REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED OCTOBER 26, 1999

On motion of Councillor De Smedt, Clause 3 of the Report of the Standing Policy Committee on Property and Development, dated October 26, 1999, was considered.

Declaration of a Portion of the Henteleff Tree Nursery lands as Surplus - Riel Community File FI-2.4(35) (Vol. 7)

459 - 3. The Standing Policy Committee on Property and Development has been advised that on June 10, 1996, the Riel Community Committee considered a development application for rezoning (File DAZ 208/95) and subsequently requested the Administration to submit a report to the (former) Committee on Planning and Community Services for its meeting on July 2, 1996. The said report was to outline possible ways and means by which the City can offer relief to the Developer (of 1880-1952 St. Mary's Road) in order to make the proposed development more viable, including the feasibility of consolidating a portion of the Henteleff Nursery, abutting the subject property, so as to give the Developer more land for construction of a higher number of units (two family, one storey residential).

On July 2, 1996, the former Committee on Planning and Community Services concurred in principle with the negotiation, if feasible, of the sale of all, or a portion of, the City-owned Henteleff Nursery property to the developer under terms and conditions to be approved by the former Committee on Finance and Administration and it therefore refers the matter with favourable support to the Committee on Finance and Administration.

On February 3, 1997, the former Committee on Finance and Administration requested the Administration to prepare an assessment impact report on the need to protect and/or save any or all of the Henteleff Nursery property and whether a portion of the property may be disposed of, for consideration of the (former) Committee on Protection, Parks and Culture.

Neither the former Committee on Protection, Parks and Culture or the Standing Policy Committee on Property and Development received an administrative report on the matter.

On September 7, 1999, Riel Community Committee considered a request from Frank Bueti, Scurfield Tapper Cuddy, on behalf of A and S Builders Limited, to declare the frontage portion of the lands at the Henteleff Tree Nursery as surplus to the City's requirements. The Community Committee also considered documentation from Yude Henteleff, on behalf of the Committee to Protect and Preserve the Henteleff Tree Nursery, in opposition to the request.

On September 7, 1999, the Riel Community Committee passed a motion outlining its support for the City to declare a portion of the Henteleff Tree Nursery lands surplus to its needs, if it is determined by the Administration that not all of the lands are required for City purposes, and that in the event the fronting property on St. Mary's Road is deemed to be surplus, that alternative access to the Nursery lands be provided.

On October 26, 1999, the Standing Policy Committee on Property and Development considered the recommendation of the Riel Community Committee, together with report dated September 20, 1999, from the Director of Property and Development Services, which recommended that no part of the Henteleff Tree Nursery be declared surplus.

The Standing Policy Committee on Property and Development was provided with the following assessment impact report:

A. History of the Site

The Henteleff Nursery has significant historical and cultural value relating to its history. The property was acquired by the Henteleff family in 1923 and used for market gardening purposes until it was expropriated by the Metro Corporation of Greater Winnipeg in 1967 for the purpose of an Inner City Greenbelt. The property has since been

Report of the Standing Policy Committee on Property and Development dated October 26, 1999

used as a tree nursery by the City's Forestry Branch. The nursery has always been a popular recreation site for members of the general public. Informal recreational activities conducted at the site include fishing, birding, cycling, walking and picnicking. The Legal Services Division has reviewed the expropriation bylaw and is of the opinion that there is no obligation on the part of the City to retain any of the Henteleff Nursery.

B. Site Description

The Henteleff Nursery, identified as "City property" on Misc. Plan No. 9752/7, is a 37 acre property located along the eastern bank of the Red River between the River and St. Mary's Road. The property has been cultivated and used for agricultural purposes except for the river bottom forest area located within approximately 150 feet of the waters edge, a creek bed running across the eastern third of the property and a wood lot at the southwest corner.

Currently the Henteleff Nursery and the land immediately adjacent are zoned Agricultural ("A-5"). Plan Winnipeg designates this area as a "Neighbourhood" Policy Area. This neighbourhood had approximately 730 residents at the time of the 1996 Census. It is estimated that this neighbourhood will contain 1,800 to 2,300 residents once fully developed.

The portion of Henteleff Nursery under consideration for declaration as surplus is identified as the "subject property" on Misc. Plan No. 09/20/99B (Appendix "A"). The subject property is approximately 2 acres in size (5% of the Nursery) and consists of a gravel parking lot and several stands of shelter belt trees.

The Designated Floodway Fringe Area Regulation (No. 266/91) impacts significantly on the Henteleff Nursery site. All but the frontage portion of the nursery is within the Floodway Line, as outlined on Misc. Plan No. 9752/7 (Appendix "B"). The regulations prohibit construction within this line. Essentially the frontage portion of the nursery is the only place where construction of any type is possible. In addition, the frontage portion of the nursery is the only area not flooded during the flood of 1997.

C. Nursery Operation

The Henteleff Nursery is required by the Forestry Branch for its nursery operations. These operations have increased in importance due to the reduction in funding for the purchase of trees from private nurseries. Operation of the nursery has allowed the Forestry Branch to take advantage of significant cost savings in several ways. The nursery has been used to store sizeable quantities of nursery stock that periodically becomes available at very reasonable cost due to variations in demand. The site provides the opportunity to hold and grow larger stock for use at various project locations during periods when larger stock is either not available in the marketplace or is cost prohibitive. The site provides an opportunity to grow highly specialized nursery stock for use at high profile public locations that would be cost prohibitive to secure in the marketplace.

The portion of Henteleff Nursery under consideration for declaration as surplus should not include any of the current Forestry facilities. The Administration has advised it is unclear whether the relocation of the Forestry facilities can be accommodated within the Designated Floodway Fringe Area Regulation (No. 266/91). A waterway permit would also have to be filed as well as a conditional use application. In addition, a zoning variance would be required if frontage on a street can not be maintained. Alternate access would have to be developed which may require the purchase of additional land. Funding for the relocation of the nursery facilities has also not been identified.

At one time it was suggested that the nursery operation was an incompatible land use within a proposed residential area and as such the operation should be relocated to another area of the City.

It is the opinion of the Planning and Land Use Division of the Property and Development Services Department that the Nursery would not be an incompatible land use within a residential or parks and recreation area. Development south of Henteleff Nursery could not be initiated without the construction of a dike along the Floodway Line, as illustrated on Misc. Plan No. 9752/7. This dike would serve to, at least partially buffer, other land uses from any noise or activity from within the nursery.

The relocation of the entire Forestry nursery operations to another area in the City has not been studied. A suitable location would have to be identified and purchased. Funding for this land purchase and the relocation of the Forestry facilities has not been addressed. Until these steps are taken it is impossible to consider the relocation of the entire nursery operation. For the time being, the City would prefer to keep the nursery in operation at this location.

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The frontage portion of the nursery has an extremely important function. Its primary function has been to allow access to the nursery. Secondary functions include equipment storage and use as a parking lot.

The Committee to Protect and Preserve the Henteleff Tree Nursery has proposed a future Arboretum/Interpretive Facility to be located on the frontage portion of the nursery. On behalf of the Committee, Landscape Architect Cynthia Cohlmeyer has drafted a Land Development Schedule and a Concept Development Paper outlining how this could be accomplished. Ms. Cohlmeyer, as noted in the concept development paper, is currently developing a further report, which will include a Context Plan and a Concept Plan. These studies should be completed in approximately three months time and will further support the establishment of the proposed Arboretum/Interpretive Facility. The City Naturalist is in agreement that the entire nursery site is required and should be preserved for a future Arboretum/Interpretive Facility.

D. Community Open Space System

The Henteleff Nursery site contains three significant areas of native vegetation that should be a priority for preservation. These areas are the river bottom forest area located within approximately 150 feet of the rivers edge, a creek bed running across the eastern third of the property and a wood lot at the southwest corner. All three areas are composed of river bottom forest plant species. The Cohlmeyer Report identifies the woodlot in the southwest corner is the best quality plant community on the site, parts of which could be classified as an "A" quality site. The other two areas would be classified as B quality sites. The City Naturalist and Cynthia Cohlmeyer, Landscape Architect for the Manitoba Naturalists Society have completed an analysis. Both reports give more detailed information, and are on file in the Office of the City Clerk. In summary, the report identifies the Cultural, Socio-Cultural and Natural value of the site along with potential uses of the site. The study has identified at least 55 native plant species. In addition, 50 bird species likely nest in the habitats located within the nursery.

