REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JANUARY 4, 2000

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

Moved by Councillor De Smedt,

That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11 and 12, be adopted.

Carried.

The Exchange District - A National Historic Site - Heritage Interpretation Strategy File G-3.1.2 (Vol. 6)

268 - 1. The Standing Policy Committee on Property and Development was advised that in September 1997, Winnipeg's Exchange District became a National Historic Site. This recognition was granted because the area vividly illustrated the opening of the Canadian West, as well as the role the City of Winnipeg played in the development of the Western Canadian economy.

In January 1998, the Exchange District Heritage Partnership was created to develop a Heritage Interpretation Strategy for the Exchange District National Historic Site. The Partnership, a group of volunteers consisting of representatives from three levels of government and local heritage and business organizations, began to address the issue of interpreting the rich and vibrant history of the Exchange District.

The final product, a comprehensive Heritage Interpretation Strategy, identifies the primary historical themes associated with the District's national designation as well as identifies existing interpretive media and programs. From this background, the Exchange District Heritage Partnership provided recommendations for a series of additional and renewed interpretive services. These recommendations are just a beginning and they do not preclude the development of other proposals.

The Historical Buildings Committee, a volunteer advisory committee appointed by City Council, endorsed the Heritage Interpretation Strategy and recommended that Council authorize the Historical Buildings Committee to pursue and recommend interpretive options to the City based on the ideas presented in the Strategy.

Should the recommendation from the Historical Buildings Committee be endorsed, the Committee would help to move implementation forward and ensure the longevity of the Exchange District from an education/interpretive perspective while contributing to the City's underdeveloped heritage tourism potential.

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

I. The Historical Buildings Committee be authorized to pursue and recommend interpretive options to the City based on the ideas presented in the Heritage Interpretation Strategy.

II. The Historical Buildings Committee be requested to consult with CentreVenture to clarify its role with the Heritage Interpretation Strategy.

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

Adopted by consent.

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Delivery of Manitoba/Winnipeg Community Revitalization Program - Combating Arson in Winnipeg
File EU-5 (Vol. 4)

269 - 2. On December 15, 1999, Council adopted Clause 1 of the Report of the Standing Policy Committee on Protection and Community Services dated November 26, 1999, as amended by an Executive Policy Committee recommendation to refer Recommendation X. of the said Clause to the Standing Policy Committee on Property and Development, namely:

X. That the delivery of the previously approved Manitoba/Winnipeg Community Revitalization Programs (M/WCRP) be immediately implemented.

The Standing Policy Committee on Property and Development recommends:

I. That Recommendation X. of Clause 1 of the Report of the Standing Policy Committee on Protection and Community Services dated November 26, 1999, be adopted.

II. That the Administration be authorized to enter into discussions with the Province of Manitoba with respect to the process for implementing the Manitoba/Winnipeg Community Revitalization Programs, and report back on the results thereof to the Standing Policy Committee on Property and Development.

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

Adopted by consent.

Proposed Subdivision Agreement Amendment - land located at 17 Bluewater Crescent - Riel Community
File SAA 17/99 [c/r DAS 27/80]

270 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from SunShade Products Ltd., 350 Higgins Avenue, Winnipeg, on behalf of the owners William and Rosie Labossiere Bees, to amend the By-Law No. 3088/81 of Subdivision Agreement DAS 27/80 (Clause 2A) to permit a 12 foot by 12 foot sunroom addition with a rear yard setback of 19.81 metres (65 feet) instead of the required 22.86 metres (75 feet).

The following is the present site description:

Site Area: The lot in question has 52 feet of frontage on Bluewater Crescent and 149.76 feet of depth.

Existing land Use and Zoning: There is a bi-level frame house occupying the lot with an attached garage. Zoning is "R2" Two-Family Residential.

The owner proposes to construct a 12 foot by 12 foot addition at the rear of his home for purposes of a sunroom.

In 1980, when the subject subdivision application under File DAS 27/80 was approved, a condition in the Subdivision Agreement specified clearly that a minimum rear yard set back of 22.86 metres (75 feet) was to be maintained between any principal dwellings and the rear property line. Set backs of 15.24 metres (50 feet) were established in the agreement for detached accessory buildings and swimming pools. The aforementioned setbacks were established by the Water and Waste Department to reduce the possibility of flood damage to homes built adjacent to the neighbouring retention lake during high water periods. In recent months, the Water and Waste Department has made concessions on attached decks treating them as accessory structures. However, in this particular case, the applicant proposes to construct a 144 square foot sunroom addition which is deemed to be a part of the principal structure. Since the Water and Waste Department remains firm on its commitment to the designated set back, the Department has little choice but to recommend denial of the recommended amendment.

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A Public Hearing was held before the Riel Community Committee on December 7, 1999. Three persons were heard in support of the application, and no persons registered in opposition thereto.

The Riel Community Committee recommended the subdivision agreement amendment be approved for the following reason:

1. There are already other sunrooms constructed along the lake within the rear yard setback.

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

I. That Clause 2A of the Subdivision Agreement DAS 27/80, executed as a condition of the enactment of DAS 27/80, be amended to permit the construction of a 12 foot by 12 foot sunroom addition with a rear yard setback of 19.81 metres (65 feet).

II. That the Proper Officers of the City are hereby authorized to execute said Subdivision Agreement Amendment.

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

Adopted by consent.

Proposed Subdivision and Rezoning - land located at 1 Terracon Place - Riel Community File DASZ 9/99 [c/r DAV 301/99D and DAC 10/99]

271 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Terracon Developments Ltd. (Patrick Hamilton), 276A Colony 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 “M2” Industrial District to a “PR1” Parks and Recreation.

The following is the present site description:

Site Area:	Overall site area 80 to 90 acres; plus 10 acres of proposed right-of-way
Existing Land Use and Zoning:	An array of industrial businesses centered on Terracon Place - all zoned “M2” Industrial

The following is the surrounding land use and zoning:

North:	North of Mission Street is the railway and north of the railway is an “R1-5” Residential subdivision
South:	Semi-developed “M1” Industrial subdivision
East:	Semi-developed “M2” and “M1” Industrial areas
West:	Zoned “M2” Industrial and Lagimodiere Boulevard

The applicant proposes to subdivide a large 90 acre area into 17 industrial sites and 4 adjoining public reserve areas. A new internal street system is proposed linking Terracon Place with Bournais Drive.

The applicant is proposing to subdivide the subject land into 17 lots varying in size from less than an acre to 7 acres in size. All are currently zoned “M2” Industrial. The 4 separate parcels being proposed for a rezoning from an “M2” Industrial to a “PR1” Parks and Recreation District total 8 to 10 acres in overall area and are centrally located adjacent to Terracon Place. Running simultaneously with the rezoning and subdivision is an application DAC 10/99 to close the west portion of Mission Street and reconfigure the remainder of what was Mission Street. The reconfigured remnants of Mission Street became Elan Boulevard which is intended to extend east to intersect with Bournais Drive. Terracon Place is intended to link Elan Boulevard with Dugald Road.

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The Planning and Land Use Division of the Property and Development Services Department supports the redevelopment and subdivision of the site, in principle, and in accordance with any conditions proposed by the Administrative Coordinating Group; however, the Administration is opposed to the establishment of and subdivision and rezoning for public reserve areas in the center of the newly proposed industrial subdivision. The Parks Planners are of the view that it would be for more beneficial to the City to take cash in lieu of land dedication. They argue that the proposed reserve areas are to be a significant extent inaccessible to the general public. They are surrounded by busy streets and railway lines and do not contain any playing fields or other facilities that would encourage visitation by the public at large. As a result, it is felt that these public lands will only be utilized by people who work within the industrial park.

It is also the City's view that the proposed public reserves are designed and developed to a standard far in excess of what the City can afford to maintain. However should the proposed rezoning component of the application be approved, it is suggested that the developer be required, as a condition of approval, to assume responsibility for the maintenance of newly established public reserve areas.

On June 8, 1999, July 13, 1999, October 5, 1999, November 9, 1999, and December 7, 1999, Public Hearings were conducted by the Riel Community Committee. Two persons appeared in support of the application, and no one registered in opposition thereto.

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

1. There is a lack of cooperation of adapting the development standards to modern day trends.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and recommends that the proposed plan of subdivision and proposed zoning change to Zoning By-law No. 6400/94 under File DASZ 9/99 not be proceeded with.

Adopted by consent.

(See Minute No. 312 for attachment)

Proposed Subdivision and Rezoning - land located on Ravelston Avenue West and Lagimodiere Boulevard - East Kildonan-Transcona Community
File DASZ 14/99

272 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from DS-Lea Consultants Ltd. for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands outlined from an "A.5" Agricultural District and an "R1-5.5" Residential District to a "C2" Commercial District, and to create six (6) lots to allow for future commercial development.

The following is the present site description:

Site Area: Approximately 4.23 acres

Existing Land Use and Zoning: Currently vacant except for vacant buildings on the south parcel of the site previously used by the City of Winnipeg and a Two Rivers Cedar Home Show Home temporarily located on the north portion of the subject property through a temporary change of use variance for a period not to exceed two (2) years (File DAV 272A/98C); zoned "A.5" Agricultural District and "R1-5.5" Residential District.

The following is the surrounding land use and zoning:

North: Vacant land currently a City right-of-way for Lagimodiere Boulevard

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South:	Vacant land zoned "A.5" Agricultural District and Olive Garden Restaurant zoned "C2" Commercial District
East:	Single-family dwelling on Almey Avenue and Ravelston Avenue West; zoned "R1-5.5" Residential District.
West:	Shopping Centre zoned "C3-1" Highway Commercial District and "C2" Commercial District

The applicant proposes to create six (6) separate developable sites. The proposed "C2" Commercial District would permit a range of intensive commercial uses that do not have a local or neighbourhood orientation. The proposed development will contain a mixture of high traffic generating commercial uses, which will include a restaurant, coffee shop, gas bar and office spaces.

