoba Power Commission
Realty Roll No.:	12011
Zoning:	Agricultural
Size:	0.1027 hectares (0.253 acres)
Description:	Vacant land forming part of a Manitoba Hydro transmission corridor

City of Winnipeg Requirements

Manitoba Hydro has agreed to the proposed terms and conditions as negotiated. The proposed purchase price of $5,700.00 for the land required for the Sterling Lyon Parkway is supported by an independent appraisal (conducted in 1995) and is considered to be reasonable. Manitoba Hydro will not accept any amount less that $5,700.00 for this acquisition.

The Public Works Department has advised that $100,000.00 is committed in the Year 2005 in the Five Year Capital forecast for the Sterling Lyon Parkway. The Public Works Department further advised that it does not anticipate construction to commence for five to ten years. The associated costs of this proposed transaction may be charged to the Land Acquisition Account for Future Transportation Purposes.

Report of the Standing Policy Committee on Property and Development dated August 31, 2000

With the acquisition of these lands and subject to the finalization of the Council approved acquisition of part of the 1200 Wilkes Avenue property, there would only be one remaining property (Centra Gas) to be acquired to complete the assembly of the Sterling Lyon Parkway right-of-way to the east of Kenaston Boulevard.

Manitoba Hydro's Requirements

Manitoba Hydro requires ownership, or an easement from the City, of the City-owned property outlined as "Proposed Land Exchange" on Misc. Plan No. 10196/7. Manitoba Hydro has advised that it is prepared to pay $34,800.00 for the title to this property. Manitoba Hydro is not prepared to pay the $9,801.00 per Trunk Sewer Rate (TSR) (an approximate additional $150,000.00) which would be levied upon subdivision of this property. In the alternative, Manitoba Hydro has advised that it is prepared to accept a grant of easement from the City to facilitate the construction of its hydro transmission line.

The Planning, Property and Development Department is of the opinion that it would be most appropriate to grant the easement as opposed to selling this particular property as doing so would enable the City continuing flexibility to also use this property. For instance, the City could potentially construct its future water retention ponds between the hydro transmission line towers, or, the City could subdivide and sell off these lands for industrial development purposes in consolidation with other adjacent properties. The land under the transmission lines could be used for storage purposes. By maintaining the ability to sell the easement area to industrial land consumers, the City will be able to effect payment of the TSR charge.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the property outlined as "Proposed Road Opening" on Misc. Plan No. ASBA 9287 at a price of $5,700.00, be approved, in accordance with the terms and conditions as negotiated.

II. That an easement be granted to Manitoba Hydro on the land outlined as "Proposed Land Exchange" on Misc. Plan No. 10196/7 in accordance with the 1979 Reciprocal Agreement for the purposes of hydro transmission line construction and utilization.

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 Leave and License in favour of the Division Scolaire Franco-Manitobaine No. 49 - Use of a portion of the Cottonwood Road right-of-way - Riel Community
File ED (35) (Vol. 2)

870 - 4. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has negotiated the terms and conditions of a Leave and License Agreement in favour of Division Scolaire Franco-Manitobaine No. 49, respecting a portion of the Cottonwood Road right-of-way. Council approval is required for the Leave and License.

The Planning, Property and Development Department received a request from the Division Scolaire Franco-Manitobaine No. 49 for permission to establish an extension to their outdoor play area encroaching into that portion of the Cottonwood Road right-of-way as outlined on Misc. Plan No. 10916. While the proposed encroachment is not required to ensure compliance with any zoning requirements, extension of the outdoor play area into the subject portion of the Cottonwood Road right-of-way is intended to increase the play area for the students.

The application was circulated for comments from various interested City Departments and agencies and was referred to the Real Estate Division of the Planning, Property and Development Department for the purpose of negotiating a reasonable rental rate and execution of a Leave and License Agreement pursuant to Section 4(1)(d) of Encroachment By-law No. 692/74.

Report of the Standing Policy Committee on Property and Development dated August 31, 2000

The Planning, Property and Development Department (Real Estate Division) concluded negotiations with the applicant. Briefly the proposed negotiated terms and conditions of Leave and License which the Division Scolaire Franco-Manitobaine No. 49 is agreeable to, are as follows:

Term:	Annual continuing
Purpose:	Extension to the outdoor play area to be used in conjunction with École Lacerte
Rental:	$1.00 per annum, plus an amount equivalent to realty taxes; Administrative fee of $250.00 plus applicable GST
Insurance:	Comprehensive general liability insurance of at least $5,000,000.00 naming The City of Winnipeg as an additional insured and containing a cross-liability clause.
Cancellation:	Thirty (30) day notice by either party.
Special Condition:	In addition to the City's standard terms and conditions of Leave and License, the Licensee shall contact Manitoba Hydro for buried cable locations. Furthermore, any removal or relocation of any cable shall be at the expense of the Licensee.

