REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 19, 1999

On motion of Councillor De Smedt, Clause 1 of the Report of the Standing Policy Committee on Property and Development, dated February 19, 1999, was considered.

Task Force on Inner Winnipeg Neighbourhood Redevelopment
File EX (Vol. 13)

59 - 1. On November 16, 1998, the Standing Policy Committee established a Task Force to look at providing a strategic plan on Inner Winnipeg Neighbourhood Redevelopment. The strategic plan was to focus on, but not be limited to, improving the opportunities for owner occupied housing, improving opportunities for children and families to participate in recreational activities, and ensuring the Winnipeg Police Service has the resources needed to support a safer inner Winnipeg neighbourhood.

The Standing Policy Committee on Property and Development appointed Councillor Prystanski, as the Chairperson, and Councillors Smith and Steek, and representatives of the various Civic Departments identified to help develop the strategic plan.

The Task Force was directed to report back to the Standing Policy Committee with an initial report within 120 days.

On February 2, 1999, the Standing Policy Committee on Property and Development heard representation from Councillor Smith, Daniel McIntyre Ward and Tom Yauk, Private Citizen, with respect to housing in the Inner City area. Following which, the Standing Policy Committee passed a motion outlining that given the state of decline in specific Inner-City neighbourhoods, the City of Winnipeg mobilize existing resources and develop initiatives to improve (restore) these neighbourhoods and that the City of Winnipeg immediately operationalize its intent by:

1. Coordinating its own resources to take action;
2. Providing a forum for input and involvement for the Community and the groups and organizations representing its interest on this issue;
3. Maximizing the use of resources from the Provincial and Federal Governments through a tri-lateral initiative to direct and develop appropriate action;
4. Organizing a Housing and Neighbourhood Development Action Team,

with the purpose being to seek a maximum degree of government, non-profit and private resources to provide good housing and restore neighbourhoods. The Administration was requested to report back on the foregoing at a Special Meeting to be held in February 1999.

On February 8, 1999, the Standing Policy Committee on Protection and Community Services indicated its support for the Task Force on Inner Winnipeg Neighbourhood Redevelopment acknowledging the fact that the resources under its jurisdiction will be utilized as part of the process undertaken by the Task Force.

On February 19, 1999, the Standing Policy Committee on Property and Development considered the report dated February 18, 1999, from the Director of Property and Development Services and the Director of Community Services, which recommended that the terms of reference outlined be received as information, and that the Standing Policy Committee on Property and Development forward the report to the Standing Policy Committee on Protection and Community Services for consideration and to the Standing Committee on Fiscal Issues for budgetary consideration.

BACKGROUND HISTORY

In the report “Planning for Equity” prepared for the City of Winnipeg Social Development Review Committee dated October 1996, seven of the most distressed neighbourhoods in the inner city were examined with the objective of providing “a mechanism to monitor change, compare inner-city versus suburban situations, highlight issues

Report of the Standing Policy Committee on Property and Development dated February 19, 1999

important from a planning and community development perspective and in some instances compare the situation in Winnipeg with other Western cities."

The document provides an overview of social conditions, education, economic conditions, housing, health and well being, safety and crime within Winnipeg's poorest neighbourhoods, namely, William Whyte, Lord Selkirk Park, North Point Douglas, Centennial, West Alexander, Spence and West Broadway.

Since the release of the report, housing stock in these neighbourhoods have continued to deteriorate. Increased enforcement activity has resulted in closure of some of the worst properties, while others are being abandoned by both homeowners and landlords seeking to "bail out" of their investments. Vacancy rates have been cited as high as 20% suggesting that the neighbourhoods are losing ground in their desirability as a place in which to live. The most recent rash of arson related fires, concentrated in the William Whyte neighbourhood have heightened the negative profile of these neighbourhoods by the media and the public at large.

While the information paints a bleak picture of the these neighbourhoods which in their totality represent the most marginalized people in the City, it must be recognized that the significant efforts of local residents and neighbourhood stakeholders who have been working with community groups and governments to improve their neighbourhoods. It is through support of these local efforts, that rebuilding is most likely to have a positive, long term effect.