The subject property is located on the east side of Lagimodiere Boulevard. The property consists of two sites, located both north and south of Almey Avenue. While the majority of the land is in the ownership of the applicant, part of the lands are being purchased from the City of Winnipeg.

The location of this site on Lagimodiere Boulevard makes it extremely attractive for high-intensity commercial development. The applicant's proposal reflects this attractiveness in that they intend to subdivide the lands into six small lots. Each lot is to be developed with such uses as a gas station, restaurant and drive-thrus. These uses would be intended to maximize visual exposure on Lagimodiere Boulevard and the Public Works Department has estimated that when developed, the site will attract about 4,000 vehicles on a daily basis. The existing street pattern and traffic signals permits traffic to access the property from both northbound and southbound Lagimodiere Boulevard, and from Ravelston Avenue West and Almey Avenue at the rear of the property.

The subject property presents some constraints to development by virtue of the fact that although it has wide frontage on Lagimodiere Boulevard, it has relatively shallow depth. Also, the East Kildonan-Transcona Community Committee recommended denial on two previous rezoning applications (Files DAZ 214/92, DAZ 201/93) on the basis that the land could not be serviced by sewer, water and land drainage, and that traffic and transportation issues both short and long term should be dealt with as part of any approvals. The East Kildonan-Transcona Community Committee affirmed this range of concerns and identified the need to integrate development on this site with compatible planning for the adjacent residential community when they passed a motion on May 18, 1999, which directed the preparation of a development management strategy for the area bounded by Ravelston Avenue West, Peguis Avenue, Reenders Drive, the undeveloped Kildonan Place lands to the south, and Lagimodiere Boulevard. Also in accordance with Community Committee's direction the subject application has proceeded for public hearing even though only preliminary work has been done on the development management strategy.

The site is somewhat unique in that it is located on one of the city's busiest streets and yet is also close to single-family houses located on gravel unserviced streets immediately to the east. These streets, Ravelston Avenue West and Almey Avenue contain approximately 75 single-family homes. Over the years traffic volumes at the Lagimodiere Boulevard and Regent Avenue West intersection have grown significantly. The recent approval of expansion to the Crossroads Shopping Centre will also add significantly to the traffic at this intersection. The construction of Peguis Street between Regent Avenue West and Ravelston Avenue West in conjunction with the Costco development and the installation of signals at Peguis Street and Regent Avenue west provided some relief, but nevertheless, increasing amounts of vehicles have been using Almey Avenue between Peguis Street and Lagimodiere Boulevard to by-pass the Regent Avenue/Lagimodiere Boulevard intersection to have direct access between Lagimodiere Boulevard and Costco. Residents have complained increasingly about the amount of non-local traffic on their streets. The development proposal for the subject property optimizes the high traffic location of the site, unfortunately, without appropriate consideration of traffic and transportation issues, it probably also reflects the least compatible and desirable development option when the adjacent residential area is taken into consideration.

Previous applications have proposed private sewer and water services for this site, and this was not consistent with Plan Winnipeg policy. The applicant has indicated that he is willing to install and pay for both sewer and water to serve the site. Although the issue of land drainage has not been fully solved it is possible that interim storage solutions may be feasible and could be recommended to the Community Committee. The issues of sewer, water and probably land drainage in conjunction with the proposal can therefore be managed and do not necessarily rely upon the financial involvement of adjacent residents.

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Discussions between representatives of the applicants, City Planning Staff and some area residents have identified three other major issues that are considered important to the application. These are as follows:

1. The ability to regulate uses on the site including hours of operation to minimize impact on residents.

The developer's proposal conceptually proposes very high traffic generating uses. The application for rezoning is somewhat unusual in that it is not accompanied by applications for drive-thrus, etc., although it is clearly shown that these are intended. Approval of a rezoning application without a concurrent specific set of proposed uses is not generally desirable. The Planning and Land Use Division of the Property and Development Services Department would prefer to specify uses and any limitation in hours, etc. within the context of a zoning agreement in order to provide certainty to adjacent residents about what will be developed on the lands if they are rezoned.

The conceptual plan indicates that probably rear yard and other variances may be needed. This raises the question as to whether the request for six (6) lots is reasonable or whether it may be considered over development. A more detailed set of specific development proposals should accompany the application.

2. The need for appropriate sound attenuation and screening of the site from the east.

The relatively shallow depth of the subject site presents limitations on the ability to provide sound attenuation and screening in the most effective and desirable manner. It appears that proposed drive-thrus and some parking and loading will all be located at the rear of the proposed lots. Ideally these should be separated from the residences to the east by substantial berms. No adequate attenuation proposal has been presented and unless the developments can in some way be reoriented, fencing and some tree planning is probably the only option.

3. Short term and long term traffic proposals for the area.

The applicant stated that it is essential that existing traffic signals and the median cut for southbound traffic on Lagimodiere Boulevard be maintained in the long term in order to ensure optimum access to his site. However, it has been the intention of the City of Winnipeg to remove the signals and close Almey Avenue at Lagimodiere Boulevard for many years. There are several reasons for the plan for future closure and the reasons remain the same now as outlined in a report from the former Streets and Transportation Department dated September 28, 1992. Lagimodiere Boulevard is a Major Thoroughfare and requires unimpeded traffic flows to function optimally. Almey Avenue, east of Lagimodiere Boulevard is a Local Residential Street and it is not desirable to have these two streets connecting. The signalized intersection of Almey Avenue and Lagimodiere Boulevard is poorly located along Lagimodiere Boulevard particularly with respect to other signalized intersections, and is very close to Reenders Drive. Closure of Almey Avenue supports the general development pattern for residential infill for the area. Increasing traffic on Almey Avenue would create very undesirable conditions for future residential development in that area.

In the opinion of the Planning and Land Use Division of the Property and Development Services Department, traffic impacts and the need to deal with them in conjunction with this application are the most important of all unresolved issues. There is a direct conflict between the expressed intent of the Developer and the Public Works Department with regard to the future of the Almey Avenue/Lagimodiere Boulevard intersection. The Traffic Assessment Engineer confirmed that he has not been approached by the applicant to review or discuss the impact of the subject proposal upon either the regional street system or the adjacent local residential street system. In discussions with the Planning and Land Use Division, the applicant's representatives have offered minimal design alternatives to deal with traffic, none of which, in the opinion of the Division, deal with the major outstanding issues.

The Property and Development Services Department therefore outlines that as noted above some progress has been made on issues with regard to development of the subject lands. Sewer and water and possibly land drainage can be dealt with. In the opinion of the Planning and Land Use Division, however, other issues particularly that of traffic should be dealt with at this time. Should the application be approved without adequately addressing short and long term traffic issues, it is very likely that the problems will increase dramatically, and the likelihood of appropriate solutions being implemented in the future will decrease.

In the opinion of the Planning and Land Use Division, a thorough review and discussion between the applicant, the Public Works Department and Residents of the area on the issue of traffic should be undertaken before Committee/Council makes a decision on the application.

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The Property and Development Services Department recommended that the application be laid over until the East Kildonan-Transcona Community Committee meeting in February 2000 to enable these discussions to take place.

On October 19, 1999 and November 16, 1999, a Public Hearing was conducted by the East Kildonan-Transcona Community Committee. Four persons appeared in support of the application, and fourteen persons registered in opposition thereto.

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

1. The supplementary reports from the Administration have addressed a majority of the concerns and include methods to address problems with berms and fencing to protect the residential areas from noise.

2. The subject parcel of land is relatively too small to allow many options due to constraints such as Lagimodiere Boulevard and the configuration of the property.

3. The Zoning Agreement is to contain provisions whereby permitted uses will be limited to only two 24-hour operations and other uses will be prohibited to ensure those considered to be obnoxious to the community are not established.

4. There are other developments which have had service stations established where residential areas are in close proximity which have septic fields and wells.

5. Concerns expressed with respect to possible contamination of the potable ground water from a service station use have been addressed by stringent regulations concerning underground service station tanks.

6. Traffic concerns will be addressed by the recommendations and amendments thereto that will cause Almey Avenue to be closed once Reenders Avenue is connected to Peguis Street and the surplus land offered for sale to the adjacent property owners.

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

I. That the plan of subdivision proposed under File DASZ 14/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 14/99 dated November 9, 1999, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 8, 1999, amended as follows:

      3. That Condition No. 3 be amended in the first line thereof by deleting the reference to "DASZ 4/99" and substituting the words "DASZ 14/99".

         That Condition No. 3 be further amended by adding the following as Condition 3b):

         "3b. The Developer shall pay $9,801.00 per acre as its share of the cost of the future regional land drainage systems as determined by the Director of Water and Waste."

      5. That Condition No. 5 be amended by deleting the words “sidewalks, boulevard landscaping” in the fifth line thereof and adding after the words “modifications to the existing traffic control signals” the words “which may be required as a result of street pavement works which the Developer will be required to construct within Almey Avenue east of Lagimodiere Boulevard” in the fifth line thereof.

      6. That Condition No. 6 be deleted in its entirety and the following substituted:

         “6. The City shall file a Caveat against the proposed subdivision advising subsequent owners that the City will close Almey Avenue on the West side of Ravelston Avenue once the Reenders Avenue connection is made to Peguis Street, and, the surplus road

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allowance land along Almey Avenue from Lagimodiere Boulevard to the west side of Ravelston Avenue will be offered for sale to the adjacent property owners."

9. That the following condition be added as No. 9:

"9. The proposed Private Approaches to Almey Avenue are to be designed and signed by the Developer to accommodate only traffic movements to and from the west on Almey Avenue, in accordance with Schedule "B" marked Page 4 of 4 of Exhibit 13 to DASZ 14/99 and identified as Figure: 4 Proposed Private Approach Geometry and Turn Restrictions, as determined by and to the satisfaction of the Director of Public Works."

and all the conditions outlined in the report of the Transportation Division dated November 1, 1999, amended as follows:

3. That Condition No. 3 be amended by deleting the words "sidewalks, boulevard landscaping, closure of the median opening on Lagimodiere Boulevard and removal of the southbound left turn storage lane on Lagimodiere Boulevard at Almey Avenue" in the fourth, fifth and sixth lines thereof.