It has been suggested by the Committee to Protect and Preserve the Henteleff Tree Nursery that the development of a portion of the Henteleff Nursery should be subjected to an Environmental Impact Review. The Legal Services Division has reviewed this matter and is of the opinion that there is no obligation on the part of the City to proceed with an Environmental Review at this time.

The Henteleff Nursery site is important from a Parks and Open Space System perspective. The property is within the planned South St. Vital Parkway and as such will eventually form part of the Linear Parkway System throughout the City. Access to the parkway from St. Mary's Road will need to be developed using the portion of the nursery proposed to be declared surplus or some other access route.

A complete examination of this site's impact must include a review of the need for open space in a regional, community and neighbourhood perspective over and above the site's importance as a natural habitat. St. Vital Park (120 acres) and Maple Grove Park (160 acres) adequately fill the area's regional open space needs. At the community level the Dakota Community Centre (53 acres) located within 2 kilometres between St. Mary's Road and Dakota Street fulfils the areas needs. Normand Park (16 acres) located within this neighbourhood off Normand Park Drive fulfils the needs of the area on the neighbourhood level by supplying access to a playground and other open space needs that would be required should the neighbourhood be fully developed (approximately 1,800 to 2,300 residents).

The administrative report dated October 20, 1999, is of a policy nature and as such there is no financial impact.

On October 26, 1999, the Standing Policy Committee heard representation from the following persons with respect to this matter:

1. Frank Bueti, Solicitor, Scurfield Tapper Cuddy and Frank Spezzano, A and S Builders Limited, in support of their request to declare the frontage portion of the lands at the Henteleff Tree Nursery as surplus to the City's requirements.

2. Councillor Angus, St. Norbert Ward, in support of the request from A and S Builders Limited, subject to maintaining an access to the Henteleff Tree Nursery lands off St. Mary's Road.

3. Yude M. Henteleff, Q.C., Spokesperson for the Committee to Protect and Preserve the Henteleff Tree Nursery, in opposition to declaring any portion of the Henteleff Tree Nursery lands as surplus.

Report of the Standing Policy Committee on Property and Development dated October 26, 1999

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

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

I. That the subject City property, as outlined on Misc. Plan No. 09/20/99B, be declared surplus to the City's requirements and be made available for sale, with the following condition:

   A. That an access to the rear of the 30± acres of the Henteleff Tree Nursery property, acceptable to the Standing Policy Committee on Property and Development, be a condition of the sale of the subject property.

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.

On November 10, 1999, the Executive Policy Committee laid the matter over and referred it to the Mayor's Office and the Chief Administrative Officer.

On December 15, 1999, Council granted a 60 day extension of time and on February 23, 2000, Council granted a further extension of time of 30 days.

The Executive Policy Committee recommends:

I. That the subject City property, as outlined on Misc. Plan No. 09/20/99B, be declared surplus to the City's requirements and be made available for sale or exchange subject to the following conditions:

   a) That the purchaser convey to the City, at no cost to the City, lands acceptable to the Standing Policy Committee on Property and Development for the purpose of providing year round access through Lot 3 directly from St. Mary's Road to the Henteleff Tree Nursery property, which access lands shall be of sufficient acreage and suitable for the possible development of an Interpretative Centre/Arboretum to be operated in conjunction with the Henteleff Tree Nursery property;

   b) That the purchaser pay the City's costs to relocate its existing operations on the subject property; and

II. That should the above conditions not be complied with by September 22, 2000, or such other date as may be agreed upon by the Director of Planning, Property and Development, then this declaration that the City lands are surplus to the City's requirements be automatically rescinded.

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

Moved by Councillor De Smedt,
Adoption of the clause.

Moved by Councillor Lubosch,
Seconded by Councillor Angus,

WHEREAS a recommendation has been made regarding the declaration of a portion of the Henteleff Tree Nursery lands as surplus;

AND WHEREAS Executive Policy Committee has proposed an amendment to the recommendation;

AND WHEREAS it is desirable to further amend the recommendations arising out of both committees;

THEREFORE BE IT RESOLVED that the recommendation of the Standing Policy Committee on Property and Development, with the proposed Executive Policy Committee amendment, be deleted in their entirety and replaced with the following:

Report of the Standing Policy Committee on Property and Development dated October 26, 1999

I. That the subject city property described as part of Lot 4 (City Land) and as shown shaded on the plan attached hereto and marked as Exhibit "A" be declared surplus to the City's requirements for the express purpose of exchanging the same for all of Lot 3 owned by A and S Builders as identified on the said plan (the switch) subject to the following conditions:

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

(b) That in the event that the switch should occur and the City becomes the owner of all of Lot 3, said Lot 3 shall be consolidated with the remaining portion of Lot 4 and used for park purposes.

The motion proposed by Councillors Lubosch and Angus was put and declared carried.

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

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ON PROPERTY AND DEVELOPMENT

DATED JANUARY 6, 2000

On motion of Councillor De Smedt, Clause 9 of the Report of the Standing Policy Committee on Property and Development, dated January 6, 2000, was considered.

Moved by Councillor De Smedt,
That the Consent Agenda, Clause 9, be adopted.

Councillor Timm-Rudolph requested that Clause 9 be pulled from the Consent Agenda.

Proposal from Shelter Corporation - To Lease 4.44 acres of the Transcona Deep Pond Site for vehicle parking purposes associated with the development of the Regent Casino Hotel - To Purchase a portion of the Owen Street right-of-way from the City - East Kildonan-Transcona Community File FI-2.2(33) (Vol. 1)

460 - 9. On July 8, 1999, the Standing Policy Committee on Property and Development requested the Director of Property and Development Services to enter into negotiations with Shelter Corporation for the use of a five acre portion of the Transcona Deep Pond site and to report back to the Standing Policy Committee on Property and Development on the results of same.

The Standing Policy Committee on Property and Development also requested the Director of Property and Development Services, in conjunction with the Directors of Public Works and Water and Waste, to formalize the feasibility of reconfiguring the Ravelston Snow Storage facility and to submit the subject proposal and findings of same to the Standing Policy Committee on Public Works for its consideration.

Between the period July 1999 and November 1999, the Property and Development Services Department completed negotiations with the proponent and finalized a review of all matters related to the reconfiguration of the snow dump, made necessary as a result of the written recommendation to lease the subject property.

A. Proposed Lease of a portion of the Transcona Deep Pond Snow Dump Site:

In accordance with the July 8, 1999, directive from the Standing Policy Committee on Property and Development, representatives of the Shelter Corporation and the Property and Development Services Department met at multiple times to discuss the terms and conditions for a lease agreement.

The lease proposal from the Shelter Corporation involves the request to lease a 4.44 acre portion of City-owned land at the Transcona Deep Pond site for the development of a vehicle parking lot. The "subject City property" is outlined on Misc. Plan No. 10662/1, and the particulars of the property are as follows:

Owner:	City of Winnipeg
Location:	Transcona Deep Pond Site – south of Ravelston Avenue, east of the Deep Pond, north of Central Manitoba Rail Line, and west of privately-owned land adjacent to Peguis Street outlined as "subject City property" on Misc. Plan No. 10662/1
Legal Description:	Plan 9705
Zoning:	"A" Agricultural District
Site Size:	63.97 acres

The Shelter Corporation requires these lands as part of a plan to construct a new hotel upon Provincially-owned lands adjacent to the Regent Casino. In order to provide replacement parking for the Regent Casino and Hotel patrons and staff, Shelter Corporation intends to develop a 700 hundred vehicle improved parking lot.

