REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 29, 2000

On motion of Councillor De Smedt, Clause 5 of the Report of the Standing Policy Committee on Property and Development, dated February 29, 2000, was considered.

Moved by Councillor De Smedt,
That the Consent Agenda, Clause 5, be adopted.

Carried.

Extension of Time - Proposed Subdivision and Rezoning - land located on the south side of Sigma Avenue between Brady Road, Cloverwood Road, and the east and west of Roseglen Crescent - Assiniboia Community
File DASZ 14/96

512 - 5. The Standing Policy Committee on Property and Development has been advised that the applicant, Qualico Developments (Winnipeg) Ltd., 30 Speers Road, Winnipeg, has advised the Planning, Property and Development Department that in October of 1997, Qualico Developments (Winnipeg) Ltd. purchased the subject lands from the original applicant, Cairns Developers; thereby assuming all of the obligations relating to the subject application.

In March of 1997, upon finalization of the Community Club site in the Whyte Ridge area, Cairns Developers initiated discussion with the former Parks and Recreation Department of the City of Winnipeg regarding a potential land exchange for the Roseglen Park area and lands east of Cloverwood Road and on Sigma Avenue, abutting the Community Centre lands. Negotiations ensued and on September 22, 1998, Qualico Developments (Winnipeg) Ltd. was advised that Council had approved the land exchange and a first draft of the Land Exchange Agreement was prepared. The final Land Exchange Agreement was executed in September 1999, and the actual registration of the transfers relating to the land exchange was finalized on December 1, 1999. Therefore Qualico Developments (Winnipeg) Ltd. is now requesting a two year extension of time to complete the subject rezoning and subdivision application.

On January 29, 1997, Council adopted Clause 8 of the Report of the former Committee on Planning and Community Services dated January 10, 1997, which approved the subject subdivision and rezoning to an “R1-4" Single-Family District and an “R1-6" Single-Family District, as outlined on Schedule “A” dated February 1, 2000, to allow for the construction of single-family dwellings subject to the execution of a Development Agreement and a Zoning Agreement.

Recommendation VIII. of the said Clause stipulates:

> VIII. 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.

The by-law has not been enacted and the twenty-four (24) month time limit expired on January 29, 1999.

The Administration has reviewed the applicant’s request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City’s interests remain secured and circumstances lending to the original approval are unchanged.

On February 15, 2000, the Assiniboia Community Committee concurred in the recommendation contained in report dated February 1, 2000, from the Subdivision Officer, Planning, Property and Development Department, as set out below.

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

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

I. That an extension of time to March 1, 2002, be granted to provide for the enactment of the necessary subdivision and rezoning by-law under File DASZ 14/96.

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

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED APRIL 4, 2000

On motion of Councillor De Smedt, the Report of the Standing Policy Committee on Property and Development, dated April 4, 2000, was considered clause by clause.

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

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

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

Seine River Greenway Study - Report of the Seine River Task Force
File PR-4.4 (Vol. 4)

513 - 1. Council, on July 16, 1980, adopted the following recommendations with respect to the Seine River Park Study, namely:

1. That the Seine River Park-Waterway concept, as shown on PC 1 to PC 12, be adopted as a long term objective of The City of Winnipeg.

2. That a Seine River Implementation Task Force be established to prepare a Five Year Budget for implementation toward the Park-Waterway objective and to update the Five Year Capital Budget annually, subject to approval of the Capital Estimates.

On January 19, 1983, Council adopted the recommendations of a September 25, 1981 report titled "The Seine River Parkway Study - Review of Concept Feasibility by the Parks and Recreation Department". The report modified the 1980 Council approved parks concept to that of a linear park - waterway strategy, with development comprised of passive parks, recreational areas, and limited access to natural area preserves.

On February 18, 1993, the Riverbank Management Committee requested that the Seine River Parkway System be reviewed and update for report back to the Riverbank Management Committee.

On March 4, 1993, the former Commissioner of Protection, Parks and Culture requested that a Seine River Task Force be re-established and charged with the task of reviewing and updating the Seine River Parkway Study, including the preparation of an annual five year capital budget and consideration of an associated operating budget.

In December 1993, the former Board of Commissioners approved the Seine River Task Force and a budgetary provision of $85,000.00 to undertake an extensive study of the Seine River within the City limits.

The Seine River serves as a significant land drainage feature for much of the City's southeastern quadrant. The Flood of 1997 again reminded Winnipeggers of how costly it is to manage such disasters in the floodplain.

The combined effects of flood diversion projects, agricultural drainage and urbanization have altered the natural hydrology of the Seine River and its watershed. Subsequently, the river has been impacted by the water management techniques used to regulate the flow of the river and the introduction of roads, bridges and land drainage systems associated with urban development. Despite these influences, the river manages to maintain a sense of history, natural beauty and resilience that is deserving of our community's care, nurturing and pride.

The previous (1980) Seine River Parkway Study was successfully from the perspective that it initiated the critical land acquisition necessary for the Seine to function as a regional land drainage feature. However, that study has failed to initiate any action with regard to other areas supported by Plan Winnipeg Policy, including protection, conservation and enhancement of the Seine River. Fortunately, the extent of the City-owned property adjoining the Seine River now provides an opportunity to readdress those shortcomings.

Report of the Standing Policy Committee on Property and Development dated April 4, 2000

It is within this diverse context that the Seine River Task Force was reconvened during the winter of 1994. The Seine River must have responsible management practices articulated to prevent exploitation, destruction and neglect of the valued resource for both present and future generations.

The overall goal of the Task Force was to reach consensus among competing interests on how best to manage, protect and enhance this valuable natural waterway resource. The strategy of the Task Force was therefore a multi-disciplinary, inter-agency team approach focusing on:

1. Identification of the dominant elements and systems both natural and jurisdictional, that comprise the impact on the Seine River.

2. Obtaining qualified professional / governmental expertise and experience to determine the physical health of the various landscape systems, and to clarify the roles and responsibilities of the various administrative jurisdictions.

3. Involvement of a citizen advisory group, key stakeholders, associated governmental jurisdictions, political representatives and the general public, for the preparation of this study.

The Seine River Task Force has undertaken a comprehensive bio-physical and built environment inventories and analysis. This was supplemented by a comprehensive public participation and consultation process, that is documented within Chapter 3 of the Seine River Greenway Study. In addition, seven politically appointed "Seine River Advisors" volunteered considerable time and effort helping to guide the work of the Task Force over a three-year period. The Save Our Seine River Environment Group Inc. (SOS) have also provided leadership and community-based action in support of the Study.

Four significant component sub-studies were prepared by the Task Force, including:

1. The Seine Riverbank Stability Characterization Study which identified key geotechnical riverbank conditions that enable more knowledgeable riverbank management decisions.

2. The Hydrology and Hydraulic Modelling of Flows and Levels of the Seine River which identifies the reasons and potential management solutions for water supply shortages.

3. The Assessment of Vegetation and Wildlife Habitat Quality for the Seine River Parkway which identifies ecologically significant areas of wildlife habitat and riverbank vegetation to preserve and protect.

4. The Seine River Corridor Interpretive Study which identifies heritage and cultural resources to be recognized and revitalized.

As a result of the comprehensive participatory planning exercise, the Task Force has also identified community goals and recreational issues while including this information on the Land Based Information System (LBIS) to ensure the future usability and retrievability of this digital data.

The Study and its component sub-studies form a comprehensive guide for future planning and decision making within the Seine River Corridor. It has served to initiate alliances between unlikely partners, including public sector planners, conservationists, recreationists, as well as developers and their consultants. Developers now have access to detailed information concerning property along the Seine River on which to base their decisions regarding the site opportunities, constraints and potential.

Since the 1980 Study, various properties have been acquired over the years through purchase or land dedication as opportunities become available. However, to date, little capital funding by the City has been made available for the development of the Greenway for public use.

Unlike the 1980 Study where the estimated capital development cost was $15 Million (1978 costs) with a $1.58 Million (1978 costs) annual operations and maintenance requirement, the Seine River Task Force has taken a "less is more" approach to the development strategy. The Task Force is recommending the protection of what is good about the corridor, restoring what has been damaged, promoting pedestrian and wildlife linkages throughout, while minimizing capital outlays and the need for property acquisition.

Report of the Standing Policy Committee on Property and Development dated April 4, 2000

The administrative report dated March 6, 2000, with respect to the Seine River Greenway Study, submitted to the Riverbank Management Committee, did not recommend that specific capital or current budget funds be allocated.

However, a capital estimate and associated operating and maintenance budget implications have been included for information purposes. As such, there is no financial impact.

On March 16, 2000, the Riverbank Management Committee considered the aforesaid administrative report dated March 6, 2000, from the Manager of Planning and Land Use, Planning Property and Development Department, and concurred in the recommendations contained therein and as set out below.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Riverbank Management Committee, as amended, and recommends:

I. That the Seine River Greenway Study be received as information.

II. That the Vision and Principles of the Seine River Greenway Study, as outlined on Appendix "A", be approved.

III. That the Seine River Greenway Concept development framework plan, as outlined on Appendix "B", be approved.

IV. That the Planning, Property and Development Department be directed to develop a Five-Year Implementation Strategy for the Seine River Greenway, and report back to the Standing Policy Committee on Property and Development for approval.

