REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 27, 2000

On motion of Councillor De Smedt, the Report of the Standing Policy Committee on Property and Development, dated June 27, 2000, was considered clause by clause.

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

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

Councillor Golden requested that Clause 8 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,7,9,10,11,12 and 13 was put and declared carried.

Commercial Development Analysis and Policy Recommendations for Plan Winnipeg File EP-1 (Vol. 20)

787 - 1. Council, on June 24, 1998, referred the following motion and related amendment to the Standing Policy Committee on Property and Development:

Moved by Councillor Lubosch,
Seconded by Councillor Murray,

WHEREAS the City has well considered Land Use Policies on regional malls;

AND WHEREAS two new "power centre" shopping centres are proposed and in various stages of civic approvals;

AND WHEREAS the City is not treating these facilities as regional malls under Plan Winnipeg Policies;

AND WHEREAS Winnipeg's downtown has experienced a significant decline in retail commerce;

AND WHEREAS this decline has contributed to major negative impacts on the general tax base;

AND WHEREAS the impact positive or negative on the City retail market, transportation systems, land use patterns and downtown, inner city and suburban development has not been assessed and should be before further approvals are granted;

THEREFORE BE IT RESOLVED that the Administration be directed to provide to Council, a full-cost benefit analysis of existing Big Box retail development proposals and future Big Box retail developments and that this study be used to develop a policy for the due diligence evaluation of future Big Box retail development proposals;

AND BE IT FURTHER RESOLVED that the a moratorium be placed on future suburban Big Box retail development until Council approves a policy and plan for large scale suburban retail development;

BE IT RESOLVED THAT the words "big box retail" be deleted and substituted with the words "power centres of over 100,000 square feet."

On June 29, 1998, the Standing Policy Committee on Property and Development referred the foregoing motion to the Manager of Planning and Land Use for review and report back.

On September 22, 1998, the Standing Policy Committee on Property and Development requested the Administration to commence the Proposal Call for a study of the Winnipeg retail market and emerging trends, in accordance with the specified terms of reference, subject to the costs for the study and the time frame for completion being reported back to the Standing Policy Committee.

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On February 2, 1999, the Standing Policy Committee on Property and Development approved the Terms of Reference and funding sources for a retail market analysis/policy review, and authorized the Administration to proceed to proposal call, on the understanding that every effort be made to contact the "key" developers in the City, with the intent of bringing forward a balanced viewpoint in the study.

Following the above authorization, an administrative steering committee was formed comprised of representatives of the City of Winnipeg and the Province of Manitoba as funding partners for the study. The committee met to oversee the selection of a consultant as well as the progress of the study. Coriolis Consulting Corporation was selected as the consultant and a report has been finalized.

On June 27, 2000, the Standing Policy Committee on Property and Development considered a report dated June 2, 2000, from the Director of Planning, Property and Development, accompanied by the Final Report for the *Retail Development Policy Recommendations for Plan Winnipeg* prepared by Coriolis Consulting Corporation. A copy of the report is on file in the City Clerk's Department.

The report begins with a general overview of the existing situation regarding retail in Winnipeg, what to expect in the next five years in terms of retail growth, and where it is most likely to occur. The report determines that retail growth will slow somewhat after this recent boom, but that Winnipeg will continue to see new commercial development, as there is currently a slight under-supply of retail space for a city of our size. In addition, while the city's population is not rapidly growing, consumer confidence continues to grow leading to increased per capita spending further fueling commercial development.

It is expected that 90% of retail growth will continue to focus on the suburban areas and will likely be at the expense of existing shopping centres, leading to increased vacancies in older retail locations. Retailers will continue to be interested in locating in areas of relatively high population growth, therefore the south-west quadrant will continue to see a higher proportion of retail activity, while the northern part of the city will see slightly slower growth rates.

The report also provides an analysis of existing Plan Winnipeg Commercial Development Policies and reviews their effectiveness. The current policies affect three broad areas of retail activity: regional shopping centres, community and neighbourhood shopping areas and the downtown. The policies attempt to limit the size of regional shopping centres in order to protect the retail importance of downtown. The reports finds, however, that these policies have had little effect, as the retail health of the downtown cannot be bolstered by only limiting suburban development. In addition many suburban forms of retail are not well suited to the downtown and therefore are unlikely to establish there. The existing policies dealing with community and neighbourhood shopping areas did not anticipate the current scale of retail growth and, as a result, have had little effect in directing new commercial developments. The report states that the existing policies with respect to the downtown are the most comprehensive, however, they require some refinement to reflect recent initiatives such as the CentreVenture Development Corporation. As well, a policy decision needs to be made with respect to the downtown skywalk system, as there is not enough of a market in the downtown at this time to sustain both skywalk level and street level retail.

The purpose of the report was to provide direction to new Plan Winnipeg commercial development policies under the current five year review of the Plan. The report makes policy recommendations that will help achieve the overall principles of Plan Winnipeg, these being the promotion of a compact urban form, reduced automobile dependence and the increased use of alternative forms of transportation. As a result the following two high-level policies are being proposed under the new Plan Winnipeg…2020 Vision:

3B-04 Accommodate Commercial and Retail Development

The City shall accommodate commercial and retail development by:

i) recognizing and supporting the importance of a strong downtown as the preferred location for concentrating specialty retail, tourist-oriented commercial uses, and office development;
ii) supporting the maintenance and development of neighbourhood main streets that provide a wide range of local services, that enhance neighbourhood character, and that provide for the incremental expansion of commercial uses consistent with the general character of the adjacent neighbourhood;
iii) supporting the maintenance and development of community commercial centres that provide convenient local shopping opportunities and services while minimizing the need for travel beyond the community; and
iv) identifying, generally, the areas of regional commercial concentration on Policy Plate A, to accommodate large scale retail and service space, entertainment space, and suburban office employment of a regional nature.

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3B-05 Promote Commercial Densification

The City shall promote commercial densification in a manner consistent with its commitment to compact urban form by:

i) encouraging the redevelopment, infill, and expansion of existing commercial areas as the preferred method of accommodating new commercial development;
ii) approving new locations for commercial development only where significant residential areas are not well served with commercial space, where existing commercial areas cannot accommodate expansion, where the long-term negative impacts on existing regional and commercial centres will be minimal, where additions to the regional street system can be demonstrated to have long-term benefits, and where the full range of municipal infrastructure can be extended in an environmentally sound, economical, and timely manner;
iii) ensuring that areas of commercial concentration be designed and built as focal points for public transit; and
iv) giving primary recognition to maintaining and supporting street level retail in the expansion or redevelopment of the downtown's weather protected pedestrian walkway system.

The first policy generally defines a hierarchy of the different types of commercial development that will be supported within the City. It begins by defining a definite role for the downtown as a centre for specialty retail and office uses. The report adds that the key element to ensuring the success of downtown retail is to increase the population base. The policy defines the neighbourhood main street as another type of retail area that is to be supported. These are the character areas currently existing as Business Improvement Zones throughout the city. The report, however, cautions against the creation of any new Business Improvement Zone areas in order to better target limited city resources and to prevent the local market for this type of retail from being stretched too thinly. This policy also supports the maintenance of community scale shopping centres that serve everyday needs for the local population. This supports the concept of compact urban form by providing shopping opportunities within communities so those residents do not have to drive to a regional location. Through the support of community shopping centres within neighbourhoods, residents are also encouraged to use alternative forms of transportation (walk, cycle, etc.) for their everyday shopping trips.

This policy also identifies areas of regional commercial concentration. This differs from the previous policy that identified only the regional shopping centres and attempted to limit their growth, without providing any direction for the commercial development occurring around the regional shopping centre itself. The identification of Areas of Commercial Concentration will not only allow for the continued development of retail and service space at these locations, but also encourage the creation of nodes of activity that include entertainment space, multiple family residential development and suburban office space. The ultimate goal is that each of these major sub-areas of the city will develop to higher densities over time and be focal points for public transit, in essence becoming "town centres".

The second policy is intended to support the concept of compact urban form and the increased density of commercial areas. Based on the fact that Winnipeg's population and built-up area are not expected to grow rapidly, the report recommends that suburban retail growth be accommodated primarily through the redevelopment, infill and densification of existing commercial areas. The above policy also outlines the specific circumstances under which the creation of new commercial areas could be justified. This policy recognizes that additional commercial areas will be required in the future and thus provides guidance for the evaluation of new proposals.

These policies were written to reflect the general level of detail of Plan Winnipeg and provide broad direction for commercial development in Winnipeg. In order to better apply these policies, the development of more detailed planning policies are needed in certain areas. This may be achieved through the development of secondary plans, concept plans, planning and design guidelines or other policy oriented initiatives.

The concept put forward in the report regarding the creation of Areas of Regional Commercial Concentration needs to be examined more closely. Concepts and planning guidelines for the future long-term densification of these sites should be developed in consultation with the industry. The quality of urban design in these centres should be reviewed so that new developments may allow for a pedestrian orientation as densification occurs over time. As well, the regional transit network should be reviewed in order to support the concept that these areas will be focal points for public transit.

The report recognizes that most population growth will occur in the suburban areas as will most new retail development. It is recommended that concept plans be developed for suburban areas to identify the general areas where the different types of commercial development should be encouraged to locate, expand and/or intensify. These

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concept plans would also begin to identify the potential for the integration of multiple family development and transit services. It is also recommended that urban design guidelines and development standards be reviewed to ensure that new projects are compatible with surrounding uses and are designed to make a contribution to the neighbourhood. These guidelines should, at a minimum, address signage, landscaping and exterior appearance of new buildings.

When evaluating new commercial developments, the report also recommends that Winnipeg follow other jurisdictions in requesting impact analysis reports from development proponents. These reports would identify the trade area that will be served by a proposed development, the ability of the trade area to support the development as well as the potential impacts on existing commercial areas.

Many commercial uses are currently allowed under the City's industrial zoning categories and as such many industrial areas are developed with retail space. It is recommended that the use and zoning of industrial lands be reviewed in order to identify areas that should remain exclusively industrial and those that may be suitable for a commercial/industrial mix of uses. This would form the basis for an Industrial Lands Strategy that would likely have repercussions for the Winnipeg Zoning By-Law.

The report generally identifies locations for concentrations of "Big Box" retailers to complement regional commercial concentrations. It is recommended that large, stand-alone, big box, warehouse style retailers should not be located within regional centres as they are not easily adaptable to a pedestrian scale and may limit the ability to densify these regional centres in the future. The identification of these locations is of a level of detail that goes beyond Plan Winnipeg. Many of these big box, warehouse style retailers are more suited to areas where a commercial/industrial mix could be identified as part of the above mentioned Industrial Lands Strategy.

As more of the above mentioned future actions are examined, specific recommendations and reports from the Administration will be brought forward to the Standing Policy Committee on Property and Development.

The June 2, 2000 report from the Director of Planning, Property and Development was of policy nature and made no specific recommendations whereby financial impact could be assessed.

The Standing Policy Committee on Property and Development received as information the Final Report for the *Retail Development Policy Recommendations for Plan Winnipeg* prepared by Coriolis Consulting Corporation, and submits the matter to Council for information.

Adopted by consent.

Proposal for Old Kildonan Secondary Plan By-law - Lord Selkirk-West Kildonan Community File EP-1.2 (Vol. 5)

788 - 2. The Standing Policy Committee on Property and Development, at its meeting on September 28, 1999, directed the former Property and Development Services Department to proceed with the request for a plan in the Old Kildonan area. The Old Kildonan Secondary Plan proposes to enable large lot, unserviced residential development along existing roadways (Balgona, Murray, and Storie Roads). The Old Kildonan Secondary Plan includes Rural Area lands bound generally by McPhillips Street (to the east), the Bergen Cut-off (to the south), Pipeline Road (to the west), and the City limits (to the north).

As a result of a series of property owner enquiries and in an effort to provide an opportunity for large lot residential development in this area of the City of Winnipeg, the Lord Selkirk-West Kildonan Community Committee requested authorization for the preparation of a secondary plan in a portion of the Rosser-Old Kildonan neighbourhood.

On October 22, 1996, the Lord Selkirk-West Kildonan Community Committee passed the following motion:

> That the Community Planning Division (formerly) of the Community Services Department be instructed by the (former) Committee on Planning and Community Services to prepare a secondary plan for those lands abutting Storie, Murray, and Balgona Roads, bounded on the west by Pipeline Road and on the east by

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McPhillips Street, in accordance with Plan Winnipeg, Policy 5A-39, which states: "The City shall limit unserviced residential development to locations characterized by existing residential land use and shall prepare a secondary plan for any unserviced residential development in these areas in accordance with Policy 5A-41."

Subsequent to this motion, the Planning and Land Use Division of the Planning, Property and Development Department conducted a public open house for Old Kildonan study area property owners. The public open house was organized as an opportunity to outline the secondary plan process, determine terms of reference for the secondary plan preparation (consistent with Plan Winnipeg and The City of Winnipeg Act), and provide background information to property owners and residents.

There are three large lot, unserviced residential areas in the City of Winnipeg currently regulated by a secondary plan. Opportunities for this form of residential development are available in Assiniboia Community (Wilkes South Secondary Plan, By-law No. 6391/94), East Kildonan - Transcona Community (Kil-Cona Park West Action Area Plan, By-law No. 4884/88), and Riel Community (St. Vital Perimeter South District Plan, By-law No. 1735/77). Plan Winnipeg Policy 5A-39 limits this form of development to Rural Areas "characterized by existing unserviced residential land use." The intent of Plan Winnipeg policies regarding Rural Areas is to accommodate the logical infilling of existing large lot, unserviced residential areas—not to stimulate the creation of new ones. Before additional development can occur in such areas, Plan Winnipeg requires that a secondary plan be prepared. Plan Winnipeg Policies 5A-40 and 5A-41 establish where and to what extent such development can occur:

5A-40 Limit Conversion of Unserviced Residential Areas

The City shall limit the conversion of land within unserviced residential areas by:
i) approving conversion for residential purposes only;
ii) giving priority to property having frontage on an existing improved right-of-way other than a highway; and
iii) requiring that the proposed development be consistent with immediately prevailing densities.