The City has moved forward with a number of initiatives since 1996 to address inner-city problems. Some of these include the establishment of foot patrol officers in the neighbourhoods as part of a Community Policing program, the implementation of a rooming house inspection team to tackle issues of housing standards and licensing conformity, the development of a demolition policy to expedite removal of abandoned, derelict, boarded up buildings, and the Home Renovation Tax Assistance Program.

Through the Winnipeg Development Agreement, $4 Million was dedicated to a program of Neighbourhood Revitalization in two of the seven neighbourhoods cited in the Planning for Equity report, namely, Lord Selkirk Park and Spence, with an additional allocation of $300,000.00 approved through the Winnipeg Development Agreement to the West Broadway Neighbourhood. The intent of the program is to revitalize the neighbourhoods by empowering the local residents and stakeholders to take ownership of their communities by making them full partners in the revitalization process. All of these neighbourhoods have created their own neighbourhood councils to tackle issues. Through combined efforts of civic staff, neighbourhood stakeholders and the neighbourhood at large, Spence and Lord Selkirk Neighbourhood Revitalization Strategies were developed which identify the issues, provide goals and objectives to overcome them, offers action steps to achieve the objectives and identifies the resources required to implement programs and projects which would ultimately lead to a more effective. Similarly, the West Broadway Development Corporation, comprised of a coalition of residents, business owners, and the agency community have developed a planning process which identifies key areas with which the community itself can tackle issues. The plans from all three neighbourhoods have involved extensive community consultation and were approved for implementation by City Council between March and July 1998. Many local initiatives have been approved for funding and others are being developed through a collaborative, coordinated approach with available resources.

These plans, coupled with representations and reports filed by residents, agencies and community groups to the Standing Policy Committees and to Council suggest that actions have been identified to respond to the issues. The challenge now is to coordinate resources both internal and external to provide the necessary technical and financial supports to effectively respond to them.

The terms of reference developed for the Task Force proposes that the City of Winnipeg consult with the community to develop an action strategy for recovery of distressed Inner Winnipeg Neighbourhoods with priority given to the areas of housing, safety and recreation.

The target neighbourhoods in which the Task Force work should be focused should include the seven most distressed inner-city neighbourhoods identified in the City of Winnipeg, Social Development Review Committee Report, Planning For Equity namely, Lord Selkirk Park, William Whyte, Spence, West Broadway, Centennial and west Alexander.

All action plans developed by the neighbourhoods which have been reviewed and approved by the Standing Policy Committees and Council including the Lord Selkirk Park and Spence Neighbourhood Revitalization Strategies, the West Broadway Development Corporation Plan, as well as reports to Council such as the Inner City Housing

Report of the Standing Policy Committee on Property and Development dated February 19, 1999

Coalition recommendations on Boarded Up Houses and Inner City Housing Policy Platform should provide the foundation for the work of the Task Force.

The terms of reference suggest Task Force membership composition be expanded. In constituting the Task Force, it is recognized that the Standing Policy Committee would approve any changes to the appointment of its membership.

The cost identified for implementation of the Task Force, based upon the Terms of Reference outlined, do not have a budget source from which the funds can be drawn from. The potential of surplus funds being drawn against the Land Operating Reserve account per discussions at the February 2, 1999 meeting of Standing Policy Committee on Property and Development is not viable, for two reasons:

1. The Land Operating Reserve account is intended to finance the servicing of City land holdings, and is not used for operating costs and secondly, charges against this budget have been recently transacted, reducing the fund significantly.

2. Recommendations respecting budget requirements for the work of the Task Force will require the approval of Council.

The Terms of Reference for the Task Force on Inner Winnipeg Neighbourhood Redevelopment, as well as the proposed Task Force Membership and proposed Task Force Budget and Support is outlined on Appendix "A".

The Standing Policy Committee on Property and Development recommends that Council give favourable consideration to the following:

I. That funds in the amount of $94,390.00 be allocated from the Land Operating Reserve Fund, and be utilized for the operation of the Task Force on Inner Winnipeg Neighbourhood Redevelopment.

II. That the Council Policy for the Land Operating Reserve Fund be waived in this instance to allow for disbursement of the said funds for the Task Force.

III. That the Standing Policy Committee on Protection and Community Services be requested to review and comment back on the issues relating to Inner Winnipeg Neighbourhood Redevelopment, and that Councillor Smith, in his capacity as a Member of both the Standing Policy Committee and the Task Force, be requested to provide these comments in delegation before the Standing Policy Committee on Property and Development.