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

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

Adopted by consent.

(See Minute No. 558 for attachments)

Proposed Closing of part of Hillock Avenue, west of McPhillips Street - Lord Selkirk-West Kildonan Community
File DAC 2/2000

514 - 2. The Standing Policy Committee on Property and Development has been advised that in August 1999, Greg Chaykowski, the Manitoba District Manager for Robin's Food Inc., applied to the Real Estate Division of the Planning, Property and Development Department to either purchase or lease a portion of Hillock Avenue adjacent to the existing Robin's Donuts building. Robin's Donuts has plans to install a drive-through service in the west side of its building and requires the property to allow a "stacking lane" to accommodate vehicles using the window. A drawing showing the drive-through window and stacking lane is outlined on Schedule "B".

Following discussions with the Real Estate Division, Greg Chaykowski decided to pursue the option of leasing the required land. As the property is a public right-of-way, the matter was referred to the Zoning and Permits Branch for approval of the encroachment.

The proposal was circulated to all affected City Departments and public utilities. The Transportation Division of the Public Works Department advised that the lease of the land for its intended purpose was contrary to departmental policy. The proliferation of drive-through windows over the years has raised concerns about traffic issues, and the Public Works Department is opposed to stacking lanes being situated on public rights-of-way.

On November 25, 1999, the Standing Policy Committee on Property and Development instructed the Planning, Property and Development Department to enter into discussions with all affected parties to determine if a mutually acceptable agreement could be negotiated, relative to the application from Robin's Foods Inc., for a leave and license agreement or a street closure and sale at the subject property.

Report of the Standing Policy Committee on Property and Development dated April 4, 2000

Robin's Foods Inc. leases the land occupied by its building. As the lessee, Robin's Foods may not enter into any agreements with the City. In January 2000, Greg Chaykowski advised the Real Estate Division that the owners of the property had confirmed that they would be willing to discuss the purchase of the portion of Hillock Avenue identified as "proposed closing" on Schedule "A" and applied to have the street closed.

The proposed closing and sale of this street has been reviewed by all affected City Departments and public utilities. The Transportation Division of the Public Works Department advised that:

1. Upon closure of the street, the proposed use as a stacking lane will meet its requirements that all such lanes not be situated on public rights-of-way.

2. That maximum allowable width of the closure is 3.30 metres, due to the requirement to maintain a minimum boulevard of 3.00 metres for snow storage.

The Water and Waste Department is opposed to the sale of the street. The Department feels that the west end feedermain line in the portion of the street proposed to be closed is too significant a plant to surrender ownership of the land. The Department advised that it will allow the proposed use of the street by way of a lease, subject to the applicant providing an engineering study that will confirm that the proposed use is compatible with the maintenance of the feedermain line. The Department's specific requirements are outlined on Schedule "C".

Winnipeg Hydro will also require perpetual access over the entire width of the closure for the maintenance of its existing overhead and underground distribution plant.

The closure of this portion of Hillock Avenue is contingent on the positive results of the engineering study. If the study determines that the proposed use of the land is incompatible with the future maintenance requirements, the street will not be closed. If the study determines that the proposed use of the land is compatible with the Water and Waste Department's needs, the street will be closed, jurisdiction over the land will be transferred to the Water and Waste Department, and the terms and conditions of a lease will be negotiated with the applicant and the owners of the land.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on March 7, 2000. Seven persons appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed street closing as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing, in accordance with Misc. Plan No.10741/2, as outlined on Schedule "A".

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

Copies of Schedules "B" and "C" are on file in the City Clerk's Department.

Adopted by consent.

(See Minute No. 559 for attachment)

Proposed Subdivision and Rezoning - land located north of Murray Avenue, west of Main Street - Lord Selkirk-West Kildonan Community
File DASZ 19/98 [c/r DAC 18/98]

515 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from U.M.A. Engineering Ltd., 1479 Buffalo Place, 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

Report of the Standing Policy Committee on Property and Development dated April 4, 2000

from a “R1-20" Residential District to a “R1-4" Residential District, to allow for the construction of single-family dwellings and to consider the special rear yard setback along the CPR Winnipeg Beach Subdivision.

The following is the present site description:

Site Area:	Approximately 13.5 acres
Existing Land Use and Zoning:	Vacant; zoned “R1-20"

The following is the present surrounding land use and zoning:

North:	Duplexes; zoned “R2"
South:	Side-by-side dwellings; zoned “RM-1"
East:	Single-family dwellings, vacant; zoned “R1-5" and “R1-20"
West:	Winnipeg Beach rail line, vacant; zoned “A”

The applicant, on behalf of the owner, proposes to subdivide and rezone the subject property in order to establish approximately 84 single-family lots, to be developed in two stages. The first phase, at the north end of the property, includes construction of a roadway extension of Carsdale Drive and a termination of Woodbine Avenue before its intersection with Carsdale Drive. Thirty-four (34) lots are proposed in this phase, most arranged around a bay west of the Carsdale extension. The second phase, further south, includes construction of a second bay off the Carsdale extension, with 50 lots proposed. A portion of the Gateside Street right-of-way (the subject of File DAC 18/98) is to be included in this development.

The subject application has been circulated to the usual administrative representatives for comment and reviewed by Administrative Coordinating Group. The proposed subdivision and rezoning are consistent with adjacent development and provide opportunity for future development of lands located to the immediate east. Issues relating to development at this location include: proximity to the North End Water Pollution Control Centre, proximity to the Winnipeg Beach rail line, and access to the future residential lots via the existing street system.

The subject property is located within the one kilometre development control line which surrounds the treatment facility (as established in August 1985). The City has embarked on an odour control mitigation program for the treatment facility with completion scheduled for 2001. Consistent with Plan Winnipeg (Policy 5C-19, Control Odour), until such time as odour control works are constructed and performance verified, construction of municipal services associated with the proposed subdivision cannot commence. In addition, caveats shall be placed on all lots advising of the presence of the treatment facility and the potential for odour emissions on an occasional basis.

Regarding proximity of proposed lots to the Winnipeg Beach rail line, the applicant is to provide a uniform two metre high fence at the rear of all lots abutting the rail right-of-way. The intent is to address potential safety concerns. As well, in addition to the required 25 foot (7.62 metre) rear yard in the proposed “R1-4" zoning category, the applicant is to provide an additional 25 foot (7.62 metre) setback to any habitable room of any dwelling built in this vicinity. Primary access to this development will be via both Red River Boulevard West and Murray Avenue. The applicant has requested the proposed bays be named Ben Hewak Bay and Discovery Bay; both are included on the Lord Selkirk-West Kildonan Community Street Name Reserve List.

Public Hearings were held before the Lord Selkirk-West Kildonan Community on November 10 and December 15, 1998, June 8, July 6, September 14, October 12 and December 7, 1999, and March 7, 2000. Five persons appeared in support of the application, and forty-one persons registered in opposition thereto, and eighteen persons for information thereon.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed subdivision and rezoning be approved for the following reason:

1. The proposed rezoning is appropriate at the referenced location.

On April 4, 2000, the Standing Policy Committee on Property and Development considered the Report dated March 24, 2000, from the Lord Selkirk-West Kildonan Community Committee, and concurred in the recommendations contained therein, with the following amendments, which have been incorporated into the recommendations as set out below, namely:

Report of the Standing Policy Committee on Property and Development dated April 4, 2000

- That Recommendation I. A. be renumbered I. B.

- That the following be added as Recommendation I. A.

  A. That the plan be amended to extend the Woodbine Avenue right-of-way 15.3 metres (50 feet) in a westerly direction, creating a 15.3 metre wide lot on the north side of the right-of-way.

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

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

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

I. That the plan of subdivision proposed under File DASZ 19/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 19/98 dated March 6, 2000 for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the plan be amended to extend the Woodbine Avenue right-of-way 15.3 metres (50 feet) in a westerly direction, creating a 15.3 metre wide lot on the north side of the right-of-way.

   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 October 28, 1998, and February 18, 2000, with the following amendments to the report dated October 28, 1998:

      1. That the following clause be added:

         2.c) The City shall pay its share of the land drainage trunk facilities subject to the approval of funding therefor by Council.

      2. That Clause 4.a) be amended to read:

         4.a) The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 10m and all related works including but not necessarily limited to land drainage sewers, boulevard landscaping, ornamental street lighting and sidewalks on both sides, in Murray Avenue from Main Street to the CPR Tracks all as determined by and to the satisfaction of the Director of Public Works. The City shall endeavour to recover on behalf of the Developer from the owners of the undeveloped property, when those owners subdivide and/or rezone their land, a proportionate share of the cost of surface improvements installed by the Developer in Murray Avenue as determined by the Director of Public Works.

