REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 23, 1999

On motion of Councillor De Smedt, the Report of the Standing Policy Committee on Property and Development, dated November 23, 1999, was considered clause by clause.

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

Carried.

Proposed Closing of Blanchard Avenue, east of East Gate and west of West Gate - City Centre Community File DAC 21/99

157 - 1. The Standing Policy Committee on Property and Development has been advised that in March of 1986, the former City Centre-Fort Rouge Community Committee considered a request from the Armstrong's Point Association Inc. to dedicate the portion of Blanchard Avenue east of East Gate as a public park. The Community Committee concurred in the request and recommended that the former Committee on Recreation, Culture and Social Services declare this land as a park. The Community Committee also requested that the Administration deal directly with the Armstrong's Point Association Inc. in the development of this community park. Since 1986, no further administrative action has been taken to dedicate these streets as public park.

The Property and Development Services Department has now been instructed to investigate the feasibility of the dedication of these street ends as public park space.

The issue being addressed is the concern that the owners of 77 and 89 East Gate and 112 West Gate are establishing an exclusive right to the use of the portion of Blanchard Avenue between their properties and the Assiniboine River. The Armstrong's Point Association Inc. has indicated that it is particularly concerned about the use of the Blanchard Avenue adjacent to 77 and 89 East Gate for parking.

The purpose of the proposal to close the street ends and dedicate them as public park is not to deny the owners of the lands adjacent to Blanchard Avenue the use of the street for access to their properties, but to establish that the lands are intended for the use of all of the area residents. The neighbourhood residents wish to continue to use the portion of Blanchard Avenue east of East Gate as a means of access to the Assiniboine River. City Council has an established policy of retaining street ends adjacent to rivers for this purpose.

As illustrated on Schedule "B", 77 and 89 East Gate require part of the west half of Blanchard Avenue for vehicular access to their properties. The drawing does not indicate that 77 East Gate has an approach to the property from East Gate as well as from Blanchard Avenue.

Schedule "B" is a drawing prepared by the Planning and Land Use Division of the Property and Development Services Department. It was recognized that the drawing was not prepared by a Manitoba Land Surveyor, and therefore does not represent the exact location of improvements on the site, however, the drawing serves the purpose as being an illustration of the land use.

The Administration advised that it will be necessary to have the exact location of the gravelled roadway used for access to 112 West Gate determined by a Manitoba Land Surveyor. This roadway is contained within Blanchard Avenue, and 112 West Gate requires the use of the street for access.

Approval of the closure of these streets by City Council will authorize the Administration to enter into discussions with the adjoining owners and the area residents with the aim of reaching a solution to the situation that is acceptable to all of the parties involved. The ultimate disposition of the lands will depend on the outcome of these discussions.

All interested City Departments and Public Utilities have been solicited for their comments on this proposal. There are no administrative objections to the proposed closings.

Report of the Standing Policy Committee on Property and Development dated November 23, 1999

On October 12 and November 9, 1999, a Public Hearing was held before the City Centre Community Committee on the proposing closing of Blanchard Avenue, east of East Gate and west of West Gate. Thirty-nine (39) persons registered in support of the application, eleven (11) persons registered in opposition thereto, and one person registered for information thereon.

On November 9, 1999, the City Centre Community Committee recommended as follows:

1. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule "A", Misc. Plan No. 10696.

2. That the Real Estate Division of the Property and Development Services Department be instructed to enter into negotiations with the adjoining property owners to determine the disposition of the closed portions of Blanchard Avenue to the mutual satisfaction of the property owners and the area residents.

3. That, following satisfactory completion of negotiations as outlined in Recommendation 2, the necessary rezoning application be initiated to designate the street ends to be closed as parks and open space.

On November 23, 1999, the Standing Policy Committee on Property and Development considered and concurred in the foregoing recommendations of the City Centre Community Committee.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule "A", Misc. Plan No. 10696.

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

Adopted by consent.

(See Minute No. 199 for attachments)

Proposed Amendment to the Richmond West Development Agreement AG 44/74 - Ladco Company Limited - Riel Community
File DASZ 44/74

158 - ***Note: Clause 2 has been laid over by the Executive Policy Committee for 30 days.***

Laid over by the Executive Policy Committee

for 30 days

Proposed Rezoning - land located at 1640 Pembina Highway - Assiniboia Community
File DAZ 222/99 [c/r DAV 695/99D]

159 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from Duboff Edwards Haight and Schachter (Amy Gough Farnworth), 1900 - 155 Carlton Street, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the subject land outlined from a "C1" Commercial District to a "C2" Commercial District to allow for the establishment of a Technical (Trade) School/Business college and to discharge an existing Zoning Agreement DAZ 337/79.