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The detailed terms and conditions of the lease proposal have been negotiated, and the particulars of the lease proposal are summarized as follows:

Lessee:	Shelter Canadian Properties Limited - 4021533 Manitoba Ltd.
Principals:	Leon Ledowski, Director and Arnie Thorsteinson
Area Leased:	4.44 acres
Lease Term:	Twenty-one (21) years commencing July 1, 2000
Base Rental:	Year 1- $54,412.00 per annum absolute net rent/ $0.28 square foot - Subject to review every five years based upon CPI for the City of Winnipeg all items
Added Rental:	Realty tax
Renewal:	No provision for renewal
Termination:	No rights to either party for cancellation, save and except for default
Lessee Responsibilities:	Base rent and realty taxes to the Landlord, provision of insurance as determined by the City of Winnipeg costs of all improvements made to the leased lands and associated implementation permits, zoning requirements, etc. All operational costs associated with the proposed use over the term.
Special Conditions:	Lessee to be responsible for all parking lot improvements and all related costs of installing land drainage, private rail crossing and 50% of cost of reconfiguring the Ravelston snow dump up to $100,000.00.

PROPOSAL ISSUES

As part of considering the subject proposal and negotiating detailed terms and conditions of a lease agreement, the Real Estate Division of the Property and Development Services Department consulted with the Administrative Coordinating Group, the Planning and Land Use Division, Property and Development Services Department, and the Public Works and Water and Waste Departments regarding this proposal. The following is a summary and description of the major issues and proposed means of resolution.

A. Administrative Coordinating Group:
On June 23, 1999, the subject matter was discussed informally by the Administrative Coordinating Group. There were no specific concerns expressed with the subject proposal excepting that of the Planning and Land Use Division of the Property and Development Services Department. However, at such time as the matter is more fully developed, and it was agreed that the matter would again be reviewed by the Group upon receiving a development application.

B. Planning and Land Use Division, Property and Development Services Department:
The Transcona Deep Pond Site, as outlined on Misc. Plan No. 10662/1, is approximately 63.97 acres in size and is currently zoned agricultural. The site is bordered by vacant agricultural lands to the north of Ravelston Avenue, Buhler Industries lands to the east are zoned commercial, Club Regent to the south zoned commercial and agricultural lands to the west zoned agricultural.

It is projected that the lands north of the Central Manitoba Rail Line and east of Peguis Street will likely be converted to residential over the next five to fifteen years depending on the demand for housing. The City received a development application for this land and approved a rezoning and subdivision in 1996. This rezoning and subdivision has not been acted upon and there is no development activity on the site as of this date.

The Planning and Land Use Division's main concern with the subject proposal is that depending on the configuration and landscaping of the parking lot, conflicts with future residential development may occur due to lighting and traffic movement.

The Planning and Land Use Division would prefer this parking, for a proposed hotel in conjunction with Club Regent, to be located adjacent to the hotel even if this requires a parking structure to provide the necessary spaces. However, since this proposed use will require a rezoning, the East Kildonan-Transcona Community Committee will have an opportunity to address the proposed layout and landscaping and determine whether these issues can be mitigated.

C. Public Works and Water and Waste Departments:
The Public Works Department has reviewed the subject proposal and the following summarizes its position regarding various matters relative to the subject proposal.

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

The Engineering Division requested information relative to the proposed railway crossing and its interaction with the proposed parking lot. The Engineering Consultant for the proposed tenant has advised that a signalized crossing was proposed and designed in accordance with the National Transportation Act. As well, the Consultant advised that Transport Canada and the Provincial Highways and Government Services Department had reviewed the proposal and concurred with same. Moreover, upon the receipt of detailed design construction drawings, the Province of Manitoba indicated that it would certify the plans. In addition, the Consultant also advised that the Central Manitoba Railway Co. had reviewed and granted approval for the proposed railway crossing.

The Streets Maintenance Division (Snow Dump Operations) has advised that a regional snow dump snow storage facility is located on the Transcona Deep Pond Site. Currently, the Department utilizes parcels A1 and A4, as outlined on Misc. Plan No. 10662/1, for snow storage purposes. The Public Works and Water and Waste Departments have reviewed the request for the use of a 4.44 acre portion of the snow dump site and are prepared to reconfigure the snow dump by using parcel A2 and regrading the site into the Deep Pond provided that same be completed at the sole cost of the proposed lessee. The site reconfiguration cost is estimated at $200,000.00 and is comprised of soil removal and grading, construction of an all weather gravel access road, installation of fencing, drainage control and the installation of overhead lighting plus engineering fees. The proponent has agreed to pay half of this cost as part of the lease negotiations.

In addition, the Water and Waste Department advised that a land drainage pipe would have to be installed under the proposed lease area to connect a future land drainage retention pond to be situated on privately-owned lands located west of the Transcona Deep Pond site to the Deep Pond. The cost of this installation is estimated at $100,000.00 and would be installed by the lessee, thus, there will be no requirement of the City to install this piping or to expend non-budgeted capital costs.

D. Real Estate Division, Property and Development Services Department:
The Real Estate Division has extensively reviewed the subject lease agreement proposal. The proposal involves the payment of a base rental rate of $0.28 square foot or $12,255.00 per acre to the City plus realty taxes. On the basis that rental rate equates to a 10% return on market value, the subject rental rate represents a value of $2.81 square foot. The base rental was established, in part, on the basis of a lease agreement signed on October 1, 1999, between Shelter Corporation and Haskett properties for lands situated east of Owen Street which provided for a rental rate of $0.28 square foot. This agreement was made available to the Real Estate Division.

In addition to the base rental, the lessee is to be responsible for the installation of a land drainage pipe to connect the Transcona Deep Pond to an adjacent retention pond located west of the Deep Pond site. These works are estimated to cost $100,000.00 ($0.52 square foot) and is a cost that the Real Estate Division would incur if it were developing the lands. Assuming these works would require financing over a twenty (20) year period, the equivalent financing cost was estimated at $116,000.00 ($0.60 square foot).

The Real Estate Division is supportive of the lease proposal based on the aforementioned rental rate and in conjunction with the following factors:

1. This is the first offer that the City has received in over thirty years to lease the subject City-owned property - the pond was constructed in 1967.
2. The subject property (4.44 acres) is land locked, separated by the rail line and has no municipal services.
3. That its highest and best use is as adjacent land to commercial land uses fronting onto Regent Avenue.
4. That the City's realty tax roll will be expanded.
5. The City land will be improved with the Lessor's installation of the land drainage piping.

E. East Kildonan-Transcona Community Committee:
As of January 6, 2000, the matter had not been formally considered by the East Kildonan-Transcona Community Committee; however, the Real Estate Division had consulted with the Ward Councillor. The Ward Councillor had not expressed any concerns with the entire proposal; however, it was the Real Estate Division's intention to forward the matter in its completed form to the Standing Policy on Public Works and the Community Committee to obtain their review and concurrence.

PROPOSED SALE OF A PORTION OF OWEN STREET

Concurrent with the discussion regarding a lease agreement for the use of a portion of the Transcona Deep Pond Site, the Shelter Corporation approached the City regarding the potential for closing a portion of Owen Street outlined as "subject property" on Misc. Plan No. 10743, and subsequently purchasing same for the purpose of creating a second parking lot to be upon lands located to the east of the Owen Street right-of-way.

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The particulars of the property are as follows:

Owner:	City of Winnipeg
Purchaser:	Shelter Canadian Properties – 4021533 Ltd.
Location:	The Owen Street right-of-way runs north/south between Regent Avenue and the Central Manitoba Rail Line, as outlined on Misc. Plan No. 10743
Site Size:	46,830 square feet (1.075 acres)

In response to this request, the Real Estate Division sought the advice of the Planning and Land Use Division, the Development and Inspections Division, the Public Works Department (Transportation Division) and the Water and Waste Department. No major concerns were expressed with the proposal to close a portion of the Owen Street right-of-way.