      3. That Clause 5. be deleted.

      4. That Clause 6. be amended to read:

         6. The Developer shall, at no expense to the City, construct portland cement concrete sidewalks to a width of 1.5m and a thickness of 100mm on one side of Durban Drive between Sunday Drive and Murray Avenue, on the west side of the east and west legs of Danford Drive between Sunday Drive and Murray Avenue, on one side of Carsdale Drive from the terminus of the existing sidewalks south of Red River Boulevard to Woodbine Avenue and on the west side of Carsdale Drive from Woodbine Avenue to Murray Avenue as determined by and to the satisfaction of the Director of Public Works.

      5. That Clauses 8. and 9. be deleted.

Report of the Standing Policy Committee on Property and Development dated April 4, 2000

6. That Clause 17. b) be deleted.

7. That Clause 20. be deleted.

8. That the following clause be added:

   The charges payable by the Developer pursuant to clause 18 of the ACG Report dated October 28, 1998, shall be deferred until the City reimburses the Developer for the City's share of land drainage trunk facilities constructed by the Developer.

9. That the following clause be added:

   a) That the level of development required by the City on the extended section of Woodbine Avenue be at a comparable level to the existing level of development for road, services and landscaping on Woodbine Avenue.

   b) That the timing of the development of the Novamet lands at the west end of Woodbine Avenue, including the right-of-way extension, will not be required to occur prior to the action to proceed with development on the part of the adjoining property owners to the south of Woodbine Avenue.

   c) That the development costs for the Woodbine Avenue extension be shared on a 50/50 basis between Novamet and the adjoining property owners to the south of Woodbine Avenue.

II. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 19/98 dated March 6, 2000, to a "R1-4" 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, to include the following condition:

   A. That the Developer shall maintain the uniform wood fence (2 metres in height) abutting the CPR Winnipeg Beach Subdivision to the satisfaction of the Director of Planning, Property and Development.

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

IV. That Zoning By-law No. 6400/94 be amended to establish the following special alignment:

   A. That lots with rearage on the Winnipeg Beach rail right-of-way provide a minimum 50 foot (15.24 metre) setback between the rear property line and any habitable rooms of principal buildings.

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

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

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

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

IX. 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.

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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.

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

Adopted by consent.

(See Minute No. 560 for attachment)

Proposed Subdivision and Rezoning - land located south of Murray Avenue, west of Main Street - Lord Selkirk-West Kildonan Community File DASZ 20/98

516 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from U.M.A. Engineering Ltd., 1479 Buffalo Place, 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" Residential District to a "R1-4" Residential District to allow for the construction of single-family dwellings and to consider the special rear yard setbacks along the CPR Winnipeg Beach Subdivision and along the Kildonan Corridor right-of-way.

The following is the present site description:

Site Area: Approximately 35 acres

Existing Land Use and Zoning: Vacant; zoned "R1-20"

The following is the present surrounding land use and zoning:

North: Side-by-side dwellings; zoned "RM-1"
South: Single-family dwellings, vacant; zoned "R1-20" and "M2"
East: Mostly vacant; zoned "R1-20"
West: Winnipeg Beach rail line, vacant; zoned "A"

The applicant, on behalf of the owner, proposes to subdivide and rezone the subject property in order to establish approximately 179 single-family lots, to be developed in five (5) stages. The first phase to be developed (which will as indicated take place after developments along Carsdale Drive occur) includes a roadway extension of Donan Street to be called Sunday Drive. Thirty-eight (38) lots are proposed in that initial phase. Subsequent phases are to be developed as services are extended west. Development of the last two phases (6 and 7) on the accompanying plan will depend to some extent on plans related to the development of the Peguis Trail (Kildonan Corridor) extension west of Main Street. In addition, an existing 3.88 acre (1.57 ha) habitat and wetland area is to be protected and maintained in the southeast corner of the site, and a narrow tall grass prairie area adjacent to the railway line is to be also preserved and protected from development.

In late 1998, the subject application and an additional application File DASZ 19/98 were circulated to and reviewed by the members of the Administrative Coordinating Group. The proposed subdivision and rezoning are consistent with adjacent development and the surrounding area. Issues relating to development at this location include: proximity to the North End Treatment Control Centre, proximity to the Winnipeg Beach rail line, proximity to the proposed future Chief Peguis Trail (Kildonan Corridor) and access to the future residential lots via the existing street system. Since that time both applications have been advertised for public hearing but laid over repeatedly for a number of reasons. At first there were issues to be addressed and resolved related to such things as land drainage, the pavement of Murray Avenue and the closure of Woodbine Avenue. Those issues were by-in-large resolved to everyone's satisfaction. However by mid 1999, it was also apparent that an environmental matter of some significance had been overlooked and would have to be similarly addressed by both the Developer, Novamet, and the City's Administrative representatives.

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Michelle Kading, a local resident and environmentalist informed the Lord Selkirk-West Kildonan Community Committee that a wetland area immediately south of Murray Avenue was a historic site of some significance and a habitat for boreal chorus frogs which are comparatively rare. She suggested that an alternative development proposal be considered in order to protect the endangered area. She also stated that a tall grass prairie area adjacent to the railway line should also be protected from development. As a result of her requests, the Lord Selkirk-West Kildonan Community Committee recommended a lengthy lay-over of both applications in order to allow Novamet and their consultants U.M.A. Engineering Ltd. time to consider development options for the lands south of Murray Avenue. Novamet and U.M.A. Engineering Ltd. have worked with the City Naturalist Cheryl Heming and succeeded in doing just that. Over the last six (6) months, a comprehensive survey of the area has been completed, the boundaries of the wetland identified and an ecological assessment completed. With the assistance of Don Hester and his colleagues at UMA, Novamet has successfully made alterations to their original site plan for File DASZ 20/98 which is not dramatically different in terms of street patterns/densities, etc., but does set aside protected reserve areas for (1) a 3.88 acre wetland and frog habitat, and (2) a tall grass prairie area.

In addition, in January, an informal meeting with Murray Avenue residents was facilitated by U.M.A. Engineering Ltd. which was intended to both provide information and seek feedback. Apparently there was unanimous support for the changes to the Plan.

It should further be noted that the subject property is located within the one kilometre development control line which surrounds the treatment facility (as established in August 1985). The City has embarked on an odour control mitigation program for the treatment facility, with completion scheduled for 2001. Consistent with Plan Winnipeg (Policy 5C-19, Control Odour), until such time as odour control works are constructed and performance verified, construction of municipal services associated with the proposed subdivision cannot commence. In addition, caveats shall be placed on all lots advising of the presence of the treatment facility and the potential for odour emissions on an occasional basis.

Regarding proximity of proposed lots to the Winnipeg Beach rail line, the applicant is to provide a uniform two metre high fence at the rear of all lots abutting the rail right-of-way. The intent is to address potential safety concerns. As well, in addition to the required 25 foot (7.62 metre) rear yard in the proposed “R1-4" zoning category, the applicant is to provide an additional 25 foot (7.62 metre) setback to any habitable room of any dwelling built in this vicinity. Primary access to this development will be via Murray Avenue. With respect to proximity of proposed lots to the future Chief Peguis Trail (Kildonan Corridor), the applicant is to provide a combination of uniform fencing, noise attenuation berming, road widening reserve, and increased residential rear yard setbacks (as indicated in the Administrative Coordinating Group report dated October 28, 1998).

Public Hearings were held before the Lord Selkirk-West Kildonan Community on November 10 and December 15, 1998, June 8, July 6, September 14, October 12 and December 7, 1999, and March 7, 2000. Five persons appeared in support of the application, and forty-one persons registered in opposition thereto, and eighteen persons for information thereon.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed subdivision and rezoning be approved for the following reason:

1. The proposed rezoning is appropriate at the referenced location.

On April 4, 2000, the Standing Policy Committee on Property and Development considered the Report dated March 24, 2000, from the Lord Selkirk-West Kildonan Community Committee, and concurred in the recommendations contained therein, with the following amendments, which have been incorporated into the recommendations as set out below, namely:

- That Recommendation IV.A. be deleted in its entirety, namely:

  IV. A. That lots with rearage on the future extension of Chief Peguis Trail (Kildonan Corridor) shall provide minimum 17.5 metre rear yards, in addition to the 20 metre (width) road widening reserve. Alternatively, should the developer opt to construct a sound attenuation berm along the future corridor extension, the road widening reserve could be reduced to 10 metres (width) and the minimum rear yards increased to 27.5 metres. The berm centreline could then be located at the rear property line of those lots with rearage on the corridor extension.

  And That Recommendation IV.B. be renumbered A., and Recommendation IV. read as follows:

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IV. That the rezoning By-law No. 6400/94 be amended to establish the following special alignments:

A. That lots with rearage on the Winnipeg Beach rail right-of-way shall provide a minimum 50 foot (15.24 metre) setback between the rear property line and any habitable rooms of principal buildings.

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

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

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

I. That the plan of subdivision proposed under File DASZ 20/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 20/98 dated March 6, 2000, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the reports of the Administrative Coordinating Group dated October 28, 1998, and February 18, 2000, with the following amendments to report dated October 28, 1998:

1. That the following clause be added:

2.c) The City shall pay its share of the land drainage trunk facilities subject to the approval of funding therefor by Council.