B. That cross access agreements shall be required to ensure access to Almey Avenue from all proposed lots.

II. That the Director of Property and Development Services 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 14/99 dated November 9, 1999, to a "C2" Commercial 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 include the following conditions:

A. That no buildings, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed buildings, the location and design of accessory parking areas, loading areas, private approaches, driveways, fencing, garbage enclosures, exterior lighting, facia signs, free-standing signs, and landscaping are submitted to and approved by the East Kildonan-Transcona Community Committee, and the Chief Administrative Officer or designate under the designation as Schedule "A" to Zoning Agreement DASZ 14/99, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement.

B. That the most easterly fifteen (15) feet of all the proposed lots be established and maintained for a landscaped berm and fence to be comprised of a minimum three (3) foot berm and a minimum eight (8) foot fence for a total height of not less than eleven (11) feet and no other use.

C. That no vehicular access to Ravelston Avenue West shall be permitted from any of the lots.

D. That mobile signs, mobile poster signs, A-frames and similar temporary signs shall be prohibited on any of the lots.

E. That any freestanding identification signage shall be limited to one (1) pylon sign among Lot 1, 2, and 3 and one (1) pylon sign among Lot 4, 5 and 6 and that the said pylon signs shall each be to a maximum of 35 feet in height and 323 square feet in area.

F. That there shall be no facia or free-standing signage permitted to face the residential area.

G. That the maximum number of 24 hour operations on the site shall be limited to two and that all other operations shall be limited to the hours of 6:00 a.m. to 10:00 p.m.

H. That no more than one drive through food service shall be located on the site.

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I. That no more than one fuel sales kiosk / gasoline service station shall be located on the site.

J. That any HVAC equipment should be located within a completely enclosed building or structure.

K. That no exterior public announcement or ordering system or similar sound system shall be permitted except as approved for a drive through food service and shall be limited to the front wall of the said drive through food service building.

L. That no building feature or wall or sign shall be permitted on the east side of any building.

M. That all deliveries to the site shall be restricted to the hours of 6:00 a.m. and 9:00 p.m.

N. That the following uses shall not be permitted on any of the proposed lots:

Amusement Parlour
Amusement Enterprise, Licensed as a sports facility
Automobile Washing as a principle use
Beer: Sales
Billboards
Cabaret
Cocktail Lounge
Contractors' Establishment
Dry-cleaning, Pressing, Dyeing
Hotel, including a beverage room or any conditional use
Machinery/Heavy Equipment Supplies and Parts: Sales, Installation, Service
Pawnshop
Stone or Monument Sales, including incidental finishing
Tire: Sales, Service
Wood Products: Manufacture from finished wood, including a cabinet shop.

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

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

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 Servicing Agreement.

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

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

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

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. 313 for attachments)

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Proposed Subdivision and Rezoning - land located at 1310 Leila Avenue - Lord Selkirk-West Kildonan Community
File DASZ 23/99 [c/r DAV 900/99D]

273 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Roshan Lal Kalra, 1310 Leila Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands outlined from an "R1-2" Residential District to an "R1-4" Residential District to subdivide an existing parcel of land into four (4) parcels.

The following is the present site description:

Site Area: The total overall area is 21,780 square feet (a little less than half acre). There is 50 metre (165 feet) frontage along Leila Avenue.

Existing Land Use and Zoning: There is an existing dwelling at the most westerly periphery of the site on proposed Lot 4. A vehicle garage occupies the rear of proposed Lot 3.

The following is the surrounding land use and zoning:

North: Lands to the north of Leila Avenue are occupied with residential dwellings

South: Lands to the south are zoned "R1-4" and "R1-5" and are fully developed residential neighbourhoods

East: Zoned "R1-4" Single-Family District

West: Larger single-family lots zoned "R1-20"

The applicant proposes to subdivide the subject property into four (4) lots of generally equal size. An existing dwelling will remain on proposed Lot 4 and a variance application has been made (File DAV 900/99D) in order to allow for the maintenance of an existing garage on proposed Lot 3 for an unspecified period of time.

The parcel of land in question is on the south side of Leila Avenue immediately west of Pipeline Road. It is approximately one-half acre in size and occupied with a dwelling. The applicant proposes to subdivide the land into four (4) lots; two 40 feet wide lots, a 47.3 feet wide lot (occupied by the dwelling), and a 37.7 feet wide lot which is the subject of an accompanying variance. The proposed lots will all be serviced by a rear lane. The proposed "R1-4" zoning and lot sizes are generally consistent with lot sizes both north and south of Leila Avenue. There are several "R1-3" zoned areas west of Herron Road. The proposal in the view of the Property and Development Services Department constitutes infill housing and will not be out of character with the surrounding area. The Department therefore recommended that the proposed rezoning and subdivision be endorsed as submitted.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on December 7, 1999. No one registered in support of or in opposition to the application.

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 Committee and recommends:

I. That the plan of subdivision proposed under File DASZ 23/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 23/99, dated November 30, 1999, for registration in the Winnipeg Land Titles Office.

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II. That the Director of Property and Development Services 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 23/99, dated November 30, 1999, to an "R1-4" Single-Family District.

IV. That the Developer be required to pay to the City:

A. ten percent (10%) cash dedication in lieu of land dedication, to be calculated on the basis of three (3) additional building site(s) being created; and

B. boulevard improvements.

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 314 for attachment)

Proposed Subdivision and Rezoning - land located on the north side of McGillivray Boulevard, west of Kenaston Boulevard - 2395 McGillivray Boulevard - Assiniboia Community
File DASZ 26/99 [c/r DAV 910/99D]

274 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from LaFarge Canada Inc. (Dale Neilson), 2395 McGillivray Boulevard, 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 "M3" Industrial District to an “A” Agricultural District to enable the expansion of the Fort Whyte Nature Centre.

The following is the site description:

Site Area: Parcels “A” and “B” amount to about 166 acres of land

Existing Land Use and Zoning: "M3" Heavy Industrial District; Parcel “A” is vacant and was used for growing crops; Parcel “B” contains a large clay pit which has filled with water over the years

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

The following is the surrounding land use and zoning:

North:	Inland Cement Plant, zoned "M3" Heavy Industrial District
South:	South of Parcel “A”, Fort Whyte Nature Centre zoned “A” Agricultural District; South of Parcel “B”, LaFarge residual lands zoned "M3"
East:	LaFarge residual lands
West:	Cropland zoned “A” Agricultural District, potential for future 2.5 acre residential lots

The proposal is to subdivide two parcels of land from the LaFarge Canada Inc. holdings to enable the expansion of the Fort Whyte Nature Centre. LaFarge Canada Inc. no longer produces cement at the site, and the lands, which were acquired for clay excavation, are surplus to their requirements. The silos at the plant continue to be used for storage. Obsolete buildings on the site are being demolished. The lands may be developed with a Bison compound on Parcel “A” and an interpretive centre on Parcel “B” adjacent to the clay pond. Pathways will connect the lands to the remainder of the nature centre to the south (existing) and north (proposed future expansion). The accompanying zoning application would permit the establishment of the lots without frontage on a public right-of-way.

Proposed Parcel “C” and Parcel “D” will be retained by LaFarge. Parcel “D” is required for ongoing operations. Parcel “C” may be made available for future disposal and development. A subdivision agreement will prohibit the development of proposed Parcel “C” until the site is fully serviced.

The Administration is supportive of the rezoning and recommends that it be approved.

A Public Hearing was held before the Assiniboia Community Committee on December 14, 1999. Two persons appeared in support of the application, and no one registered in opposition thereto.

The Assiniboia 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 Assiniboia Community and recommends:

I. That the plan of subdivision proposed under File DASZ 26/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 26/99 dated December 6, 1999, for registration in the Winnipeg Land Titles Office.

II. That the Director of Property and Development Services 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 26/99 dated December 6, 1999, to an “A” Agricultural District, subject to the applicant entering into a Subdivision Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to include the following conditions:

   A. That no development permits be issued for proposed Parcel “C” until such time as full services are provided to the site.

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 Subdivision Agreement and its registration on the Parcel “C” title.

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.

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

VIII. 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.

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. 315 for attachment)

Extension of Time - Proposed Rezoning - land located on the south side of Logan Avenue opposite Omands Creek Boulevard - Lord Selkirk-West Kildonan Community File DAZ 206/95

275 - 8. On September 27, 1995, Council adopted Clause 13 of the Report of the former Committee on Planning and Community Services dated September 5, 1995, which Clause recommended approval of the rezoning for the subject land to an "M2" Industrial District and a "PR1" Parks and Recreation District, as outlined on Schedule “A”, to allow for industrial development, subject to the execution of a zoning agreement.

Recommendation 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.

The rezoning by-law has not been enacted, and the twenty-four (24) month time limited expired on September 27, 1997.

The owner of the subject land, 3068553 Manitoba Ltd., 201-1660 Pembina Highway, Winnipeg, has advised the Property and Development Services Department that they purchased the subject lands on June 1, 1997, and due to market conditions and the inability to secure a developer, they were unable to proceed. The owner now has a prospective developer who wishes to acquire a portion of the subject lands and has indicated a desire to proceed with development at the earliest possible date. Therefore the owner has now requested a further one year extension of time in order to complete the subject rezoning.

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 City’s interests remain secured and circumstances leading to the original approval remain unchanged.

On December 7, 1999, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation contained in report dated November 29, 1999, from the Subdivision Officer, Property and Development Services Department, on the matter.

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

I. That an extension of time to January 26, 2001, be granted in order to provide for the enactment of the necessary rezoning by-law under File DAZ 206/95.

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.