5A-41 Prepare Secondary Plans for Unserviced Residential Areas

The City shall prepare, implement, and periodically review a secondary plan or plans for unserviced residential areas to:
i) designate unserviced areas;
ii) establish minimum parcel sizes; and
iii) establish appropriate servicing criteria.

The City of Winnipeg Act (section 584) states that "a secondary plan shall not be inconsistent with Plan Winnipeg." The Act also provides a framework for what may be included in a secondary plan, including: map indicating plan area; plan objectives; time schedule for plan actions; program or change in land use necessary to implement the plan; and time frame for plan and plan review procedure. The political approval process is also provided for in The City of Winnipeg Act and detailed in the Development Procedures By-law.

In addition to legislative and by-law related considerations, the appropriateness of accommodating additional large lot, unserviced residential development should be determined on the basis of property owner support, suitability of the lands for this form of residential development, current development issues and constraints, long range regional development potential, and other factors. Short term, private interests in land development must be balanced by long term, public interests. While large lot, unserviced residential development is a legitimate form of residential living, random development of this nature can make future orderly development extremely difficult to achieve. It must also be recognized that delivery of municipal services to such areas is costly and, in some cases, prohibitive. Accordingly, the following Old Kildonan Secondary Plan objectives were developed:

a) provide opportunity for large lot development in the north west quadrant of the City for those seeking this form of residential development;
b) provide opportunity for area property owners to subdivide their lands in an orderly way;
c) ensure development does not overburden the City's existing infrastructure and services;
d) ensure development does not create new or add to existing overland drainage problems;
e) ensure development does not negatively impact on current or future use of neighbouring properties;
f) anticipate future, potentially more dense, development of the area—including providing access to backland properties;

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g) consider current and future linkages—including street system and linear parkway—with surrounding areas; and
h) protect or enhance natural features and sensitive lands.

The Old Kildonan Study Area boundaries are: McPhillips Street (to the east); Bergen Cut-off (to the south); Pipeline Road (to the west); and the City limits (to the north). Within the study area there is evidence of large lot, unserviced residential development along Balgona, Murray, and Storie Roads. The majority of properties not abutting these roads is vacant or cultivated farmland. Each of the roads is gravel-surfaced, with ditch drainage. Water and waste water services to the existing residential properties are provided by way of private wells and septic fields. With the exception of small commercial zoned properties at the intersections of McPhillips Street/Balgona Road and McPhillips Street/Murray Road, the study area is zoned "A" Agricultural District. In accordance with Plan Winnipeg Policy 5A-40, the immediately prevailing densities of properties abutting Balgona Road, Murray Road, and Storie Road were calculated in order to establish minimum lot area and lot width recommendations. On the basis of mean and median average calculations, recommended minimum lot area, minimum lot width, and zoning are as follows:

1. Balgona Road Area: 5 acre minimum lot area; 180 foot minimum lot width; "A-5" Agricultural District zoning
2. Murray Road Area: 2 acre minimum lot area; 180 foot minimum lot width; "RR-2" Rural Residential District zoning
3. Storie Road Area: 2 acre minimum lot area; 180 foot minimum lot width; "RR-2" Rural Residential District zoning

The Old Kildonan Secondary Plan background report summarizes the input of area property owners, key City departments, and other interests. Additional large lot, unserviced residential development in the study area was evaluated within the context of regional and local servicing issues, considerations, and requirements. In general, large lot, unserviced residential development areas will not be established in Neighbourhood Areas nor in Rural Areas anticipated for urban or suburban development in the foreseeable future. Since adequate supply of residential lots is available in this quadrant of Winnipeg—and since the area between the Riverbend Neighbourhood and McPhillips Street will be developed to urban or suburban densities prior to the study area—the Old Kildonan study area is ideally situated for this form of development. None the less, from a regional servicing perspective the secondary plan must consider current and long term development patterns in this quadrant. A number of significant regional services—including arterial streets, municipal water and waste water system extension, and land drainage system extension—will be required in the event the area develops to typical urban densities. From a local servicing perspective, a number of existing and potential problems must be addressed if the area is to accommodate additional large lot, unserviced or other forms of residential development.

Water and waste water services to Old Kildonan study area properties are currently private. Private wells and septic fields will continue to provide these services into the foreseeable future. Not only are these service levels preferred by the majority of area property owners, the cost to extend municipal water and waste water services to these properties would be prohibitive. Private wells and septic fields must conform to applicable regulations and by-laws for such services.

Land drainage service is provided by a series of ditches paralleling Balgona Road (north side), Murray Road (both sides), and Storie Road (north side). The area topography is quite flat, with the ditches generally draining towards ditches located along the McPhillips Street right-of-way. The nearest land drainage system facilities are located to the east of the CPR Winnipeg Beach rail line, which forms the west boundary of the Riverbend neighbourhood. The lack of reliable outlets contributes to Spring and heavy rain episode overland flooding problems, especially in the vicinity of McPhillips Street and Murray Road. In advocating further large lot, unserviced residential development in the study area, land drainage improvements must be implemented to reduce existing and future overland drainage problems. Local land drainage services are the responsibility of property owners or developers, who will contribute to the following drainage improvements:

1. Local ditch improvements, such as widening of existing roadway rights-of-way to accommodate 3:1 ditch side slope
2. External ditch and sewer improvements, such as widening of the Murray Road right-of-way (or, alternatively, providing same along either the Fernbank right-of-way or the Chief Peguis right-of-way) east of the study area to accommodate 4:1 ditch side slope stormwater retention basin installation south west of the McPhillips/Murray
3. Intersection, approximately 5 to 6.2 acre surface area with pump station.

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The Old Kildonan study area is bordered by a regional street (McPhillips Street), a provincial highway (Perimeter Highway No. 101), a future regional street (Chief Peguis Trail), and a busy gravel road which may require upgrading in the future (Pipeline Road). Long range regional transportation plans call for the extension of Fernbank Avenue as a regional street. In addition, if the study area is to develop to suburban densities in the future, allowance must be made to establish a north-south arterial at the approximate midpoint of McPhillips Street and Pipeline Road. Within the study area are three local streets, all gravel-surfaced. Proposed large lot, unserviced residential development along Balgona, Murray, and Storie Roads will result in increased traffic. Upgrading of local streets, in the form of improved base and asphalt surfacing, would accommodate the anticipated traffic increase. If these roads are not improved, increased maintenance costs will be incurred by the Public Works Department, drawn from its operating budget.

Future regional streets in the study area can be identified and acquired by the City as development dictates. Future local streets and access to backland properties can also be identified and acquired by the City via the subdivision approval process. Widening of existing local streets (Balgona, Murray, and Storie Roads) to an 80 foot cross-section—in order to accommodate ditch improvements and pavement allowance—can also be acquired via the subdivision approval process. Local street surface improvements can be achieved either by Local Improvement levy or by frontage charge attributable to participating properties, as a condition of subdivision approval.

Provided the Old Kildonan Secondary Plan By-law adopted by Council is consistent with the recommended draft by-law, there is no financial implication. If the secondary plan by-law is approved as recommended, participating properties will be responsible for required improvements to study area roadways and land drainage. Any substantial departure from the recommended draft by-law could expose civic departments to additional annual maintenance costs. The course of action outlined in this report does not include a requirement for additional borrowing authority.

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

I. That the Old Kildonan Secondary Plan Background Report dated June 20, 2000, be received as information.

II. That the Old Kildonan Secondary Plan Draft By-law be given first reading.

III. That, following first reading, the Old Kildonan Secondary Plan Draft By-law be scheduled for public hearing at Lord Selkirk-West Kildonan Community Committee, in accordance with The City of Winnipeg Act (section 632).

IV. That the Director of Planning, Property, and Development be requested to initiate rezoning of secondary plan area properties, in accordance with the plan recommendations, following third reading of the secondary plan by-law.

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

Adopted by consent.

Proposed Subdivision and Rezoning - land located at 5721 Roblin Boulevard - Assiniboia Community File DASZ 1/2000

789 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from Roland Biber, 360 McMillan Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands outlined from a “R1-20" Single-Family Residential District to a “RM-L” Multiple-Family Residential District to allow for the construction of a multiple-family development.

The following is the present site description:

Site Area: 38,365 square feet; 0.9 acres

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Existing Land Use
and Zoning: Older dwelling zoned “R1-20" Single-Family Residential District

The site is a remnant of the McCallum homestead that was subdivided to create the McCallum Crescent neighbourhood. The property is owned by a family descendant, Dennis McCallum. The proposal is to construct eight upscale townhouse condominium units on the site in three separate buildings. Six of the units, in two buildings, will back onto McCallum Crescent and front onto the internal driveway. The remaining two units will back onto 5725 Roblin Boulevard and front onto the internal driveway and a City of Winnipeg sewage pumping station property bordering the property on the east.

The condominium units are one-storey, with double attached garages. The units provide about 1,200 square feet of living area on the main floor. The development density is about 4,800 square feet of lot area per unit, in comparison to the minimum “RM-L” requirement of 2,500 square feet of lot area per unit. This density compares favourably to the density of single-family houses achieved in an “R1-4.5" residential district (minimum frontage 40 feet, minimum area 4,500 square feet). If subdivided for single-family development, the land would potentially yield six lots: four lots fronting onto McCallum and two lots fronting onto Roblin. The lots would provide 50 foot frontages, equivalent to an “R1-5.5" Single-Family Residential District (minimum frontage 50 feet, minimum area 5,500 square feet).

The main development access is provided off Roblin Boulevard. Median openings on Roblin Boulevard are provided opposite the development at the Hunterspoint Road intersection and at the Elmvale Crescent intersection. Secondary access is provided via a connection to the public lane on the south side of McCallum Crescent that, in turn, connects to Elmvale Crescent. The lane serves 5 houses fronting Roblin Boulevard and five houses fronting McCallum Crescent.

The project complies with Plan Winnipeg as the development is residential in nature, is compatible with the low-density character of the area, and is related to a Regional Street where higher density housing is encouraged.

The Development Management Branch of the Planning and Land Use Division, Planning Property and Development Department, supports the rezoning application and the related variances for the following reasons:

- The scale and density of the project is compatible with the adjacent single-family residential area to the north and west.
- The site will take its primary access from Roblin Boulevard, and will not substantially increase traffic in the neighbourhood.
- The applicant has agreed to split the 6 units backing onto McCallum Crescent into two buildings to bring the building massing more in line with detached housing.
- In the opinion of the Development Management Branch, the layout of the single-storey project (backing onto McCallum Crescent and screened by high quality fencing and landscaping) will result in a lesser impact on the neighbourhood than the alternative development option of four, one or two storey, single-family houses with driveway approaches.
- The Branch can ensure that the development is constructed in accordance with the plans submitted by requiring that a zoning agreement be registered on title.
- The development is in keeping with the City policy in support of infill housing within established residential neighbourhoods.

The Planning, Property and Development Department recommended:

1. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule “A” for File DASZ 1/2000 dated March 3, 2000, to “RM-L” Multiple-Family Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site and to contiguous land owned or leased by the applicant to include the following conditions:

   A. That the maximum number of units on the land be limited to eight condominium units.
   B. That the units be situated in 3 one-storey buildings with attached garages.
   C. That, prior to the issuance of a development permit, plans showing site layout, access, parking, landscaping, fencing, building elevations and materials, and garbage enclosures be submitted to and approved by the Assiniboia Community Committee.

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D. That no accessory structures be located on the lands including garden or storage sheds.

E. That a caveat be filed against the title of this property and any subsequent condominium titles advising that the Community Row Pumping Station is located on the adjacent property and may be subject to occasional odour, noise and operation and maintenance activities. The owner being made aware of this agrees not to petition the City to construct any noise or odour mitigating facilities or any other aesthetic improvements to the station.

2. 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.

3. 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.

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

5. 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, except that the "RM-L" District shall to come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands.

6. 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.

7. 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.

A Public Hearing was held before the Assiniboia Community Committee on March 14 and May 16, 2000. Three persons appeared in support of the application, and forty-one persons registered in opposition thereto.

The Assiniboia Community recommended that the proposed subdivision and rezoning not be proceeded with for the following reason:

1. The scale and density of the subject application is not compatible with the surrounding area, and the existing zoning should remain as single-family.

The Standing Policy Committee on Property and Development concurred in the recommendation of Assiniboia Community Committee and recommends that the application under File DASZ 1/2000 for subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "R1-20" Single-Family District to an "RM-L" Multiple-Family District not be proceeded with.

Adopted by consent.

(See Minute No. 814 for attachment)

Proposed Subdivision and Rezoning - land located on Bard Boulevard, between Shaftesbury and Holland Boulevards - Assiniboia Community

File DASZ 4/2000

790 - 4. The Standing Policy Committee on Property and Development has been advised an application has been received from Pine Hill Development Corporation (Sam Searle), 1383 Dugald 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 outlined from an "A-5" Agricultural District to a "PR-1" Parks and Recreation District and an "R1-9" Single-Family District to allow for the construction of single-family housing.