2. That Clause 4.a) be amended to read:

4.a) The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width of 10m and all related works including but not necessarily limited to land drainage sewers, boulevard landscaping, ornamental street lighting and sidewalks on both sides, in Murray Avenue from Main Street to the CPR Tracks all as determined by and to the satisfaction of the Director of Public Works. The City shall endeavour to recover on behalf of the Developer from the owners of the undeveloped property, when those owners subdivide and/or rezone their land, a proportionate share of the cost of surface improvements installed by the Developer in Murray Avenue as determined by the Director of Public Works.

3. That Clause 5. be deleted.

4. That Clause 6. be amended to read:

6. The Developer shall, at no expense to the City, construct portland cement concrete sidewalks to a width of 1.5m and a thickness of 100mm on one side of Durban Drive between Sunday Drive and Murray Avenue, on the west side of the east and west legs of Danford Drive between Sunday Drive and Murray Avenue, on one side of Carsdale Drive from the terminus of the existing sidewalks south of Red River Boulevard to Woodbine Avenue and on the west side of Carsdale Drive from Woodbine Avenue to Murray Avenue as determined by and to the satisfaction of the Director of Public Works.

5. That Clauses 8. and 9. be deleted.

6. That Clause 17. b) be deleted.

7. That Clause 20. be deleted.

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8. That the following clause be added:

   The charges payable by the Developer pursuant to clause 18 of the ACG report dated October 28, 1998, shall be deferred until the City reimburses the Developer for the City's share of land drainage trunk facilities constructed by the Developer.

9. That the following clause be added:

   a) That the level of development required by the City on the extended section of Woodbine Avenue be at a comparable level to the existing level of development for road, services and landscaping on Woodbine Avenue.

   b) That the timing of the development of the Novamet lands at the west end of Woodbine Avenue, including the right-of-way extension, will not be required to occur prior to the action to proceed with development on the part of the adjoining property owners to the south of Woodbine Avenue.

   c) That the development costs for the Woodbine Avenue extension be shared on a 50/50 basis between Novamet and the adjoining property owners to the south of Woodbine Avenue.

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 20/98 dated March 6, 2000, to a "R1-4" 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, to include the following condition:

   A. That the Developer shall maintain the uniform wood fence (2 metres in height) abutting the CPR Winnipeg Beach Subdivision to the satisfaction of the Director of Planning, Property and Development.

IV. That the rezoning By-law No. 6400/94 be amended to establish the following special alignments:

   A. That lots with rearage on the Winnipeg Beach rail right-of-way shall provide a minimum 50 foot (15.24 metre) setback between the rear property line and any habitable rooms of principal buildings.

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

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

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

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

IX. 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.

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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. 561 for attachment)

Proposed Subdivision and Rezoning - land located on the east side of rue Youville, north of Place Georges Forest - Riel Community
File DASZ 25/99 [c/r DASZ 11/92, DAV 85/2000D]

517 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from the Corporation de développement de Saint-Boniface Development Corporation (Germain Perron), 311 Dumoulin Street, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands outlined from an "R1-3.5" Residential District to an "RM-1" Multiple-Family District and "PR-1" Parks and Recreation District to allow for the construction of a low-density condominium development.

The following is the present site description:

Site Area: The overall "RM-1" Multiple-Family site encompasses an area of approximately 3.4 acres. The seven (7) "R1-3.5" lots probably in total cover an area of 1.5" acres.

Existing Land Use and Zoning: The land is currently vacant and zoned "R1-3.5" Single-Family.

The following is the present surrounding land use and zoning:

North: Much of the land to the north along the Seine River remains zoned "M2" Industrial. Some industrial businesses still occupy these lands.

South: Most of the land to the south is zoned "R2-T" and "R1-3.5" Residential. Most is occupied except for a new emerging subdivision on Place Georges Forest.

East: Lands to the east along the Seine are zoned "PR-1" Parks and Recreation and are destined to be developed with pathways as part of the Seine River Development Plan.

West: Lands to the west are a mix of Industrial ("M1") and developed residential along Gaboury and Hamel Avenues zoned "R2" Residential.

The subject proposal is the second phase in an ongoing effort by the St. Boniface Development Corporation to assemble and redevelop the lands along both sides of the northern most extension of Rue Youville. In the first phase, seventeen (17) single-family lots were established along Place Georges Forest. The infrastructure for that development is in place and housing construction is currently underway. Phase II will involve the establishment of seven (7) single-family lots (zoned "R1-3.5") along the east side of rue Youville and approximately 14± unit condo complex at the north end of rue Youville. The proposed condo site is to be zoned "RM-1" Multiple-Family. The applicants have indicated that while the condo component is to be zoned multiple-family, all of the units will be independent detached housing units on separate lots. So in essence, the condo site will resemble a conventional cul-de-sac with single-family housing units. Unlike most conventional housing subdivisions, however, the condominium component will be operated and maintained by a condominium corporation to be established at a later date.

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The “RM-1" Multiple-Family condo site will be separated from the single-family lots adjacent by a 12 foot to 15 foot public pedestrian right-of-way which will link rue Youville with the Parks and Recreational lands in the Seine River Corridor. The multiple-family lots are large (60 foot wide by 110 foot in-depth in most cases).

In accordance with conditions outlined under the original application File DASZ 11/92, the applicant is further required to make provision for a secondary access to the site. He has satisfied that requirement by indicating the possible location of a 20 foot right-of-way along the western periphery of his property linking rue Youville with Hamel Avenue. It should be noted that an accompanying variance application has been made requesting that front yard requirements for the 7 lots fronting onto rue Youville be reduced from 20 feet to 9 feet. The variance results from the fact that the rearage areas of a number of the proposed lots are deemed to be at too low an elevation to be within the buildable area. Therefore dwellings will have to be constructed as close to Rue Youville as possible in order to make the overall project viable.

The area is designated neighbourhood under Plan Winnipeg Policy guidelines, the subject proposal is deemed to fully comply.

As outlined in previous reports of the Administration, the reclamation of old industrial lands (in the area east of rue Des Meurons) for housing purposes will have immediate and long term benefits for north and central St. Boniface. The City is mandated by Plan Winnipeg Policy to encourage infill residential development in all older neighbourhoods and in the case of St. Boniface, there is an increasing demand for affordable single-family lots in established neighbourhoods. The St. Boniface Development Corporation under the direction of David Dandeneau has achieved in the last several years what numerous other interests tried and failed to do in the 15 years previous. It is the view of the Planning and Land Use Division that the proposed development scheme (Phase II) in conjunction with Phase I is both appropriate for the site in question and compatible with adjoining neighbourhoods to the south and west. The proposed densities are more than reasonable and quite in keeping with housing areas along Place Gaboury, Hamel Avenue and Bertrand Street. It should be noted that while a requirement for a secondary access is required as a condition of a previous agreement, such an access would, in our view, not only not benefit the proposed development but it would cause unnecessary hardship for the property owners occupying lots along adjoining streets to the west - particularly Hamel Avenue. Many of those streets are not designed to carry the extra traffic that would be generated by proposed new housing along Youville and the effects on that neighbourhood would be immediate and negative in nature. It would be the Planning and Land Use Division’s suggestion that the relevant condition as outlined in the previous Administrative Coordinating Group Report calling for a secondary street connection to the north end of rue Youville be rescinded by the Riel Community Committee. The Division will further be endorsing the requested yard variances for the lots fronting onto rue Youville. It is the Division’s view given that: 1) the potential for bank stability problems and/or flood elevation restrictions at the rear of the lots; and, 2) the depth of the proposed boulevards along rue Youville, a significant concession to the front yard bulk regulation can be supported without adversely affecting the intent of the by-law or adversely affecting the character of the neighbourhood. It is apparent that the situation is unique and the success or failure of the project may hinge on the ability of the Corporation to successfully market all seven (7) “R1-3.5" lots as proposed - not four or five as would be the case if the variances fail to be approved.

A Public Hearing was held before the Riel Community Committee on March 14, 2000. Four persons appeared in support of the application, and four persons registered in opposition thereto, and one person registered for information thereon.

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

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

2. The proposed densities are more than reasonable and in keeping with housing areas along place Gaboury, Hamel Avenue and Bertrand Street.

3. This infill residential development project has been in the making for more than ten (10) years and has received substantial support from the community.

4. The concerns of the area residents, which were voiced at the information meeting held on February 28, 2000, will be addressed with the deletion of the proposed secondary access to Hamel Avenue.

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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 the plan of subdivision proposed under File DASZ 25/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 25/99 dated March 8, 2000, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a further addendum to Development Agreement AG 11/92 containing the following:

1. The Developer shall, at no expense to the City, cause ornamental street lighting to be installed in rue Youville from place Georges Forest to the north terminus of rue Youville.

2. The Developer shall, at no expense to the City, install a sidewalk with fencing and sod on both sides within the public walkway from rue Youville to the existing Public Reserve along the Seine River. The fencing and the width of the public walkway shall be a minimum of 15 feet with the final grading and final alignment to the satisfaction of the Director of Planning, Property and Development (Design and Implementation Branch).