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

On April 28 and May 19, 1999, Council granted extensions of time of 30 days.

On June 16, 1999, Executive Policy Committee referred Clause 1 back to the Standing Policy Committee on Property and Development for reconsideration of the levels of funding for operation of the Task Force.

On August 31, 1999, the Standing Policy Committee on Property and Development requested the Executive Policy Committee to provide a copy of the Housing Policy, that is being prepared by the Mayor's Office, to the Standing Policy Committee on Property and Development (Task Force on Inner Winnipeg Neighbourhood Redevelopment).

A brief received from Councillor Prystanski was submitted, outlining a recommendation from the Task Force on Inner Winnipeg Neighbourhood Redevelopment, namely:

> That the mandate of the Task Force is to undertake a review and series of consultations on housing policy and actions, leading to the development of a Housing Strategy and Implementation Plan for Inner Winnipeg - with particular emphasis to be placed upon recovery of distressed inner Winnipeg neighbourhoods, and to examine replacement of deteriorated housing stock to develop a policy on infill housing for vacant lots.

On September 22, and October 20, 1999, Council granted further extensions of time of 30 days for further consideration of this matter.

Report of the Standing Policy Committee on Property and Development dated February 19, 1999

On October 26, 1999, the Standing Policy Committee on Property and Development laid over consideration of the matter to November 23, 1999.

The Executive Policy Committee recommends that the Clause be filed inasmuch as the Executive Policy Committee has requested His Worship Mayor Murray to appoint an implementation team of Council to oversee and implement the Winnipeg Housing Policy.

Moved by Councillor De Smedt,

That the recommendation of the Executive Policy Committee, that the clause be filed, be adopted.

Carried.

(See Minute No. 93 for attachment)

REPORT OF THE STADNING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 1, 1999

On motion of Councillor De Smedt, Clause 1 of the Report of the Standing Policy Committee on Property and Development, dated June 1, 1999, was considered.

Proposed Text Amendment - Winnipeg Zoning By-law No. 6400/94 - Regulation of Advertising Signs File DAZ 215/99 [c/r DAZ 209/94 (Vol. 3)]

60 - 1. The Standing Policy Committee on Property and Development has been advised that in 1994, Council adopted the Winnipeg Zoning By-Law No. 6400/94 to consolidate the provisions of multiple zoning by-laws and town planning schemes. At that time, the Administration was not able to reach an agreement with the advertising industry on the provisions for advertising signs, and Council had some major concerns about the aggressive expansion of the industry in contexts in which there were no existing structures. On an interim basis, all advertising signs were permitted only by conditional use or in some cases by use variance.

A Working Group of the former Committee on Planning and Community Services was formed (composed of Councillors Golden, Murray, Phillips and Vandal; industry representatives from Mediacom and Pattison Outdoor Group/Hook Outdoor Advertising, and the Administration) to establish the terms of reference for a new by-law which could be consistently applied in similar circumstances City wide.

The Working Group developed a new system of characterizing major streets for their suitability for advertising structures. The Street Characterization designations define regional street systems according to their dominant character and appropriateness for advertising structures of various sizes. Detailed terms of reference were established as criteria framework. This framework together with the designation of segments of the characterized streets into AD-1 (least restrictive) to AD-4 (most restrictive) is a first in Canada.

Other cities have established their by-laws based on specific uses that are permitted in specific zoning categories (C1, C1.5, C2, etc.) which often does not take into consideration the overall context of a particular zoning lot. For example, there may be spot zonings in the context of residential or character commercial. In yet other circumstances zoning lots that would ordinarily permit advertising signs are adjacent to landmark buildings, are at the entrance gateways to the City, next to bridges, parks, or are in contexts which the Working Group has defined as not being suitable for new advertising signs.

Plan Winnipeg's policies under the Urban Image section includes two sections which are relevant to advertising signs:

A. Character Enhancement
- 6A-01 Designate Existing Character Areas
- 6A-02 Pursue Creation of Character Areas
- 6A-03 Support Character Areas
- 6A-04 Ensure Quality Design and Maintenance

B. Urban Beautification
- 6B-01 Designate Image Routes and Scenic Drives
- 6B-02 Ensure High Quality Design and Maintenance
- 6B-08 Promote High Quality Urban Design
- 6B-11 Establish Standards for Signage

Section 6A-01 states that "the City shall develop appropriate evaluation criteria and identify and designate character areas within Winnipeg in accordance with these criteria".