Subsequent discussions ensued with Shelter Corporation and the detailed terms and conditions of sale have been negotiated, and the particulars of the street closing and sale agreement are summarized as follows:

Price: $110,000.00 - $2.35 square foot

Development Conditions:

1. Purchaser responsible for all rezoning, land transfer, G.S.T., Survey and registration and subdivision costs.
2. Purchaser responsible for street closing application.
3. Purchase subject to approval of the street closing application.
4. Purchaser agrees to merge Certificate of Title with adjacent property owner - the Province of Manitoba.
5. Purchaser responsible for satisfying all requirements of the Public Works Department with respect to the closing and any related improvements to the remaining portions of the Owen Street right-of-way including the construction of a turnaround.

The Real Estate Division has reviewed the proposed price for the subject property relative to the known lease rate of the Haskett Property ($0.28 square foot) reflecting a market value of $2.81 per square foot on a 10% return basis. Further the City recently acquired a corner cut at $2.75 at Regent Avenue and Owen Street. These transactions are reflective of the market value and as such, it is supportive of the proposed purchase of the subject right-of-way given that the purchaser will be responsible for all costs inclusive of legal survey and registration, as well as G.S.T.

The Real Estate Division has also subsequently considered the matter of sale proceeds and the fact that the reconfiguration of the snow dump as referenced in Part I will require a contribution of $100,000.00 from the City. Being as the economics of the lease proposal require a cash contribution of $100,000.00 from the City, the Real Estate Division is supportive of directing the sale proceeds ($100,000.00 plus a contingency of $10,000.00) to satisfy the final cost of reconfiguring the snow dump. It should be noted that this represents a one time cost in Year 1 with no ongoing borrowing costs. The allocation of these sale proceeds will require Council approval.

The subject proposal does not require the commitment of any new capital funding on behalf of the City and as such, no capital borrowing is required. As a result of the Lessee's responsibility to install the land drainage pipe, the City will not be required to expend future dollars for this capital improvement.

The subject proposal also provides for the City to obtain a new cash flow to the current budget of $54,412.00 per year over the next twenty-one (21) years representing a total of $1,142,652.00 in new revenue plus realty taxes or an amount equivalent to realty taxes which have not been estimated at this time.

On January 6, 2000, the Standing Policy Committee on Property and Development referred the matter to the Standing Policy Committee on Public Works for review, and requested the Administration to submit the proposals from Shelter Corporation to the East Kildonan-Transcona Community Committee for review.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed terms and conditions of a lease agreement as negotiated, be approved, pending review of the proposals by the Standing Policy Committee on Public Works and the East Kildonan-Transcona Community Committee.

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

II. That the proposed terms and conditions of a sale agreement as negotiated, be approved, subject to Council's enactment of the requisite street closing by-law, and pending review of the proposals by the Standing Policy Committee on Public Works and the East Kildonan-Transcona Community Committee.

III. That the sale proceeds from the Owen Street right-of-way be utilized to fund the reconfiguration of the Transcona Deep Pond Snow Dump site.

IV. That the Proper Officers of the City be authorized to do all things necessary to finalize and execute all documents related thereto.

On January 11, 2000, the Standing Policy Committee on Public Works concurred in the proposed terms and conditions, subject to the concurrence of the East Kildonan-Transcona Community Committee.

On January 19, 2000, the Executive Policy Committee laid over Clause 9 to allow review of the proposal by the East Kildonan-Transcona Community Committee.

On January 25, 2000 the East Kildonan-Transcona Community Committee concurred in the proposal from Shelter Corporation subject to Shelter Corporation agreeing to the following four conditions, namely:

1) that signalization of the railway crossing be at the expense of the Developer;
2) the implementation of the Anti-Whistling By-law be at the expense of the Developer;
3) that access to Ravelston Avenue not be permitted; and
4) that the Developer install and maintain a landscape buffer area on the West side for the protection of the future residential properties, to the satisfaction of the Ward Councillor and the Planner.

On February 23, 2000, Council approved a 30 day extension of time.

On February 29, 2000, the Standing Policy Committee on Property and Development reaffirmed its recommendations of January 6, 2000, with the addition of the following:

A. That access to Ravelston Avenue not be permitted;
B. The Lessee be required to construct berms, fencing, landscaping and other site improvements, all subject to and regulated in accordance with the clause requested by the Area Planner.

The Executive Policy Committee has concurred in the recommendations of the Standing Policy Committee on Property and Development on January 6, 2000 and the addition of the following, namely:

A. That access to Ravelston Avenue not be permitted;
B. The Lessee be required to construct berms, fencing, landscaping and other site improvements, all subject to and regulated in accordance with the clause requested by the Area Planner.

Moved by Councillor De Smedt,
Adoption of the clause.

In amendment,

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

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

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

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 29, 2000

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

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

Councillor Timm-Rudolph requested that Clause 1 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 2,3,4,6,7,8,9 and 10 was put and declared carried.

Proposed Amendment to 2000 Home Renovation Tax Assistance Program
File FL (Vol. 8)

461 - 1. The Standing Policy Committee on Property and Development has been advised that Section 7 of By-law No. 7523/99 (the 2000 Home Renovation Tax Assistance Program) provides as follows:

7. The following are not eligible renovations:

(h) purchasing, installing or repairing any of the following:

(ix) a security system;"

Generally, Section 7 of the By-law No. 7523/99 outlines a list of prospective renovations that are considered to be "luxuries" as opposed to necessities (ie. a hot tub, spa or Jacuzzi). Accordingly, these particular renovations are stipulated as not being eligible in the by-law.

Since a security system is necessary to protect a citizen's home and property, it is questionable if such a type of renovation should be classified as ineligible. Accordingly, the Designated Officer has no objection to a security system being included in the by-law as an eligible renovation.

In order to implement the foregoing, Council would have to amend the By-law No. 7523/99.

The Standing Policy Committee on Property and Development recommends:

I. That the 2000 Home Renovation Tax Assistance Program be amended to include that a security system is an eligible renovation, effective April 1, 2000, and By-law No. 7523/99 be amended accordingly.

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

Moved by Councillor De Smedt,
Adoption of the clause.

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

The motion for the adoption of the clause was put.

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

Yea: Councillors De Smedt, Steek, Timm-Rudolph, Vandal, Eadie and Lazarenko. 6

Nay: Councillors Angus, Clement, Gerbasi, Lubosch, Smith, Deputy Mayor Thomas, and His Worship Mayor Murray. 7

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

Fire Safety Alternatives for Heritage Buildings File GG-2 (Vol. 25) [c/r EB-1.1.1. (Vol. 4)]

462 - 2. In 1992, Council adopted in principle a report titled "Heritage Support: Policy and Programs" which recommended that the City of Winnipeg actively work with the Province of Manitoba to establish alternative building code compliance methods for heritage conservation. This could be achieved through amendment to the existing Manitoba Building Code to include alternative requirements for heritage buildings.

In 1997, the Historical Buildings Committee chaired an informal working group to develop a system of equivalencies to convert upper floors of commercial heritage buildings into residential use.

On July 22, 1998, Council directed the Administration to prepare building code equivalencies on building conversion projects in the downtown.

The Need For Fire Safety Alternatives

The City of Winnipeg is developing a strategy to revitalize the city's downtown core and, as an element of that, wishes to find a means to renovate a number of heritage buildings. That renovation is directed primarily at creating residential units where previously the buildings were used for commercial and warehousing purposes. These are typically four to seven storey buildings constructed of heavy timber with masonry exterior walls. The desired renovation must be undertaken in a manner that preserves the historic character of the buildings, ensures the safety of the occupants and permits the owners to cost-effectively carry out the work.

In 1998, the former Property and Development Services Department hired Ken Richardson, Fire Technologies Inc. of Ottawa, Ontario, to identify the fire safety issues involved in these heritage buildings, identify objectives for the renovated buildings, identify strategies that could be used by the City to address the fire safety issues, develop a unique strategy for the City to use and evaluate that strategy against possible fire scenarios. (Ken Richardson is a renowned expert in North America on fire safety and in 1999 received the prestigious Standards Medal for outstanding contributions to fire safety in the development of the National Fire Protection Association standards at the World Fire Safety Congress.)