3. That the requirement for a sidewalk from Bertrand Street to place Georges Forest presently contained in Development Agreement AG 11/92 be deleted.

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 25/99 dated March 8, 2000, to an "RM-1" Multiple-Family District and a "PR-1" Parks and Recreation 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:

A. That the maximum density of the proposed "RM-1" site be restricted to no more than 18 dwelling units.

B. That no building or structure, parking area, fencing, landscaping signage, etc., be erected or located on the "RM-1" land except in accordance with plans to be approved by the Administration and the Riel Community Committee prior to the issuance of any building permits.

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 562 for attachment)

Report of the Standing Policy Committee on Property and Development dated April 4, 2000

Proposed Rezoning - land located at 1060 Selkirk Avenue - Lord Selkirk-West Kildonan Community File DAZ 236/99

518 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Atlas Welding Ltd., (Doug Trihart), 1060 Selkirk Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject lands outlined from a “C2" Commercial District to a “CF” Industrial District to allow for the maintenance of a welding business.

Site Area: The overall site area totals 9,000 square feet. A welding business occupies at least 50% of that area.

Existing Land Use and Zoning: While the land is currently zoned “C2" Commercial, it is occupied by a light industrial business that has been operating for a number of years.

The following is the present surrounding land use and zoning:

North: Land to north of Selkirk Avenue is a combination of “C2" Commercial businesses and residential “R2" and “R1-3" zoned properties

South: Land to the south is “M2" Industrial (railway right-of-way)

East: Land to the east is occupied by a housing project zoned “RM-1"

West: Land to the west is occupied by several dwellings zoned “R1-2.5" and several businesses zoned “C2" Commercial

The applicant already operates his business as a result of a use variance approved three years ago. That variance expires in two years and cannot be renewed. A rezoning of the site is therefore required for the business to continue.

The proposed zoning fully complies with Plan Winnipeg. The parcel of land in question falls within a designated industrial area.

The subject property has an old C.P.R. right-of-way on the east side, industrial areas to the south, Selkirk Avenue to the north and a residence to the west. As a result of use variance File DAV 803/96C, the applicant was granted the right to operate his welding business for a maximum five years. That variance will expire soon and cannot be renewed. The applicant wishes to continue operating at his present location but can only do so procedurally by rezoning the land to an industrial category. The “CF” Commercial Fabrication category is regarded as the most appropriate category at this location. The area between Selkirk Avenue and the intersection of Jarvis/McPhillips Street is a mix of industrial and recreational public reserve land. There are few residential properties remaining in this area but one of the remaining residential dwelling occupies a lot adjacent to Atlas Welding. To the applicant’s credit, his business has operated for a number of years and there’s no complaint on record related to his operation. The Planning and Land Use Division is therefore prepared to support the subject application but recommends that the use of land be restricted to the current use - a welding business.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community on March 7, 2000. One person appeared in support of the application, and no one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed rezoning be approved for the following reason:

1. The proposed rezoning is appropriate at this location.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule “A”, for File DAZ 236/99 dated February 29, 2000, to a “CF” Industrial District, subject to the following:

Report of the Standing Policy Committee on Property and Development dated April 4, 2000

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 welding business.

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.

Moved by Councillor De Smedt,
Adoption of the clause.

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

Carried.

Extension of Time - Proposed Rezoning of land located at 943 McPhillips Street, east side, between Redwood and Boyd Avenues - Lord Selkirk-West Kildonan Community
File DAZ 214/98

519 - 7. The Standing Policy Committee on Property and Development has been advised that the applicant's solicitor (E.P. Miedzy Brocki, 95 St. Cross Street, Winnipeg) has advised the Planning, Property and Development Department that due to an oversight on his part, the caveat documents required for registration to the effect the subject rezoning were inadvertently misplaced but have now been located. Miedzy Brocki has requested a further extension of time in order to complete the subject rezoning.

On June 24, 1998, Council adopted Clause 14 of the Report of the former Committee on Planning and Community Services dated June 1, 1998, which Clause recommended approval of the subject rezoning to "C1" Commercial District as outlined on Schedule "A" to allow for commercial development, subject to the execution of a Zoning Agreement.

Recommendation No. III. of the said Clause stipulated:

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.

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Recommendation No. V. of the said Clause further stipulated:

V. That the Rezoning By-law shall become effective 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 12 months from the date the said rezoning by-law is adopted by Council.

The rezoning By-law No. 7238/98 was passed by Council on June 24, 1998. The enactment section of the by-law required that the zoning agreement caveat be registered in the Winnipeg Land Titles Office by June 24, 1999, failing which the by-law shall expire unless that date is extended by a resolution is completed before any such extended date.

The Administration has reviewed the applicant's request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interests remain secured and circumstances leading to the original approval remain unchanged.

The Standing Policy Committee on Property and Development recommends:

I. That an extension of time to December 31, 2000, be granted to provide for the enactment of Rezoning By-law No. 7238/98 under File DAZ 214/98.

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

Adopted by consent.

Proposed Amendment to License By-law No. 6551/95 - Trade of Dating and Escort Service or Massage Parlour Proprietor
File EL-1.35 (Vol. 5)

520 - 8. The Standing Policy Committee on Property and Development has been advised that on March 21, 2000, the City Centre Community Committee passed a resolution that the following section of License By-law No. 6551/95 be deleted, namely:

"4 (14) (b) New licenses may be issued to carry on the trade of a dating and escort service or massage parlour proprietor only within that part of the City regulated by The Downtown Winnipeg Zoning By-law."

Council at its meeting held on March 22, 2000, ruled automatic referral of the following motion to the Standing Policy Committee on Property and Development, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Smith,
Seconded by Councillor Gerbasi,

WHEREAS the Winnipeg City Council is promoting the downtown as a residential neighbourhood just like any other;

AND WHEREAS by use of telephone technology, escort services, though having a downtown location, operate in everyone of our wards just by having a legal address in the downtown area;

AND WHEREAS allowing escort and massage services to concentrate in Winnipeg's downtown creates a negative, and many would say, a sleazy image;

AND WHEREAS escort and massage parlours can be located in many wards, in industrial areas away from places where citizens reside, and where no schools or churches are located;

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THEREFORE BE IT RESOLVED that the following section of the License By-law No. 6551/95 be deleted:

> *"4 (14) (b) New licenses may be issued to carry on the trade of a dating and escort service or massage parlour proprietor only within that part of the City regulated by The Downtown Winnipeg Zoning By-law."*

The Standing Policy Committee on Property and Development has considered the matter, and recommends non-concurrence with the foregoing resolution.

The Executive Policy Committee recommends that the matter be filed.

For the information of Council, the subject matter has been referred to the Volunteer Committee established for the Monitoring, Supervision and Regulation of the Sex Trade/Prostitution in Winnipeg.

Moved by Councillor De Smedt,
Adoption of the clause.

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

Carried.

Proposed Joint Use Agreement - William Whyte Community School and Recreation Site - Winnipeg School Division No. 1 - Lord Selkirk-West Kildonan Community
File PR-2.3 (Vol. 15)

521 - 9. The Standing Policy Committee on Property and Development has been advised that in 1975, the City of Winnipeg entered into a Joint Use Agreement for the William Whyte Community School and Recreation site, whereby the School Division developed a gymnasium, dressing rooms, washrooms, an office, and a wading pool, with the City contributing $173,000.00 as its share of the costs. That Agreement provided for the sharing of the facilities for a twenty (20) year period ending in 1995, and both parties have continued to abide by the terms of the Agreement.

In 1982, the City entered into a Lease Agreement with the Winnipeg School Division No. 1 for the grounds at William Whyte. In return for increased community access to the grounds, and improvements to the play area, the City agreed to lease and maintain the grounds for the term of the lease. This agreement also obligated the City to assume responsibility for play structure inspection and maintenance. That agreement expired in 1995, but again both parties continued to abide by the terms of the lease.

In early 1999, the William Whyte Community School Council initiated a project to redevelop the school grounds, necessitating a renewal and formalizing of a long-term maintenance agreement.

On May 12, 1999, the Lord Selkirk-West Kildonan Community Committee authorized the Administration to negotiate a new Joint Use Agreement for the William Whyte School and Recreation site with similar terms and conditions as the previous agreements, with an aim to assuring continued community access to the facilities for the coming years.

On January 11, 2000, the Winnipeg School Division No. 1 considered the draft terms / conditions and adopted a motion authorizing the Proper Officers of the Division "to enter into a joint use agreement with the City of Winnipeg related to the use of the William Whyte School building and grounds."

On February 8, 2000, the Lord Selkirk-West Kildonan Community Committee considered the draft terms and conditions for an agreement, and received the matter as information.

The Winnipeg School Division No. 1, the City of Winnipeg, and the Community have in partnership developed the William Whyte Community School and Recreation site. The City owns a portion of the site, has invested capital funds towards construction of the community facilities that now form an integral part of the school, annually invests

in programs and services at the site, and maintains the landscaped grounds and fixtures on the lands. Residents and the Community Council have invested volunteer time, and have raised funds for playground improvements over the years.