The Planning, Property and Development Department (Real Estate Division) is of the opinion that the proposed negotiated terms and conditions of Leave and License are fair and reasonable.

The Standing Policy Committee on Property and Development recommends:

I. That a Leave and License in favour of the Division Scolaire Franco-Manitobaine No. 49 for the subject City-owned property be approved to establish an extension of their outdoor play area in that portion of the Cottonwood Road right-of-way outlined as "Leave and License" on Misc. Plan 10916.

II. That the Director of Planning, Property and Development and the City Solicitor/Manager Legal Services be authorized to execute all appropriate documents to contain any and all terms and conditions necessary to achieve the intent of the Council/Standing Policy Committee and to protect the City's interests.

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

Adopted by consent.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor Angus,
Seconded by Councillor De Smedt,
871 - 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:

> 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;

THEREFORE BE IT RESOLVED that the September 22, 2000 deadline be extended by 90 days.

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

Moved by Councillor Angus,
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

872 - On motion of Councillor De Smedt, 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. 7686/2000, 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 223 Roslyn Road in the City Centre Community. File DAZ 209/2000

By-law No. 7687/2000, 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 on the northeast corner of Disraeli Street and Sutherland Avenue in the Lord Selkirk-West Kildonan Community. File DAZ 213/2000

By-law No. 7688/2000, 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 on the northwest corner of Wellington Avenue and Victor Street in the City Centre Community. File DAZ 216/2000

By-law No. 7689/2000, a by-law of The City of Winnipeg to amend By-law No. 6400/94, being The City of Winnipeg Zoning By-law, and By-law No. 4800/88, being the Downtown Zoning By-law, for the enactment of a zoning change on lands located north of Logan Avenue, east of Princess Street, south of CP Main Line and west of Maple Street. File DAZ 217/2000

By-law No. 7690/2000, 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 on the northeast corner of Grassie Boulevard and Skowron Crescent in the East Kildonan-Transcona Community. File DAZ 218/2000

By-law No. 7691/2000, 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 on the south side of Logan Avenue immediately east of Omand's Creek in the Lord Selkirk-West Kildonan Community. File DAZ 206/95

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

873 - In noting that Council, at its meeting of April 26, 2000, unanimously approved $2.5 million for the immediate demolition of the Canada Packers site, Councillor Vandal questioned why, to date, the tender had not gone out.

Councillor De Smedt agreed to take the question under advisement and report back.

In reference to the issue of property tax and interest forgiveness for 1200 Wilkes Avenue, Councillor Steek noted that he was still awaiting a response from Councillor De Smedt as to whether there were past examples where the City forgave taxes of this nature.

For clarification, Councillor De Smedt advised that Council did not forgive the property taxes for the Wilkes Avenue property and advised that he would ensure that the Department provided an e-mail response to Councillor Steek.

Councillor Steek asked why the transaction for the sale of the Union Bank Tower had not been completed yet.

Standing Policy Committee on Property and Development - Question Period (continued)

Councillor De Smedt advised that the proponent was finalizing the details but that it might be necessary to bring the matter back to Council.

Councillor Steek noted that Council had dealt with an agreement with Shelter Corporation relative to the former J. H. Ashdown Hardware Store / Big 4 Sales Building, and questioned whether CentreVenture was involved in finding tenants, to which Councillor De Smedt replied in the affirmative.

In noting that transactions had been outstanding for both the Union Bank Tower and the former J. H. Ashdown Hardware Store / Big 4 Sales Building, Councillor Steek questioned if the administration was dealing with matters in an expeditious fashion.

Councillor De Smedt replied in the affirmative and noted that both the City and the proponents were anxious to finalize the transactions for redevelopment but that market factors were slowing the process.

In reference to the former J. H. Ashdown Hardware Store / Big 4 Sales Building, Councillor Steek questioned if a deal did not reach fruition within a year, if the Chairperson of the Standing Policy Committee on Property and Development would be supportive of having the property put out for a request for proposal.

Councillor De Smedt noted that every effort would be made to finalize negotiations but if negotiations reached a standstill, and the deal expired, then the matter would be placed before Council for further direction.

His Worship Mayor Murray questioned if Councillor De Smedt was aware that CentreVenture recently assigned a person to work full-time on the redevelopment of the former J. H. Ashdown Hardware Store / Big 4 Sales Building, to which Councillor De Smedt replied in the affirmative.

Councillor Smith questioned what the real problems were surrounding the former J. H. Ashdown Hardware Store / Big 4 Sales Building.

Councillor De Smedt stated that the private sector was taking the lead on this project and that they were attempting to identify interests with financial resources necessary to redevelop the building with workable leases.