The following is the present site description:

Site Area: Approximately 11,858 square feet. Irregular shape with 153 feet of frontage on Pembina Highway, 62.6 feet of rearage on Riviera Crescent, and a maximum depth of 110 feet.

Report of the Standing Policy Committee on Property and Development dated November 23, 1999

Existing Land Use and Zoning:	Three-unit, single storey commercial building zoned "C1" Commercial District

The following is the surrounding land use and zoning:

North:	Apartment building zoned "RM-4" Multiple-family District (3 storey)
South:	Apartment building zoned "RM-4" Multiple-family District (5 storey)
East:	Across Riviera Crescent, houses zoned "R1-6" Single-family residential District
West:	Across Pembina Highway, Pembina Crest School zoned "R1-5.5" Single-family Residential District

The building has stood vacant since its construction in 1998 (reference File DAV 645/97C), owing in part to a comparatively restrictive Zoning Agreement which limits land use to medical offices, business and professional offices, and a travel bureau. The agreement also restricts access from Riviera Crescent for purposes other than loading and garbage pick-up. The current proposal would rezone the property to allow its use for a trade school/business college as well as other, selected lower intensity commercial uses. For school use, two of the rental units would serve as classroom space, while the third unit would be demised into a reception area, lounge, offices and storage.

Access to the site is via a bi-directional approach off Pembina Highway. Parking in front of the building is provided for 13 vehicles. If allowed, parking off the lane could be provided for about 6 vehicles. For a building area of 3,944 square feet, the parking requirement ranges from 5 spaces for office use, to 16 spaces for retail use. The parking requirement for a small trade school would be in the order of 8 spaces.

The location of the subject building, in the midst of a residential area, raised concerns on the part of residents and property owners when the lands were initially rezoned for commercial use. A compromise was reached whereby restrictions were placed on both land use and site access in order to minimize the impact of commercial activity on the adjacent properties. Substantial landscaping was also installed during construction in order to help screen the front parking area from overlooking apartments.

The applicant is requesting that the restrictions be relaxed somewhat in order to accommodate a prospective tenant, Job Works. Job Works, is an adult education program operated jointly by the Fort Garry School Division No. 5 and the Morris-MacDonald School Division. The subject building would be house both education and administrative functions. Computer training and student counselling have been suggested as possible uses being considered for the site. Job works currently operates out of 1415 Pembina Highway.

The Property and Development Services Department is prepared to extend its conditional support for the rezoning and associated variances. It is the opinion of the Department that the activity generated by the school will not adversely effect the quality of the residential environment, keeping in mind that the site is located on a regional street and does provide on-site parking. The Department will be recommending that a new Zoning Agreement be placed on the lands which will broaden the list of permitted uses on the site and permit parking off the lane for staff vehicles. The proposed "C2" zoning is consistent with commercial sites along Pembina Highway. The list of permitted uses in the proposed Zoning Agreement are considered low intensity and compatible with the residential character of the area.

A Public Hearing was held before the Assiniboia Community Committee on September 28 and October 19, 1999. One person appeared in support of the application, and two persons registered in opposition thereto.

The Assiniboia Community Committee did not concur in the report of the Manager of Planning and Land Use dated September 22, 1999, and recommended that the proposed "C2" zoning not be proceeded with. The Community Committee recommended that the Zoning Agreement DAZ 337/79 dated March 5, 1980 be amended, and outlined the following reasons for its recommendations:

1. The "C2" zoning classification applied for is no longer required inasmuch as the prospective tenant, a technical (trade) school, will not be locating on the property.

2. The existing uses permitted under the Zoning Agreement limit land use to medical offices, business and professional offices, and a travel bureau. A broader range of permitted uses will make the commercial property more attractive and marketable.

Report of the Standing Policy Committee on Property and Development dated November 23, 1999

3. The proposed list of expanded uses to be permitted under the "C1" zoning are considered to be of low intensity and compatible with the residential character of the area, and the persons registered in opposition have indicated they are not opposed to the proposed expanded uses under the "C1" zoning.

4. The Assiniboia Community Committee believed that the prohibition for parking off the lane should not be amended inasmuch as this restriction was imposed when the property was originally rezoned so as to minimize the impact of commercial activity on the adjacent properties.

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

I. That the application to rezone the subject land from a "C1" Commercial District to a "C2" Commercial District, not be proceeded with.

II. That Zoning Agreement DAZ 337/79 dated March 5, 1980, be amended as follows:

A. That Clause 2 be amended by adding the following uses:
   i) art/crafts/hobby: instruction, supplies, sales, including beer and wine making
   ii) barber shop/beauty salon or similar personal service
   iii) electronic equipment: rental, sales, service
   iv) gift store
   v) clothing store
   vi) tailor/dressmaker/furrier
   vii) book store
   viii) jeweller.

B. That Clause 2 be amended by adding “excluding realtors” after the use “business and professional offices”.

III. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 337/79 as approved in the Recommendation II.