William Whyte has evolved into a community facility, with an active Community Council. That group is currently raising funds to replace a play structure (considered unsafe by modern-day standards) and to make other needed improvements to the site. Phase 1 of this project, replacing the play equipment, is expected to cost approximately $110,000.00, and the Community Council has already confirmed over half that amount. Prior to any playground installation, it would be prudent to have an agreement in place in order that each party's obligations are fully understood.

This site is very important to the community from an open space perspective. There is no public park space of similar size within approximately ½ mile of this location, and so most community activity gravitates to this site. In addition, the William Whyte neighbourhood has a marked shortage of green space (deficient by almost 14 acres by open space standards) so it is important to make the best use possible of any space available.

William Whyte's indoor facilities are also important to the community, and the School is used for community activities to a great extent, for example:

- when school enrolment declined a few years ago, one of the classrooms was converted to community space, and is available to residents throughout the day, even when school is in session, for craft activities, informal gatherings or meetings;

- after 6:00 p.m., the Community Council is granted increased access to the school, and utilizes more space than is formally granted by the expired Joint Use Agreement;

- a number of other community organizations have taken advantage of the access to the school facilities, and make good use of the gymnasium most evenings.

The following proposed terms and conditions provide for the continuation of the relationship that has proven successfully since 1975, namely:

- the indoor school facilities and the outdoor grounds facilities are shared by the two parties;

- school activities have priority access to the shared facilities when school is in session;

- the City and community access to the shared facilities have priority during times when school is not in session, and the School Division may charge the appropriate permit fee;

- the School Division maintains the indoor facilities and the parking lot;

- the City maintains the outdoor facilities/fixtures, landscaping and the wading pool;

- the parties share in the cost of maintenance and repairs to the play structure;

- the agreement extends for ten (10) years, with a renewal clause for an additional ten (10) years.

The Public Works Department, Parks and Open Space Division, is committed to continue maintenance services on the site, although at a level which more accurately reflects capabilities and the realities of the day with reduced budgets. The Department will continue grass mowing and trimming to City standards, will cost-share in play structure repairs, and will maintain other site fixtures. The Department's estimated annual operating costs to maintain the site are in the range of $18,000.00 to $20,000.00.

The Administration is of the view that providing knockdown hockey pens is an expensive undertaking, particularly at the William Whyte site. Rink boards are often dagged or torn down by vandals, and repair crews must continually return to re-install the boards. The Public Works Department has recommended, based on need, usage, and the history of damage here, that the hockey pen be replaced with a pleasure skating surface. This position is supported by the District Community Centre Board President, who has filed a letter suggesting that this hockey rink is not needed. However, the School staff are strongly in favour of retaining this amenity to supplement their Physical Education curriculum and the School's fledgling hockey program. Discussions regarding the future of the hockey pen on that site are ongoing.

Report of the Standing Policy Committee on Property and Development dated April 4, 2000

The Property Assessment Department has considered the tax implications of the Joint Use Agreement for the subject site, and advised that the site is not taxable, and therefore there is no increase required to operating budgets for this portion of the agreement.

There is no financial impact related to this agreement. The Public Works Department has approved annual funding of approximately $18,000.00 to $20,000.00 to continue meeting the City's obligations for maintenance of this site.

On April 4, 2000, the Standing Policy Committee on Property and Development considered report dated February 17, 2000, from the Directors of Community Services and Public Works, and concurred in the recommendations contained therein and as set out below, with the addition that knockdown hockey pens rather than a pleasure skating surface be provided.

The Standing Policy Committee on Property and Development recommends:

I. That the terms and conditions, as outlined on Appendix "A", be approved as the basis for the City of Winnipeg to enter into a Joint Use Agreement with the Winnipeg School Division No. 1 for the William Whyte Community School and Recreation Site, with the understanding that knockdown hockey pens rather than a pleasure skating surface be provided.

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

Adopted by consent.

(See Minute No. 563 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED APRIL 6, 2000

On motion of Councillor De Smedt, the Report of the Standing Policy Committee on Property and Development, dated April 6, 2000, was considered clause by clause.

Moved by Councillor De Smedt,
That the Consent Agenda, Clauses 1,2,3 and 4, be adopted.

Carried.

Proposed Sale of City-owned Properties on Manitoba Avenue - Lord Selkirk-West Kildonan Community
File FI-2.4(34) (Vol. 6)

522 - 1. The Standing Policy Committee on Property and Development has been advised that the subject City properties were acquired in tax sale in November 1998, and are fully serviced. No easements are required.

On March 4, 1999, the Standing Policy Committee on Property and Development referred the disposition of these properties to the Task Force on Inner Winnipeg Neighbourhood Redevelopment for comment back. However, the Task Force has since been abandoned.

On February 8, 2000, the Lord Selkirk-West Kildonan Community Committee considered the proposed sale of the subject properties to Winnipeg Habitat for Humanity and had no objections to the proposal.

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

Property No. 1:

Location:	South side Manitoba Avenue, west of Powers Street, as outlined on Misc. Plan No. 10543/1
Legal Description:	Lot 19, Plan 15631
Size:	Irregular – 251.6 square metres (2,708 square feet)
Zoning:	"R2-T" Two-family Transitional
Roll No.:	12-3-205277
Certificate of Title:	1604346
Applicant:	Winnipeg Habitat for Humanity, 75 Archibald Street
Price Offered:	$1.00
Appraised Value:	$3,500.00
Purpose:	Construction of a new home
Property Description:	Vacant land

Property No. 2:

Location:	South side Manitoba Avenue, west of Powers Street, as outlined on Misc. Plan No. 10544/1
Legal Description:	Lot 12, Plan 15631
Size:	9.189 metres x 32.765 metres = 299.6 square metres (30 feet x 107.5 feet = 3,225 square feet)
Zoning:	"R2-T" Two-family Transitional
Roll No.:	12-3-205263
Certificate of Title:	1604345
Applicant:	Winnipeg Habitat for Humanity, 75 Archibald Street
Price Offered:	$1.00
Appraised Value:	$4,200.00
Purpose:	Construction of a new home
Property Description:	Vacant land

Report of the Standing Policy Committee on Property and Development dated April 6, 2000

Property No. 3:

Location:	Southeast corner Manitoba Avenue and Powers Street, as outlined on Misc. Plan No. 10546/1
Legal Description:	Pt. Lot 522, Plan 53
Size:	10.058 metres x 32.156 metres = 323.425 square metres (33 feet x 105.5 feet = 3,842 square feet)
Zoning:	"R2-T" Two-family Transitional
Roll No.:	12-3-205230
Certificate of Title:	1606919
Applicant:	Winnipeg Habitat for Humanity, 75 Archibald Street
Price Offered:	$1.00
Appraised Value:	$4,500.00
Purpose:	Construction of a new home
Property Description:	Vacant land

The Planning, Property and Development Department is in favour of these sales for the following reasons:

1. The properties will be on the tax roll immediately.
2. There has been little or no movement of vacant land in this area.
3. This is a very difficult location in which to sell a residential building site.
4. Should these 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 the Offers to Purchase made by Habitat for Humanity is subject to approval by Council, as in this instance that part of its policy for sales or 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 is being waived.

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 Offers to Purchase the "subject City properties", as outlined on Misc. Plans No. 10543/1, 10544/1 and 10546/1, at a price of $1.00 each, 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(s) will revert back to the City.

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

Adopted by consent.

Proposed sale of City property on the south side of Garven Road, west of Vernon Road - Rural Municipality of Springfield
File FI-2.4 (Vol. 8)

523 - 2. The Standing Policy Committee on Property and Development has been advised that the subject property has been owned by The City of Winnipeg since 1958 and was used as an access to the north westerly adjoining gravel pit, outlined as Applicant's Property on Misc. Plan No. 10593/1, which had been owned by The City and was subsequently sold.

Report of the Standing Policy Committee on Property and Development dated April 6, 2000

The new owners of the said gravel pit, Ron and Dorothy Zelinsky, had approached the Province of Manitoba for approval of a new access point to their property but was denied. Therefore, Ron Zelinsky requires the City property to maintain his existing access.

The subject City property is undeveloped as a right-of-way and is the only access to the applicant's property. The property does not provide access to any other holding due to the steep grade south of the adjoining former spur line. An aerial photo of the area and title searches on the other adjoining holdings support this statement.

The City property has been under the jurisdiction of the Water and Waste Department, which has advised that it may now be considered surplus to City requirements.