(See Minute No. 316 for attachment)

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

Extension of Time - Proposed Rezoning - land located on the south side of Chancellor Matheson Road between Pembina Highway and University Crescent - Riel Community File DAZ 218/97

276 - 9. On December 17, 1997, Council adopted Clause 10 of the Report of the Standing Policy Committee on Property and Development dated November 25, 1997, which Clause recommended approval of the rezoning for the subject land to an "MP-2" Industrial District, as outlined on Schedule “A”, to allow for light industrial uses at an industrial standard, subject to the execution of a zoning agreement.

Recommendation 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.

Recommendation 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 twelve (12) months from the date that the said rezoning by-law is adopted by Council.

Rezoning By-law No. 7135/97 was passed by Council on December 17, 1997. The enactment section of the by-law required that the Zoning Agreement Caveat be registered in the Winnipeg Land Titles Office by December 11, 1998, failing which the by-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

UMA Engineering Ltd., 1479 Buffalo Place, Winnipeg, has advised the Property and Development Services Department that they have been unable to proceed with the registration of the zoning agreement caveat due to difficulties arising with the transfer of the SMART park land from the Crown to the University of Manitoba, as well as the timing of the Federal and Provincial funding for the SMART park. The Administration has been advised that the land transfer is currently being expedited, and the funding was committed to the project by the Federal and Provincial Governments in August 1999. Therefore, the applicant is now requesting a further one year extension in order to complete the subject rezoning application.

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 are unchanged.

On December 7, 1999, the Riel Community Committee concurred in the recommendation contained in report dated November 26, 1999, from the Subdivision Officer, Property and Development Services Department, on the matter.

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

I. That an extension of time to January 26, 2001, be granted in order to provide for the enactment of the necessary Rezoning By-law No. 7135/97 under File DAZ 218/97.

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.

(See Minute No. 317 for attachment)

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

Proposed Rezoning - land located at 947 Valour Road - City Centre Community
File DAZ 227/99 [c/r DAV 775/99D]

277 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Steven Gilbert and Angele Seguin, 201 - 256 Greenway Crescent, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "R1-4" Single-Family Residential District to a "C1.5" Commercial District to allow for commercial development.

The following is the present site description:

Site Area: Approximately 38 feet by 92.7; 3,523 square feet

Existing Land Use and Zoning: Single-family house and zoning

The following is the present surrounding land use and zoning:

North: "R1-4A" Single-family Residential District, residential dwellings
South: "R1-4A" Single-family Residential District, across Ellice Avenue, business offices
East: "R1-4A" Single-family Residential District, residential dwellings
West: "R1-4A" Single-family Residential District, residential dwellings

The subject site is located on the northeast corner of Valour Road and Ellice Avenue. The proposal is to convert an existing bungalow into a chiropractic office. An existing garage at the rear of the property would be demolished and parking provided for three (3) vehicles. On-street parking is available on Valour Road and on Ellice Avenue during off-peak hours. The Valour Road/Ellice Avenue intersection is signalized and Valour Road is a bus route. The residential character of the building is to be maintained, however a wheelchair ramp will be attached to the building. The main floor of the building will be divided into an office and waiting area, two treatment rooms, washroom and kitchen. The client entry will be from Valour Road.

The Property and Development Services Department is prepared to support the application on the following grounds:

1. The use of the building for medical offices provides a neighbourhood service.
2. The south sides of the intersection are developed with office buildings including the Heavy Construction Association and Federal Independent Realty on the southeast corner, and Dycom Business Machines and Plus Canada Mobile Signs on the southwest corner.
3. Adjacent residents are supportive of the development.
4. On-street parking is available to patients.
5. The residential appearance of the building will be maintained.
6. The use of the property will be restricted to medical and professional offices (excluding real estate).

A Public Hearing was held before the City Centre Community Committee on November 9, 1999. One person appeared in support of the application, and two persons registered in opposition thereto.

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

1. The use of the building for medical offices provides a neighbourhood service.

2. The south sides of the intersection are developed with office buildings including the Heavy Construction Association and Federal Independent Realty on the southeast corner, and Dycom Business Machines and Plus Canada Mobile Signs on the southwest corner.

3. Adjacent residents are supportive of the development.

4. On-street parking is available to patients.

5. The residential appearance of the building will be maintained.

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

6. The use of the property will be restricted to medical and professional offices (excluding real estate).

The Standing Policy Committee on Property and Development concurred in the recommendations of the City Centre Community 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 227/99 dated November 2, 1999, to a "C1.5" Commercial District, subject to the following:

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

1. That the use of the land and buildings be restricted to:

i) medical offices
ii) business and professional offices (excluding realtors).

2. That no facia signage be allowed on the property and that free-standing signage on the site be limited to one unlit lawn sign with a maximum height of five (5) feet and a maximum sign surface area of six (6) square feet.

3. That no building or structure shall be erected or located on the land and no building or development permit issued for construction on the land unless and until plans, showing the design and location of the proposed buildings, building elevations, site access, accessory parking areas, fencing, landscaping, garbage enclosure, site lighting and signage, are submitted to and approved by the City Centre Community Committee.

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 318 for attachment)

Proposed Rezoning - land located at 706-708 Dorchester Avenue - City Centre Community
File DAZ 229/99 [c/r DAV 762/99D]

278 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from C & N Enterprises Co. Ltd. (c/o Jeffrey Badger), 1444 Wellington Crescent, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "R1-3" Single-family Residential District to an "RM-2" Multiple-family Residential District to allow for the construction of a multiple-family development:

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

The following is the present site description:

Site Area:	75 feet in width; 120 feet in depth; 9,000 square feet
Existing Land Use and Zoning:	Lot 5, vacant; Lot 6, 2.5 storey single-family dwelling

The following is the present surrounding land use and zoning:

North:	Across Dorchester Avenue, "RM-4" Multiple-family Residential District, 6-storey condominium apartment building; across Wellington Crescent, "RM-7" Multiple-family, existing apartment buildings
South:	"R1-3" Single-family Residential District, single-family dwellings
East:	"R1-3" Single-family Residential District, single- and two-family dwellings
West:	"R1-3" Single-family Residential District, single-family and multiple-family dwellings

The applicant owns two adjacent lots fronting the south side of Dorchester Avenue near Wellington Crescent. The westerly lot is vacant, while the easterly lot contains an older 2.5 storey dwelling. The proposal is to demolish the house and construct a 2-storey, 6-unit condominium apartment building spanning both lots. The 6 units (3 per level) will share 2 entrance foyers with sidewalk access to Dorchester. Second storey units will be provided with balconies at the rear. A related variance application would allow for substandard parking and side yards. The development provides a 25 foot front yard, consistent with adjacent housing. Parking for 6 residents and 1 visitor is provided off the lane, consistent with existing development in the area. The resident parking will be covered by a carport.

The Property and Development Services Department advised that it supports the application. The proposed development is consistent in scale and character with older housing in the area as well as recent redevelopment projects. The architect has taken steps to mimic the tudor style facades common to several mansions in the Crescentwood neighbourhood. The Department supports higher-density residential infill in older neighbourhoods where the rehabilitation of existing housing is not feasible. The McMillan neighbourhood provides a variety of housing types and styles. The demand for quality housing in the area is strong, and redevelopment is occurring at increased densities in response to lifestyle trends, market realities, and the economics of land development. Pride of ownership is evident in the care and condition of owner-occupied housing in the surrounding block, and it is the opinion of the Department that the proposed development will enhance housing values and the residential environment of the neighbourhood.

A Public Hearing was held before the City Centre Community Committee on November 9, 1999. Four persons appeared in support of the application, and no one registered in opposition thereto.

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

1. The proposed development is consistent in scale and character with older housing in the area as well as recent redevelopment projects.

2. The architect has taken steps to mimic the tudor style facades common to several mansions in the Crescentwood neighbourhood.

3. The Property and Development Services Department supports higher-density residential infill in older neighbourhoods where the rehabilitation of existing housing is not feasible.

4. The McMillan neighbourhood provides a variety of housing types and styles.

5. The demand for quality housing in the area is strong, and redevelopment is occurring at increased densities in response to lifestyle trends, market realities, and the economics of land development.

6. Pride of ownership is evident in the care and condition of owner-occupied housing in the surrounding block, and it is the opinion of the Department that the proposed development will enhance housing values and the residential environment of the neighbourhood.

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

7. Parking for 6 residents and 1 visitor is provided off the lane, consistent with existing development in the area and the resident parking will be covered by a carport.

The Standing Policy Committee on Property and Development concurred in the recommendations of the City Centre Community 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 229/99 dated October 29, 1999, to an "RM-2" Multiple-Family Residential District, subject to the following:

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

1. That development on the land be limited to 6 residential units.

2. That no building or structure be erected on the land exceeding 30 feet in height.

3. That no building or structure be erected or located on the land and no building or development permit issued for construction on the land unless and until plans, showing the design and location of proposed buildings, building elevations and materials, fencing, landscaping, garbage enclosures, lighting, and parking areas are submitted to and approved by the City Centre Community Committee.

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 319 for attachment)

Proposed Zoning Agreement Amendment - land located at 1665 Kenaston Boulevard - Assiniboia Community
File ZAA 16/99 [c/r DASZ 1/98]

279 - 12. The Standing Policy Committee on Property and Development has been advised that an application has been received from Anhang Walsh & Co., 426 Portage Avenue, Winnipeg, to amend the Zoning Agreement affecting the subject property outlined to permit the following:

1. automobile, including motorcycle: cleaning;
2. automobile, including motorcycle: repair, service, installation of supplies/parts.