Section 6A-02 states that "the City shall actively pursue the designation of new character areas by formulating standards for development and redevelopment which encourage their creation".

Section 6A-04 states that "the City shall ensure a high quality of design and maintenance within designated character areas by formulating design guidelines and maintenance standards".

Section 6B-08 states that "the City shall promote a high quality of urban design of major projects throughout the city by establishing guidelines, defining the scope of their application, and developing procedures for design review".

Section 6B-11 of the Urban Image chapter of Plan Winnipeg, states "the City shall establish standards for the amount, size, placement, and appearance of both public and private signage throughout the city".

The proposed advertising sign by-law is based on both the zoning categories as well as the character of streets. The Street Characterization designations define regional street systems according to their dominant character and appropriateness for advertising structures of various sizes.

Fundamental evaluation principles include but are not limited to the following objectives:

1. A minimum separation of two hundred and fifty (250) feet to all residential.

2. A minimum setback of all advertising structures at all intersections so that neither the advertising face(s) nor the back of the advertising structure is visible from the residential properties on the side streets.

3. A further setback at the gateways to all major collector streets into neighbourhoods and communities.

4. The need for advertising sign structures to be in scale with their context.

5. The need to provide minimum separation distances between advertising structures of 600 feet or more to reflect the impact and high visibility these structures have on the City's streets. Most of these structures have copy that is clearly visible from 600 feet away because of the larger format graphics, and need to be placed farther apart than free-standing use-identification signs.

6. The need to increase the separation between advertising structures as the speed limit increases from 60 km per hour on streets such as Lagimodiere Boulevard.

7. Where there are conflicts between use-identification signage and advertising signs, priority must be given to use-identification signs.

8. The need to set standards whereby advertising signs are orientated on the site according to the same basic design principles and site planning standards as the buildings and free-standing use identification signs, such as:

    a) an orientation which is perpendicular to the frontage, or alternatively in a parallel relationship to the side property line or a building wall;
    b) incorporating the signage into the overall character of the street with sensitivity first to the immediate context, then the more general context;
    c) ensuring that there is not a conflict between the size, or placement of the sign relative to any building such that views from residential or office windows are adversely affected, or key building elements are obscured;
    d) where the back of a single face sign or open side of a structure with diverging face is visible, to built it and maintain it to standards approved by the Director of Community Services.

A Public Hearing was held by the Standing Policy Committee on Property and Development on June 1, 1999. One person registered for support, no one registered in opposition, and five persons registered for information thereon.

The Standing Policy Committee on Property and Development recommends:

I. That the text of the Winnipeg Zoning By-law No. 6400/94 be amended as follows:

Report of the Standing Policy Committee on Property and Development dated June 1, 1999

a) By deleting "Sign, Advertising" as a conditional use in Tables 410(1), 710(1) and 810(1); and

b) By adding "Regulations for Advertising Signs" sections 1290 to 1297, as outlined on Schedule "A".

II. That the necessary development zoning by-law be forwarded to Council for all three readings.

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.

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

On June 16, the Executive Policy Committee referred the matter back to the Standing Policy Committee on Property and Development.

On August 31, 1999, the Standing Policy Committee on Property and Development laid over Clause 1 until their October 26, 1999 meeting.

On September 22, 1999, Council granted an extension of time of 60 days for further consideration and requested the attendance of the Administration at the November 10, 1999 meeting of the Executive Policy Committee to provide further background information on the regulation of advertising signs.

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

Inasmuch as the Standing Policy Committee on Property and Development, on October 26, 1999, reconsidered the matter and their decision is outlined in Clause 1 of their Report dated October 26, 1999, the Executive Policy Committee recommends that this Clause be filed.

Moved by Councillor De Smedt,

That the recommendation of the Executive Policy Committee, that the clause be filed, be adopted.

Carried.

(See Clause 1 of the Report of the Standing Policy Committee on Property and Development dated October 26, 1999)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JULY 8, 1999

On motion of Councillor De Smedt, Clause 8 of the Report of the Standing Policy Committee on Property and Development, dated July 8, 1999, was considered.