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

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

Adopted by consent.

(See Minute No. 200 for attachment)

Proposed Rezoning - land located at 983 Arlington Street, southeast corner of Arlington Street and William Avenue - Lord Selkirk-West Kildonan Community
File DAZ 225/99 [c/r DAV 764/99D]

160 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from the LAO Association of Manitoba, 7 - 983 Arlington Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from a "R2" Residential District to a "C1-5" Commercial District to allow for commercial re-development of the site.

The subject lot is situated at the southeast corner of William Avenue and Arlington Street, and is 37 feet wide and 155.68 feet in depth. The existing dwelling is zoned "R2" Residential, is two-storeys high and has virtually no front yard. A small garage is located on the rear half of the lot.

The following is the surrounding land use and zoning:

Report of the Standing Policy Committee on Property and Development dated November 23, 1999

North: Zoned "R2", commercial business - Philippine Club
South: Zoned "R2", occupied with a residential dwelling
East: Zoned "R2", occupied with a residential dwelling
West: Zoned "R2", commercial business

The applicant, the LAO Association of Manitoba, proposed to rezone the subject site to a "C1-5" Neighbourhood Commercial category, and plans to convert the main floor (2,100 square feet) to a retail clothing business, small restaurant and combined barber shop/hairstylist. The second floor is to be used for residential purposes.

The applicant wishes to rezone and convert the existing dwelling for main floor business purposes - maintaining the second floor for residential purposes. Specifically they propose to subdivide the main floor (2,100± square feet) eventually into three (3) sections: the front area to be occupied by a retail clothes and gifts area; the middle section to house a small restaurant; and, the rear area to be occupied by a barber shop/beauty salon. The top floor would be restricted to a maximum of four (4) suites which they currently have a right to at the present time. There are to be approximately ten (10) spaces/parking stalls at the rear of the building accessed via Arlington Avenue.

It is the opinion of the Property and Development Services Department that three (3) commercial businesses on the main floor, and four (4) suites on the second floor would be an overdevelopment of the site, given the level of parking provided. However, in view of the fact that the subject lot is located at the corner of a busy intersection in proximity of other businesses, a slightly modified commercial re-development (with residential component) would be viewed as acceptable. It is the view of the Property and Development Services Department that a retail clothing/gift shop outlet and a barber shop/beauty salon would be deemed to be appropriate main floor uses given the limited parking. The Department would also support a maximum of four (4) residential suites on the second floor. A restaurant of any size would not, in the Department's view, be suitable at this location given the constraints of lot size, proximity to adjacent homes and limited parking availability.

A Public Hearing was held by the Lord Selkirk-West Kildonan Community Committee on November 9, 1999. Four persons were heard in support of the application, and no one registered in opposition thereto.

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

1. The proposed development is appropriate at this location.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule "A" for File DAZ 225/99 dated November 1, 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 commercial component be limited to:
         a) a retail clothing store and/or gift shop, and
         b) a barber shop and/or beauty salon, and
         c) a restaurant.

      2. That the commercial businesses be restricted to the main floor of the subject building.

      3. That the second floor of the subject building be restricted to four (4) residential suites.

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.

Report of the Standing Policy Committee on Property and Development dated November 23, 1999

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. 201 for attachment)

Proposed Zoning Agreement Amendment - land located at 920 Jefferson Avenue - Lord Selkirk-West Kildonan Community File ZAA 14/99 [c/r DAZ 322/79]

161 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Electra Signs, 398 Daly Street North, Winnipeg, on behalf of Canada Safeway, to amend the Zoning Agreement affecting the subject property outlined by permitting: 1) the erection of a free-standing sign with a height of 46 feet 8 inches instead of a maximum height of 30 feet as permitted; and, 2) to provide a setback of one (1) foot from an abutting street instead of 20 feet as required.

The subject site is currently zoned "C2" Commercial and occupied with a Safeway store outlet. The applicants propose to erect a 46 foot 8 inch identification free-standing sign immediately adjacent to the main McPhillips Street access point to the shopping centre. At its widest, the sign is 26 feet wide.

The Planning and Land Use Division of the Property and Development Services Department is prepared to support a 35 foot free-standing sign at the requested location which is in accordance with new by-law requirements and consistent with past recommendations.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on November 9, 1999. One person appeared in support of the application, and no one registered in opposition thereto.

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

1. The application is in accordance with new by-law requirements and consistent with past recommendations.

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

I. That Zoning Agreement DAZ 322/79 (By-Law No. 3012/81) be amended as follows:

A. Clause 5 be amended in part to permit a 35 foot in height free-standing sign instead of 30 feet and to provide for a setback of one (1) foot from abutting street instead of 20 feet.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 322/79 (By-Law No. 3012/89) as approved in 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 November 23, 1999

**Extension of Time - Proposed Rezoning -
land located at 114 - 118 Lark Street -
Lord Selkirk-West Kildonan Community
File DAZ 227/98 [c/r DAV 721/98C]**

162 - 6. On November 25, 1998, Council adopted Clause 9 of the Report of the Standing Policy Committee on Property and Development dated November 16, 1998, which Clause recommended approval of the rezoning of the subject land to a "C2" Limited Commercial District to permit a contractors establishment.