It has been stated that strict compliance to the Manitoba Building Code would be difficult, if not impossible, if all three criteria of heritage preservation, occupant safety and cost effective renovation is to be met. Individual equivalencies to the Manitoba Building Code for all aspects of each building are also considered to be somewhat difficult given that, in the first instance, most of these buildings would not be able to meet the current Manitoba Building Code requirements for noncombustible construction. As well, it has been stated that individual equivalencies may be subject to differing individual interpretations. A general solution in the form of a set of fire safety alternatives for these heritage buildings has been requested. Such alternatives could become "acceptable code solutions" or could be incorporated in the regulations for use on an equal footing for all heritage buildings.

Major Fire Safety Issues for Heritage Buildings

The major fire safety issues for these heritage buildings include heavy timber construction where noncombustible is required, substandard exposure protection, deficient exits, deficient fire compartment and the lack of adequate fire alarm and sprinkler systems.

The overall objectives for the project were to preserve the historic value of the buildings, assure the safety of the occupants and assure cost-effective solutions. The objectives relating to fire safety included:

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- providing adequate time for occupants to escape to a place of safety
- providing building equipment and facilities to prevent ignition
- limited fire spread to the compartment of fire origin, and
- ensuring the integrity of the structure under fire attack.

Possible strategies included codes, regulations and guidelines originating from both Canada and the United States. A review of these led to the conclusion that a unique solution for the limited set of buildings in Winnipeg was required. That unique solution takes the form of Fire Safety Alternatives for Heritage Buildings as detailed in the Ken Richardson Report dated November 22, 1999.

Strategies

The alternatives developed for Winnipeg's heritage buildings recognize the need for historic preservation and cost effectiveness while trying to address the major concern of occupant fire safety. In that regard, the following constitute the major aspects of the alternatives:

- Heavy timber construction can be retained in lieu of noncombustible
- Wired glass of any size can be used in fire separations and tempered or heat strengthened glass with sprinklers in exterior walls
- Fire separations need not exceed 3/4 hour fire resistance and fire resistance can be determined using Part 9 tables
- Exit stairs and elevators can be in the same enclosed shaft
- Exterior windows facing streets can be retained and combustible elements in exterior walls retained
- Exposed heavy timber finishes can be retained
- New fire alarm systems are required
- Sprinkler systems are required but can be refurbished from existing ones
- Fire escapes can be used for exits with cross corridor smoke partitions

These alternatives were evaluated against five fire scenarios to determine whether or not they would provide sufficient safety to meet the objectives. It was shown that indeed the fire safety objectives could be met and, as such, the Fire Safety Alternatives are recommended for use in renovating heritage buildings in Winnipeg's downtown core.

In his Report, Ken Richardson points out that "it is important that users of these Fire Safety Alternatives be aware of the fact that these alternatives are exceptions to the Manitoba Building Code for the Heritage Buildings in Winnipeg's downtown core. The Alternatives provide those wishing to renovate the Heritage Buildings with solutions that may not comply directly with the Manitoba Building Code but provide for occupant safety commensurate with the Manitoba Building Code while enabling historic preservation and cost effectiveness objectives to be met. All aspects of the renovation not addressed by the Alternatives must comply with the appropriate requirements of the Manitoba Building Code."

This means that the proposed fire safety alternatives for heritage buildings would still require that an owner, architect or engineer demonstrate that compliance with the intent of the safety requirements has been achieved, as is currently the case for all building permit applications. For these heritage buildings, however, compliance could be applied first to the fire safety alternatives rather than to the Manitoba Building Code.

The Richardson Report has been critically reviewed during its preparation by the Winnipeg Building Commission, the Historical Buildings Committee, officials from the Manitoba Department of Labour and Culture, Heritage and Tourism, Continuing Education Committee of the Manitoba Association of Architects, various other specialists, and the City's Plan Examination officials. These professionals all concur with the adoption of the subject report. There is no financial impact associated with the administrative recommendation.

The Standing Policy Committee on Property and Development recommends:

I. That the Manitoba Ministers of Labour and Culture, Heritage and Tourism be requested to amend the Manitoba Building Code to include a new part entitled, "Alternative Requirements for the Rehabilitation of Existing Buildings" based on the report dated November 22, 1999, titled "Fire Safety Alternatives for Heritage Buildings in Winnipeg's Downtown Core", prepared by Ken Richardson, Fire Technologies Inc.

II. That in the interim, the Plan Examination Branch of the Planning, Property and Development Department continue to use the report prepared by Ken Richardson, Fire Technologies Inc., as a guideline.

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

Copy of the Report titled "Fire Safety Alternatives for Heritage Buildings in Winnipeg's Downtown Core" dated November 22, 1999, is on file in the City Clerk's Department.

In amendment,

The Executive Policy Committee concurs in the recommendations of the Standing Policy Committee on Property and Development with an amendment to Recommendation I. by deleting the words: "Manitoba Ministers of Labour and Culture, Heritage and Tourism" and substituting the following words therefore, namely: "Government of Manitoba".

Adopted by consent.

Proposed Amendment to Development Agreement AG 26/88 - land located east of Molson Street, south of Grassie Boulevard - East Kildonan-Transcona Community
File DASZ 26/88

463 - 3. The Standing Policy Committee on Property and Development has been advised that Qualico Developments (Winnipeg) Limited, by way of letter dated April 22, 1998, requested the Administration to consider allowing the sodding of the median boulevards between the frontage roads and Golden Eagle Drive. The Development Agreement clearly indicates that interlocking paving stones are required at these locations.

On June 1, 1998, the Land Development Branch of the Planning, Property and Development Department verbally advised Qualico Developments (Winnipeg) Limited that, after due consideration by all concerned Civic Departments, the Administration did not support their request.

During preparation for the 1998 Parade of Homes, the developer had the aforementioned boulevards sodded and fourteen trees were planted. Ostensibly, the sod and trees were installed on a temporary basis to meet tight time lines. However, as of September 1999, the sod and trees remain in place.

The developer believes that the local residents have become accustomed to the sod and trees and would object to their replacement with interlocking paving stones.

The Public Works Department, Street Maintenance and Parks and Open Space Divisions, both object to amending the development agreement for several reasons:

1. Higher maintenance costs - generally, turf grass sod and trees require a higher level of ongoing, perpetual maintenance while the service life of interlocking paving stones is estimated at twenty to twenty-five years with minimal maintenance.

2. Winter snow storage - the medians are used for snow storage and melting of contaminated snow can damage or kill both sod and trees. Further, snow removal equipment can cause severe rutting if a major snowfall occurs before the ground is frozen, and can inadvertently damage trees planted in such close proximity to snow storage areas.

3. Spring clean up - sod damaged by winter snow storage and removal, or killed by frost is replaced with topsoil and seed which takes longer to grow, and is often over run by weeds and usually requires annual replacement.

For these reasons, the Administration does not support the amendment to Development Agreement AG 26/88 to allow sodded medians and trees on Golden Eagle Drive. However, should Committee/Council give favourable consideration to the request from Qualico Developments (Winnipeg) Limited to amend the development agreement and keep the sod and trees in place, the Public Works Department requests that they be required to install a 0.6 metre wide concrete "kill strip" around the perimeter of the medians.

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On January 25, 2000, the East Kildonan-Transcona Community Committee did not concur in the recommendation contained in report dated December 23, 1999, from the Land Development Administrator, and recommended that Development Agreement AG 26/88 be amended as set out below.

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

I. That Development Agreement AG 26/88, Schedule "C", Clause 10.b) be amended to allow installation of turf grass sod and trees in place of interlocking paving stones on the median boulevards between the roads and Golden Eagle Drive, subject to the Developer installing a 0.6 metre wide concrete "kill strip" around the perimeter of the median boulevards between the frontage roads and Golden Eagle Drive.

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

Adopted by consent.

Extension of Time - Proposed Subdivision and Rezoning - land located on the east side of Eaglemere Drive, south of Crozier Avenue - East Kildonan-Transcona Community File DASZ 1/93

464 - 4. The Standing Policy Committee on Property and Development has been advised that the applicant, Kevin Crozier, 593 Marion Street, Winnipeg, has advised the Planning, Property and Development Department that he has now concluded negotiations with the City of Winnipeg and has agreed to the purchase of Parcel "A", as outlined on Misc. Plan No. 7607/6 on Schedule "A" dated February 8, 2000, and to incorporate this land into the proposed plan of subdivision. The applicant is now requesting a two year extension of time in order to complete the subject rezoning and subdivision application.