Moved by Councillor De Smedt,
That the Consent Agenda, Clause 8, be adopted.

Carried.

Proposed Maintenance and Sale of City-owned Vacant Lands resulting from the Demolition of Unsafe Buildings in the Inner City Area File FI-2.2 (Vol. 8)

61 - 8. On September 29, 1998, Council amended and adopted Clause 1 of the Report of the Standing Policy Committee on Property and Development dated September 8, 1998, with respect to boarded up residential buildings in the inner city area. The amendment to the Clause resolved that an additional recommendation be added to include the requirement that the subject lands (vacant due to unsafe boarded-up residential buildings being demolished) be sodded or replanted with soil and seed, and that the additional costs be added to the subject property's tax bill.

Of the estimated 200 vacant City-owned parcels in the inner-city neighbourhoods, a small percentage of these have been acquired for future right-of-way expansion or for green space development, while the majority have been acquired through tax sale in which buildings were demolished.

The deterioration of existing housing stock within the City's inner-city neighbourhoods is having a profound effect on the quality of life for the citizens living within these communities. If not abated, continuing decline will have a profound effect on the overall tax base.

Care and maintenance of City-owned lands and buildings within the neighbourhoods should set a positive example for adjacent property owners to follow.

The amendments adopted by Council on September 29, 1998, require that privately-owned vacant lands be improved through sodding or replanted with soil and seed are a practice which would reflect a standard expected within the City's more stable communities and therefore should be applied with diligence to City-owned inner city lots as well to be consistent with Council's requirements for privately-owned lots.

The magnitude of this effort, however, must be examined from the perspective of the overall cost to the City and how the City may be able to reduce these costs by offering lands on a leasehold basis to neighbourhood communities involved in a revitalization effort or to individual property owners for landscape/gardening opportunities.

The Property and Development Services Department recommends that before any seeding or sodding of lots begin, the City should approach the individual community based groups and offer a list of properties available for landscaping/gardening purposes. The groups would then be given a short period of time in order to determine if it is feasible for them to utilize the lands. If the groups are not interested in certain properties, then the City would then have to sod or replant with soil and seed those lands. It should be noted that if and when the lands are sold, the organization would then have to return the lands to the City.

The Council directive applies specifically to vacant lots created through demolition, however, the principle would appear to apply to all vacant City-owned land. It will cost approximately $2,000.00 per lot to sod or replant with soil and seed a typical City-owned inner-city lot (i.e. $2,000.00 x 200 lots = $400,000.00). Once established, the City will then have the maintenance costs for each lot until it is no longer owned by the City. The Public Works

Report of the Standing Policy Committee on Property and Development Dated July 8, 1999

Department could cut the grass on these properties 4 times during the season (4 x $50.00 = $200.00) i.e. $200.00 x 200 lots = $40,000.00 per year. This amount of cutting for the season is currently used by the Public Works Department and equates to cutting the grass less than once a month. These annual maintenance costs could continue indefinitely until the City disposes of the property.

This program would appear to have wider spread application which either could or should be extended to all vacant City-owned lots within the City's corporate boundaries.

On July 8, 1999, the Property and Development Services Department requested the Standing Policy Committee on Property and Development for further direction on this matter. The Administration also recommended that consideration be given to offering all vacant City-owned lots in the inner city neighbourhoods to the appropriate community groups by way of a One Dollar ($1.00) landscaping lease (plus taxes) and that the rejected lots be sodded or replanted with soil and seed and maintained at the City's expense until the lots are sold.

No budgets have been established to finance these improvements. A Financial Impact Sheet is on file in the City Clerk's Department.

The Standing Policy Committee on Property and Development recommends:

I. That all vacant residential lots or lots where buildings have been demolished, that are owned by the City of Winnipeg, be sodded in accordance with Council's directive of September 29, 1998, with the source of funding to be the Land Operating Reserve.

II. That the property owners adjoining the vacant inner city lots be offered the opportunity to purchase the City-owned lots for One Dollar ($1.00).

III. That vacant City-owned lots in the inner city be made available for a nominal fee to community groups, or other interested parties, who are willing to build upon them immediately.

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 SEPTEMBER 28, 1999

On motion of Councillor De Smedt, Clause 3 of the Report of the Standing Policy Committee on Property and Development, dated September 28, 1999, was considered.