Recommendation V of the said Clause stipulates:

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

On November 25, 1998, Council also passed Rezoning By-law No. 7322/98. The enactment section of the By-law required that the Zoning Agreement Caveat be registered in the Winnipeg Land Titles Office by November 25, 1999, failing which the by-law would expire unless that date was extended by a resolution of Council.

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 interest remains secured and circumstances leading to the original approval are unchanged.

The Standing Policy Committee on Property and Development recommends:

I. That an extension of time to November 25, 2000, be granted to register the Zoning Agreement Caveat under the enactment clause of By-law No. 7322/98.

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.

**Council Appointments to the Riverbank
Management Committee
Files E-5.1 (Vol. 19) and GC-7 (Vol. 29)**

163 - 7. Council, at its Organizational Meeting on November 3, 1999, referred to the Standing Policy Committee on Property and Development the matter of appointments of four Council Members to the Riverbank Management Committee.

On November 17, 1999, Council appointed Councillors Gerbasi, Lazarenko and Lubosch to the Riverbank Management Committee, with Councillor Lazarenko, being designated as the Chairperson of the Committee.

The Standing Policy Committee on Property and Development recommends that Councillor Smith be appointed to the Riverbank Management Committee.

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 25, 1999

On motion of Councillor De Smedt, the Report of the Standing Policy Committee on Property and Development, dated November 25, 1999, was considered clause by clause.

Moved by Councillor De Smedt,

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

Carried.

Proposed Closing of parts of Parker Avenue and Pembina Highway to the Pembina Hotel Ltd. - Assiniboia Community
File DAC 9/98 [c/r FI-2.4(31) (Vol. 7)]

164 - 1. The Standing Policy Committee on Property and Development has been advised that in February of 1998, the Real Estate Division of the Property and Development Services Department received an offer from the Pembina Hotel to purchase the land outlined as "proposed closing" on the Misc. Plan No. 8923/6. This land is comprised of public streets (Parker Avenue and Pembina Highway) which must be legally closed before the property may be sold.

The proposal has been circulated to all interested City Departments and public utilities for their comments. The Water and Waste Department, Winnipeg Hydro, Centra Gas, and MTS Communications have identified require- ments for easements for the maintenance of their plants in the street.

The subject portion of Parker Avenue is closed to traffic. The Public Works Department has placed barricades at the west limit of the proposed closing to prevent vehicular traffic from trespassing on the Pembina Hotel property for ingress and egress from Pembina Highway. The paved turnaround for traffic in the proposed closing has been abandoned.

The hotel owner intended to expand the hotel parking lot into the area. This is an acceptable use of the land, considering the fact that the easement requirements of the Water and Waste Department, Winnipeg Hydro, Centra Gas, and MTS Communications will restrict the construction of any buildings in the area.

The Transportation Planning and Traffic Management Division of the Public Works Department recommended that the balance of the portion of Parker Avenue east of Wynne Street also be closed. A portion of the street will be required for the future Southwest Transit Corridor. The Real Estate Division will contact the adjacent property owners to obtain their consent to the closing and to determine the terms of the sale of the closed street. This portion of the street will remain legally open until its disposition has been determined.

The Transportation Planning and Traffic Management Division also recommended that a portion of the street to be sold to the Pembina Hotel be retained for a future turnaround if the balance of the portion of Parker Avenue east of Wynne Street is to remain open. The provision of a turnaround is not acceptable to the owner of the Pembina Hotel. The Real Estate Division expects to successfully negotiate the terms of either sales or access agreements for the balance of the portion of Parker Avenue east of Wynne Street in the future. Closing the balance of Parker Avenue will eliminate the need for a turnaround.

A Public Hearing was held before the Assiniboia Community on October 19, 1999. One person was heard in support of the application, six persons were registered in opposition, and one person was registered for information purposes.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule "A", Misc. Plan No. 8923/6.

Report of the Standing Policy Committee on Property and Development dated November 25, 1999

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

Adopted by consent.

(See Minute No. 202 for attachment)

Proposed Subdivision and Rezoning - land located at southeast corner of Litchfield Boulevard, north side, east of Litchfield Boulevard and Park Place West - Assiniboia Community File DASZ 22/99

165 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been received from Pine Hill Development Corporation (Sam Searle), 1383 Dugald Road, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the subject land outlined from a "R1-9" Single-Family Residential District to a "R1-6" Single-Family Residential District to allow for an increase in the number of building lots from eight (8) to ten (10).