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The following is the present site description:

Site Area: 8.65 acres

Existing Land Use and Zoning: Vacant land zoned "A-5" Agricultural District

The proposal is to extend Bard Boulevard as a cul-de-sac west from Holland Boulevard and to subdivide 17 building lots. The lots comply with "R1-9" zoning, providing a minimum width of 75 feet and a minimum area of 9,000 square feet. The application includes a proposal to create a 2 acre park by combining City-owned and Developer-owned lands adjacent to the Hydro Substation off Shaftesbury Boulevard. The City Administration recommended against the creation of this park. The cul-de-sac borders property owned by the St. Paul's High School. The related frontage could accommodate the future subdivision of about 8 residential lots, although the high school is silent on this development opportunity. The proposal complies with Plan Winnipeg in that it represents a continuation of existing development in the area.

The previous application on this site, under File DASZ 7/98, proposed the extension of Bard Avenue from Holland Boulevard west to Shaftesbury Boulevard and the construction of 18 semi-detached dwelling units and about 60 apartment units. This application met with substantial neighbourhood opposition and was denied by the Assiniboia Community Committee.

The Administration recommended approval of the current application subject to the deletion of the public park. The Assiniboia Community does not have a shortage of park space on a per-capita basis, and there is no need for park space in the immediate neighbourhood. The park is isolated from the South Tuxedo neighbourhood and internal pedestrian access is not provided for by the proposed development.

A Public Hearing was held before the Assiniboia Community Committee on May 16, 2000. Nineteen people registered in support of the application, and one person registered in opposition thereto.

The Assiniboia Community Committee recommended that the application for a zoning change be approved inasmuch as the proposed subdivision and rezoning is appropriate at this location.

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

1. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 4/2000 dated May 9, 2000, to a "PR1" Parks and Recreation District and an "R1-9" Single-Family Residential District, and by establishing a minimum rear yard setback of 17.5 metres (57.4 feet) to principal dwellings along the east side of Shaftesbury Boulevard, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg to apply to the subject site, to include the following condition:

    A. The Owner(s) shall maintain and/or repair or replace the fence along Shaftesbury Boulevard as originally constructed to the satisfaction of the Director of Public Works.

II. That the plan of subdivision proposed under File DASZ 4/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/2000 dated May 9, 2000, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Applicant amend the plan as shown on Schedule "A" for File DASZ 4/2000 dated May 9, 2000, as follows:

        1. That a walkway be provided along the eastern terminus of the property, immediately west of the St. Paul's High School holding behind Lots 1 and 2, width of the walkway as determined by and to the satisfaction of the Director of Planning, Property and Development.

        2. The centerline of the proposed street west of Holland Boulevard is to be aligned to be coincident with the existing centerline of Bard Boulevard east of Holland Boulevard.

Report of the Standing Policy Committee on Property and Development dated June 27, 2000

3. Right-of-way being established for the proposed street is to be established as 18.0m, the current standard for a local residential street, unless the proposed street is to contain a land drainage sewer with a diameter of 525mm or greater in which case the right-of-way is to be 20.0m.

4. Right-of-way being established for the proposed cul-de-sac turnaround is to have dimensions as illustrated on Streets and Transportation Drawing No. ST-90 (revised).

5. Lots backing onto Shaftesbury Boulevard are to be planned to accommodate a minimum rear yard of 17.5m.

6. A one foot control strip shall be established along the south limit of the St. Paul's High School property.

B. 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 May 3, 2000, after incorporating the following amendments:

1. That Condition No. 7 be amended to read as follows:

7. The Developer shall use Shaftesbury Boulevard exclusively during the development of services to the site, including the concrete pavement; and that subsequent to the services being installed, including the concrete pavement, construction traffic shall use Holland Boulevard north to Grant Avenue. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free and safe condition, free of dropped and tracked-on mud, and shall undertake scraping and sweeping of streets until building construction, including landscaping, is complete, all as determined by and to the satisfaction of the Director of Public Works.

2. That Condition No. 10 be amended to read as follows:

10. The Developer shall provide an 8% dedication of land for open space within the proposed ±2 acre park and shall make a cash contribution in lieu of providing landscaping and services in conjunction with the dedicated open space.

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

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

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

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

VII. That the 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.

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

Adopted by consent.

(See Minute No. 815 for attachment)

Report of the Standing Policy Committee on Property and Development dated June 27, 2000

Proposed Subdivision and Rezoning - land located at 2795 and 2731 Main Street - Lord Selkirk-West Kildonan Community
File DASZ 5/2000 [c/r DAV 314/2000D]

791 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from the Rosh Pina Congregation, c/o Sam Searle, 1383 Dugald 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 outlined from a "R1-20" Single-Family District to a "PR2" Parks and Recreation District to facilitate the expansion of an existing golf course.

The subject site is approximately 16 to 17 acres of the current "R1-20" land is to be rezoned "PR2". The subject land to be rezoned is the rear portion of the existing cemetery lands which is currently vacant and not needed for cemetery purposes.

The following is the present surrounding land use and zoning:

North: Lands to the north are outside the City of Winnipeg boundary in the R.M. of West St. Paul
South: Adjacent lands to the south are zoned "PR2" and constitute part of an existing golf driving range
East: To the east is the Red River
West: Properties to the west on the east side of Main Street are developing residential areas generally zoned "R1-4" Single-Family

The applicants propose to rezone the rear portion of their lands (16 acres ±) and sell it to the adjacent property owner who will then consolidate it with his own property and expand his golf course operation.

The proposal fully complies with Plan Winnipeg policy.

The subject land lies adjacent to the boundary with West St. Paul, east of Main Street and west of the Red River. While the lands in their entirety are zoned "R1-20" Single-Family Residential, they are occupied in part by a cemetery which is administered and operated by the Rosh Pina Congregation. The front half of the property, which fronts onto Main Street, is the existing cemetery area. The rear area totalling 16 to 17 acres has been declared surplus to the needs of the Congregation and is to be rezoned and sold to the adjoining property owner to the south. The adjoining property owner then intends to consolidate said lands with his and construct a larger golf course area than that which he currently operates. The subject lands will all be zoned "PR2" Parks and Recreation District which allows for a public and private golf course facilities. The Planning and Land Use Division is supportive of the proposed zoning change as it will be compatible with adjacent lands to the north and south. It is not felt that the proposed golf course expansion will have any adverse effect on neighbouring lands. The Planning and Land Use Division of the Planning, Property and Development Department therefore recommended that the proposed zoning change be endorsed.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on June 6, 2000. Three 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 subdivision and rezoning be approved for the following reason:

1. The proposed subdivision and rezoning is appropriate at this location.

On June 27, 2000, the Standing Policy Committee on Property and Development considered the Report from the Lord Selkirk-West Kildonan Community Committee dated June 8, 2000, and approved the following amendment which has been incorporated into the recommendations as set out below:

- Recommendation IV. be deleted in its entirety and replaced with the following:

  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.

Report of the Standing Policy Committee on Property and Development dated June 27, 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 the plan of subdivision proposed under File DASZ 5/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/2000 dated May 29, 2000, for registration in the Winnipeg Land Titles Office

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 5/2000, dated May 29, 2000, to a "PR2" Parks and Recreation.

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

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

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

VII. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan in the Land Titles Office.

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

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

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

Adopted by consent.

(See Minute No. 816 for attachment)

Proposed Subdivision and Rezoning - land located on the west side of St. Mary's Road, north of Normand Avenue - Riel Community File DASZ 6/2000

792 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Scurfield Tapper Cuddy, Barristers and Solicitor, on behalf of A and S Builders Limited for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 be rezoning the subject lands outlined from an "A-5" Agricultural District to an "RM-4" Multiple Family District and a "PR-1" Parks and Recreation District in order to permit development of a condominium complex.

The following is the present site description:

Site Area: Approximately 5.6 acres

Existing Land Use and Zoning: Currently vacant in part. Part of the area utilized as a nursery. Properties all zoned "A-5" Agricultural.

Report of the Standing Policy Committee on Property and Development dated June 27, 2000

The following is the present surrounding land use and zoning:

North:	Properties to the north are primarily occupied with single family dwellings and zoned "A-5" Agricultural
South:	Lands to the south are occupied with single-family homes similarly zoned "A-5" Agricultural
East:	To the east across St. Mary's Road are "R1-5" single-family subdivisions fully developed.
West:	To the west is the Red River

The applicants propose to construct two 3-storey condominium complex with a total of 102 housing units. There are 118 underground parking stalls proposed and 107 surface stalls. Primary access is to be via St. Mary's Road. The rear portions of the lots, inside the floodway line are to be rezoned to a "PR-1" designation.

The proposed development fully complies with Plan Winnipeg policy.

The applicants, Scurfield Tapper and Cuddy, Barristers and Solicitors, on behalf of A and S Builders Limited, have made application to consolidate and rezone the subject properties in order to construct 102 condominium units. In accordance with Council approval of March 22, 2000, a portion of the Henteleff Nursery I is to be exchanged with A and S Builders Limited for the adjacent property - Lot 3 S.P. Plan 23858. Lot 3 is then to be consolidated with residual portions of Lot 4 to negate the need for a variance application for a lot with no street frontage. A and S Builders Limited intends to then utilize the front of Lots 4, 5 and 6 for development purposes; the remaining 30% of the subject river lots is outside of the floodway line and is to be rezoned "PR-1" Parks and Recreation. The developable lands have approximately 490 feet of frontage along St. Mary's Road and 510 feet of depth towards the river for a total of 5 to 6 acres.

The preliminary plans call for the construction of 36 foot high (three-storey) condo complexes separated by a 107 stall surface parking area. Each condo complex will have a total of 51 units and an additional 59 underground parking stalls. The preliminary plans do not provide for any separation space between the complexes and the floodway line but in accordance with the Zoning By-law regulations a 25 foot yard is proposed to separate the complexes and the parking areas from St. Mary's Road. It is the position of the Planning and Land Use Division that the proposed development is an appropriate use of the land at the subject location.

There are multiple-family complexes existing further south at Burland Avenue and to the north between Britannica Avenue and River Road. There have also been four or five recent condo developments between St. Anne's Road and the Seine River. At 102 proposed units, the density is less than what was approved on a smaller site adjacent under a previous application on Lot 3. It is also a reasonable density given the overall site area (250,000 square feet). It should be noted however that the requested "RM-4" zoning is not necessary in order to obtain a density of 102 units; nor is it necessary to obtain the 45 foot building height necessary to construct the buildings proposed. An "RM-3" zoning would suffice to facilitate development. However the site has been advertised for "RM-4" and procedurally cannot be changed at this point, and the preliminary plans may not reflect changes that may have to be made in the final plans.... specifically a 15 foot separation space between the floodway and the proposed buildings that may be requested by the River and Streams Engineer and an increased front yard (for noise attenuation purposes) that may be required by the Public Works Department. That may result in changes to the current site plan. Side yards proposed currently appear to be adequate.

A Public Hearing was held before the Riel Community Committee on April 25, 2000. Twenty-eight people registered in support of the application, seven people registered in opposition thereto, and two people registered for information thereon.

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

1. The proposed condominium development complies with Plan Winnipeg.

2. Prior to consideration of this application by the Standing Policy Committee on Property and Development, a geotechnical study will be carried out and a report submitted to the aforesaid Committee recommending additional conditions of approval pertaining to development within the Floodway Fringe area.

3. At 102 condominium units, the proposed density is less than what was approved on the smaller site adjacent under a previous application on Lot 3.

Report of the Standing Policy Committee on Property and Development dated June 27, 2000

4. The Riel Community Committee is of the opinion there is room for this type of development on the subject premises while, at the same time, protecting the rich heritage and floral and fauna of the site.

5. The plan approval process will ensure that the layout of the proposed buildings will not have an adverse effect on the surrounding residential neighbourhood and that the existing trees on Lot 4 are protected

On June 27, 2000, the Standing Policy Committee on Property and Development considered the Report from the Riel Community Committee dated May 15, 2000, along with a report dated June 6, 2000, from the Land Development Engineer, Planning Property and Development Department, and approved the following amendment which has been incorporated into the recommendations as set out below:

· The recommendation contained in the report dated June 6, 2000, from the Land Development Engineer be concurred in, and Recommendation I. be amended by adding the following after I.A.

I. B. That the plan of subdivision be amended by establishing the boundary between the "RM-4" and "PR-1" categories generally at a point ten (10) feet west of the Floodway Line.

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

I. That the plan of subdivision proposed under File DASZ 6/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/00 dated April 17, 2000, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 18, 2000, with the deletion of the following condition:

1. A minimum front yard of 17.5m (This requirement is related to traffic noise attenuation).

B. That the plan of subdivision be amended by establishing the boundary between the "RM-4" and "PR-1" categories generally at a point ten (10) feet west of the Floodway Line.

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 6/2000 dated April 17, 2000, to an “RM-4" Multiple-Family District and an “PR-1" Parks and Recreational District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site and to contiguous land owned or leased by the applicant, being A and S Builders Limited, to include the following conditions:

A. That final construction plans indicating the design and location of the proposed buildings including elevations and details of the exterior finishing materials, accessory parking and loading areas, fencing, landscaping, free standing signage, garbage enclosures and approaches be subject to the approval of the Chief Administrative Officer or designate and the Riel Community Committee prior to the issuance of a building permit.

B. That the maximum density on the proposed multiple family site be restricted to 102 units.

IV. That the Developer dedicate land lying below the floodway line as public open space as determined by the Director of Water and Waste and the Director of Planning, Property and Development; the area of which dedicated land is greater than 10% of the developable land.

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

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

Report of the Standing Policy Committee on Property and Development dated June 27, 2000

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 and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands.

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

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

Moved by Councillor De Smedt,
Adoption of the clause.