Moved by Councillor De Smedt,
That the Consent Agenda, Clause 3, be adopted.

Carried.

Proposed Amendments to the By-law to regulate issuance of Demolition Permits and the Winnipeg Building By-law
File EB-1.5 (Vol. 17)

62 - 3. On September 22, 1999, Council referred back Clause 1 of the Report of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999, which recommended:

I. That By-law No. 4665/87 (a by-law to regulate issuance of Demolition Permits) be amended to provide that it does not apply where the City has issued an order which may result in the demolition of a building;

II. That the Winnipeg Building By-law No. 4555/87 be amended to include a requirement that, following demolition, the property owner/applicant must put the site in such condition as is safe, level, sanitary, and consistent in appearance with the nature and use of the adjoining land, to the satisfaction of the Authority having jurisdiction;

with the following instructions:

WHEREAS the Standing Policy Committee on Property and Development has recommended an amendment to the Demolition Permit By-law so that the by-law does not apply where the City has issued an order which may result in the demolition of a building;

AND WHEREAS the Standing Policy Committee has also recommended an amendment to the Winnipeg Building By-law to include a requirement that following demolition of a building, the property must be put in such condition as is consistent with the adjoining land;

AND WHEREAS there is a possible loophole created by the amendment to the by-law that unscrupulous property owners could deliberately let properties deteriorate to the point of the City ordering demolition and then benefit by no public scrutiny through bypassing the public hearing process;

AND WHEREAS only one month of time is saved by bypassing the public hearing process in a situation that took years to decline to the point of the City ordering demolition;

AND WHEREAS what may appear to speed up demolitions in the so-called “fire zone” area might prove detrimental in transitional and other neighbourhoods in the city;

AND WHEREAS there may be a lack of accountability if the public hearing process is removed;

THEREFORE BE IT RESOLVED that the matter be referred back to the Standing Policy Committee on Property and Development with instructions that the Administration prepare a report in response to the following:

1. What administrative safeguards are, or should be, in place to ensure that demolition orders are not employed to circumvent the public scrutiny afforded by the current by-law.

Report of the Standing Policy Committee on Property and Development dated September 28, 1999

2. Explain how the present by-law is an impediment to the demolition process or how does its present enforcement negatively impact the health and safety of neighbourhoods.

3. What are the implications of the amended by-law for all neighbourhoods, especially those in transition.

On September 28, 1999, the Standing Policy Committee on Property and Development reconsidered the foregoing, and received the following advice from the Legal Services Division in response to the above three questions.

Question No. 1

The Demolition Permit By-law No. 4665/87 contemplates two types of demolition orders issued by the City:

1. Demolition - no option; and
2. Demolition or repair, at the owner's option.

The by-law currently provides that in residential areas, an owner who receives a "no option" demolition order from the City may demolish a home without a public hearing of any sort.

The proposed amendment would allow an owner who receives an "optional" demolition order to demolish without a public hearing also.

Concern has been expressed that the proposed amendment would result in owners across the City deliberately allowing their homes to deteriorate, in order that the homes could eventually be demolished without a public hearing.

There may in fact be a small number of owners who choose this course. However, the proposed amendment is not likely to greatly increase that number. Moreover, such deterioration can and should be addressed through enforcement measures long before a house becomes a candidate for demolition.

Question No. 2

At present an owner who receives an "optional" demolition order gets mixed messages: the Building Inspections Division says demolition is acceptable to the City, but the area Community Committee may refuse to permit demolition unless an intent to rebuild is shown.

Faced with these alternatives, few owners elect to demolish on their own initiative. The end result is that the City does the demolition, the cost is added to the property taxes, and in due course, the City will assume ownership of many such vacant properties through tax sale. Making it easier for an owner to demolish will reduce that number.

Question No. 3

The intent of this minor change to the by-law was to make it simpler for an owner to do that which the City had said must already be done in any event. While the application of the by-law is City-wide, its impact is felt most in the inner City. The proposed amendment will not alter that.

The Standing Policy Committee on Property and Development reaffirmed its recommendations as outlined above and resubmits said Clause with a recommendation for its adoption.

Adopted by consent.

(See Minute No. 94 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED OCTOBER 26, 1999

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

Moved by Councillor De Smedt,

That the Consent Agenda, Clauses 2,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19 and 20, be adopted.