The following is the present site description:

Site Area:	0.91 acres, Block 1 north of Park Place; 0.85 acres, Block 2 south of Park Place
Existing Land Use and Zoning:	Eight (8) vacant lots zoned "R1-9"

The following is the present surrounding land use and zoning:

North:	Single-family housing zoned "R1-9"
South:	Developable land zoned "A-5" Agricultural District
East:	Across Latimer Boulevard, "PR" Parks and Recreation District
West:	Developable land zoned "A-5" Agricultural District

The applicant has 8 vacant lots fronting Park Place West; 4 within proposed Block 2 on the south side of the street and 4 within proposed Block 1, on the north side. The proposal is to re-subdivide the lots so as to increase their number by one on the south side and one on the north side, for a total of 10 lots. The existing lots are a minimum of 75 feet in width and 9,000 square feet in area, as required under the "R1-9" zoning. The proposed lots would be a minimum of 60 feet in width and 6,000 square feet in area, in accordance with "R1-6" zoning.

The Property and Development Services Department advised that it supports the application. The proposed zoning will only permit single-family housing in keeping with the character of the area. In the opinion of the Department, the proposed reduction in lot size will not have a detrimental impact on adjacent housing. It is anticipated that houses constructed on the lots will be of a high quality and will help to sustain the already high property values in the area. It is noted that the applicant has paid the park dedication charge on the subject land.

A Public Hearing was held before the Assiniboia Community Committee on November 16, 1999. Three persons were heard in support of the application, and one person registered in opposition thereto.

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

1. The intention of the subdivision in Tuxedo West will be maintained because the lot sizes, although reduced, are still far greater in size than what “R1-6" zoning requires.

2. The quality and character of the area will be maintained as minimum building standards and minimum square footage requirements have been imposed as conditions of approval.

3. There will be no deleterious effect to adjacent properties with approval of this application.

Report of the Standing Policy Committee on Property and Development dated November 25, 1999

On November 25, 1999, the Standing Policy Committee on Property and Development considered the Report of the Assiniboia Community Committee dated November 17, 1999, and passed the following motion:

> WHEREAS the Legal Services Division advised that it is beyond the authority of the City of Winnipeg to include the conditions outlined in Recommendation IV. b) and c) into a Zoning Agreement;
>
> AND WHEREAS the said clauses are customarily put in place by a developer, and thus deemed to be the responsibility of the developer;
>
> THEREFORE BE IT RESOLVED that the recommendations of the Assiniboia Community Committee be concurred in, with the following amendment:
>
> · Recommendation IV. b) and c) be deleted, namely:
> b) a minimum floor area of 1,620 square feet for one-storey dwellings and 2,250 square feet for two-storey dwellings;
> c) all dwellings to have double-attached garages.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the plan of subdivision proposed under File DASZ 22/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 22/99 dated November 8, 1999.

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 22/99 dated November 8, 1999, to an "R1-6" Single-Family Residential District.

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

a) a minimum perpendicular distance of 8 feet between dwelling units in relation to side yard building separation.

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 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.

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.

The Executive Policy Committee concurs in part with the recommendation of the Standing Policy Committee on Property and Development and recommends that Recommendation IV. be deleted in its entirety and replaced with the following, namely:

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

a) a minimum perpendicular distance of 8 feet between dwelling units in relation to side yard building separation.

Report of the Standing Policy Committee on Property and Development dated November 25, 1999

2. That the developer be required to enter into a Building Restriction Agreement with any and all subsequent purchasers of the land, which will be caveated against and run with the land and will include (but will not be limited to) the following building restrictions:

a) That all one-storey dwellings shall have a minimum floor area of 1,620 square feet;

b) That all two-storey dwellings shall have a minimum floor area of 2,250 square feet;

c) That all dwellings shall have at minimum double-attached garages;

and that said Building Restriction Agreement shall be subject to the approval of the City Solicitor/Manager of Legal Services prior to its registration against the land.

Moved by Councillor De Smedt,
Adoption of the clause.

In amendment,

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

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

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

(See Minute No. 203 for attachment)

Proposed Closing and Sale - portion of the right-of-way at the southwest corner of McGillivray Boulevard and Waverley Street - Sherwood Park Homes Ltd. - Assiniboia Community
File FI-2.4(31) (Vol. 7) [c/r DAOC 3/99]

166 - 3. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department received an Offer to Purchase a portion of the right-of-way at the southwest corner of McGillivray Boulevard and Waverley Street, outlined as "proposed closing" on Misc. Plan No. 7729/4, from David Jones of Sherwood Park Homes Ltd.

Sherwood Park Homes Ltd. has plans to expand the office building presently situated on the land outlined as "applicant's property" on Misc. Plan No. 7729/4, and requires the subject portion of McGillivray Boulevard for additional parking.