In amendment,

Moved by Councillor Steek,
Seconded by Councillor Golden,

WHEREAS the above clause contains a recommendation that certain lands on the west side of St. Mary's Road, north of Normand Avenue (DASZ 6/2000) be rezoned "RM-4" (for multi-family condominium development) on certain terms and conditions;

AND WHEREAS the Developer, as a part of the rezoning has agreed to make certain exceptional contributions to the City of Winnipeg: A) The Developer has agreed to transfer an additional 2.5 acres to the City of Winnipeg for addition to the Henteleff Nursery at no charge; B) The Developer has agreed to pay the costs of moving the existing City Works yards and; C) The Developer has agreed to clean the lands known as Lot 3: and, D) The Developer has agreed to do riverbank stabilization on property not within the development;

AND WHEREAS the City of Winnipeg has not charged frontage levies in a number of similar cases;

THEREFORE BE IT RESOLVED THAT the recommendation from the Standing Policy Committee on Property and Development be amended by deleting the requirement for the Developer to pay the cost of services installed by the City in St. Mary's Road abutting the proposed development, and Recommendation I.A. be amended accordingly.

Moved by His Worship Mayor Murray,
That the clause be referred back to the Standing Policy Committee on Property and Development.

The motion to refer the clause to the Standing Policy Committee on Property and Development was put.

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

Yea: Councillors Thomas, Vandal, His Worship Mayor Murray and Councillor Lubosch. 4

Nay: Councillors Lazarenko, Angus, Clement, De Smedt, Gerbasi, Golden, Prystanski, Smith, Steek, Timm-Rudolph, O'Shaughnessy and Eadie. 12

and the motion to refer the clause was declared lost.

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The amendment proposed by Councillors Steek and Golden was put.

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

Yea: Councillors Lazarenko, Angus, Golden, Prystanski, Steek, Timm-Rudolph, O'Shaughnessy and Eadie. 8

Nay: Councillors Clement, De Smedt, Gerbasi, Lubosch, Smith, Thomas, Vandal and His Worship Mayor Murray. 8

and the amendment was declared lost in accordance with Rule 58 of the Procedure By-law.

The motion for the adoption of the clause was put.

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

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

Nay: Councillors Prystanski, Steek and Timm-Rudolph. 3

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

(See Minute No. 817 for attachment)

Proposed Rezoning - land located at 480 Balmoral Street - City Centre Community File DAZ 239/99 [c/r DAV 999/99D]

793 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from The Parking Authority Inc., 121 - 167 St. Mary's Road, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "RM-6" Multiple-Family 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: Approximately 5,800 square feet

Existing Land Use and Zoning: "RM-6" Multiple-Family Residential; lot contains an old 2.5 storey dwelling in dilapidated condition.

The applicant proposes to demolish the existing dwelling and establish a parking lot with eighteen (18) stalls. The related variance application would permit the parking lot to be established without surface pavement and with substandard yards, landscaping and aisle width.

The west block face of Balmoral Street between Sargent and Ellice Avenues is developed with apartment building interspersed with older houses and substandard parking lots. The subject property adjoins the seven storey Payuk Co-op apartment building on the north and a parking lot on the south. The parking lot on the south is developed to a minimal standard, is managed by the applicant, and was established under a use variance which expired in 1998. To the south of this parking lot is the older, three-storey Braemar apartment Block. To the west of the subject property, across the public lane, are older, single and two-family dwellings fronting Spence Street. The housing is in fair to poor condition, representative of the decreasing quality of the Spence Neighbourhood housing stock. To the east, across Balmoral Street, are the park-like grounds of the National Research Council building on Ellice. The new Sister MacNamara school is also located on the east side of Balmoral Street, south of Sargent Avenue, in view of the subject site.

Report of the Standing Policy Committee on Property and Development dated June 27, 2000

In most cases, the random demolition of housing for the establishment of mid-block, non-accessory, commercial parking lots is contrary to Plan Winnipeg and could not be supported by the Planning, Property and Development Department. The practice can have a destabilizing impact on the surrounding neighbourhood. The Department would prefer to see infill housing constructed on inner city sites which are vacant or contain abandoned houses. In certain circumstances, however, surface parking may be appropriate as an interim use.

The subject lot is located on a major street and is situated between an existing parking lot and an apartment building. Parking lots in this setting are not uncommon in the higher density portions of the downtown. The Planning, Property and Development Department is prepared to support a reversionary zoning of the site in order that its impact on the neighbourhood can be reassessed within the specified period of time.

The subject site is located on the fringe of the downtown. Standing on the site, the contrasting images of Winnipeg's inner city are apparent. The view to the east, towards Portage Place, is that of a healthy and vibrant city. The view to the west, into the heart of the Spence Neighbourhood, is that of a dying, unhealthy city. This application, for a surface parking lot, is indicative of the state of the neighbourhood. When parking lots become the highest and best use of land in the downtown and fringe neighbourhoods, the City is in trouble.

On the positive side, there is a demand for parking in the area, generated by the University of Winnipeg and nearby commercial and office developments. In fact, the rear yards of many of the Spence Street properties across the back lane from the subject site are developed with illegal parking lots. The revenue from the lots goes to the property owner, in most cases absentee landlords.

The subject lot is about 50 feet wide by 116 feet deep. If consolidated with the parking lot to the south, a reasonably sized infill housing parcel could be obtained. The existing "RM-6" zoning permits 1 unit per 400 square feet of lot area, or about 14 units on the subject site. It is hoped that, one day, a developer will take advantage of the opportunity to provide healthy, affordable housing for students and workers in the immediate area. For the time being, however, surface parking is considered an acceptable, interim land use.

Public Hearings were held by the City Centre Community Committee on February 13, April 11, May 9 and June 6, 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 subject site is located on a major street and is situated between two apartment buildings.

2. Parking lots in this setting are not uncommon in the higher density portions of the downtown, although it is preferable that they be developed to a reasonable standard and the Planning and Land Use Division is prepared to support a reversionary zoning of the site in order that its impact on the neighbourhood can be reassessed within the specified period of time.

3. There is a demand for parking in the area, generated by the University of Winnipeg and nearby commercial and office developments. In fact, the rear yards of many of the Spence Street properties across the back lane from the subject site are developed with illegal parking lots. The revenue from the lots goes to the property owner, in most cases absentee landlords.

4. Although it is hoped that one day a developer will take advantage of the opportunity to provide safe, healthy, and affordable housing for students and workers in the immediate area for the time being surface parking is reluctantly considered an acceptable, interim land use.

5. Approval is to be subject to Plan Approval by the City Centre Community Committee and minimum development standards are provided for under the related variance File DAV 999/99D.

On June 27, 2000, the Standing Policy Committee on Property and Development considered the Report from the City Centre Community Committee dated June 13, 2000, and approved the following amendment which has been incorporated into the recommendations as set out below:

- Recommendation I.A.(d) be amended by including the following words "whichever comes first" at the end of the sentence.

Report of the Standing Policy Committee on Property and Development dated June 27, 2000

The Standing Policy Committee on Property and Development concurred in the recommendations 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 239/99 dated May 29, 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:

(a) That the use of the land be limited to an accessory or non-accessory parking lot, or dwelling units;

(b) That no permanent structures be located within 12.45 feet of Balmoral Street in accordance with By-Law No. 12781;

(c) That no building or structure shall be erected on the land and no building or development permit issued for construction on the land unless and until plans, showing site layout, access, fencing, signage, surfacing, site lighting and landscaping, are submitted to, and approved by, the City Centre Community Committee;

(d) That the zoning shall revert to "RM-6" Multiple-Family Residential District on July 1, 2010, or at such time as the property ceases to be used parking as a principal use of the land, whichever comes first.

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 818 for attachment)

Proposed Rezoning - land located at southeast corner of Dakota Street and Meadowood Drive - Riel Community
File DAZ 205/2000

794 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Tyrone Enterprise Ltd. (Alain Hogue), 194 Provencher Boulevard, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "R1-5" Residential District to a "C1.5" Commercial District to allow for a commercial building.

Report of the Standing Policy Committee on Property and Development dated June 27, 2000

The following is the present site description:

Site Area:	100 feet of frontage along Meadowood Drive, 200 feet of frontage along Dakota Street. Approximately 2 acre in overall size.
Existing Land Use and Zoning:	Land is currently zoned "R1-5" Single-Family District and is vacant.

The following is the present surrounding land use and zoning:

North:	The lands are zoned "C2" Commercial and occupied with a commercial mall.
South:	The lands are occupied with single-family homes (zoned "R1-5")
East:	The lands are zoned "R1-5" Single-Family and occupied with single-family homes.
West:	The lands are zoned "C2" Commercial and part of a linear mall complex.

The applicant proposes to rezone and develop the site for restrictive commercial development. Specifically a medical office and possible a small financial institution.

The proposed rezoning fully complies with Plan Winnipeg policy.

The subject property is approximately two acres in size and is situated at the southeast corner of Meadowood Drive and Dakota Street. It is one of the last remaining vacant parcels of land in the area and is heavily treed, particularly along the Dakota Street frontage. There are a half dozen immediately adjacent lots to the south and east (zoned "R1-5") but the remaining three (3) corners at the subject intersection are developed and zoned "C2" Commercial site. The site was originally owned by the City of Winnipeg and at one time viewed as a potential site for a mobile library. The site was however sold recently to Tyrone Enterprises and since then a number of commercial proposals have been submitted by the owner but generally rejected by the local residents at informal resident meetings.

The current application like those previously, is for a rezoning to a "C1.5" neighbourhood commercial category but unlike the others has an improved site plan and proposed uses which are non-retail in nature. The applicant proposes to construct a one-storey structure (5,488 square feet) in size at the northwest corner of the site. There is proposed to be a 10 foot landscaped area between the building and the sidewalk along Dakota Street and a 15 foot landscaped buffer area separating that building from the sidewalk along Meadowood Drive. A total of 23 parking stalls is situated along the south periphery of the building and lot - none along the east property lane. Primary access is off of Dakota Street but a right turn in is proposed off of Meadowood Drive. The applicant has indicated that the primary tenant will be a medical and/or dental office or clinic with the possibility of a small banking facility occupying the remaining space. These kinds of uses have limited hours of operation and will not, in the view of the Planning and Land Use Division, generate the kinds of actively (traffic or otherwise) that a retail business would.

It is the opinion of the Planning and Land Use Division that the subject property is not an appropriate location for single-family housing in keeping with its current zoning. It is too small a site and too close to the adjacent intersection to market housing units. However, restricted commercial development properly sited with restrictive hours of operation may constitute a fair compromise - acceptable to both the applicant and the adjacent residential neighbourhood. If the proposed rezoning is approved, an attached zoning agreement should 1) limit uses, 2) restrict hours of operation, and 3) require the submission of a detailed site and landscaping (including fencing) plan for approval prior to the issuance of building permits. The location of garbage enclosures would also have to be carefully determined.

A Public Hearing was held by the Riel Community Committee on June 13, 2000. One person appeared in support of the application, and nineteen persons registered in opposition thereto.

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

1. The Riel Community Committee is of the opinion that the subject property is not an appropriate location for single-family housing and acknowledges the fact that the subject property was previously rezoned to "R1" simply to accommodate a future library.

2. The Riel Community Committee is of the opinion that the recommended conditions of approval will serve to protect the interests of the residential neighbourhood.

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3. The plan approval process will allow the ward councillor to meet informally with the residents and endeavour to mitigate their concerns.

4. The proposed rezoning complies with Plan Winnipeg.

On June 27, 2000, the Standing Policy Committee on Property and Development considered the Report from the Riel Community Committee dated June 20, 2000, and approved the following amendment which has been incorporated into the recommendations as set out below:

· Recommendation I.A.1.(c) be deleted in its entirety and replaced with the following:
c) Bank, Credit Union or other similar Financial Institution

· Recommendation I.A.5 be deleted in its entirety, namely:
5. That no snow clearing operations be permitted on the subject premises between 10:30 p.m. to 6:30 a.m.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel 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 205/2000 dated May 8, 2000, to a "C1.5" Commercial District, subject to the following:

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

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

a) Offices
b) Medical, Dental, Optical Counseling or other Health of Therapeutic Centre
c) Bank, Credit Union or other similar Financial Institution
d) Laboratory and Medical Dental or Optical

2. That the hours of operation be limited to 6:30 a.m. to 9:30 p.m.

3. That final plans indicating the location of buildings, including building profiles, parking, garbage enclosures, landscaping and fencing, approaches and lighting and signage be submitted to be approved by the Chief Administrative Officer or designate and the Riel Community Committee prior to the issues of any building permits.

4. That building height be restricted to one-storey and no more than fifteen feet in height and be no greater than 5488 sq. ft. in size.

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 unless, in accordance with previous agreements, the City is otherwise obligated to waive it.

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

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

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

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

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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.

Moved by Councillor De Smedt,
Adoption of the clause.

The Speaker here resumed the Chair.

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

(See Minute No. 819 for attachment)

Councillor Golden asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

Moved by Councillor Lazarenko,
That Rule 6.1 of the Procedure By-law be suspended to allow Council to sit beyond the hour of 6:00 p.m. to conclude deliberations.

Carried.

Proposed Rezoning - land located at 2151 Henderson Highway - East Kildonan-Transcona Community
File DAZ 207/2000

795 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from Boni & Singbeil, 205 - 1695 Henderson Highway, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "R1-5.5" Residential District to a "C1" Commercial District to permit a law office to establish in an existing building.

The following is the present site description:

Site Area: 8,047 square feet (747.6 square metres)

Existing Land Use and Zoning: Single-family dwelling, zoned "R1-5.5"

The following is the present surrounding land use and zoning:

North: Vacant land zoned "C2" Commercial District
South: Across Emerson, a multi-tenant commercial building zoned "C1" Commercial District
East: Across a public lane, single family dwellings zoned "R1-5.5" Residential District
West: Across Henderson Highway, single family dwellings zoned "R1-5.5" Residential District

The applicant is proposing to establish a law office in the existing house. Two lawyers will practice from the office. Renovations will include two offices, a reception area, a secretary's office and a boardroom.