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

The following is the present site description:

North:	CPR LaRiviere rail line, Kenaston Boulevard Industrial area; zoned "M3" Industrial District, vacant land; zoned “A” Agricultural District
South:	McGillivray Boulevard and Shopping Centre site zoned "C4" Commercial
East:	Vacant land zoned "MP-1" and "MP-2" Industrial District; Lindenwoods housing subdivision
West:	Kenaston Boulevard and Tuxedo Avenue Industrial area; zoned "M3" Industrial District

When the Zoning Agreement was drafted for the site, the Property and Development Services Department was uncertain as to how large the development would be, what mix of uses would evolve, and the proximity of commercial buildings to existing and future residential development. A Walmart department store is currently under construction on the site which includes an automotive service component. The proposed Zoning Agreement Amendment would permit this use as well as automotive cleaning (ie. detailing).

It is important to note that, in addition to accommodating Walmart, the proposed zoning agreement would permit the establishment of other automobile and motorcycle service and repair businesses on the site, as well as any business specializing in automobile detailing. It is also noted that car washes are not prohibited by the current zoning agreement. Finally, it is important to keep in mind that both the auto repair and auto cleaning uses would require conditional use approval at the Board of Adjustment, which ensures an ongoing measure of control over the establishment of such uses on the shopping centre site.

On November 16 and December 14, 1999, Public Hearings were held by the Assiniboia Community Committee. One person appeared in support of the application, and no one registered in opposition thereto.

The Assiniboia Community Committee recommended that the zoning agreement amendment be approved for the following reason:

1. The application is appropriate at this location.

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

I. That Clause 2 of Zoning Agreement DASZ 1/98, dated April 29, 1998, be amended by adding the words “as a principle use of the land” to the following uses:

- automobile, including motorcycle: cleaning as a principle use of the land;
- automobile, including motorcycle: repair, service, installation of supplies/parts as a principle use of the land.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 1/98, dated April 29, 1998, as approved in the aforesaid Recommendation I.

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

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

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JANUARY 6, 2000

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

Moved by Councillor De Smedt,

That the Consent Agenda, Clauses 1,3,4,5,6,7 and 8, be adopted.

Councillor Golden requested that Clause 7 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,3,4,5,6 and 8 was put and declared carried.

Proposal to Declare a portion of King's Park as surplus - Riel Community
File FI-2.4(35) (Vol. 7)
[c/r PR-7(35) (Vol. 3)]

280 - 1. The Standing Policy Committee on Property and Development has been advised that for several years, the Property and Development Services Department has been attempting to legally close The Drive and has had negotiations with the adjoining owners of Nos. 80, 90 and 100 King's Drive. To date the negotiations have been unsuccessful.

Discussions respecting the acquisition of an easement for a dyke have also been held with the owner of 100 King's Drive (Mrs. Roulston), on the basis of Misc. Plan No. 9333/2, which plan outlines the present location of the dyke.

These owners have indicated that they wish to have their property boundaries reconfigured as outlined on Misc. Plan No. 9333/4. These boundaries are consistent with the suggestions as presented in Mr. and Mrs. Whitmore's letter of April 26, 1999. The Ward Councillor has indicated support for the proposal as outlined in his letter of April 28, 1999.

On November 1, 1999, the Property and Development Services Department received a communication from the Water and Waste Department which substantially alters the City's easement requirements for the dyke. This altered alignment has been conveyed to all parties but there have been no subsequent discussions with any of the residents as yet.

The Property and Development Services Department supports the recommendation to declare as surplus the most northerly ±25 metres of the City-owned park, if such an addition would facilitate the resolution of:

1. The acquisition of an easement for City dyking needs;
2. The disposition to all parties of the parts of the right-of-ways to be closed;
3. The redistribution of property boundaries to satisfy all parties.

In order to facilitate a resolution of all issues and to facilitate the redefinition of the property boundaries, it will be necessary for the City to make available the subject City property as outlined on Misc. Plan No. 9333/4 for inclusion in these negotiations. City Policy dictates that because the subject property is deemed to be park, it cannot be included in negotiations until the property is declared surplus by a two-thirds majority vote of Council.

The Planning and Land Use Division of the Property and Development Services Department advised that the subject City property can be declared surplus. The property is located within the Fort Richmond neighbourhood area which is bounded by the South Perimeter Highway on the south, the Red River on the east; Pembina Highway on the west, and the University of Manitoba on the north. The Fort Richmond neighbourhood is in a surplus situation with regards to open space. It has approximately 160 acres more open space than what is required according to the open space standard of 3.86 acres per 1,000 residents.

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

Subsequent negotiations will determine the terms and conditions under which the proposed sales would be concluded. This is a complex matter and its finalization will include negotiations regarding: a road closing plan, easement plan for the dyke, and a subdivision. In addition an easement will be required for a riverbank walkway, the exact location and width of which is yet to be determined.

Further, there is an existing masonry structure which may be historic. In the course of dealing with the proposal, the Property and Development Services Department will consult with the Senior Planner (Heritage) to determine if the structure should be retained or demolished. It will also be necessary to determine the precise location of the structure with regard to the potentially redefined property boundaries.

On December 7, 1999, the Riel Community Committee concurred in the recommendation contained in report dated December 3, 1999, from the Director of Property and Development Services, as set out below.

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. The "subject City property" as outlined on Misc. Plan No. 9333/4, be declared surplus to the City's requirements, conditional upon the Property and Development Services Department being able to negotiate a comprehensive solution to all of the issues outlined in the report dated December 3, 1999.

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.

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

Adopted by consent.

Proposed Closing of parts of Bishop Grandin Boulevard and Sterling Avenue, east of Dakota Street - Riel Community File DAC 14/97 [c/r FI-2.4(35) (Vol. 7)]

281 - ***Note: Clause 2 has been referred back by the Executive Policy Committee to the Standing Policy Committee on Property and Development.***

Referred back by the Executive Policy Committee to the Standing Policy Committee on Property and Development

Proposed Amendment to City Policy - Terms and Conditions for Sale of City-owned Industrial, Residential and Commercial Lands File FI-2.1 (Vol. 11)

282 - 3. The Standing Policy Committee on Property and Development has been advised that the "Covenant to Construct" provision has been in existence as part of the terms and conditions for sale of City-owned industrial, residential and commercial lands for many decades and appears to have been originally established to prevent speculation and to facilitate economic development for the purposes of enabling an increased realty tax base, job creation, and economic spin-off benefits.

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

The Property and Development Services Department has observed that today's economic climate does not foster speculation, rather, the Department is of the opinion that investors/developers today are not generally in the business of speculation or land banking, given the magnitude of holding costs and the inherent risks and ongoing changes in the market and economy. Contemporary sophisticated developers/investors are more apt to proceed with the development of these sites quickly after purchase. As a consequence, there is little or no need for the City to retain its "Covenant to Construct" provision.

The "Covenant to Construct" provision is peculiar to the City. That is, vendors in the private sector do not have such a provision. As such, it is more difficult for the City to compete with private sector vendors because of this particular covenant. The "Covenant to Construct" provision has already been removed by Council from the City's standard terms of sale as applicable to the sale of residential building sites.

The "Covenant to Construct" provision is not conducive to the efficient conclusion of these types of real estate transactions. That is, with "Covenant to Construct" periods of three, five or more years there is an ongoing administrative requirement to administer and monitor sales and development over long periods of time. In these days of reduced resources and increased responsibilities it would appear appropriate to delete this sales term such that sales can be fully closed much earlier.

In view of the foregoing, the Property and Development Services Department recommends that where surplus real property is being sold at market value that the "Covenant to Construct" clauses be deleted from the City's standard terms of sale.

If in the future there are specific instances where such a "Covenant to Construct" needs to be considered as a special term of sale then such a condition can be considered at that time. For instance, this provision should apply to instances where properties are being sold at less than market value.

The Standing Policy Committee on Property and Development recommends:

I. That the current City Policy (Terms and Conditions for Sale of City-owned Industrial, Residential and Commercial Lands) be amended to remove the "Covenant to Construct" provision in the standard industrial/commercial Offer to Purchase agreement for all future sales where properties are being sold at market value.

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

Adopted by consent.

Proposed Amendment to Development Agreement AG 41/78 - Niakwa Road East, northeast corner of Lagimodiere Boulevard and Fermor Avenue - Riel Community
File FI-2.4.5 (Vol. 16) [c/r DAZ 217/98]

283 - 4. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Property and Development Services Department has identified a solution to resolving the access difficulties respecting this industrial subdivision. Council approval is required to implement the proposed construction.

In 1979, Winfield Development Canada Ltd. entered into a Development Agreement AG 41/78 to service and develop out the northeast quadrant of this intersection. Installation of sub-surface utilities and the internal paved roadway followed. Building permits were issued to at least two sites prior to the developer's completion of the required accesses off the Fermor Avenue (P.T.H. #1) and the northerly connection across the hydro transmission line to the existing Niakwa Road connection to Tascona Road. These access points were deemed crucial to the safe and proper operation of the site. Further building permit applications were denied pending the completion of these access points.

The developer's subsequent default on the Development Agreement and non-payment of taxes on the residual vacant lands precipitated the City acquiring these lands by tax sale in 1993. These lands have remained dormant since that time.

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In early 1997, the Land Enhancement Program of the Land and Development Services Department undertook the task of evaluating these lands for marketability. This review identified the problem of accessibility and addressed same. A strategy was devised such that the installation of the proper accesses could be staged and implemented over time without jeopardizing safety or impacting on primary and emergency accessibility to the site.

This strategy had been discussed with the Public Works Department, the Administrative Coordinating Group and the Legal Services Division and had received unanimous support for its direction. The proposal would have afforded the completion, in the most timely manner, of the outstanding works as was required to be done by the developer prior to his default in this manner.

In late 1997, the Property and Development Services Department commissioned UMA Engineering Ltd. to prepare a comprehensive engineering estimate of costs to complete the outstanding works as were directed within the former Development Agreement between the City and Winfield Development Canada Ltd. on these lands. As well, on-going discussions were proceeding with Manitoba Hydro for the acquisition of the lands across their transmission line right of way to connect the existing pavement east of their right-of-way to Mazenod Road and to the continuance of Niakwa Road East to Tascona Road to the west.