The proposed street closure has been circulated to all interested City departments and public utilities. There are no objections to the closing. The Water and Waste Department require an easement for the maintenance of its drainage ditch in the area. Manitoba Hydro and MTS Communications Inc. also require easements for the maintenance of their plants.

The Transportation Planning and Traffic Management Division, Public Works Department identified two conditions to their approval of the closing; the provision of a street corner widening at the northeast corner of the applicant's property and assurance that the owner of the property adjoining to the south, MTS Communications Inc., will continue to enjoy access to its lands.

Sherwood Park Homes Ltd. has agreed to dedicate land required for the street corner widening. MTS Communications Inc. has advised that it has reached an agreement in principle with Sherwood Park Homes Ltd. which will allow continued access to its property from McGillivray Boulevard, as well as the construction of an additional approach from Waverley Street.

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The Property and Development Services Department is supportive of the Offer to Purchase, subject to approval of the proposed street closing. The Department recommends that the Director of Property and Development Services be authorized to grant further extensions of time for the due diligence period and date of closing as necessary, in his sole discretion.

MTS Communications Inc. has advised that it supports this proposed sale and is anxious to have this matter concluded such that a new vehicular approach to the MTS site from Waverley Street can be constructed this Fall season. The Property and Development Services Department is advised that in exchange for the MTS consent to the street closure Sherwood Park Homes Ltd. has agreed to finance the construction of the new approach for MTS estimated to be $45,000.00.

On October 29, 1999, the Standing Policy Committee on Property and Development considered a report dated October 20, 1999, from the Property and Development Services Department, and referred the matter back to the Administration to attempt to negotiate the sale of the entire parcel on the southwest corner of McGillivray Boulevard and Waverley Street to Sherwood Park Homes Ltd. and report back.

The Property and Development Services Department has had discussions with Sherwood Park Homes Ltd. and MTS Communications Inc. personnel as well as the Transportation Division Traffic Assessment Branch of the Public Works Department.

MTS Communications Inc. would not support the closing and sale of the portion of lands outlined as McGillivray Boulevard (Government Road Allowance) on Misc. Plan No. 7729/5. MTS are insistent that this property remain open as right-of-way so that they have the second access to their property without the problems and liabilities of having to cross over private lands for access to their property.

The Transportation Planning and Traffic Management Division (Traffic Assessment Branch) indicated that they would prefer to see the right-of-way closed and sold, however, were of the opinion that it was extremely important that MTS's interest regarding access be protected and therefore, in light of MTS's opposition to the closing, they are agreeable to the property remaining open as right-of-way with the City providing the normal maintenance and snow removal.

Sherwood Park Homes Ltd. also stated that "it must be made clear that Sherwood Park Homes has a servicing agreement, AG 228/89 (amended February 25, 1998) and Sherwood Park Homes are obligated to improve the existing roadway from the McGillivray Boulevard concrete pavement and from the Waverley Street concrete pavement. These roadway improvements shall include the following to the satisfaction of the Director of Public Works: a) sealing the pavement cracks; b) widening the pavement to 7.5 metres; c) adding a 100 millimeter lift of asphalt; and d) widening the shoulders to 0.9 metres. Sherwood Park Homes Ltd. indicated that the Streets Maintenance Department would be maintaining what is virtually a new road."

The Property and Development Services Department have been unable to negotiate the sale of the entire Parcel, and in light of the above comments would recommend that the sale proceed in accordance with the recommendations outlined in the Department's report dated October 20, 1999.

The Standing Policy Committee on Property and Development recommends:

I. That the subject property located at the southwest corner of McGillivray Boulevard and Waverley Street outlined as "Proposed Closing" on Misc. Plan No. 7729/4, be declared surplus to the City's requirements.

II. That the sale of the subject property outlined as "Proposed Closing on Misc. Plan No. 7729/4, to Sherwood Park Homes Ltd. for the price of $91,402.00, be approved, subject to the City's standard terms and conditions in addition to any other terms and conditions that are required by the City Solicitor/Manager of Legal Services and the Director of Property and Development Services to implement the intent of Council and to protect the best interests of the City.

III. That the Director of Property and Development Services be granted the authority to extend the due diligence date and closing date as necessary in his sole discretion.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated November 25, 1999

Proposed Lease Agreement - Waverley Heights Child Care Inc. - for the use of a portion of the Waverley Heights Community Centre at 1885 Chancellor Drive - Riel Community
File FI-2.2(35) (Vol. 5)

167 - 4. The Standing Policy Committee on Property and Development has been advised that the Waverley Heights Child Care Inc. has occupied a portion of the Waverley Heights Community Centre building at 1885 Chancellor Drive since 1983.