The subject property is located in a Plan Winnipeg Neighbourhood Policy Area. The proposal does not appear to be contrary to any Plan Winnipeg Policy. The following Plan Winnipeg policy will be addressed only if the site is designed in a way that respects the adjacent residential neighbourhood to the east.

Section 5A-13 - Protect Existing Neighbourhoods - The City shall evaluate new development to protect existing neighbourhoods from unacceptable economic, environmental, or social impacts.

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The North Henderson Highway District Plan (1977) is a tool to manage development in this area more specifically than Plan Winnipeg. The North Henderson Highway District (Secondary) Plan was amended in 1980 (By-law No. 2524/80) by re-classifying the lands along the east side of Henderson Highway between Glenway Avenue and Emerson Avenue from a "Low Density Residential" proposed land use to a "Commercial" proposed land use.

The 1980 amendment was prompted by an application to rezone the lot north of the subject property to "C2" Commercial District in order to construct a multi-tenant commercial building. This building was never built although the commercial zoning remains. The Zoning Agreement attached to the "C2" property restricts several "C2" uses such as gas stations and drive-thru establishments.

Neighbourhood Context

The subject property fronts on Henderson Highway, a major arterial route through the City. Generally, single-family residential use of land fronting on an arterial street is difficult because of the traffic noise, dust and exhaust odours. Arterial streets normally attract higher intensity uses such as multiple-family residential or commercial.

The two blocks fronting Henderson between Knowles Avenue and Glenway Avenue have changed to Commercial from Residential over the past twenty years. The adjacent property to the north is zoned "C2" Commercial. The property across Emerson is zoned "C1" Commercial and includes offices and a plumbing and heating business. This property is also adjacent to a well established single family residential neighbourhood.

Land Use Issues

"C1" includes the most compatible commercial uses to locate adjacent to residential areas. Two characteristics of this particular application further minimize any potential land use issues:

1. It is planned for professional office space.
2. Plans are to develop the office by renovating the existing home, this will serve to maintain the low-key, residential nature of the area.

Traffic Issues

Regardless of the compatibility of the proposed use of land use, a commercial property will generate more traffic than a residential property. Some residents have called to express their views of traffic issues in the vicinity. There is difficulty turning south onto Henderson Highway from Emerson Avenue. Parking on Emerson Avenue immediately off Henderson Highway further obstructs traffic turning east from Henderson Highway.

The subject property currently has access from Emerson Avenue on the south side of the lot. The change to commercial of this approach will require review and approval by the Traffic Engineering Branch of the Public Works Department. The applicant plans to re-configure the east side of the subject property to accommodate staff and client parking for the law office. The public lane to the east of the property is currently undeveloped and may present some opportunity for further site buffering and access.

Site Design

This application has been submitted without final site plans. The applicant wanted to determine whether or not a "C1" re-zoning for a professional office would be acceptable to the community and the Community Committee. If acceptable, the applicant would then invest in a complete development plan.

Without a detailed site plan, there is uncertainty relating to several issues, including:

1. Access to the site and within the site;
2. Adequacy of parking on the site and parking location;
3. Buffer for transition to residential area which may include consideration of landscaping treatments, fencing, etc.;
4. Signage.

All of these issues can be resolved through the Plan Approval process. It is not clear at this time how the subject site might use the unused public lane. Future variances may be required depending on the configuration of the site.

In spite of the lack of site details, a re-zoning of this property to "C1" Commercial District is supported by the Planning and Land Use Division of the Planning Property and Development Department. In fact, it could be beneficial for the neighbourhood to take advantage of this particular proposal to renovate the existing home into a professional office. The subject property's days are likely limited as a desirable residential location.

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Due to insufficient plan detail accompanying this application and the number of calls received by the Planner from concerned local residents, the Administration recommended that the rezoning be supported subject to Plan Approval by Community Committee.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on June 13, 2000. Three persons appeared in support of the application, and no one registered in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. There are a number of commercial zoned sites contiguous to this location.
2. The proposed rezoning is appropriate at the referenced location.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 207/2000 dated June 6, 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:

      1. That no buildings, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed buildings, the location and design of accessory parking areas, loading areas, private approaches, driveways, fencing, garbage enclosures, exterior lighting, facia signs, free-standing signs, and landscaping 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 207/2000, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement.

      2. 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. 820 for attachment)

Report of the Standing Policy Committee on Property and Development dated June 27, 2000

Proposed Rezoning - land located at 561 St. Anne's Road - Riel Community
File DAZ 211/2000 [c/r DAV 254/2000D]

796 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from 2473446 Manitoba Ltd., 1077 Two Mile Road, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "R1-5" Residential District to a "C1.5" Commercial District to allow for the establishment of a therapeutic clinic in an existing non-conforming building.

The following is the present site description:

Site Area: The subject property is approximately one half care in size, with 124 feet of frontage along St. Anne's Road.

Existing Land Use and Zoning: The existing zoning is "R1-5" Residential and occupied by large non-conforming building.

The following is the present surrounding land use and zoning:

North: North of Richfield Avenue is a large multiple-family housing project zoned "RM-L"
South: To the south multi-tenant commercial mall zoned "C2"
East: To the east is a senior's housing residence and five single-family dwellings zoned "R1-5"
West: To the west across St. Anne's Road is St. Emile Church and School

The applicant proposes to convert the existing building into a therapeutic centre for chiropractic, holistic, homeopathic and acupuncture medicine.

The proposed rezoning fully complies with Plan Winnipeg Policy.

The proposed clinic after modifications, will have a total floor area of 4,616 square feet. A portion of the existing north wing is to be removed in order to facilitate a larger parking area on the east side of the building. The proposed parking area will accommodate nine stalls and access to the parking area is to be via Richfield Avenue.

The Krassky Clinic is to have administrative offices, a children's play area, a multi-purpose room and a dozen offices for chiropractic medicine, acupuncture, homeopathic medicine and holistic medicine and counselling. The building was originally used as a philanthropic centre providing accommodation for the families of post operative patients from remote northern communities. The present proposal requires a commercial zoning and there is an accompanying variance application for substandard yards and fencing and a minor deficiency in parking. The Planning and Land Use Division of the Planning, Property and Development Department supports the proposed rezoning, and is of the view that there will not be an adverse impact on the surrounding neighbourhood. However, it is the intent of the Planning, Property and Development Department to restrict the use of the site and impose hours of operation limitations in order to reduce possibility of any future problems.

A Public Hearing was held by the Riel Community Committee on June 13, 2000. Two persons were heard in support of the application, and one person registered in opposition thereto.

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

1. Approval of this rezoning is considered to be compatible with the surrounding neighbourhood and will be a great addition to the area.

2. The applicant has canvassed the neighbourhood and has received community support for the proposed limited commercial development.

3. The proposed rezoning fully complies with Plan Winnipeg.

4. The applicant has acknowledged there is a serious parking problem and has arranged for off-site parking for its employees.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 211/2000 dated June 5, 2000, to a "C1.5" Commercial District, subject to the following:

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

1. That the use of the land be restricted to a therapeutic clinic, offices, and accessory uses;

2. That the hours of operation be limited from 7:00 a.m. to 8:00 p.m., Monday thru Saturday.

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 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. 821 for attachment)

Proposed Rezoning - land located at 154/156 Scott Street - City Centre Community
File DAZ 212/2000 [c/r DAV 327/2000D]

797 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from Elynore Kendryna, 154 Scott Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from a/an "RM-4" Multiple-Family District to a/an "C1" Commercial District to allow for the establishment of Business and Professional Offices.

The following is the present site description:

Site Area: 27.9 feet of frontage; 74.58 feet of depth; 2077 square feet of area.

Existing Land Use and Zoning: Semi detached dwelling (2 units) zoned "RM-4" Multiple-Family Residential District.

The following is the present surrounding and use and zoning:

North: "RM-4" City park
East: "RM-6" Multiple-Family Residential District; vacant land

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South, across public lane:	"C-1.5" Commercial District; Braemar Bakery restaurant and cabaret
West, across Scott Street:	"RM-4" Multiple-Family Residential District, mix of residential and commercial land use. The commercial use includes Bobbie's Restaurant (zoning variance and a convenience store (non-conforming right).

The applicant purchased the 2.5-storey side-by-side, located on the east side of Scott Street between Stradbrook Street and Wardlaw Avenue, and restored the building to habitable condition. The property is bounded on the south by a public lane, on the east by a vacant residential property, and on the north by a City park. The Braemar Bakery is located on the south side of the public lane. Commercial development is located on the east side of Scott Street across from the subject property including Bobbie's Restaurant and a convenience store.

The building was constructed as a two-family, side-by-side and converted to a four-plex by the applicant with two residential units per side. The applicant lives in a one-bedroom apartment on the second and third floors of 154 Scott Street, and runs her home business (wholesale jewelry and make-up) from the self-contained main floor unit. The adjacent unit at 156 Scott Street, subject of the rezoning, would be subdivided and rezoned for commercial use. The floor plans submitted by the applicant show office use in 156 Scott Street.

The application does not conflict with Plan Winnipeg so long as any commercial uses permitted in the building are of a low intensity and do not have a detrimental impact on the adjacent neighbourhood.

The Administration supported the rezoning application and the related variances. The property was to have been included in the proposed mixed-use zoning district in Osborne Village which would have allowed commercial uses on the main floor and residential units on the upper floors. To date, this mixed-use zoning has not proceeded beyond a draft by-law stage.

The location is considered suitable for low intensity commercial use as the property's neighbours include Bobbie's Restaurant, the Braemar Bakery restaurant/lounge/cabaret, and a small convenience store. The Administration recommended that a Zoning Agreement be placed on the land limiting the range of commercial uses to those of a local or low-intensity nature.

A Public Hearing was held before the City Centre Community Committee on June 6, 2000. One person 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 application does not conflict with Plan Winnipeg so long as any commercial uses permitted in the building are of a low intensity and do not have a detrimental impact on the adjacent neighbourhood.

2. The Administration supports the rezoning application and the related variances.

3. This property was to have been included in the proposed mixed-use zoning district in Osborne Village which would have allowed commercial uses on the main floor and residential units on the upper floors however, to date this mixed-use zoning has not proceeded beyond a draft by-law stage.

4. The location is considered suitable for low intensity commercial use as the property's neighbours include Bobbie's Restaurant, the Braemar Bakery restaurant/lounge/cabaret, and a small convenience store.

5. A Zoning Agreement to be placed on the land will limit the range of commercial uses to those of a local or low-intensity nature.

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 212/2000 dated May 30, 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:

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a) That the use of the land be limited to the following:
   i) art/antique: sales and service (subject to conditional use)
   ii) art/crafts/hobby: instruction/supplies
   iii) bed and breakfast
   iv) book sales
   v) clothing: alteration, repair, sales, tailor, seamstress
   vi) gift store
   vii) business and professional offices (except real estate and insurance offices)
   vii) personal services (subject to conditional use)
   ix) retail sales not listed (subject to conditional use)

b) That no mobile signs, posters, sandwich boards, or banners be permitted on the property, and that facia signage be limited to a maximum 10 square feet of sign surface area.

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 822 for attachment)

Proposed Rezoning - land located on the west side of King Edward Street, north of Portage Avenue - Assiniboia Community
File DAZ 215/2000 [c/r DAV 334/2000D]

798 - 12. The Standing Policy Committee on Property and Development has been advised that an application has been received from Richmond Construction (Perry Gregorchuk), 1611 Lee Boulevard, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "R1-5A" Residential District to a "C2" Commercial District to allow for the development of an off-site accessory parking area.

The following is the present site description:

Site Area: 7,058 square feet (655.729 square metres)

Existing Land Use and Zoning: Vacant land, zoned "R1-5A" Residential District

The following is the present surrounding land use and zoning:

North: Single family dwelling, zoned "R1-5A" Residential District
South: Commercial multi-tenant building, zoned "C2" Commercial District

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East: Commercial building (service shop), zoned "C2" Commercial District
West: Parking lot for the Legion, zoned "R1-5" Residential District.

The applicant proposes to establish a surface off-site accessory parking lot to serve the needs of the business, Knee Lake Resort Inc., located at 1749 Portage Avenue, just south of the public lane opposite the subject property. Knee Lake Resort offers fly-in adventure trips into northern Manitoba. Plans also include a 24 foot by 24 foot garage to be located on the subject property to store a one-ton cube van that is used to transport supplies needed for the out-trips. It is the owner's intention to make the parking available to other adjacent users outside of business hours, including the Royal Canadian Legion – St. James Branch that is located at 1755 Portage Avenue.

A rezoning to "C2" Commercial District is required to accommodate a parking lot. An application is being made concurrently for a 'use variance' to expedite the process of establishing the parking area.

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 the following policy as it might relate to the St. James BIZ area:

> 5A-29 Protect and Enhance Neighbourhood Main Streets
>
> The City shall protect and enhance the existing character of its neighbourhood main streets and may provide for the incremental expansion of commercial uses where it is consistent with the general character of adjacent commercial development.

The developer of the parking lot has indicated his intention to apply thoughtful site design criteria in order to ensure the adjacent residential neighbourhood is fully respected. This process should include consultation with the most affected neighbours. The following Plan Winnipeg policy will be addressed ONLY if the parking lot is designed as a transition area between the Portage Avenue commercial properties and the residences north of the public lane.

> 5A-13 Protect Existing Neighbourhoods
>
> The City shall evaluate new development to protect existing neighbourhoods from unacceptable economic, environmental, or social impacts.

The subject property is located north of the public lane behind a Portage Avenue strip of commercial activity. The site has been vacant for several years and, upon site inspection, appears to have been subject to inadequate maintenance, unsightly storage and litter. The owner of Knee Lake Resort proposes to develop a parking lot on the site. It would be used by Knee Lake Resort during regular business hours and, possibly, by some other adjacent users at other times.