Early in 1998 the Springs of Living Water Church acquired the rights to the Ladco Company Limited lands west of Mazenod Road and made application (File DAZ 217/98) to develop those lands for institutional purposes. As a result, the approvals stemming from that application gave the Church the authority to close Tascona Road as well as the greater portion of Niakwa Road East, west of Mazenod Road. Misc. Plan No. 10516 illustrates the foregoing approvals.

As a condition of these approvals, it was the intention of the Riel Community Committee and Council to retain a caveated right-of-access over these lands to permit their use as secondary and emergency accesses to Mazenod Road and to the Niakwa Road Industrial Lands east of the Hydro right-of-way. It was also recommended that a turn-around be constructed at the Mazenod Road/Niakwa Road East intersection to return the truck traffic through the Industrial subdivision, thereby lessening the demand for secondary access over and through the church lands. The current Mazenod Road connection to Lagimodiere Boulevard is a temporary gravel access that is both non-compliant and sub-standard. Over the years the Transportation Division of the Public Works Department have been desirous of terminating its usage as quickly as possible. In any event this connection must be eliminated when the Lagimodiere Boulevard/P.T.H. #1 (Fermor Avenue) interchange is built. Mazenod Road, north of Niakwa Road East is only required to service Manitoba Hydro's sub-station at its northern terminus with the rail line.

It is the opinion of the Transportation Division of the Public Works Department that operational difficulties may arise through the use by industrial trucking of the caveated right-of-way across church lands to the industrial subdivision east of the Hydro Transmission Line.

Constructing a vehicular turn around west of the Hydro lines, as currently recommended, creates an unnecessarily deep, dead-ended cul-de-sac from Fermor Avenue (P.T.H. #1), with no particular advantages to either the church lands or the Industrial subdivision it is intended to serve. The Administration therefore recommended that the turn-around should be located east of the Hydro Transmission Line rather than at Mazenod Road as recommended by Community Committee and approved by Council. This would reduce the length of the cul-de-sac as well as reducing the costs to the City of constructing the Hydro crossing and the turn-around at Mazenod Road. The infrequent use of the Mazenod Road access by Manitoba Hydro to service its sub station can be accommodated by utilizing the caveated right-of-way over the church lands, and by Hydro constructing an all weather access across its Transmission Line right-of-way from the Niakwa Road East cul-de-sac to Mazenod Road. These secondary connections may be sufficient for access by emergency vehicles, i.e. should unforeseen blockages occur at the Niakwa Road East/P.T.H. #1 (Fermor Avenue) intersection. The Real Estate Division of the Property and Development Services Department is examining this issue further. Misc. Plan No. 8751/1 illustrates the existing conditions at this site while Misc. Plan No. 8751/2 illustrates the proposed solutions currently advocated.

The original cost estimate to complete the works required under the former development agreement - which required the extension of Niakwa Road East westward across the Hydro right-of-way was calculated by U.M.A. Engineering Ltd. at $187,771± to extend the pavement across the Hydro right-of-way plus $32,500± to raise transmission line towers for clearance, plus $30,000 for the acquisition of the street right-of-way extension for a total of $250,271, just to connect the existing pavement on Niakwa Road East to Mazenod Road. The additional costs to complete the intersection of Niakwa Road East and Fermor Avenue (P.T.H. #1) including street lighting relocations, and to remove and landscape the non-conforming gravel roadways amounted to another $508,645, thereby totalling approximately $759,000±. This cost did not include a turn-around at the Mazenod Road intersection.

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The revised cost estimate, if the Committee and Council deem it is not necessary to extend Niakwa Road East across the Hydro right-of-way and agree that the required turn-around can be constructed east of the Hydro Line, is projected to be approximately $653,700±, a cost saving of $105,300±.

The value of City Lands available for sale was appraised in early 1998 by an independent appraiser at approximately $790,000± ($54,300± per acre) assuming roadway access was completed to P.T.H. #1 (Fermor Avenue).

Based on that appraisal and reflecting construction costs only, the net residual income to the City would be approximately $31,000 in the first instance, or approximately $136,300± in the second instance. These estimates of net revenue will vary significantly dependent on current market conditions and other costs such as commissions.

The revenue stream anticipated is not significant, and will not fully absorb the tax sale costs which are approximately $324,000. Nevertheless, the Property and Development Services Department supports the construction of these works to enable the marketing and further development of these lands. This construction will convert unproductive land to property which can be marketed and developed thereby increasing the City's realty tax base and facilitating economic development at this location.

The Standing Policy Committee on Property and Development recommends:

I. That the roadway access requirements contained within the Development Agreement AG 41/78 be amended to provide for the construction of the Niakwa Road East public right-of-way improvements and including the intersection improvements at Fermor Avenue generally as outlined on Misc. Plan No. 8751/2, subject to resolution of secondary access requirements for emergency vehicles.

II. That the cost of all works as proposed in Recommendation No. 1 be charged to the Land Operating Reserve Account.

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

Adopted by consent.

Proposed Property Acquisition for a Lane Corner Cut - 189 Kingsbury Avenue - Lord Selkirk-West Kildonan Community
File FI-2(34) (Vol. 6)

284 - 5. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Property and Development Services Department has successfully conducted negotiations for a proposed property acquisition for a lane corner cut at 189 Kingsbury Avenue. As the proposed property acquisition does not form part of a Council approved program, the purchase will require Council approval.

On February 23, 1995, the former Board of Commissioners considered a report from the former Director of Operations, and instructed the Director of the then Land and Development Services Department to negotiate for the proposed acquisition of property identified as "proposed lane opening" on Misc. Plan No. LSWK 9423/1.

The lane corner cut has been identified as being required in order to accommodate a turning radius for refuse and snow removal vehicles. The area required is an one metre by one metre triangle, on land which is currently vacant. The subject property at 189 Kingsbury Avenue is legally described as Lot 89, Block 2, Plan 1700.

The owners have agreed to sell the lane corner cut to the City in accordance with the terms and conditions as negotiated. In addition, the owners have requested that a pole be installed on the property line in order to protect vehicles parked on the property.

In 1995, the previous owner was not prepared to sell the subject corner cut to the City. At that time, the District Operations advised the Property and Development Services Department to continue monitoring this case until such time as the lane corner cut could be acquired. In July 1999, the property sold and the new owner has now agreed to sell the required lane corner cut to the City.

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The proposed purchase price of $500 is consistent with other lane corner cut acquisitions of this nature and follows current policy and procedures.

Adequate funding for this acquisition has been committed against the Land Acquisition for Unspecified General Purposes Account by No. 03 118117 6495010704.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the subject property required for a lane corner cut be approved at a price of $500.00, and in accordance with the terms and conditions as negotiated, together with a term that would allow the installation of a guard pole.

II. The Proper Officers of the City be authorized do all things necessary to finalize the transaction, including the execution of any documents related thereto.

Adopted by consent.

Proposed Acquisition of a Field House building - Proposal to Enter into a Facility Use Agreement - The North Winnipeg Nomads Football Club Inc. - Old Exhibition Park site - Lord Selkirk-West Kildonan Community
File FI-2(34) (Vol. 6)

285 - 6. The Standing Policy Committee on Property and Development has been advised by agreement dated January 29, 1969, the City of Winnipeg entered into a leave and license agreement with the Winnipeg Amateur Football Club (Winnipeg Hawkeyes) for the development of a Field House at the Old Exhibition Park Site.

During the period between 1969 and 1997, the Winnipeg Hawkeyes continued to own the Field House, and to use a football field located immediately adjacent to the field house. Current records indicate that the Field House was assessed for realty taxes as far back as 1987; however, the realty tax history between 1969 and 1986 has not been established.

In 1995, the Football Club approached the former Committee on Protection, Parks and Culture regarding the escalating cost of realty taxes being approximately $3,000 per year. The Committee was prepared to assist the Club in order to provide equity amongst the realty taxation of amateur football clubs in the City, however, it required that the Club transfer ownership of the Field House to the City. This action would have regularized this matter in as much as the City is the owner of other parks and recreation facilities situated on City-owned lands throughout the City. At that time, the Club was not willing to transfer the building to the City and as a result, the Club continued to pay the realty taxes from 1992 through to 1997.

At the time of considering the matter, the Administration was aware that the assessed value of the building was approximately $86,800 and that the Club was not paying realty taxes on the land underneath the building nor was it being assessed for the playing fields. As such, the Club was paying realty taxes on the building only.

With respect to equity and ability to pay, the Administration realized that in this case the amount of realty taxes was only $3,000 (1995); however, at other locations it was known that other amateur football facilities owned by the City and used by other football clubs at various locations would have a value in excess of $1.5 million at each site representing a potential realty tax liability of approximately $30,000 per site. Being as most of the other amateur football clubs have annual operating budgets in the range of $100,000, the imposition of this requirement would represent a burden equalling 30% of their respective operating budgets. Accordingly, the former Committee on Protection, Parks and Culture recommended that the Administration enter into a management agreement with the Winnipeg Hawkeyes on the premise of the City becoming the owner of the building.

Following the former Committee on Protection, Parks and Culture deliberation of the matter, attempts were made to negotiate an agreement; however, the Winnipeg Hawkeyes would not transfer ownership of the building to the City and as such, the matter was put into abeyance. Between 1993 and 1997, the Winnipeg Hawkeyes Football Club

continued to utilize the subject City-owned lands, but the Organization was dissolved in 1997, and by agreement dated July 13, 1997, it transferred all of its assets to the North Winnipeg Nomads Football Club Inc.

Although the building was transferred to the North Winnipeg Nomads Football Club Inc., the matter of the leave and license agreement was not resolved at that time, and the City did not provide its consent to an assignment of the leave and license agreement. As such, the leave and license agreement became invalid as at July 13, 1997.