Ron Zelinsky has now returned a completed Offer to Purchase, particulars of which are, in brief, as follows:

Location:	South side of Garven Road, West of Vernon Road
Legal Description:	Lot 2, Plan 6876
Size:	Irregular – 3,000 square metres (32,360 square feet)
Zoning:	"A" Agricultural District
Roll No.:	RM of Springfield 204300
Certificate of Title:	900247
Applicants:	Ron and Dorothy Zelinsky, Box 128, D RR #5
Price Offered:	$5,600.00 ($0.17 per square foot)
Estimated Market Value Range:	$4,700.00 to $5,600.00
Terms:	$560.00 cheque, deposited, being 10% of the full purchase price
Balance Due:	30 days from acceptance of the offer by the City
Purpose:	Addition to holding
Property Description:	Vacant land

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

1. The property is not developable on its own.

2. Due to the size and shape, this lot is not marketable to anyone other than the north westerly adjoining owner.

3. The Purchaser's offer is at the high-end of the appraised market value range of the property.

4. The City will no longer be responsible for payment of realty taxes to the R.M. of Springfield for the subject City property.

The Real Estate Division of the Planning, Property and Development Department has concluded negotiations for a proposed property sale. The Standing Policy Committee on Property and Development is authorized to approve sales on behalf of the City, subject to Council declaring the property to be surplus to the needs of the City.

The Standing Policy Committee on Property and Development recommends:

I. That the subject City property, as outlined on Misc. Plan No. 10593/1, be declared surplus to the City's requirements.

II. That Ron Zelinsky's Offer to Purchase the subject City property, as outlined on Misc. Plan No. 10593/1, be approved at a price of $5,600.00, and in accordance with the terms and conditions as negotiated.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated April 6, 2000

Proposal to declare City-owned Properties on Beecher Avenue as Surplus to the City's Requirements - Lord Selkirk-West Kildonan Community
File FI-2.4(34) (Vol. 6)

524 - 3. The Standing Policy Committee on Property and Development has been advised that the subject properties, as outlined on Misc. Plan No. 10218/14 as Lots 1 to 4 in Block 1; Lots 1 to 4 in Block 2; Lots 1 and 2 in Block 3, were acquired for the former alignment of the McGregor Street extension project and are under the jurisdiction of the Public Works Department.

Lots 1 to 4, Block 4 were acquired in tax sale, and are under the jurisdiction of the Planning, Property and Development Department, and do not need to be declared surplus. Parcels A to N, Plan 29263 and Parcels E to F, Plan 28768 on the Misc. Plan No. 10218/14 were created by lane closings and also do not need to be declared surplus. The closings were initiated for the express purpose of consolidation of the parcels with the adjacent holdings to facilitate the Beecher Avenue widening by way of land exchange.

The subject City properties are being subdivided under File DASSF 577/98, which does not require Council approval. Variances have been approved under File DAV 798/98c to allow for lot sizes smaller than the current “R1-20" zoning.

It is the intent of the Planning, Property and Development Department to market the properties for sale, except for Lot 3, Block 4 which is being retained for the Public Works Department, i.e. the future McGregor Street extension.

On July 18, 1979, Council directed that lands dedicated to the City, or declared park, or purchased for a City purpose must be declared surplus by Council prior to being offered for sale.

The Standing Policy Committee on Property and Development recommends:

I. That the subject City properties outlined as “Proposed Subdivision”, except for the “Tax Sale Property” (already deemed surplus, and that part required for Public Works purposes), both as outlined on Misc. Plan No. 10218/14, be declared surplus to the City’s requirements.

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

Adopted by consent.

Proposed Property Acquisitions - Riverbank Parkway Properties
File FI-2 (Vol. 13)

525 - 4. On May 27, 1998, Council requested the former Director of Property and Development Services to bring forward to the Standing Policy Committee on Property and Development, proposals for acquisitions of all riverbank properties, as they become available.

Although not passed in the form of a resolution, the Director was advised that the policy means that every piece of property on a riverbank waterway, including Omand’s Creek, etc., in the City of Winnipeg, be brought to the attention of the Standing Policy Committee at its very next meeting, whether the agenda is set or not. And, should the Department be of the feeling that this property might sell before the next meeting, that it be immediately brought to the attention of the Chairperson who will then consult with the Members of the Committee and quite possibly call a Special Committee Meeting.

On January 6, 2000, the Standing Policy Committee on Property and Development requested the Director of Planning, Property and Development to prepare a report on (all) available riverbank properties for each regularly scheduled meeting of the Standing Policy Committee on Property and Development.

Report of the Standing Policy Committee on Property and Development dated April 6, 2000

On April 6, 2000, the Standing Policy Committee rescinded its January 6, 2000, directive to the Director of Planning, Property and Development.

The Standing Policy Committee on Property and Development subsequently requested the Director of Planning, Property and Development to bring forward to the Standing Policy Committee on Property and Development a report on an as required basis identifying the availability of riverbank properties, and any proposals for acquisition of riverbank properties that are adjacent to or in close proximity to priority Riverbank Parkways, and at the Director's discretion, any other proposals for acquisition of riverbank properties, and submits the matter to Council as information.

Adopted by consent.

REPORT "A" OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED APRIL 6, 2000 ADJOURNED TO APRIL 7, 2000

On motion of Councillor De Smedt, Report "A" of the Standing Policy Committee on Property and Development, dated April 6, 2000 adjourned to April 7, 2000, was considered clause by clause.

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

Councillor Clement requested that Clause 2 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clause 1, was put and declared carried.

Development of Public Markets Site - Demolition of Canada Packers Building - Riel Community File FI-2.4(35) (Vol. 9)

526 - 1. The Standing Policy Committee on Property and Development has been advised of the status of the negotiations with Gaboury Prefontaine Perry Architects / A and S Builders Limited relative to the proposed sale and development of the Public Markets Site.

Council, on April 28, 1999, approved in principle an agreement with Gaboury Prefontaine Perry Architects and A and S Builders Limited for the development of the Public Markets Site; said agreement to include that the Administration be directed to bring back a final agreement to Council that would incorporate the following:

A. Immediate demolition of the Canada Packers buildings, with the first $1 Million in costs being paid by Gaboury Prefontaine Perry Architects / A and S Builders Limited.

B. The City's maximum overall contribution to the demolition be $1.5 Million; said monies to be a first charge against the 2000 Capital Budget.

On February 29, 2000, the Standing Policy Committee on Property and Development directed as follows:

1. That the Director of Planning, Property and Development be instructed to advise Gaboury Prefontaine Perry Architects and A and S Builders Limited that its suggested terms of sale as outlined are not acceptable to the City.

2. That the Offer of the Heartland Colony to increase its prior offer by an additional payment to the City of $100,000.00 not be considered.

3. That in the event that Gaboury Prefontaine Perry Architects and A and S Builders Limited decide to not conclude this transaction within the parameters as defined by Council on April 28, 1999, the sale be terminated.

4. That the Director of Planning, Property and Development be requested to report back on the foregoing and as to the immediate demolition of all structures on the land in thirty (30) days.

On March 10, 2000, the Planning, Property and Development Department advised the Heartland Colony through RE/Max Real Estate Inc. as to the Standing Policy Committee's decision. The agent subsequently advised by telephone that the Heartland Colony is still interested in undertaking the demolition of the Canada Packers buildings as part of a transaction involving the conveyance to the Colony of the City's land.

On March 10, 2000, the Planning, Property and Development Department advised Gaboury Prefontaine Perry Architects and A and S Builders Limited through its solicitor (Mr. Frank Bueti, Scurfield Tapper Cuddy) as to the Standing Policy Committee's decision. In so doing the Department also responded to Mr. Bueti's letter dated March 3, 2000.

Report "A" of the Standing Policy Committee on Property and Development dated April 6, 2000 adjourned to April 7, 2000

On March 27, 2000, the Department received a letter dated March 24, 2000, from Mr. Bueti expressing concern as to the progress in these negotiations. Mr. Bueti requested the Standing Policy Committee to reconsider its position and to direct the Administration to immediately attend to meaningful negotiations on all of the issues that are outstanding.

It is the view of the Department that in reviewing Mr. Bueti's letter, it is clear that his client is not prepared to accept the precondition as established by Council, and as reiterated by the Standing Policy Committee on Property and Development. Rather, Mr. Bueti requested the Standing Policy Committee to reconsider its position of February 29, 2000.

Given the fact that the purchaser is not prepared to accept the February 29, 2000, position of the Standing Policy Committee on Property and Development, the Planning, Property and Development Department is of the opinion that the Council approval in principle to enter into an agreement with Gaboury Prefontaine Perry Architects and A and S Builders Limited for the development of the Public Markets Site be rescinded.

Furthermore, the Department recommended that in the event the foregoing is adopted, then authority should be granted to the Administration to proceed with the demolition of the Canada Packers buildings in accordance with the following:

- The proposal of A and S Builders Limited should be rejected.

- The proposal of Heartland Colony should not be considered. Neither the Heartland Colony initial proposal nor the proposal of Terracon Development Ltd. were accepted by Council. Any further consideration of an amended Heartland Colony proposal may require the City to extend the same opportunity to Terracon Development Ltd.

- The City proceed with the demolition of the Canada Packers building at its sole cost. The City has already budgeted an amount of $1.5 Million towards this demolition. The additional cost of $1 Million to demolish these structures could potentially be treated as a first charge against the 2000 land sales revenue. Perhaps it may be possible to accomplish the demolition at lower prices than earlier estimated.