Conversion of Residential Lots to Parking Lots

The City of Winnipeg Zoning By-Law No. 1558, which was in effect prior to current Zoning By-law No. 6400/94, allowed a parking area to be established as a conditional use on a lot that was adjacent to a commercial use. This provision is not included in the current By-law No. 6400/94, presumably to make the conversion of residential lots to parking lots more difficult.

Historically there has been a desire to restrict the conversion of these residentially-zoned properties north of the public lane to commercial uses in order to prevent any encroachment of commercial activity into the adjacent residential area. This policy is important to support and protect these older established neighbourhoods that may be adversely affected. Having said that, there are existing situations where the lack of parking and vacant or run down properties are also detrimental to the adjacent neighbourhoods.

Uniqueness of the Situation

In this case, the adjacent property to the west has been fully developed into a parking lot to serve the Legion. The property directly opposite the site on King Edward Street accommodates a shop for the service and repair of fire extinguishers and is zoned "C2" Commercial District. The subject property has been a long-standing vacant lot with commercial uses on both the west and east side of it. Although the subject property is zoned "R1-5A" Residential District in this situation, there is little chance that anyone will invest in the lot for the purposes of constructing a single-family residential dwelling.

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Best Use for the Land
The appropriate use for the site is one that is compatible with the adjacent residential use, provides a transition between the Portage Avenue commercial and residential and respects the character of the neighbourhood. A parking lot can be a compatible use under certain conditions, including (1) appropriate buffering from the residences; (2) adherence to site design guidelines for safety with respect to building location, landscaping materials, lighting and fencing, and; (3) assurance the site will be maintained to standards acceptable by the neighbouring residents. The first two concerns can be addressed through the design of the site.

It is the opinion of Planning and Land Use Division of the Planning, Property and Development Department, that the careful development of a parking lot at this location may be an asset to the neighbourhood for two main reasons:

1. An additional 18 parking stalls in this area will take some pressure off the parking shortage experienced by businesses in this area of Portage Avenue.

2. The vacant lot as it currently exists is a detriment to the neighbourhood. A few accounts from neighbours indicate the lot is usually overgrown with weeds, the shed has been broken into and slept in and garbage and other rubble has been dumped onto the site over the years. Development that is sensitive to the neighbourhood will be a significant improvement.

Site Design
Safety is an issue. The lot does not have the advantage of any 'eyes on the street' and is located to the rear of the solid walls of the Portage Avenue commercial buildings. Any structures, lighting, landscaping or fencing should be designed to minimize any potential unwanted activity on the site. Designing the site for safety would involve the elimination of potential darkened areas and hiding spots.

The site design that originally accompanied this application is not acceptable to the Planning and Land Use Division due to the lack of attention to safety-oriented design and the need for a buffer zone to the residential neighbour. Following discussions with the applicant a new site design was produced that better satisfies some of these concerns. (The revised site plan would require a further variance application that could go forward to the Board of Adjustment at a future date). Some criteria to consider in the final Plan Approval include:

a) Existing mature trees should be maintained, where possible;
b) The 20 foot King Edward Street residential front yard alignment should be maintained for the entire width of the parking lot;
c) The 20-foot front yard should contain landscaping;
d) There should be low light-proof fencing and a low lying hedge 20 feet west of the front property line to screen parking stalls;
e) There should be a landscaped area and fence along the entire north property line, except for the garage location and 20-foot front yard, to buffer parking lot activity from the adjacent residence;
f) Any parking stalls designated for 'staff use' or other less frequent users should be located on the north portion of the parking lot to minimize impact on the adjacent resident.;
g) The garage (24 feet by 24 feet) should be located in the northwest corner of the property similar to the garage location of residential lots further north down the public lane.

Unfortunately, there was no communication between the developer of the subject property and the immediate neighbours who have expressed concern about this lack of consultation prior to the commencement of some site preparation work on May 30, 2000. The Planning and Land Use Division recommended that any approval of the rezoning should be subject to Plan Approval to ensure any future site re-development remains compatible with the above criteria and that the change-of-use variance should also require Plan Approval to ensure the initial plan is appropriate. This will give the applicant / owner time to consult with the neighbours in a meaningful way.

A Public Hearing was held before the Assiniboia Community Committee on June 13, 2000. Two persons appeared in support of the application, and two persons registered in opposition thereto.

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

1. The proposal is an improvement to the vacant lot that has existed for several years.

Report of the Standing Policy Committee on Property and Development dated June 27, 2000

2. The proposed parking lot aids the existing parking problem in the area, attributed to the business activity on Portage Avenue, as it will provide parking for a number of cars that park on the street.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia 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 215/2000 dated June 6, 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 apply to the subject land, which agreement shall contain the following conditions:

1. That the property shall only be used for a parking lot and accessory building (garage) and no other use.

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 Assiniboia Community Committee, and the Chief Administrative Officer or designate under the designations as Schedule "A" to Zoning Agreement DAZ 215/2000, 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. 823 for attachment)

Report of the Standing Policy Committee on Property and Development dated June 27, 2000

Appointment of Government of Canada Representative to the Historical Buildings Committee
File G-3.1 (Vol. 2) and GC-7 (Vol. 30)

799 - 13. The Standing Policy Committee on Property and Development has been advised that Ms Susan Algie and Mr. Bob Coutts have retired as the Parks Canada representatives on the Historical Buildings Committee.

On April 26, 2000, Parks Canada recommended that Ms Linda Seyers, CRM Coordinator, Manitoba Field Unit of Parks Canada be appointed to fill the vacancy left by Ms Susan Algie, and that an alternate representative would be identified over the next few months.

The Standing Policy Committee on Property and Development recommends:

I. That Linda Seyers be appointed as the Member from the Government of Canada to the Historical Buildings Committee.

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 29, 2000

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

Moved by Councillor De Smedt,

That the Consent Agenda, Clauses 1,2,3,4,5 and 6, be adopted.

Carried.

Proposed Renewal of Golf Contract at the John Blumberg Golf Course
File PR-6.2 (Vol. 5)

800 - 1. The Standing Policy Committee on Property and Development has been advised that Ben Smirnov has been providing the services of Golf Professional for the management of Pro Shop operations at the John Blumberg Golf Course for the City of Winnipeg since December 1, 1993. Mr. Smirnov's contract has been successfully renewed on five separate occasions.

On May 22, 1996, Council approved the award of contract to Ben Smirnov Enterprises Ltd. to manage, maintain and operate the John Blumberg Golf Course for the period May 23, 1996 to November 30th, 2000. Under the terms of this contract the City is granted the right to renew the agreement for a further term of three (3) years on the same terms and conditions.

On June 13, 2000, the Administration held preliminary discussions with the Contractor regarding the existing contract and renewal option. Mr. Smirnov has agreed to accept a renewal of this contract.

The Administration is mandated to provide an efficient, effective and fiscally responsible golf services to the public. Ben Smirnov Enterprises Ltd. at the John Blumberg Golf Course has professionally provided this type of service. To date, patrons of this facility have been provided with a high degree of customer service, satisfaction and have experienced excellent playing conditions on the golf course.

Under the terms of the current contract, the Contractor pays the City $235,000.00 per annum plus $1.00 per round played for the course improvement fee. During the past three years, the net operating surplus has amounted to $795,730.00, an increase of $502,310.00 (171%) over the previous three year period (1993 to 1995 - $293,420.00) when civic employees were responsible for the maintenance operation.

For the past four years Ben Smirnov and his staff have provided all service requirements to the mutual satisfaction of the golfing public and the City. During this time, many upgrading and improvement projects have been undertaken by the maintenance staff including: the planting of approximately 300 trees; pathway and drainage improvements; additional sand bunkers have been added; expansion of some of the teeing areas; fertilization, aeration and seeding fairways. The level of playing conditions has improved so dramatically that the "Manitoba Open", the top provincial open golf championships for low handicap amateurs and professional golfers, has been held at the 18-hole course for the past two years.

The Administration has closely monitored this operation since it has been totally contracted out since May 23, 1996, and is convinced that Ben Smirnov and his staff have the necessary experience and dedication to provide excellent golfing opportunities for the public. From a fiscal perspective, the net operating surplus has more than doubled and therefore this type of managerial arrangement for both the Pro shop and maintenance operations is in the best interests of the City of Winnipeg.

The City will continue to receive $235,000.00 per annum, plus $1.00 per round of golf played at the John Blumberg Golf course, estimated to be approximately 65,000 games.

Report of the Standing Policy Committee on Property and Development dated June 29, 2000

The Standing Policy Committee on Property and Development recommends:

I. That the existing contract with Ben Smirnov Enterprises Ltd. for the Pro Shop and maintenance operations at the John Blumberg Golf Course be renewed for a three (3) year period December 1, 2000 to November 30, 2003.

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

Adopted by consent.

Proposed Sale of City-owned Land and Proposed Pathway Easement in favour of the City - land located on the east side of Empress Street, between St. Matthews and Ellice Avenues - Assiniboia Community
File FI-2.4(31) (Vol. 8)

801 - 2. The Standing Policy Committee on Property and Development has been advised that in the late 1940's and early 1950's, the Industrial Development Board of Greater Winnipeg initiated a land development program to encourage "industrial enterprises to move away from downtown congested areas by securing property in the outlying fringe of Greater Winnipeg." The area identified for the program to be located between Strathcona and St. James Streets, running north from St. Matthews to Saskatchewan Avenues.

In order to provide these new industrial sites with the necessary access to railway transportation, the City retained tracks of land to be developed as spur lines between the Canadian Pacific, Canadian National and Midland railways. Joint Party agreements were arranged where the City provided the necessary land and the railways developed, used and maintained the trackage.

Resulting from changes in the type of businesses located in the area and the reliance on trucking instead of rail for transporting and supplying materials to the area, many of these spur lines have ceased to operate over the last number of years, with the subject City-owned property being one such location.

The particulars of the subject City property are as follows:

Owner:	The City of Winnipeg
Location:	East side of Empress Street between St. Matthews and Ellice Avenues
Legal Description:	Parcel B, Plan 5417, DGS 43/44 St. James
Certificate of Title:	359957
Assessment (1995 Base Year):	Total: $17,300.00
Area:	±3,055 square metres (±32,890 square feet)
Zoning:	"PR-1" (Parks & Recreation District)
Property Description:	Vacant land, non-buildable site, formally used as a railway spur line, (all trackage and trestle bridge over Omand's Creek have been removed). Level grade with a gravel base.

In April 1998, the subject property was rezoned from "M2" (Industrial District) to its current zoning of "PR-1" (Parks and Recreation District) in accordance with By-law No. 7212/98. Due to the subject property's proximity to Omand's Creek it was determined to be in the City's best interest to rezone the subject property, thus providing the City a greater level of control of the future development along Omand's Creek. Now should the subject property be sold it will require rezoning to allow for the consolidation and use with the adjacent property. A successful rezoning of the subject property can now be made subject to terms and conditions that would restrict how the proposed purchaser's land adjacent to Omand's Creek can be developed.

Also in 1998 both property owners located adjacent to the subject property advised the Real Estate Division of their interests in acquiring the subject property. The adjacent owner located to the north of the subject City-owned property wished to build an additional retail building on his site, while the adjacent owner located to the south

Report of the Standing Policy Committee on Property and Development dated June 29, 2000

wished to acquire the subject property in order to provide additional parking for his hotel operation, the Polo Park Inn.

In February 2000, the adjacent owner located to the north of the subject property advised that he had just sold his property and that the new owner would be contacting the Planning, Property and Development Department, the Real Estate Division to discuss the matter of acquiring the subject property.

In March 2000, the solicitor for the owner of the Polo Park Inn contacted the Real Estate Division and advised that his client was the purchaser of the adjacent property to the north of the subject property and now wished to negotiate the acquisition of the subject property.

A search at the Manitoba's Corporation Branch has confirmed that the same principle owner, Leo Ledohowski of Hospitality Corporation of Manitoba Inc., now owns both properties adjacent to the subject City-owned property.

Proposed Sale of Subject City Property

Due to the configuration of the subject property, it is considered to be a non-buildable site thus limiting prospective buyers to the adjacent owner, Mr. Ledohowski, to be consolidated with his existing properties. An internal appraisal prepared for the subject property has estimated the market value rate to range between $2.50 and $4.00 per square foot. Mr. Ledohowski has advised that he is prepared to purchase the subject property for the negotiated purchase price of $106,900.00, ($3.25 per square foot).

In consideration of the fact that Mr. Ledohowski is prepared to grant in favour of the City, a 20 metre wide easement across his entire frontage over and adjacent to Omand's Creek for the public use of his proposed pathway, and further that in the past the City has sold abandoned spur track lands in this area at the rate of $2.50 per square foot, the Real Estate Division of the Planning, Property and Development Department is of the opinion that negotiated rate of $3.25 per square foot is acceptable.

The Real Estate Division is also of the opinion that any land dedication or cash in lieu of land dedication that would result from Mr. Ledohowski's rezoning application of the subject property should be waived. The subject property is being sold at a greater per square foot rate than what the City has previously sold abandoned spur line lands zoned "M2" in this area. Therefore, the change in the subject property's value that would result from the rezoning of the land from "PR-1" to "M2" will already be recognized in the sale proceeds of the subject property. A further benefit will be achieved by the City because the proposed pathway, future maintenance of the pathway and the granting of the easement in favor of the City will all be done at no cost or effort to the City.

The Assiniboia Community Committee, various City Departments and the appropriate public utilities have been canvassed to determine if the subject property is surplus to their needs and if there are any objections to the proposed sale of the subject property. All parties have responded that the subject property is surplus to their needs and that there are no objections to sale of the subject property.