North Winnipeg Nomads Football Club Inc.:

Following the transfer of the building, representatives of the North Winnipeg Nomads Football Club Inc. approached the former Parks and Recreation Department regarding an agreement for their use of the Winnipeg Hawkeyes Field and land area upon which the building is situated. The former Department intended to enter into a management agreement with the Club, however, the Civic reorganization and change of policy regarding the use of management agreements in the late spring of 1998 prevented this matter from being addressed previously.

The Corporate Finance Department has now advised that the realty taxes have not been paid since 1997 and that the building had entered the early steps of the tax sale process. The amount of outstanding realty taxes as at October 31, 1999 was $13,794.13.

In October 1999, representatives of the Community Services, Public Works and Property and Development Services Departments met to discuss several outstanding agreement matters including the Nomads Football Club. As a result, a draft facility use agreement was completed and transmitted to the Club for their approval, as well as, a request to transfer the building to the City of Winnipeg.

By letter dated October 14, 1999, the North Winnipeg Nomads Football Club Inc. indicated its concurrence to transferring the building to the City and to the terms and conditions of a facility use agreement.

The particulars of the subject property are as follows:

Owner:	City of Winnipeg (Land) North Winnipeg Nomads Football Club Inc. (Building)
Location:	Old Exhibition Park Site - North of the CPR Yards, East of McPhillips Street south of Flora Place Housing Development and west of the CPR Winnipeg Beach Line as outlined on Misc. Plan No. 10752
Legal Description:	Part of River Lot 35, Parish of St. John
Certificate of Title:	371375
Zoning:	"PR1" Parks and Recreation District

In order to bring closure to the entire North Winnipeg Nomads Football Club matter, the following plan of action is proposed.

1. Transfer the North Winnipeg Nomads Football Club building to the ownership of the City.

In order to enter into a facility use agreement with the North Winnipeg Nomads Football Club Inc., a transfer of the existing Field House building is required. The location of the building is outlined on the Misc. Plan No. 10752. The building is a one storey masonry slab on grade building and measures 73 feet by 40 feet.

In advance of the proposed acquisition of the building, the Property and Development Services Department arranged for an inspection of the building relative to compliance with existing building codes and physical condition. The findings of the building inspection indicate that the building meets all existing building codes. As well, the inspection indicated that certain matters will require attention including an existing moisture problem, roof repairs and replacement of hot water tanks. These matters will continue to be the responsibility of the North Winnipeg Nomads Football Club Inc. under a facility use agreement. The Club will likely contract with the City to undertake the works. The Public Works Department has previously performed certain maintenance works on this building and billed the Club for the full cost of the repairs.

Being as there are no existing building code compliance issues or a requirement for immediate physical building repairs at the expense of the City, the Property and Development Services Department is prepared to recommend that the City accept the transfer of the building in accordance with the terms and conditions as negotiated. The Club has agreed to the transfer and is awaiting the receipt of the document in order to complete the transfer.

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2. Outstanding realty taxes owing under the Winnipeg Hawkeyes leave and license agreement.

The amount of realty taxes owing to the City is approximately $13,794.13. These realty taxes have been levied against the leave and license agreement that was entered onto the City's Assessment Roll and originally agreed to by the Winnipeg Hawkeyes.

In order to address the matter of outstanding realty taxes, the City has several alternatives that are described as follows:

1) Request the Nomads Football Club to pay the amount of outstanding realty taxes.
2) Allow the building to transfer to the City in tax sale and find an alternate user.
3) Accept the transfer of the building and write-off the amount of outstanding realty taxes.

The Property and Development Services Department is of the opinion that Alternative No. 3 is the most suitable solution having regard for the following:

a) that recreation facilities situated on City-owned lands are City-owned and as such, they are exempt from realty taxation; and
b) that the recreation facilities and lands were developed for the provision of parks and recreation programming and services and not as additions to the assessment base for realty tax base purposes; and,
c) that the Nomads Football Club do not have the financial ability to pay the realty taxes.

Alternative No. 3 provides for the transfer of the Field House building to the ownership of the City of Winnipeg and for the write-off of the amount of realty taxes owing. The building has an assessed value of $86,800 and as such, the value of the parks and recreation assets will be increased accordingly.

As well, Alternative No. 3 will ensure equity of real estate taxation amongst all amateur football clubs utilizing City-owned parks and recreation facilities in the City. Currently, no other amateur football clubs pay realty taxes for the use of any City-owned facilities.

As a result, the annual realty tax cash flow to the City of approximately $4,000 per year (1999) at this site will be eliminated. However, by foregoing the annual realty taxes on the building the Club will be able to direct an equivalent amount towards football equipment replacement and programming. Moreover, by developing a recreation partner at this site, it should be noted that the City does enjoy a significant financial benefit by having a partner undertake all programming, building maintenance and eventually all field maintenance all at no cost to the City and all of which far outweigh the forgiving of these annual realty taxes. Furthermore, the act of attempting to have such groups pay realty taxes directly jeopardizes the financial viability of the group, particularly, in those situations involving newly constructed facilities whereby taxes would be equivalent or higher than 30% of existing operating budgets at these locations and as such, the financial risk of same would not be in the City's interest from a current budget perspective if it were to provide the service at its cost.

Upon considering the background to this matter, the Corporate Finance Department has agreed to write-off these realty taxes owing against the Corporate Other - Provision for Bad Debts Account 01-557306-001117.

3. Proposed Facility Use Agreement - North Winnipeg Nomads Football Club Inc.

In the summer-fall of 1998, a modified facility use agreement was developed to address several problems involving the use of City-owned parks and recreation facilities by non-profit sports and recreation groups.

In order to permit the use of this Field House building and adjacent football pitch, as outlined on Misc. Plan 10752/1, by the North Winnipeg Nomads Football Club Inc., it is proposed that a facility use agreement be utilized to permit same. The North Winnipeg Nomads Football Club Inc. has agreed to terms and conditions of a facility use agreement as negotiated.

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.

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The Standing Policy Committee on Property and Development recommends:

I. That the Field House building owned by the North Winnipeg Nomads Football Club Inc., as identified on Misc. Plan No. 10752, be acquired by the City of Winnipeg for $1.00 in accordance with the terms and conditions as negotiated.

II. That the Director of Corporate Finance be instructed to write-off the approximate amount of $13,794.13 in realty tax arrears on the building and owing to the City from the Winnipeg Amateur Football Association (Winnipeg Hawkeyes) from the Corporate Other - Provision for Bad Debts Account No. 01-557306-001117.

III. That the terms and conditions of a Facility Use Agreement with the North Winnipeg Nomads Football Club Inc. as negotiated, be approved.

IV. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, inclusive of the preparation and execution of all documents related thereto.

Adopted by consent.

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)

286 - 7. The Standing Policy Committee on Property and Development has been advised that in the spring of 1999, Poseidon Enterprises Ltd. inquired of the City as to the potential of leasing additional land at the Pan Am Pool site to facilitate an expansion of the existing Medicine Clinic.

By lease agreement dated April 17, 1984, the City of Winnipeg entered into a lease with Olympus Enterprises for the use of a portion of the Pan Am Pool site, as outlined on Misc. Plan No. 5627/2. Currently, the Clinic has developed a building on 6,000 square feet of the property and utilizes the remaining 12,000 square feet portion for vehicle parking.

The particulars of the existing Pan Am Medicine Clinic lease are as follows:

Lessee:	Poseidon Enterprises Ltd.
Principal:	Rita Hildahl
Term:	Fifty (50) years - Expires on April 30, 2034
Location:	Pan Am Pool Parking Lot - Misc. Plan No. 5627/2 Existing Lease
Zoning:	"PR1" Parks and Recreation District
Size:	18,000 square feet
Rental:	$12,500.00 per year plus realty taxes.

In the spring of 1999, the Pan Am Medicine Clinic indicated that it was planning an expansion of its existing Clinic building upon lands currently leased from the City. As such, it would require additional land area at the Pan Am Pool Parking Lot, and has subsequently requested a twenty-six (26) year extension of the subject agreement.

On July 8, 1999, the Standing Policy Committee on Property and Development considered the subject proposal and requested the Administration to enter into negotiations with the Pan Am Sports Medicine Clinic to determine the amount of additional land required for the facility expansion and vehicle parking purposes.

The proposed terms and conditions of the lease agreement have been negotiated, and the particulars of the subject City property are summarized as follows:

Owner:	The City of Winnipeg
Lessee:	Poseidon Enterprises Ltd.
Principal:	Rita Hildahl
Term:	Sixty (60) years, four (4) months - Expires on April 30, 2034

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Renewal:	Four 5-year terms, plus one 6-year term, for a total of sixty (60) years
Location:	Pan Am Pool Parking Lot - Misc. Plan 5627/2 Additional Lease Area
Zoning:	"PR1" Parks and Recreation District
Size:	18,040 square feet
Rental:	$10,824.00 per year plus realty taxes

The subject proposal has been reviewed by representatives of the Public Works Department (Aquatic Maintenance Division) and the Community Services Department (Aquatics Branch) and the Property and Development Department (Zoning and Permits Branch). Collectively, the Departments have no objection to the subject proposal and support the relocation of the existing parking area to the south portion of the Pan Am Pool Parking Lot so as to improve access for parking for Pan Am Pool Users. Moreover, the establishment of a parking lot under lease is a permitted under Zoning By-law No. 6400/94.

On September 14, 1999, the City Centre Community Committee considered the subject proposal and indicated that it had no objections to same.

Coincident with the consideration of the aforementioned matter, representatives of Property and Development Services Department and Poseidon Enterprises Ltd. (successor to Olympus Enterprises) occurred with respect to the payment of a share of the capital costs associated with the resurfacing of the Pan Am Pool parking lot in June 1999, as part of the 1999 Pan American Games. Poseidon Enterprises has agreed to pay $35,587.66 to the City as its share of the cost pursuant to the formula contained in the proposed terms and conditions for a lease agreement.