On September 21, 1994, Council adopted Clause 10 of the Report of the former Committee on Planning and Community Services dated August 30, 1994, which clause recommended approval of the subject subdivision and rezoning to an "R1-4" Single-Family District, as outlined on Schedule "A" dated February 8, 2000, to allow for the construction of single-family dwellings subject to the execution of a Development Agreement and Zoning Agreement.

Recommendation IX. of the said Clause stipulates:

IX. 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 an extension of time was previously granted to October 23, 1998. This extension of time has now expired.

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

On February 17, 2000, the East Kildonan-Transcona Community Committee concurred in the recommendation contained in report dated February 8, 2000, from the Subdivision Officer, Planning, Property and Development Department, as set out below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona 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 1/93.

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

Adopted by consent.

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

465 - *Note: Clause 5 has been laid over by the Executive Policy Committee for 30 days.*

Laid over by the Executive Policy Committee for 30 days

Proposed Subdivision and Rezoning - land located on Burrows Avenue, east side between Inkster Boulevard and Larkspur Drive - Lord Selkirk-West Kildonan Community File DASZ 21/99

466 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Ladco Co. Ltd., 200-40 Lakewood Boulevard, Winnipeg, for approval of a plan of subdivision and related change to Zoning By-law No. 6400/94 by rezoning the subject lands outlined from a “C2" Commercial District to a “R1-4" Residential District to permit residential subdivision development.

The following is the present site description:

Site Area: The overall site area totals approximately 4.2 acres and has over 800 feet of frontage along Burrows Avenue

Existing Land Use and Zoning: The subject land is currently vacant and zoned “C2" Commercial

The following is the present surrounding land use and zoning:

North: North of Inkster Boulevard the lands are largely vacant and zoned “A” Agricultural. There are several small businesses operations also in place which are accessed off Inkster Boulevard.

South/East/West: Lands to the south, west and east are fully developed single-family residential areas predominantly zoned “R1-4" Residential.

The applicant proposes to rezone the subject property to a residential category in order to facilitate the subdivision and development of a thirteen lot subdivision. One of the proposed lots, the lot adjoining Inkster Boulevard will not be a build able site but will function as a separation/buffer strip. Lot widths will range from 41 feet to 53 feet in size.

The proposal fully complies with Plan Winnipeg Policy.

In 1974, the subject parcel was rezoned commercial as part of an overall development proposal for Tyndall Park. The zoning agreement restricted use of the land to very specific commercial uses but the land was never developed. The surrounding area over the years was successfully developed for residential purposes - generally in the 40 to 50 foot lot width range. Schools are in place and there is currently no vacant remaining land for residential development in spite of an ongoing apparent demand for single-family lots. The applicant and owner Ladco Developments is therefore of

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

the view that the highest and best use of the land at this time is for residential development. They are proposing to create thirteen new "R1-4" Single-Family lots and a residual lot which will constitute a buffer area between the proposed new buildings and Inkster Boulevard. The buffer area should act as an effective noise attenuation space separating the nearby high traffic corridor and the new subdivision. It will be retained as public reserve. Lots in the proposed subdivision generally range in width from 41 foot wide to 53 foot wide. Eight of the lots will front onto an eye-brow bay off of Burrows Avenue - the remainder will front onto Larkspur Drive. All lots proposed are in character and of an equivalent size with adjacent lots in the surrounding neighbourhood. It is the view of the Planning, Property and Development Department that the proposed rezoning use will be a preferable alternative to the existing commercial zoning. It is further recommended that the standard 10% dedication for public open space be waived as dedication was fully provided under Development Agreement AG 45/74.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on February 8, 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 subdivision and rezoning be approved for the following reason:

1. The proposed subdivision and 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 and recommends

I. That the plan of subdivision proposed under File DASZ 21/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/99 dated February 1, 2000, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 10, 2000.

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 21/99 dated February 1, 2000, to a "R1-4" Residential District.

IV. That the Zoning Agreement outlined under DAZ 45/74B, Caveat 242015 be discharged.

V. That the ten percent (10%) dedication be waived.

VI. 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.

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

VIII. 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.

IX. 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.

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

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

XI. 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. 477 for attachment)

Proposed Rezoning - land located at 107 Yale Avenue East - East Kildonan-Transcona Community
File DAZ 233/99 [c/r DAV 951/99D]

467 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Prairie View Developments Inc., (Jason Raap), 53 Meadow Lake Drive, Winnipeg to amend Zoning By-law No. 6400/94 be rezoning the subject land outlined from an "R1-4A" Residential District to an "R2" Residential District to allow for the establishment of a two-family dwelling.

The following is the present site description:

Site Area: 4,000 square feet (371.6 square metres)

Existing Land Use and Zoning: "R1-4" Residential District with a garage

The following is the surrounding land use and zoning:

North: Across public lane, single family residential dwellings, zoned "R1-4" Residential District

South: Across Yale Avenue, eight-story apartment block, zoned "RM7" Residential District

East: Single family residential dwelling, zoned "R1-4" Residential District

West: Across public lane, a parking lot zoned "PR1" Parks and Recreation District

The subject property has been vacant for several years, excepting a garage at the rear of the site. The applicant proposes to build a small bi-level duplex on the site.

The subject rezoning appears to be consistent with Plan Winnipeg. The following policies are particularly relevant:

5A-04 The City shall encourage appropriate private sector investment in neighbourhoods including the provision of infill housing and local services.

5A-14i The City shall promote compact urban development encouraging infilling of vacant lands and the revitalization of existing neighbourhoods.

The property is located at the end of the residential block, across the lane from a parking lot. An eight-storey apartment block and a church are located across the street. The site is a good location for a "two-family" residential use, providing a transition in intensity of use between the single-family residences to the east and the more public spaces around the Day Street and Yale Avenue intersection.

The applicant plans to build a small duplex on the property and says that he may attract seniors looking for a smaller home in their neighbourhood or staff working at the elderly person's housing complex across the street. This can be an asset to the neighbourhood compared to the existing vacant lot.

There is a concurrent application with variances for lot width, lot area and maintenance of an existing garage associated with the proposed rezoning (File DAV 951/99D). These variances will allow a more intensive use of the property than permitted by Zoning By-law No. 6400/94 but appear reasonable given the minimum space requirements for a duplex and the minimal overall impact on adjacent properties.

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A Public Hearing was held before the East Kildonan-Transcona Community Committee on January 25 and February 17, 2000. Two persons were heard in support of the application, and two persons registered in opposition thereto.

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

1. There are a number of multi-family dwellings within close proximity to make it compatible with the neighbourhood.

2. One of those registered in opposition has indicated their support for the proposal.

3. The applicant is willing to invest their money into the neighbourhood.

4. The applicant is willing to remove the garage which was one of the concerns raised by those in opposition.

5. There is a need for small residential units within the community.

On February 29, 2000, the Standing Policy Committee on Property and Development considered the Report of the East Kildonan-Transcona Community Committee dated February 21, 2000, and approved the following amendments which have affected the recommendations as set out below:

- Recommendation Nos. V. and VI. be deleted in their entirety, namely:

  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.

  and the remaining recommendation be renumbered accordingly.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule “A” for File DAZ 233/99 dated January 13, 1999, to a “R2” Residential District.

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

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

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

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

Adopted by consent.

(See Minute No. 478 for attachment)

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

Proposed Assignment of Development Agreements between the City of Winnipeg and various Corporate Entities to Genstar Titleco Limited File EP-2 (Vol. 26)

468 - 8. The Standing Policy Committee on Property and Development has been advised that a request has been received for the City's consent to an assignment of a number of Development Agreements to the corporate entity of "Genstar Titleco Limited" due to a recent corporate reorganization. The various agreements with the City were entered into under a number of different entities. Each agreement contains a paragraph to the effect that the consent of the City is required in order for the agreements to be assigned to a different party.