Omand's Creek Pathway Easement

Omand's Creek is considered to be an environmentally sensitive area. Therefore the Friends of Omand's Creek, with the support of the City, have been acquiring interests in the lands located along the creek, as they become available. These interests in the lands along Omand's Creek are being acquired in order to preserve or reinstate the natural habitat along the creek, as well as the development of a linear pathway from the Assiniboine River to north of Brookside Cemetery.

Mr. Ledohowski has advised that he intends on doing some development work to his two sites adjacent to the east bank of Omand's Creek located between St. Matthews and Ellice Avenues. On his site located south of the subject property, Mr. Ledohowski plans to add an additional row of parking on the west side of the property, as well, Mr. Ledohowski intends to develop the entire length of the two sites, including the subject property adjacent to the east bank of Omand's Creek, into a park-like setting and a pathway for public use. Mr. Ledohowski has contacted the Friends of Omand's Creek, as he wishes to have their input into the proposed development design of this area.

Mr. Ledohowski further advised that the development of the area will be done at no cost to the City and that he is prepared to be responsible for the ongoing maintenance of this area. Mr. Ledohowski believes that the development of this area of Omand's Creek will enhance the visual appeal of his two properties as well as benefit the public by making the pathway along Omand's Creek contiguous from Bluestem Park to Sargent Avenue, (the new Wal-Mart site).

Report of the Standing Policy Committee on Property and Development dated June 29, 2000

After several discussions with Mr. Ledohowski, he has agreed to grant in favour of the City, a 20 metre wide easement over his lands, outlined as "proposed easement area" Misc. Plan No. 10222/4, for the use of the proposed pathway, in accordance with the proposed terms and conditions as negotiated.

It should also be noted that Mr. Ledohowski's planned additional row of parking will be located within the easement area, however, consideration will be given to the pathway requirements and the development of the additional parking will be subject to all applicable Acts, By-laws and Regulations of the day.

The proposed terms and conditions of a Pathway Easement Agreement can be approved by the Director of Planning, Property and Development under the delegation of authority granted by Council to the Director on December 17, 1993 (By-law No. 7367/99).

In consideration of the above information, the Real Estate Division recommended that at this time, it would be in the City's best interest to declare the subject City-owned property surplus to its needs and to sell the same to the adjacent owner; also, to enter into an easement agreement in favor of the City for the use of the proposed pathway.

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

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

The Standing Policy Committee on Property and Development recommends:

I. The "subject City property" as outlined on Misc. Plan No. 10222/4, be declared surplus to the City's land requirements and be made available for sale to the adjacent property owner.

II. The proposed sale of the "subject City property", as outlined on Misc. Plan No. 10222/4, be approved at the negotiated sale price of $106,900.00, plus a 20 metre wide pathway easement, in accordance with the proposed terms and conditions as negotiated.

III. That it be understood that the future development of the proposed public pathway along Omand's Creek not be compromised.

IV. 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 Sale of City-owned Property on Pritchard, Alfred and Manitoba Avenues - Winnipeg Habitant for Humanity - Lord Selkirk-West Kildonan Community
File FI-2.4(34) (Vol. 8)

802 - 3. The Standing Policy Committee on Property and Development has been advised that Winnipeg Habitat for Humanity has requested to purchase certain properties in order to build new homes in connection with its Ed Schreyer Work Project in the year 2001.

Winnipeg Habitat for Humanity advised, by way of communication dated June 20, 2000, that it requires a commitment that eight to ten vacant properties be available for the Ed Schreyer Work Project for construction in July 2001.

Report of the Standing Policy Committee on Property and Development dated June 29, 2000

All of the properties being considered by Winnipeg Habitat for Humanity were acquired by the City through the tax sale process. All of the properties are fully serviced and are suitable for residential development.

Two of the properties that Winnipeg Habitat for Humanity has identified are currently listed with Century 21, Carrie Realty, and hence are available immediately. The remaining properties will require circularization to various Civic Departments, utilities and the Lord Selkirk-West Kildonan Community Committee in order to confirm availability.

Winnipeg Habitat for Humanity has requested the City to deal with this request immediately so that it can make a public announcement on July 22, 2000 as to its proposed July 2001 Ed Schreyer Work Project.

The Real Estate Division of the Planning Property and Development Department is supportive of the proposed sale of the properties to Winnipeg Habitat for Humanity for the following reasons:

1. There has been limited market demand of in-fill residential building lots in the area identified.

2. Sale of any or all of the properties would increase the City's realty tax base.

Should the proposed sales not be approved, there is at this time, a high degree of probability that a purchaser other than the applicant will not be found.

Pursuant to the City Policy on sale or lease of City lands to non-profit organizations, any properties sold or leased at less than market value must be approved by the Standing Policy Committee on Property and Development. Acceptance of any Offers to Purchase made by Winnipeg Habitat for Humanity would require Council to waive that part of its Policy pertaining to the sale and lease of City-owned lands to non-profit organizations which requires all properties to revert back to the City at the conclusion of the economic life of the project.

The Standing Policy Committee on Property and Development recommends:

I. That the City Policy pertaining to the sale or lease of City lands to non-profit organizations (Council authority October 31, 1990) which requires that properties sold at less than market value revert back to the City at the conclusion of the economic life of the project, be waived in this instance.

II. That subject to availability, the Director of Planning, Property and Development be authorized to accept offers from Winnipeg Habitat for Humanity to purchase at least five vacant City properties on Alfred Avenue and/or Pritchard Avenue and/or Manitoba Avenue, at a price of $1.00 each in accordance with the City's standard terms and conditions as negotiated, with an additional condition requiring substantial completion of the construction upon each property within two years from the date of sale, failing which, title to the property will revert back to the City.

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

Adopted by consent.

Proposed Leave and License for the Use of a Portion of the Portage Avenue right-of-way for parking purposes - 2108500 Manitoba Ltd. - Assiniboia Community
File ED(31) (Vol. 2)

803 - 4. 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 Leave and License in favour of 2108500 Manitoba Ltd. respecting a portion of the Portage Avenue right-of-way identified on Misc. Plan No. 10931. In general, the City of Winnipeg cannot grant the lease of land comprising of public right-of-way unless by first legally closing same. The City can, however, permit or license the use of a public right-of-way subject to the continuing will of Council.

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The Planning, Property and Development Department, Development and Inspections Division, received a request from ND LEA Engineers & Planners Inc. on behalf of 2108500 Manitoba Ltd. (Alan Borger, Ladco Company Limited, etal.) for permission to establish an accessory parking area encroaching into that portion of the Portage Avenue right-of-way identified on Misc. Plan No. 10931. While the proposed encroachment is not required to ensure compliance with any zoning requirements, extension of the parking area into the subject portion of the Portage Avenue right-of-way is intended to substantially improve vehicle circulation within the adjoining retail development.

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

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 2108500 Manitoba Ltd. is agreeable to are as follows:

Term:	Annual continuing, pending Council approval.
Purpose:	Vehicle parking area to be used in conjunction with the Licensee's adjoining retail development.
Rental:	$320.00 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:	Thirty (30) days notice by either party.
Special Conditions:	In addition to the City's standard terms and conditions of Leave and License, the Licensee shall contact both MTS and 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 Division has considered the $13.00 per square foot (1999) assessment of the applicant's land and finds that to be consistent with a cursory review of land sales in the area. The proposed annual rental of $320.00 has been negotiated on the basis of the previously approved expropriation settlement at 2554 Portage Avenue with 2108500 Manitoba Ltd. (i.e. $15.00 per square foot by 211 square feet = $3,165.00 at 10% = $320.00 per annum, plus an amount equivalent to realty taxes of approximately $120.00). 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 2108500 Manitoba Ltd. be approved to develop and maintain a vehicle parking area in that portion of the Portage Avenue right-of-way shown shaded and identified as "Leave and License" on Misc. Plan No. 10931, in connection with its adjoining business operation 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 interests.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated June 29, 2000

Proposed Sale of City-owned Property - north side of Manitoba Avenue, west of Aikins Street - Lord Selkirk-West Kildonan Community
File FI-2.4(34) (Vol. 6)

804 - 5. The Standing Policy Committee on Property and Development has been advised that the subject property located on the north side of Manitoba Avenue, west of Aikins Street, was acquired in tax sale in 1998, and the dwelling on it subsequently demolished. The property is fully serviced and no easements are required.

On November 16, 1998, the Standing Policy Committee on Property and Development authorized the subject property to be listed for sale with Century 21, Carrie Realty Ltd., in accordance with the Council approved Residential Sales Program, subject to confirmation by the Administration that the property is not required for any City purpose.

The property was circularized to the appropriate City Departments but no need was identified.

The proposed sale of the property was considered by the Lord Selkirk-West Kildonan Community Committee at its meeting held April 11, 2000. The Community Committee had no objections to the proposal.

Winnipeg Habitat for Humanity has requested to purchase the subject property in order to build, within the next few months, new homes and has now returned a completed Offer to Purchase, particulars of which are, in brief, as follows:

Location:	North side Manitoba Avenue, West of Aikins Street
Legal Description:	Pt. Lot 407, Plan 53
Size:	10.058 metres by 32.873 metres (33 feet by 108 feet. = 3560 square feet)
Zoning:	"R2-T" Two-family Transitional
Roll No.:	12-3-204080
Assessed Value:	$8,100.00
Certificate of Title:	1597396
Applicants:	Winnipeg Habitat for Humanity, 75 Archibald Street
Price Offered:	$1.00
Estimated Market Value:	$4,500.00 (Appraisal not done, however on April 26, 2000, Council approved the sale of a very similar sized property on Manitoba Avenue in close proximity to this site to Winnipeg Habitat for Humanity for $1.00. The property was appraised at $4,500.00)
Purpose:	Construction of a new home.
Property Description:	Vacant land

The Planning, Property and Development Department, Real Estate Division supports the proposed sale of this property as outlined for the following reasons:

1. This is a very difficult location in which to sell a residential building site.
2. There has been little movement in vacant land in this area.
3. The property would be on the tax roll immediately.
4. Should this proposed sale not be approved it is unlikely that a purchaser other than the applicant will be found.

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

Pursuant to the City Policy on sale or lease of City lands to non-profit organizations, any properties sold or leased at less than market value must be approved by the Standing Policy Committee on Property and Development as successor to the Committee on Finance and Administration.

Acceptance of the Offer to Purchase made by Habitat for Humanity will have to be subject to Council in this instance waiving that part of its policy for sale and leases of City-owned lands to non-profit organizations which requires all properties to revert back to the City at the conclusion of the economic life of the project.

Report of the Standing Policy Committee on Property and Development dated June 29, 2000

The Standing Policy Committee on Property and Development recommends:

I. That the portion of the City Policy on sale or lease of City lands to non-profit organizations (Council authority October 31, 1990) which requires that properties sold at less than market value revert back to the City at the conclusion of the economic life of the project, be waived in this instance.

II. That Winnipeg Habitat for Humanity's Offer to Purchase the "subject City property" as outlined on Misc. Plan No. 10523, at a price of $1.00, be accepted in accordance with the terms and conditions as negotiated, with an additional condition requiring substantial completion of the construction upon each property within two years from the date of sale, failing which, title to the property will revert back to the City.

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

Adopted by consent.

Transfer of Surplus City Properties to CentreVenture Corporation - properties located on the west side of Main Street - Lord Selkirk-West Kildonan Community
File FI-2.4(34)(Vol. 6)
[c/r EP-1.2.3.(Vol. 2)]

805 - 6. Council, on November 17, 1999, approved an Asset Agreement between The City of Winnipeg and CentreVenture Development Corporation, which Asset Agreement outlines four categories of City-owned properties, namely:

Category A: City-owned Properties declared surplus
Category B: City-owned Properties in the process of being declared surplus
Category C: City-owned Properties currently in negotiation and/or subject to outstanding instructions
Category D: City-owned Properties that may be declared surplus following the implementation of capital programs.

The Asset Agreement dated November 17, 1999, provides that the City agrees to provide in writing without delay, revised Schedules "A" through "D" inclusive whenever there is a change to the contents of such Schedules, or any one of them.

On October 20, 1999, Council declared the following properties as surplus to the City's requirements, subject to confirmation pursuant to a canvass of City Departments, namely:

1. West side of Main Street, south of Logan Avenue (Lot 47, Plan 32065)
2. 646 Main Street
3. West side of Main Street, between Logan and Henry Avenues (Lot 28, Plan 32092)
4. 686 Main Street
5. 692 Main Street
6. West side of Main Street, north of Higgins Avenue (Lots 1 and 2, Plan 133)
7. West side of Main Street, north of Higgins Avenue (Lot 3, Plan 133)
8. 682 Main Street

On June 29, 2000, the Standing Policy Committee on Property and Development received as information advice from the Planning, Property and Development Department that the above mentioned properties were circularized to other City Departments on November 3, 1999. No City Department expressed interest in these properties. The Planning, Property and Development Department therefore advised that it was appropriate that these eight (8) properties be transferred from Category "B" (City-owned properties in process of being declared surplus) into Category "A" (City-owned properties declared surplus) of the Asset Agreement.

The Standing Policy Committee on Property and Development submits the matter to Council for information.

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JULY 18, 2000

On motion of Councillor De Smedt, the rule was suspended and the Report of the Standing Policy Committee on Property and Development, dated July 18, 2000, was considered clause by clause.

Heritage Conservation Tax Credit - Adaptive Re-Use of the former Portage Village Inn property - 305/311 Portage Avenue - A & B Sound Ltd.
File G-3.1.5 (Vol. 2)

806 - 1. The Standing Policy Committee on Property and Development has been advised that A & B Sound Ltd. has requested a Heritage Conservation Tax Credit for 305/311 Portage Avenue for up to 50% of their eligible costs to convert the former Portage Village Inn into a retail facility.