Carried.

Proposed Text Amendment - Winnipeg Zoning By-law No. 6400/94 - Regulation of Advertising Signs File DAZ 215/99 [c/r DAZ 209/94 (Vol. 3)]

63 - ***Note: Clause 1 has been laid over by Executive Policy Committee for 60 days.***

Laid over by Executive Policy Committee for 60 days.

Proposed Text Amendment - Winnipeg Zoning By-law No. 6400/94 - "Park" and "Church, Synagogue, or similar of worship" File DAZ 226/99 [c/r DAZ 209/94 (Vol. 3)]

64 - 2. On September 28, 1999, the Standing Policy Committee on Property and Development held a Public Hearing to consider a proposal to amend the text of Zoning By-law No. 6400/94, in the following respects:

1. Adopt a definition of “Park” indicating that parks are owned by a level of government or a government agency for use by the general public;

2. Amend the “A” and "A-5" Agricultural District use table to make “Church, Synagogue or similar places of worship” a conditional use;

with the area affected by the by-law being all of the City of Winnipeg to which Zoning By-law No. 6400/94 applies.

The Standing Policy Committee on Property and Development has been advised of the following:

"Churches, Synagogues or similar places of religious worship"

A March 16, 1999 motion of the Assiniboia Community Committee addressed two issues: a secondary plan for the Ridgewood South neighbourhood, and a request to amend Zoning By-Law No. 6400/94 to make a “Church, Synagogue, or similar place of religious worship” a conditional use in the “A” and "A-5" Agricultural Districts.

Churches are listed as conditional uses within "R1" and “RM” Residential Districts. A church, synagogue, or similar place of religious worship is also listed as a conditional use in the local or neighbourhood "C1" and "C1.5" Commercial Districts. The requested amendment to Zoning By-Law No. 6400/94 would ensure that applications for the establishment of a church use in “A” and "A-5" Agricultural Districts would be reviewed and evaluated in a manner consistent with those proposed within residentially and commercially zoned districts.

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

The present size of places of worship being built in fringe areas and the associated parking have a potential for significant impact on nearby uses. It is appropriate that there be some level of public consultation for this type of development.

"Park" Definition

The Administration is proposing to define the word "Park" as follows:

> "Park means land owned by the City, the Provincial or Federal Crown or any agency thereof, or any combination of the foregoing, intended to be used as open space by the general public, and may be either a passive or an active park."

This amendment will correct a situation in the Demolition Permits By-law No. 4665/87 that potentially allows issuing of a demolition permit based on an intent to establish a private park.

The preamble to the Demolition Permits By-law notes the following:

> Pressures to change residential zoning provisions to allow uses not permitted in residential districts are being created by the demolition of residential buildings prior to applications for public meetings to consider changes in those zoning provisions; and
>
> It is necessary and desirable to avoid unnecessary land use conflicts that the demolition of residential buildings be regulated.

The relevant portion of By-law No. 4665/87 reads as follows:

> Subject to section 7 and 11, within all districts zoned to allow residential buildings in the City of Winnipeg, no permit for the demolition of the whole or any part of a residential building shall be issued unless the applicant for that permit already holds a building permit for construction of a new building or renovation of the existing building or the establishment of some other permitted use on the same zoning lot as the building proposed to be demolished or partly demolished, which building permit is valid for at least 120 days from the proposed date of issuance of that demolition permit.

The phrase "some other permitted use" includes Park in most zoning districts. However, the meaning of Park is not defined and applications have been received for the demolition of a building on the basis of plans to build a "private park". Although the common understanding of the term "park" is a publicly owned area that is accessible to the public, this is not clear in the zoning by-law. Therefore the process established by the demolition permits by-law, requiring construction of a replacement building or approval by the Community Committee, appeared to be circumvented.

This amendment will preclude issuing a demolition permit when the proposed replacement use is a "private park". A building may still be demolished without a replacement structure or use, but only with the approval of the Community Committee.

Administration is not aware of any "private parks" as a use of land, other than golf courses, amusement parks, campgrounds and similar recreational types of uses already provided for in the by-law. However, if there is a proposal for a use that could only be described as a "private park", it could be considered as a use variance by the Board of Adjustment.