Subsequent to considering the subject matter, Poseidon Enterprises Ltd. inquired of the City as to the possibility of extending the term of the existing and proposed lease agreements from (34) thirty four years to (60) sixty years. In reviewing the request, the Real Estate Division of the Property and Development Services Department inquired of the Aquatic Maintenance Division, Public Works Department, as to the life cycle position of the original pool building, the attached second pool building and the new Aquatic Hall of Fame building and the position of the subject aquatic facility within the portfolio of indoor swimming pool assets. It was determined that each structure had at least fifty plus (50+) years remaining in their respective life cycles, and that the Pan Am Pool Facility would likely continue to remain as the “core” aquatic facility in the portfolio of indoor swimming pool assets and as such, it would continue to be the focus of aquatic capital investment and programming. Therefore, it is likely that the accompanying parking lot facility will also be required for a similar period of time holding all other factors constant. Notwithstanding same, the Administration has proposed that the request for an additional term be accomplished via four 5-year renewals and one 6-year renewal terms following the end of the original lease term which expires on April 30, 2034.

The subject proposal will not require the use of any new capital budget funds and in fact, it will provide for the recovery of $35,587.66 in capital costs to the Public Works Department as part of the capital cost ($261,964.69) incurred in completing this project in June 1999.

With respect to the current budget, the existing lease (Part 1) will provide for a continued annual cash flow to the City of $65,054.96 or $3,903,297.60 over the remaining term of the agreement, and the proposed lease (Part 2) will provide for a new annual cash flow to the City of $14,006.00 or $835,691.33 over the term of the agreement. As such, the total combined cash flow for Part 1 and Part 2 will provide an annual cash flow of $79,060.96 or $4,738,988.90 over the term of the agreements to the City.

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 recommends:

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.

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II. That the proposed terms and conditions of a lease agreement as negotiated 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.

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.

Proposed Lease Agreement - Steam Train in Assiniboine Park - Assiniboine Amusements Ltd. - Assiniboia Community
File FI-2.2(31) (Vol. 2)

287 - 8. The Standing Policy Committee on Property and Development has been advised that in May 1999, the Property and Development Services Department contacted Assiniboine Amusements Ltd. by letter inquiring as to their intention to renew an agreement for the operation of the Steam Train in Assiniboine Park. During the period between May 1999 and November 1999, the Real Estate Division of the Property and Development Services Department consulted with representatives of Assiniboine Amusements Ltd. and the Community Services and Public Works Departments regarding the terms and conditions for a new lease agreement.

Assiniboine Amusements Ltd. is the current owner and operator of the Steam Train attraction that is currently situated in Assiniboine Park. The operation consists of an existing rail track, tunnel, storage garage and rail coaches.

The operation is located between Pavilion Crescent, Cricket Drive and Buffalo Crescent as outlined on Misc. Plan No. 10773. The particulars of the property are as follows:

Owner:	The City of Winnipeg
Location:	Assiniboine Park - outlined on Misc Plan No. 10773
Zoning:	"PR2" Parks and Recreation District

Assiniboine Amusements Ltd. previously entered into an agreement with the City of Winnipeg for the use of the lands within Assiniboine Park. The agreement term commenced on June 1, 1994, and expired on May 31, 1999. In part, the agreement provided for an increase in the rental in the same proportion as the ridership admission fee is increased. There was only one ridership fee increases during the 1995 through 1999 period, ie. from $1.25 to $1.75 representing a 16.6 % increase.

Subsequent to the expiry of the agreement, representatives of the Property and Development Services Department and Assiniboine Amusements Ltd. met to discuss the terms and conditions of a lease agreement.

Prior to determining the subject terms and conditions, a discussion ensued regarding the current issues facing the Steam Train Operator which are described as follows:

1. Declining Steam Train Ridership:

   During the period between 1990 and 1999, the Steam Train ridership declined from 41,106 riders in 1990 to 13,492 riders in 1999. More specifically, ridership declined from 18,832 riders in 1995 to 13,492 riders in 1999 representing a decline of 28.35%. As such, Assiniboine Amusements Ltd. is concerned with the declining ridership and other matters occurring in Assiniboine Park. As such, they have asked for a reduction in the rental from $4,200.00 plus G.S.T. to $3,000.00 plus G.S.T. representing a reduction of 28.57%.

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2. Changes in Assiniboine Park Programming and Zoo Admission Fee Issues:

Assiniboine Amusements Ltd. believes that changes in programming in Assiniboine Park and the implementation of Zoo Admission Fees has directly affected their ridership.

With respect to park programming, they indicate that a number of programs previously held at Assiniboine Park contributed to steam train ridership and that movement of events such as Canada Day to The Forks has negatively impacted upon them. The Company feels very strongly regarding the apparent shift of programming to The Forks and may wish to appear at the Standing Policy Committee on Protection and Community Services to address same.

Assiniboine Amusements Ltd. also believes that the imposition of Zoo User fees has also impacted their ridership levels. The statistics indicate that the 1992 attendance at the Assiniboine Park Zoo was 581,205 and that the 1998 attendance was 360,775 excluding "Boo at Zoo" and the "Christmas Lights" programs. This represents a decline of 37.5% in Zoo Attendance between 1992 and 1998.

A review of the above statistics indicates that steam train ridership and Assiniboine Park Zoo attendance has declined. As well, it is acknowledged that some events previously held at Assiniboine Park have been relocated to The Forks including the Canada Day celebrations.

As a result, these statistics were taken into account during the discussions with Assiniboine Amusements Ltd. The detailed terms and conditions of the lease proposal have been negotiated, with the particulars of the lease proposal being summarized as follows:

Lessee:	Assiniboine Amusements Ltd.
Principals:	Peter Buzunis, Anastasia Buzunis, Timothy Buzunis
Area Leased:	In Assiniboine Park as outlined on Misc Plan No. ASBA 10773
Lease Term:	Five (5) years
Base Rental:	$3,000.00 plus G.S.T.
Termination:	Ninety (90) days

The Real Estate Division of the Property and Development Services Department has reviewed all of the above facts, and determined that although a one time 16.6 % increase in the ridership fee occurred in 1995, thus entitling the City to a proportionate increased rental of $697.00, the total ridership has declined by 28.35% representing an annual loss of revenue equalling $8,010.00 (5,340 riders). As such, the request to lower the rental from $4,200.00 plus G.S.T. to $3,000.00 plus G.S.T. or 28.57% ($1,200.00) appears to be appropriate relative to the previous fee structure.

The subject proposed lease agreement does not require the expenditure of any City Capital and as such, there is no capital budget financial impact.

The subject proposal proposes to reduce the lease fee from $4,200.00 plus G.S.T. to $3,000.00 plus G.S.T. representing a reduction of $1,200.00 per year over the term of five years for a cumulative total financial impact of $6,000.00 in reduced lease fee revenue.

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 recommends:

I. That the proposed terms and conditions of a lease agreement as negotiated, between The City of Winnipeg and Assiniboine Amusements Ltd. for the operation of a Steam Train in Assiniboine Park, be approved.

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

Adopted by consent.

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

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)

288 - ***Note: Clause 9 has been laid over by the Executive Policy Committee.***

Laid over by the Executive Policy Committee

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

289 - 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. 7548/2000, a by-law of The City of Winnipeg to widen the east side of Main Street, south of Assiniboine Avenue. File DAO 24/96

By-law No. 7549/2000, 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 947 Valour Road in the City Centre Community. File DAZ 227/99

By-law No. 7550/2000, 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 706 - 708 Dorchester Avenue in the City Centre Community. File DAZ 229/99

By-law No. 7551/2000, 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 southeast corner of Thatcher Drive and Pembina Highway in the Riel Community. File DASZ 1/99

By-law No. 7552/2000, a by-law of The City of Winnipeg to amend the Development Fees By-law No. 6965/97. File EP-1 (Vol. 19)

By-law No. 7553/2000, a by-law of The City of Winnipeg to close the public lane in the block bounded by Cleveland and Mobile Streets, Inkster Boulevard and Cross Street. File DAC 6/98

By-law No. 7554/2000, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 2395 McGillivray Boulevard in the Assiniboia Community. File DASZ 26/99

By-law No. 7555/2000, a by-law of The City of Winnipeg to amend the Zoning By-law No. 6400/94. File DAZ 226/99

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

290 - Councillor Steek questioned why Clause 2 of the Report of the Standing Policy Committee on Property and Development dated Janaury 6, 2000 regarding a proposed closing of parts of Bishop Grandin Boulevard and Sterling Avenue, east of Dakota Street, had been referred back by the Executive Policy Committee, being that it was a straightforward matter.

Councillor De Smedt indicated that in accordance with legal advice received, the matter was being referred back to the Community Committee for consideration and to start the street closure process again.

Councillor Steek identified the enormous workload faced by the real estate division and questioned if there has been any additional hiring within the Department.

Councillor De Smedt replied that there were plans to increase the staff complement and that already one new staff person had been added.

Councillor Steek commented on the tremendous amount of uncatalogued land within the City's inventory and questioned if any effort had been made within the Department to start cataloguing some of those properties and get them ready to be put up for sale.

Councillor De Smedt took the question under advisement.

Councillor Angus requested that Clause 2 referred to earlier be forwarded to the Riel Community Committee as soon as possible, as the Committee's decision would be primary and should be made before any prospective owner of the property spends money developing plans or proceeding on some sort of hearing.

Councillor De Smedt replied in the affirmative.

Councillor Steek questioned whether the Chairperson was aware of any communication between CentreVenture and the City administration in reviewing property files on value and background.

Councillor De Smedt took the question under advisement.

Councillor Steek noted that there was a particular property that the Committee had dealt with and asked if Councillor De Smedt would like to meet with him to hear the specifics on the particular situation as it could have impact in the future dealings between the civic administration and CentreVenture.

Councillor De Smedt indicated that he would like to have that information and would be willing to meet with Councillor Steek.

Councillor Angus made reference to the Capital Region Review Report and questioned the status of the recommendations.

Councillor De Smedt stated that the process would follow the recommendations of the reeves and mayors of the Capital Region arising out of the report.