Between 1983 and March 31, 1995, the Waverley Heights Child Care Inc. (Child Care) and the Waverley Heights Community Centre (Community Centre) entered into various forms of agreements (letters of understanding, lease agreements) to accommodate child care. The last of these agreements expired on March 31, 1995. The City of Winnipeg was not a formal party to any of these agreements. These Agreements were not approved by Council.

Being as Community Centres are not legally entitled to enter into any lease agreements of City owned land or buildings, the former Parks and Recreation Department undertook to correct these matters. This was corrected by ensuring that all new lease agreements or renewals were in a format acceptable to the City, and subsequently approved by City Council. This is an ongoing corrective action and all lease agreements will be made to comply. Although the lease agreements are now approved by Council, the lease payments will continue to flow to the Community Centres.

Between 1995 and the present time, the Child Care continued to occupy a portion of the Community Centre under the same terms and conditions of the previous agreement which expired on March 31, 1995.

In the summer of 1997, representatives of the Community Centre and the Child Care sought the assistance of the City of Winnipeg in order to assist with the development and negotiation of a formal lease agreement. During the period between July 1997 and July 1999, representatives of the Community Centre, the Child Care and the City of Winnipeg met on numerous occasions to develop the terms and conditions for a new lease agreement.

By letter dated July 23, 1999, the Community Centre advised the Property and Development Services Department that it had reached an agreement on terms and conditions of a lease agreement with the Child Care for the use of a portion of the Waverley Heights Community Centre.

The particulars of the subject property are as follows:

Owner:	The City of Winnipeg
Location:	1885 Chancellor Drive
Legal Description:	Public Reserve 23575, Block 5, Plan 12784, Lots 1/ 2, Plan 17181 in RLS 7/8 St Vital as outlined on Misc. Plan No. 5806/2
Certificates of Title:	1090163, E32340, H42298, H69178
Zoning:	"PR1"
Size:	12,713 square feet (building) – 4.74 acres (land)

As a basis for developing a lease agreement at this location, the Property and Development Services Department utilized the standard form of daycare lease agreement utilized at various community centre sites. Most recently, this form of agreement was used at the Lord Roberts Community Centre site.

The proposed terms and conditions for the lease agreement have been negotiated, with the following being a summary of the major terms and conditions:

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Term:	Five (5) years commencing April 1, 1998
Rental:	$23,474.67 annual rental payable in (12) twelve equal monthly payments to the Waverley Heights Community Centre with provision for increases in accordance with the cost formulas contained in the proposed agreement, clause 9.2.1 thru 9.2.5.
Site Location:	See Misc. Plan 5806/2
Building Location and Space Utilization:	See Misc. Plan 5806/3
Cancellation:	Three hundred sixty five (365) days notice by either party
Insurance:	Lessee to provide Comprehensive General liability $2.0 Million, City as Additional Insured and Cross Liability
Renewal:	Additional (5) five-year term upon (180) days written notice prior to expiry
Realty Taxes:	Currently all Non Profit Daycare's are exempt from paying realty taxes

Being as the provision of daycare spaces at the Waverley Heights Community Centre is a desired service within the local neighbourhood and community, and that same does not interfere with the provision of local parks and recreation services offered by the Community Centre, and that the provision of same occurs without cost to the City, and that the Waverley Heights Community Centre and Waverley Heights Child Care have reached agreement on the subject terms and conditions, the Property and Development Services Department is supportive of recommending that the subject agreement be approved.

The Child Care is not in arrears and has made regular monthly payments to the Community Centre. However, the proposed terms and conditions of the subject lease agreement are proposed to be effective as of April 1, 1998. This will represent a back payment of $998.64 to the Community Centre.

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 Director of Property and Development Services be authorized to enter into a lease agreement with the Waverley Heights Child Care Inc., for use of a portion of the Waverley Heights Community Centre at 1885 Chancellor Drive, in accordance with the terms and conditions as negotiated.

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

Adopted by consent.

Proposed Acquisition of 471 Albany Street - Assiniboia Community
File FI-2(31) (Vol. 4)

168 - 5. The Standing Policy Committee on Property and Development has been advised that the owner of 471 Albany Street indicated that the property is available for sale. The owner of 471 Albany Street further advised that it is his understanding that 479 Albany Street and 438 Truro Street may also be available for sale in the near future. The three properties, as outlined on Misc. Plan No. 10746, are the last three properties that need to be acquired in order to develop Legion Memorial Sports Park.

If suitable, the property at 471 Albany Street would be incorporated into the City's rental program until such time as park development is implemented, otherwise it should be demolished.

The Assiniboia Community Committee will be consulted relative to utilizing its Land Dedication Reserve Account as the funding source for the proposed acquisition of 47l Albany Street. The Planning and Land Use Division of the Property and Development Services Department will further consult with the Assiniboia Community Committee at such time as 479 Albany Street and/or 438 Truro Street are offered for sale to the City.