The Land Development Branch of the Planning, Property and Development Department and the Legal Services Division of the Corporate Services Department have reviewed the request and advise that it would be in order to assign the various agreements to Genstar Titleco Limited.

The Standing Policy Committee on Property and Development recommends:

I. That the City consent to the assignment of the agreements as outlined in Schedule "A" to Genstar Titleco Limited.

II. That the Proper Officers of the City be authorized to execute any documents in connection with the assignment.

Adopted by consent.

(See Minute No. 479 for attachment)

Proposed Joint Use Agreement for River Osborne Community Centre and Gladstone School - Winnipeg School Division No. 1 File PR-2.3 (15)

469 - 9. On September 28, 1999, the Standing Policy Committee on Property and Development concurred in the September 14, 1999 recommendation of the City Centre Community Committee, and directed the Community Services Department to negotiate a Joint Use Agreement with The Winnipeg School Division No. 1 for the site shared by Gladstone School and the River Osborne Community Centre reflecting the joint investments in the properties and the obligations for ongoing maintenance and use of the facilities.

On December 7, 1999, the City Centre Community Committee concurred in the proposed terms and conditions of a Joint Use Agreement between the City and Winnipeg School Division No. 1, and directed the Administration to prepare the final agreement for submission to the Standing Policy Committee on Property and Development.

On December 14, 1999, the Winnipeg School Division No.1 Board of Trustees considered the proposed Joint Use Agreement for Gladstone School, and adopted the following motion:

> "That the joint use agreement with the City of Winnipeg for Gladstone School include provision for the City to use herbicides on the athletic fields, at its expense, with application made once annually during late summer before the normal school year begins."

The City and the Winnipeg School Division No. 1 have informally shared the subject site for many years, but there has never been a formal agreement for shared use of the property. The parties have cooperated in developing the amenities for the mutual benefit of local residents and school children. A wading pool was installed by the City on School Division property in the 1980s and has been operated every summer since. More recently, in 1997, the City and the Manitoba/Winnipeg Community Revitalization Program (M/WCRP) invested $310,000.00 for improvements including a play structure, asphalt pathway, lighting, a permanent hockey pen, plantings, a new baseball backstop, and landscaping.

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This is an opportune time to formalize the relationship of the partners, and to ensure the best utilization of the site and the long-term care and maintenance of the amenities. Negotiations between the two parties have produced the terms and conditions as outlined on Appendix "A", and as summarized below:

1. Ten year agreement with two 5-year renewal options which generally allows the School access to the shared facilities during the day, and community access to the facilities after school hours.

2. The School Division to assume responsibility for daily inspections and routine maintenance of play equipment, as they have trained and proven custodial staff on site capable of performing these tasks.

3. The City to retain responsibility for maintenance of the turf, trees, lighting, backstops, wading pool and hockey rink, subject to annual budget approvals of Council.

4. The Joint Use Agreement recognizes that the site is best managed by the on-site representatives of the parties (President of River Osborne Community Centre and Principal of Gladstone School), and provides for a Joint Planning Committee to deal with matters beyond the scope of the on-site representatives.

There was some discussion about introducing an annual application of herbicide to protect the investment in the new turf, acknowledging that there is a long-standing Winnipeg School Division policy disallowing pesticides on its properties. In its decision of December 14, 1999, the School Division conditionally agreed to this condition, and to the other provisions of the agreement.

The Public Works Department, Parks and Open Space Division, has been involved in negotiations with the Winnipeg School Division No. 1 and has endorsed the terms and conditions. Financial impact on the Public Works Department services are minimal and off-setting, namely:

1. There are savings in play structure maintenance, with the School and School Division assuming responsibility for daily safety inspections and ongoing structure maintenance and repairs.

2. There is a slight increase in costs due to an annual herbicide application, which is a service not previously provided on this property.

The River Osborne Community Centre has been consulted during preparation of this agreement, and on November 9, 1999, advised that the terms were agreeable and represented a reasonable arrangement for sharing of the site.

There is no financial impact associated with the proposed Joint Use Agreement.

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 Gladstone School and the River Osborne Community Centre site.

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

Adopted by consent.

(See Minute No. 480 for attachment)

Proposed Lease of additional land at the Pan Am Pool Parking Lot site - Pan Am Medicine Clinic - City Centre Community
File FI-2.2(32) (Vol. 6)

470 - 10. On January 26, 2000, Council referred back Clause 7 of the Report of the Standing Policy Committee on Property and Development dated January 6, 2000, with respect to the proposed lease of additional land at the Pan Am Pool Parking Lot site, as outlined on Appendix "A".

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

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

The Standing Policy Committee on Property and Development has further considered the matter and reaffirms its recommendations of January 6, 2000, as follows:

I. That the term of the lease agreement dated April 17, 1984, between the City of Winnipeg and Olympus Enterprises (now assigned to Poseidon Enterprises Ltd.) be extended by twenty-six (26) years from April 30, 2034 to April 30, 2060, by inserting 4 five-year renewals and 1 six-year renewal clauses into the agreement.

II. That the proposed terms and conditions of a lease agreement as negotiated, which pertains to a lease of City-owned property identified as “additional lease area” on Misc. Plan No. 5627/2, be approved.

III. That the Proper Officers of the City be authorized to do all things necessary to finalize and execute all documents related thereto.

Adopted by consent.

(See Minute No. 481 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MARCH 9, 2000

On motion of Councillor De Smedt, the Report of the Standing Policy Committee on Property and Development, dated March 9, 2000, was considered.

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

Carried.

Proposed Amendments to Downtown Winnipeg Zoning By-law No. 4800/88
File DAZ 200/2000

471 - 1. Council on July 22, 1998, requested the Administration to prepare a zoning by-law amendment to allow for residential, mixed use, commercial and live/work spaces on properties in the Downtown.

On May 26, 1999, Council adopted Clause 1 of the Report of the Standing Policy Committee on Property and Development dated May 4, 1999, with respect to proposed amendments to the Downtown Winnipeg Zoning By-law and the Manitoba Building Code.

Recommendation I. of the said Clause stipulated:

I. That Director of Property and Development Services (now Planning, Property and Development) be instructed to initiate an application to consider rezoning certain lands under the Downtown Winnipeg Zoning By-law No. 4800/88, from an "Ra" Residential Group A to an "Rc" Residential Group C, to permit housing more widely throughout the Downtown, and to amend the text of the Downtown Winnipeg Zoning By-law No. 4800/88 by including provisions for home occupations and live/work spaces.

The subject application DAZ 200/2000, is being made in accordance with the above-noted instructions of Council.

Overview of the Downtown Winnipeg Zoning By-Law No. 4800/88

The by-law may be described as a "layered" by-law in that every parcel of land in the Downtown is assigned a designation under each of the following six (6) categories.

1. Residential Use Group
2. Non-Residential Use Group
3. Bulk Regulations
4. Parking and Loading Regulations
5. Signage Regulations
6. Urban Design

The above-noted categories, in turn, each contains a number of more specific zoning designations. This enables a broad number of combinations of possible zoning layers. The zoning layers, and the specific uses and standards that each establishes, allows for management of development on lands in the Downtown within quite specific and detailed land use objectives.

It is proposed that the Downtown Winnipeg Zoning By-law No. 4800/88 be amended to reflect the following:

A. Redesignation of certain lands in Downtown Winnipeg from "Ra" Residential Group A to "Rc" Residential Group C as outlined on Schedule "A"

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B. Add Apartment Hotel and Dwelling Units as Permitted Secondary Uses in the "Rc" District

C. Add Studios and certain Personal Services as Permitted Secondary Uses within the "NRe" District

D. Delete the Requirement that Non-Residential Use Group "NRd" and "NRe" only be Established in Conjunction with Residential Use Group "Ra"

E. Permit existing buildings and structures to be used or converted for residential purposes without meeting the Residential Separation and Recreation requirements of the by-law, subject to compliance with the Winnipeg Building By-law.