- The Planning, Property and Development Department be instructed to develop a strategy for the redevelopment of the subject property. There may be a possibility that the City could partner with other levels of government to create a neighbourhood friendly industrial subdivision which for example could be complementary to the agrifood industry. The Department could be mandated with the responsibility of developing a strategy for the subsequent redevelopment and marketing of the property.

- Or, the property could be reserved for special uses and opportunities as they may arise (ie. tourist destinations)

The financial impact sheet with respect to the foregoing is outlined on Appendix "A".

The Standing Policy Committee on Property and Development recommends:

I. That the Council approval in principle to enter into an agreement with Gaboury Prefontaine Perry Architects and A and S Builders Limited for the development of the Public Markets Site, be rescinded.

II. That the Director of Planning, Property and Development be instructed to proceed with the immediate demolition of the Canada Packers buildings. The additional $1 Million of required funding be obtained from the Land Operating Reserve as a charge against 2000 land sales to the extent that this does not cause the Reserve's year end net revenue to fall below the budgeted contribution to general revenue of $5.8 Million. In the event that any portion of the required funding would reduce the Reserve's contribution to the General Revenue Fund below the budgeted amount, that portion will be charged against cash flowed capital projects of the Planning, Property and Development Department.

III. That the Director of Planning, Property and Development be instructed to formulate a plan for report back to the Standing Policy Committee on Property and Development as to the alternatives available to the City respecting the short and long term ownership and development of the property.

Report "A" of the Standing Policy Committee on Property and Development dated April 6, 2000 adjourned to April 7, 2000

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.

Copy of attachment referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

Proposed Acquisition of proposed Parcel "D" of the Cabot Subdivision, west of Elmhurst Road - Assiniboia Community
File FI-2(31) (Vol. 4)

527 - 2. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Planning, Property and Development Department has completed its negotiations with 2417260 Manitoba Inc. for the property outlined as "Cabot Subdivision" on Misc. Plan No. 10574/2.

The Planning and Land Use Division of the Planning, Property and Development Department advised that the CN Harte/Cabot Subdivision has been designated public open space, specifically for use as a component of the TransCanada Trail. The TransCanada Trail will be the longest shared-use recreational trail in the world measuring 16,100 kilometres, 100 of which will be within the City of Winnipeg.

On March 4, 1999, the Standing Policy Committee on Property and Development authorized the former Director of Property and Development Services to negotiate the acquisition of the property identified as "Cabot Subdivision" on Misc. Plan No. 10574.

In late March 1999, the Real Estate Division made to Canadian National Railway an initial purchase proposal for the subject property in the amount of $38,600.00. CN Rail countered the proposal with a $50,000.00 price in late April 1999. Several discussions took place with representatives from CN Rail and a verbal understanding was reached that if the City was to further counter that proposal somewhere in the middle, CN Rail would then give favorable consideration to the counter proposal. Accordingly, the Real Estate Division then proposed a purchase price of $42,500.00. No reply from CN Rail or its representative was received to this proposal.

After several inquiries by the Real Estate Division regarding the status of the proposal, CN Rail verbally advised in November 1999, that it was in the process of selling the subject property to 2417260 Manitoba Inc. When queried why it did not respond to the City's purchase proposal of July 1999, CN Rail advised that the City appeared to be non-cooperative in recent dealings with the City on other projects and CN Rail wanted to close this deal by the end of 1999 (there is a long outstanding issue with regards to a 1906 Agreement between CN Rail and the City in the Fort Rouge Yards which will be discussed at a later date). CN Rail has since verbally confirmed that 2417260 Manitoba Ltd. is entitled to be owner of the subject property.

The particulars of the subject property are as follows:

Location:	South of Ridgewood Avenue, west of Elmhurst Road
Certificate of Title:	Old System - Deed (Number unknown at this time)
Owner:	Canadian National Railway
Lot Size:	3.15 acres
Zoning:	Not Zoned - former Cabot Subdivision

Negotiations with 2417260 Manitoba Ltd. have been ongoing for several months. There have been a number of challenges for this owner to overcome with regards to a proposed development of a church on the one acre parcel south of and adjoining the "Cabot Subdivision" property. This church group advised that it was not prepared to negotiate a sale of the subject property with the City until such time as it had obtained all necessary permits/variances/access requirements, etc. to construct a church.

To date, there are still outstanding issues to be resolved before 2417260 Manitoba Inc. would be allowed to develop its church on the property identified as "2417260 Manitoba Inc." on Misc. Plan No. 10574/2.

Report "A" of the Standing Policy Committee on Property and Development dated April 6, 2000 adjourned to April 7, 2000

Title to the Cabot Subdivision has not been issued in 2417260 Manitoba Inc.'s name, because a Plan of Survey is required in order to bring this property under The Real Property Act from the old deed system at the Winnipeg Land Titles Office. Until this plan is completed and registered at Winnipeg Land Titles Office, conveyance of this property from CN Rail to 2417260 Manitoba Inc. will not occur, although a purchase/sale agreement remains in force between the CN Rail and the church group. Several issues still have to be resolved as to how the property will be subdivided or consolidated, depending on the proposed purchase transaction with the City.

Upon the persistence of the Real Estate Division, the church group finally considered the negotiated terms and conditions of March 6, 2000. The group has countered the proposal with negotiated terms and conditions of March 14, 2000.

The group's proposal involves the City granting easements for $1.00 over the Cabot Subdivision for utilities to service the new church. There is no mention of who would be responsible for any survey, legal costs or other costs associated with these easements. However, the Real Estate Division would recommend that the onus be put on the church group as would be the case with other similar requests for easements on City-owned property.

As the church group has no assurances from CN Rail with regards to environmental concerns, it is not prepared to give any warrantees to the City in that regard.

By way of a letter dated February 21, 2000, the solicitor for Olga Nichols advised that Mrs. Nichols owns nearby Lot 3, Plan 19965, and notice was provided of a Caveat regarding a claim to an easement by prescription for a right-of-way to provide access to and from her property across the Cabot Subdivision. The letter also indicates a desire to enter into an easement agreement for the said purpose. The Planning and Land Use Division advises that Lot 3, Plan 19965 appears to be a land locked parcel with access to Ridgewood Avenue over the former rail line at the north side of the property. The Division recommended proceeding with the proposed purchase and work out the access to Lot 3 later, since the City requires this portion of the Cabot Subdivision whether or not there is a private road access over the TransCanada Trail. Following completion of the proposed purchase, if approved, the Real Estate Division can negotiate this matter so that it meets the City's needs.

The church group will be applying for a variance that would allow their own private access road from Elmhurst Road to remain unpaved. In return for the City's support of this variance, the church group is prepared to enter into an agreement with the City to donate the access lands, ie. Proposed Parcel "B" and part of proposed Parcel "C" lying east of proposed Parcel "A" (170.83 metres by 14.02 metres) to the City should Laxdal Road ever be opened as a street right-of-way south of Ridgewood Avenue. The Public Works Department advised that it requires the private approach to be of the same material that Laxdal Road is constructed of, pursuant to the Private Approaches Standards. The former Planner for this area advised that there have been other similar variances granted in this area.

The church group initiated its inquiries regarding the construction of a church approximately two years ago. Due to the length of time it has taken to get all the approvals in place, the church group has placed a condition on this proposal that would require all the necessary building and development permits for the proposed development to be in place no later than 60 days after title to the "Cabot Subdivision" land has been issued in 2417260 Manitoba Inc.'s name. This condition would require the Administration to be diligent in all applications received and ensure that the process is completed in a timely fashion.

Upon investigation, the church group has determined that it would not benefit from a tax receipt as it is a non-profit church group. The group has therefore placed an asking price on the 3.15 acre property of $30,000.00, which is $20,000.00 less than it is paying CN Rail for 3.55 acres.

The Real Estate Division has completed an appraisal on the subject property and the $30,000.00 asking price is considerably lower than the market value.

In view of the terms and conditions that the church group has proposed, it would appear reasonable for the City to pursue this acquisition.

Funding has been encumbered in the Assiniboia Land Dedication Reserve Account for this acquisition.

Report "A" of the Standing Policy Committee on Property and Development dated April 6, 2000 adjourned to April 7, 2000

The Standing Policy Committee on Property and Development recommends:

I. That the acquisition of the proposed Parcel "D" portion of the "Cabot Subdivision" as outlined on Misc. Plan No. 10574/2, be approved at a purchase price of $30,000.00 and in accordance with the terms and conditions as negotiated.

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

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.

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

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

528 - 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. 7601/2000, a by-law of The City of Winnipeg to close part of Public Road Plan Nos. 8298, 8389 and 9131 and Two Mile Road at the northeast corner of McGillivray Boulevard and Waverley Street. File DAC 21/97

By-law No. 7602/2000, 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 Quantrell Bay east of John Forsyth Road in the Riel Community.
File DASZ 31/84 (Phase 8)

By-law No. 7603/2000, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change at 143 St. Anne's Road, east side north of Bank Avenue in the Riel Community. File DAZ 208/99

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