On February 25, 1998, Council passed the Heritage Conservation Tax Credit By-law No. 7155/98, by which owners and long-term tenants who do a minimum of $10,000.00 in authorized capital work on City-designated historical structures may be eligible for a municipal tax credit of up to 50% of the net private investment made in their projects. This credit may be used over a maximum 10-year period to reduce City property, business and/or amusement taxes applicable to the structure and its site. Council retained sole responsibility for authorizing or rejecting proposed projects.

On July 22, 1998, Council authorized the acquisition of the former Portage Village Inn property at 305/311 Portage Avenue. The property was secured and remained vacant.

On February 22, 1999, the City received an offer from 552861 Alberta Ltd. to purchase the property for use as a retail electronic, computer and automotive installation store, operating under the name of "A & B Sound". The purchaser indicated its intent to utilize the Heritage Conservation Tax Credit Program in the financing of its proposed development.

On March 24, 1999, Council declared the property at 305/311 Portage Avenue as surplus to the City requirements, and authorized its sale to 552861 Alberta Ltd.

The Project

A & B Sound Ltd. purchased 305/311 Portage Avenue and rehabilitated the two-storey building into an exciting retail space. What was once a dark Portage Avenue hotel and bar has been transformed into a bright and cheery orange and purple building. The owners have invested close to $2.5 million to open up their 23,000 square-foot business in an area that is bordered by massive vacant buildings such as Eaton's, and the Capitol and Metropolitan Theatres. A & B Sound has created a hub for recorded music sales with CD Plus, Wild Planet and Music Baron, all within walking distance.

Conformity with the Heritage Conservation Tax Credit By-law

This heritage tax credit initiative is an innovative, three-year pilot program to stimulate strategic capital investment in the preservation and re-use of historical structures in Winnipeg.

The program is intended to assist a limited number of structures and projects that will increase property assessment values, and fulfill functions not likely to be displaced from other parts of the city. The value of an approved tax credit may be up to 50% of the net private investment made in eligible work. This credit may be used at a recipient's discretion over a maximum 10-year period to reduce the property, business and in specific circumstances, the amusement tax levied by the City on the structure and its site.

A & B Sound Limited will be spending $2.5 million to rehabilitate the former Portage Village Inn. The applicant is requesting 50% of the net private investment made in approved costs (i.e., the amount of investment exclusive of any other government grants or rebates, including any provincial sales tax or federal goods and services tax refunds or

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credits recipients may be eligible for, regardless of whether they have applied for or received those entitlements). A review by the designated officer of the project costs established that total eligible work will amount to $1,670,000.00, resulting in A & B Sound being eligible for a tax credit of up to $835,000.00 for use over a ten-year period, to be applied to their property and business taxes at this site.

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

a) The rehabilitation of this building will generate substantial increases in the assessed value of the property.
b) The redevelopment of this property will increase interest to redevelop underutilized surrounding properties resulting in an increase to their assessed values.
c) The proposed use of the property will not displace any function now found in the suburbs.
d) This project serves as an excellent example of the necessity to have responsive incentives to encourage the re-use of vacant and underutilized buildings.

A copy of the Financial Impact Sheet in on file in City Clerk's Department.

The Standing Policy Committee on Property and Development recommends:

I. That the City enter into an agreement with A & B Sound Ltd., to provide a heritage conservation tax credit of up to $835,000.00 to be used over a ten-year period (for the years 2000 to 2009 inclusive), for the adaptive re-use of the former Portage Village Inn property at 305/311 Portage Avenue, pursuant to the criteria and regulations set out in the Heritage Conservation Tax Credit By-law.

II. That the necessary funds be budgeted for in the 2000 to 2009 Current Budgets as a line item to cover the heritage conservation tax credit to A & B Sound Ltd.

III. That the Proper Officers of the City be authorized to do all things necessary to implement and accommodate the intent of the foregoing, including finalizing and arranging for execution of all agreements and documents.

Moved by Councillor De Smedt,
Adoption of the clause.

Carried.

Delegation of Authority to Chief Administrative Officer - Assignment of Routine Leases File GC-11 (Vol. 7)

807 - 2. The Standing Policy Committee on Property and Development has been advised that the Legal Services Division of the Corporation Services Department advised the Director of Planning, Property and Development that he was not properly delegated authority to approve routine assignments of leases.

In October 1996, the Real Estate Division of the former Land and Development Services Department received a request from Robert Chyc requesting the City to consent to an assignment of lease. The Department submitted an administrative report recommending that the former Committee on Finance and Administration (1) approve the assignment of lease and (2) request the (former) Committee on Finance and Administration to consider delegating authority for routine assignments of leases of City-owned properties to the Director of Land and Development Services.

On October 28, 1996, the former Committee on Finance and Administration concurred in the recommendation to approve the Assignment of Lease and to delegate authority to the Director of Land and Development Services to approve routine assignment of leases of City-owned land in the future.

Further investigation into the matter revealed that Council did not consider this recommendation. Therefore, the Director was not properly delegated authority to approve routine assignments of leases. The Legal Services Division advised that in order to reflect the requirements of The City of Winnipeg Act and the City Organization By-law No. 7100/97 such delegation must be made by Council through the Chief Administrative Officer.

Report of the Standing Policy Committee on Property and Development dated July 18, 2000

Therefore, the Planning Property and Development Department has recommended that Council delegate authority for the routine assignments of leases of City-owned properties to the Chief Administrative Officer, or her designate, and ratify and confirm any such routine assignments that have been made previous hereto.

There are no financial implications associated with the foregoing administrative recommendation.

The Standing Policy Committee on Property and Development recommends:

I. That Council delegate to the Chief Administrative Officer, or her designate, the authority to approve the routine assignment of leases of City-owned properties.

II. That Council ratify and confirm any such routine assignments that have been made previous hereto.

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.

Moved by Councillor De Smedt,
Adoption of the clause.

Carried.

1200 Wilkes Avenue - Tax Sale No. 100-78 - land located on the south side of Wilkes Avenue between Kenaston Boulevard and Griffin Street - Assiniboia Community
File FI-2(31) (Vol. 4)

808 - 3. On June 21, 2000, Council adopted the following recommendations of its Standing Policy Committee on Property and Development, as amended by Executive Policy Committee recommendations, namely:

I. That subject to 1200 Wilkes Avenue Ltd. making full payment of all outstanding realty taxes, (including penalties, interest and WLTO fees) owing for 1200 Wilkes Avenue, inclusive of year 2000 taxes, and effecting the redemption of the property from Tax Sale No. 100-78 on or before July 31, 2000, subject to the City not being liable for any other costs after June 30, 2000, that the City's acquisition of the land required (5.39 acres) for the "proposed road opening" as outlined on Misc Plan No. ASBA 9286, be approved, at the price of $134,700.00 and in accordance with the terms and conditions as negotiated, with the Date of Adjustment to be April 30, 1997.

II. That the City set off against the costs owing to 1200 Wilkes Avenue Ltd. the exact amount, without duplication of penalties, WLTO fees and interest accrued and paid to redeem the property from the Tax Sale 100-78.

III. That acceptance of the proposal of settlement be subject to 1200 Wilkes Avenue Ltd. executing a general waiver and release in a form acceptable to the City Solicitor/Manager of Legal Services as to any claims it believes it may have against the City relative to this property.

IV. That in the event 1200 Wilkes Avenue Ltd. fails to meet its obligations with respect to facilitating and effecting the intent of the within recommendations within thirty (30) days from the date of Council approval, the approval of Recommendation Nos. I, II and VI. be automatically rescinded and the City Solicitor/Manager of Legal Services be authorized to proceed to take title to the property pursuant to the tax sale process.

V. That the Proper Officers of the City be authorized to do all things necessary to implement and effect the intent of the foregoing, including the execution of any documents related thereto in a form satisfactory to the City Solicitor/Manager of Legal Services.

On July 10, 2000, Patrick Hamilton of Royal LePage Stevenson and Company, on behalf of 1200 Wilkes Avenue Ltd., advised that additional time would be required in order to close this transaction. The company was apparently waiting for the results of a conditional use application.

Report of the Standing Policy Committee on Property and Development dated July 18, 2000

Details of the subject property are as follows:

Location:	South side of Wilkes Avenue, east of Kenaston Boulevard
Legal Description:	Pt OTM Lots 57/59 St. Boniface W of Plan 374
Owner:	1200 Wilkes Avenue Ltd.
Principles:	Jeoffrey R. Chipman, Kenneth Powell, Jim Orzechowski
Certificate of Title:	1050847 & 1050859
Zoning:	"M2" Industrial
Total Site Size:	23.56 ha (58.21 acres)
Part Required for Proposed Road Opening:	2.181 ha (5.39 acres)
Assessment:	Total Land: $757,000.00 (1999)
Property Description:	Vacant land

The proposed resolve of this matter as reported on May 30, 2000 was supported by the Real Estate Division of the Planning, Property and Development Department, for the following reasons:

1. If title to the lands was to transfer to the City in tax sale, the City would be responsible for all costs associated to the future maintenance of these lands until such time the lands were disposed.

2. The risk and exposure to litigation and a court review of the City's development parameters was reduced.

3. The risk of litigation in event the owners determine to test if or not the City should be liable to pay punitive damages as a result of the impact of the proposed road opening configuration was reduced.

4. This position was further supported to some degree by the position taken by Council in its prior approval which recommended that the Planning, Property and Development Department attempt to have the Winnipeg Land Titles Office fees waived and in the event the Department was not successful, to compensate 1200 Wilkes Avenue Ltd. with one-half of the WLTO charges.

The Planning, Property and Development Department noted that in view of the protracted negotiation dating back to 1997, the Department also recommended that the proposal be subject to the proviso that in the event that the owners do not finalize the necessary documentation to effect the intent of the within recommendations, that the City Solicitor/Manager of Legal Services be instructed to proceed to finalize the tax sale proceedings and take title to the lands accordingly. (As outlined in Recommendation IV. of the Report of the Standing Policy Committee on Property and Development dated May 30, 2000, as amended by Executive Policy Committee recommendation and adopted by Council on June 21, 2000.)

Because the proposed transaction is believed to be in the best interest of both parties, the Planning, Property and Development Department is anxious to see the matter resolved. Therefore, the Department supported the request for an amendment of the closing date from July 31, 2000 to September 15, 2000, subject to all other recommendations as adopted by Council on June 21, 2000 and provided for within remaining in tact.

There is no financial implication as a result of the above administrative recommendations.

The Standing Policy Committee on Property and Development recommends:

I. That the Council decision of June 21, 2000, with respect to the City's acquisition of the land required (5.39 acres) for the "proposed road opening" as outlined on Misc. Plan No. ASBA 9286, be amended to provide that the closing date be amended from July 31, 2000 to September 15, 2000, for the finalization of all transactions associated to 1200 Wilkes Avenue Ltd. making full payment of all outstanding realty taxes, (including penalties, interest and WLTO fees) owing for 1200 Wilkes Avenue, inclusive of year 2000 taxes, and effecting the redemption of the property from Tax Sale No. 100-78 before June 30, 2000.

II. That subject to approval of Recommendation No.I, the City Solicitor/Manager of Legal Services be instructed to defer taking title to the property pursuant to tax sale as provided for under Recommendation IV. of the Report of the Standing Policy Committee on Property and Development dated May 30, 2000, as amended by Executive Policy Committee recommendation and adopted by Council on June 21, 2000, until after the amended closing date (September 15, 2000).

Report of the Standing Policy Committee on Property and Development dated July 18, 2000

III. That the Proper Officers of the City be authorized to do all things necessary to implement and effect the intent of the foregoing, including the execution of any documents related thereto in a form satisfactory to the City Solicitor/Manager of Legal Services.

Moved by Councillor De Smedt,
Adoption of the clause.

Carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

809 - On motion of Councillor De Smedt, By-law No. 7637/2000, a by-law of The City of Winnipeg to approve a Secondary Plan for the Old Kildonan area and to determine the boundaries of that area, was read a first time. File EP-1.2 (Vol. 5)

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. 7658/2000, a by-law of The City of Winnipeg to amend By-law No. 7058/97 being a by-law 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 south of McGillivray Boulevard north of Chevrier Boulevard east of Dovercourt Drive in the Assiniboia Community.
File DASZ 6/97

By-law No. 7659/2000, 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 2151 Henderson Highway in the East Kildonan-Transcona Community. File DAZ 207/2000

By-law No. 7660/2000, 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 156 Scott Street in the City Centre Community. File DAZ 212/2000

By-law No. 7661/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 2731 and 2795 Main Street in the Lord Selkirk-West Kildonan Community.
File DASZ 5/2000

By-law No. 7662/2000, 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 480 Balmoral Street in the City Centre Community. File DAZ 239/99

By-law No. 7663/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the east side of Eaglemere Drive, south of Crozier Avenue in the East Kildonan-Transcona Community. File DASZ 1/93

By-law No. 7664/2000, 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 west side of King Edward Street north of Portage Avenue in the Assiniboia Community.
File DAZ 215/2000

Standing Policy Committee on Property and Development - Consideration of By-laws (continued)

By-law No. 7665/2000, 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 Bard Boulevard between Shaftesbury Boulevard and Holland Boulevard in the Assiniboia Community. File DASZ 4/2000

By-law No. 7666/2000, 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 561 St. Anne's Road in the Riel Community. File DAZ 211/2000

By-law No. 7667/2000, 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 southeast corner of Meadowood Drive and Dakota Street in the Riel Community. File DAZ 205/2000

By-law No. 7668/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the east side of rue Youville, north of Place Georges Forest in the Riel Community. File DASZ 25/99

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

810 - Councillor Vandal requested an explanation as to the reason for the delay in the demolition of the Canada Packers building; Councillor De Smedt took the question under advisement.