Report of the Standing Policy Committee on Property and Development dated November 25, 1999

Negotiations for the proposed acquisition of 471 Albany Street have yet to be initiated, and therefore a financial impact statement was not available at the time of writing the administrative report to the Standing Policy Committee. The capital cost estimate for the acquisition of 471 Albany Street has been determined, and includes all appraisal, survey, contingency, legal and finance and administrative costs and includes the potential cost to demolish the structure.

The Director of Property and Development Services requires authorization from the Standing Policy Committee on Property and Development in order to negotiate the acquisition of property. Council's favourable consideration of the matter would enable either the Standing Policy Committee on Property and Development or the Director of Property and Development Services, if authority is delegated by the said Standing Policy Committee, to finalize the terms and conditions of each sale when negotiations have been completed.

The Standing Policy Committee on Property and Development recommends:

I. That the Director of Property and Development Services be authorized to negotiate the proposed acquisition of 471 Albany Street, as outlined on Misc. Plan No. 10746.

II. That, subject to Recommendation No. I, the Director of Property and Development Services be delegated the authority to finalize the terms and conditions of the proposed acquisition of 471 Albany Street within the budgeted amount.

III. That subject to Recommendations No. I. and II., the Director of Property and Development Services be authorized to demolish 471 Albany Street in the event that it is not suitable for rental or when the land is needed for development of Legion Memorial Sports Park.

IV. That the Director of Property and Development Services be authorized to negotiate the proposed acquisition of 479 Albany Street and 438 Truro Street when the properties become available, subject to the Assiniboia Community Committee authorizing use of the Assiniboia Land Dedication Reserve Account as the funding source.

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

On November 16, 1999, the Assiniboia Community Committee concurred in the use of the Land Dedication Reserve Account as the funding source for the proposed acquisition of 471 Albany Street.

The Executive Policy Committee has concurred in the recommendation of the Assiniboia Community Committee that the Assiniboia Land Dedication Reserve Account be utilized as the funding source for the proposed acquisition of 471 Albany Street; and further recommends that Recommendation IV. be amended by deleting the following words, namely:

> *"subject to the Assiniboia Community Committee authorizing use of the Assiniboia Land Dedication Reserve Account as the funding source."*

Moved by Councillor De Smedt,
Adoption of the clause.

In amendment,

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

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

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

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

(Laid over on November 17, 1999)

Moved by Councillor Prystanski,
Seconded by Councillor Smith,

169 - WHEREAS inner Winnipeg neighbourhoods are experiencing substantial problems with the quality of neighbourhood life due to external factors such as decreasing housing values, higher rates of crime including arson and perceived low opportunities for recreational activities;

AND WHEREAS the problems inner Winnipeg neighbourhood residents experience are compounded when considered jointly;

AND WHEREAS The City of Winnipeg is concerned with issues affecting the ability of residents to stay in their homes and neighbourhoods through programs offered from various City of Winnipeg departments;

AND WHEREAS a coordinating team be established to coordinate, identify and implement all various plans coming forward on Inner Winnipeg neighbourhood redevelopment;

THEREFORE BE IT RESOLVED that the coordinating team focus on the following, but not being limited to:

- improving the opportunities for owner occupied housing,
- improving opportunities children and families have to participate in recreational activities,
- ensuring the Winnipeg Police Services and the Emergency Response Service have the resources needed to support a safer inner Winnipeg neighbourhood;

AND BE IT ALSO RESOLVED that the task force consist of Councillor Prystanski as Chair, and Councillors Harvey Smith and Garth Steek and representatives of the various departments identified to help develop the strategic plan;

AND BE IT FURTHER RESOLVED that the chair of the Inner Winnipeg Action Team meet with the Mayor to develop any financial requirements the team may need and report back to Council at its next regular meeting;

AND BE IT FURTHER RESOLVED that the action team report back to council within 60 days with the coordinated action plan.

With the concurrence of the seconder, Councillor Smith, and with the permission of Council, Councillor Prystanski withdrew his motion.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

170 - 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. 7532/99, 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 north and south sides of Park Place West east of Litchfield Boulevard in the Assiniboia Community. File DASZ 22/99

By-law No. 7533/99, 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 983 Arlington Street in the Lord Selkirk-West Kildonan Community. File DAZ 225/99

By-law No. 7534/99, a by-law of The City of Winnipeg to open a public road over part Public Drain Plan 1425 and Adjoining Land. File DAO 17/98

By-law No. 7535/99, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on lands located at 500 Shaftesbury Boulevard in the Assiniboia Community. File DAZ 219/99

By-law No. 7536/99, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south side of Horrox Bay west of Riverwest Road in the Lord Selkirk-West Kildonan Community. File DASZ 15/99

By-law No. 7537/99, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(35) (Vol. 2)