F. Delete the Requirement for Accessory Parking Within the "P/L1" range for Residential Uses

G. Alternatives
(i) Delete all parking requirements
(ii) Reduce the parking ratios in the by-law
(iii) Eliminate all parking requirements for developments or conversions of less than 15 dwelling units

H. Add Home Occupations in the Downtown Winnipeg Zoning By-Law

An explanation of the proposed amendments is outlined on Schedule "C".

On March 9, 2000, the Standing Policy Committee on Property and Development held a Public Hearing to consider the above proposed amendments to the Downtown Winnipeg Zoning By-law No. 4800/88. Nine persons registered in support of the application, four registered in opposition thereto, and four persons registered for information thereon.

The Standing Policy Committee on Property and Development considered report dated March 2, 2000, from the Director of Planning, Property and Development, and concurred in the recommendations contained therein, with the following amendment which has been incorporated in the recommendations set out below:

- Recommendation No. I. be deleted in its entirety and replaced with the following:

  I. That the Downtown Winnipeg Zoning By-law No. 4800/88 be amended by rezoning the subject lands as outlined on Schedule "A" for File DAZ 200/2000 dated March 9, 2000, to an "Rc" Residential Use Group, notwithstanding that the "Rc" Residential Use Group within the designated area as outlined on Schedule "B" dated March 9, 2000, that any residential uses at grade level or at the pedestrian walkway level shall be a conditional use.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the Downtown Winnipeg Zoning By-law No. 4800/88 be amended by rezoning the subject lands as outlined on Schedule "A" for File DAZ 200/2000 dated March 9, 2000, to an "Rc" Residential Use Group, notwithstanding the "Rc" Residential Use Group within the designated area as outlined on Schedule "B" dated March 9, 2000, that any residential uses at grade level or at the pedestrian walkway level shall be a conditional use.

II. That the text of the Downtown Winnipeg Zoning By-law No. 4800/88 be amended as follows:

A. Adding the uses Apartment Hotels and Dwelling Units as permitted secondary uses in the "Rc" District.

B. Adding the uses Studios, and Personal Services, excepting those uses presently listed as Conditional, as permitted secondary uses in the "NRe" District.

C. Deleting the requirement that the "NRd" designation shall only be established in conjunction with the "Ra" designation.

D. Deleting the requirement that the "NRe" designation shall be established only in conjunction with the "Ra" designation.

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E. Amending the Part Four Bulk Regulations as follows:

1. Permitting buildings and structures lawfully existing as of the date of this amendment to be used or converted, but not physically or structurally enlarged or expanded, for the uses: Apartment Hotel; and Dwelling Units; without meeting the requirements of any parts of the "Residential Separation" section of Part IV of the by-law, subject to complying with all other parts of the Zoning By-law and the requirements of the Winnipeg Building By-law.

2. Permitting buildings and structures lawfully existing as of the date of this amendment to be used or converted, but not physically enlarged or expanded for the uses: Apartment Hotel; and Dwelling Units; without meeting any parts of the "Residential Recreation Space" section of Part IV of the by-law, subject to complying with all other parts of the Zoning By-law and the Winnipeg Building By-law.

F. Amending the Part Five Parking and Loading Regulations as follows:

1. Within the "P/L1" designation, to:

a) Allow up to 15 dwelling units to be established on a zoning lot without providing any on-site accessory parking.

b) Require that any building or structure containing more than 15 dwelling units on a zoning lot be required to provide on-site accessory parking of not less than one (1) parking space for each four (4) dwelling units above 15 dwelling units.

c) Require that apartment hotels provide not less than one (1) parking space for each four (4) suites or other rental unit.

G. That Part Three "Use" be amended by including "Home Occupations" as follows:

1. A home occupation is permitted, as hereinafter provided within a residential dwelling unit in any zoning district subject to compliance with the following limitations and the Winnipeg Building By-law.

2. In addition to the use regulations applicable in the zoning district in which it is located, a home occupation shall be subject to the following limitations:

a) Subject to any other limitations contained herein, any work or activity conducted on the premises in connection with the home occupation shall be carried on entirely within the residential dwelling unit.

b) The home occupation shall be conducted solely by one or more of the residents living in the residential dwelling unit on the premises without the employment of any other person.

c) The location of a home occupation within a dwelling unit shall not exceed a maximum floor area of 400 square feet or thirty-five percent (35%) of the gross floor area of the dwelling unit, whichever is lesser, and no home occupation shall be established or relocated or enlarged until the person or one of the persons operating or proposing to operate it has filed with the Zoning Branch a floor plan signed by such person certifying the location and area of the space to be so used, relocated or enlarged.

d) There shall be no exterior indication of the existence or operation of the home occupation and, without limiting the generality of such prohibition, there shall be no exterior display, no interior display visible from the outside, and no exterior storage of goods or materials associated with the home occupation, and the home occupation shall not by reasons of emission of odour, noise, vibration or refuse matter be allowed to create a nuisance beyond the dwelling unit.

Report of the Standing Policy Committee on Property and Development dated March 9, 2000

3. The following home occupation is permitted provided all the limitations contained herein are complied with:

   a) An office facility limited to paperwork and record keeping, which may include the taking of telephone and electronic orders, except any office facility listed as prohibited.

4. The following office facilities are prohibited:

   a) Office facility related to body painting or similar establishment;

   b) Office facility related to body rub or similar establishment;

   c) Office facility related to dating bureau or service or similar establishment;

   d) Office facility related to massage or similar establishment;

   e) Office facility related to sensitivity awareness or similar establishment;

   f) Office facility related to public bath, whirlpool bath or similar establishment;

   g) Office facility related to any establishment offering services or entertainment involving any entertainers, models, employees, waiters, waitresses or other persons simulating sexual acts, exposing any portion of genital organs, buttock, pubic area, or the female breast below the top of the areola, or exposing less than completely and opaquely covered genital organs, pubic area, buttock or female breast below the top of the areola;

   h) Office facility relating to any vehicle towing operation;

   i) Office facility relating to any radio equipped messenger operation, taxi operation, hauling operation, moving operation or any similar type of radio equipped operation;

   j) Office facility relating to any radio transmission equipment.

5. A “Bed and Breakfast” in a single-family dwelling may be approved as a Conditional Use pursuant to provisions of The City of Winnipeg Act. Such a home occupation is not subject to the maximum floor area limitation as set out in the limitations section of this Part.

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

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

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

Adopted by consent.

(See Minute No. 482 for attachment)

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor Smith,
Seconded by Councillor Gerbasi,

472 - 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;

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 Speaker ruled automatic referral to the Standing Policy Committee on Property and Development in accordance with Rule 16.1 of the Procedure By-law.

Moved by Councillor Steek,

That the rule be suspended to allow consideration of the motion at this time.

The motion to suspend the rule was put.

His Worship Mayor Murray called for the yeas and nays, which were as follows:-

Yea: Councillors Angus, Clement, De Smedt, Steek, Timm-Rudolph and Eadie. 6

Nay: Councillors Gerbasi, Lubosch, Smith, Deputy Mayor Thomas, Vandal and His Worship Mayor Murray and Councillor Lazarenko. 7

and the motion to suspend the rule was declared lost.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

473 - 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. 7589/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south side of Leila Avenue west of Pipeline road in the Lord Selkirk - West Kildonan Community. File DASZ 23/99

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

By-law No. 7590/2000, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 107 Yale Avenue East in the East Kildonan - Transcona Community. File DAZ 233/99

By-law No. 7591/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the east side of Burrows Avenue between Inkster Boulevard and Larkspur Drive in the Lord Selkirk - West Kildonan Community. File DASZ 21/99

By-law No. 7592/2000, 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 Ivy Lea Court, west of Scurfield Boulevard, in the Assiniboia Community.
File DASZ 58/85 (Phase 53)

By-law No. 7593/2000, a by-law of The City of Winnipeg to close part of Cloverwood Road, south of Sigma Avenue. File DAC 15/96

By-law No. 7594/2000, a by-law of The City of Winnipeg to amend By-law No. 4800/88, being the Downtown Winnipeg Zoning By-law. File DAZ 200/2000