The Administration advised that as this matter is of a policy nature there is no financial implication.

At the Public Hearing conducted by the Standing Policy Committee on Property and Development on September 28, 1999, thirteen persons registered in support of the application, and four registered in opposition thereto. The Standing Policy Committee concluded public representations, adjourned the Public Hearing to its meeting on October 26, 1999, and requested the Legal Services Division to further review the legal implications of the proposed text amendments, and report back to the October 26, 1999, meeting on the following issues in particular:

1. The viability of amending the Demolition Permits By-law No. 4665/87, as an alternative to defining "park" in Zoning By-law No. 6400/94; and

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2. The possibility of regulating ancillary uses and/or improvements to parks through the conditional use process.

On October 26, 1999, the Standing Policy Committee on Property and Development considered report dated October 19, 1999, from the Chief Administrative Officer, outlining that in order to regulate the manner in which parks are to be established and operated, “park” must either be redefined or removed from the category of permitted uses in Zoning By-law No. 6400/90. The report contained the recommendation that Zoning By-law No. 6400/94 be amended to designate “park” as a conditional use in all zoning designations except "PR-1" and "PR-2".

On October 26, 1999, the Standing Policy Committee on Property and Development revoked the withholding of permits imposed on September 2, 1999, for all building and development permit applications for a “Church, Synagogue, or similar place of religious worship”, pursuant to Section 600(1) of The City of Winnipeg Act.

The Standing Policy Committee on Property and Development recommends:

I. That the text of Zoning By-law No. 6400/94, be amended as follows:

A. To make "Church, Synagogue, or similar place of religious worship" a conditional use in the "A" and "A-5" Agricultural Districts.

B. To designate "park" as a conditional use in all zoning designations except "PR-1" and "PR-2".

II. That the necessary development zoning by-law be forwarded to Council for all three readings.

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.

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

Adopted by consent.

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

65 - ***Note: Clause 3 has been laid over by the Executive Policy Committee.***

Laid over by the Executive Policy Committee

Proposed Plan of Survey - land located on the southeast corner of Gateway Road and Springfield Road - East Kildonan-Transcona Community File DAPS 17/99 and DAZ 222/86

66 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been submitted by North Kildonan Mennonite Brethren Church to subdivide land located on the southeast corner of Gateway Road and Springfield Road. The land is currently owned by Palliser Furniture Ltd., and is covered under Servicing Agreement AG 222/96. Schedule “A” is the site plan of the North Kildonan Mennonite Brethren Church.

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Under the terms of AG 222/96, certain servicing costs become due and payable prior to the issuance of a building permit within Site No. 1, as outlined on the sketch identified as Schedule "B". As the North Kildonan Mennonite Brethren Church is only acquiring approximately 57% of the land within Site No. 1, the servicing costs should be pro-rated accordingly.

On September 28, 1999, the East Kildonan-Transcona Community Committee considered and concurred in the recommendation contained in report dated August 17, 1999, from the Land Development Engineer, Property and Development Services Department, as set out below.

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

I. That Servicing Agreement AG 222/96 be amended to permit the servicing costs attributable to Site No. 1 being paid on a pro-rated basis to reflect the approval of File DAPS 17/99 on part of Site No. 1.

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. 95 for attachment)

Proposed Assignment of Development Agreement AG 23/94 from 3326668 Manitoba Ltd. to Jake Klassen - Assiniboia Community
File DASZ 23/94 [c/r AG 23/94]

67 - 5. On March 22, 1995, Council approved an application by Jake Klassen and Paul Couture to subdivide and rezone certain lands on the west side of Elmhurst Road between Mayfield Crescent and Grant Avenue. A Development Agreement was required as a condition of the subdivision approval. That Agreement was executed by the City and by Jake Klassen and Paul Couture as Secretary-Treasurer and Vice President respectively of 3326668 Manitoba Ltd.

The only obligation currently remaining under AG 23/94 is a Standby Letter of Credit to cover the Charleswood Transportation Levy. That Letter of Credit is in place, provided by Jake Klassen.

Paul Couture has advised that 3326668 Manitoba Ltd. wishes to be released from its obligations under the Agreement and to that end, has provided an Assignment of the Agreement to Jake Klassen. Pursuant to clause 6(a) of the Agreement, the Agreement may not be assigned without the consent of the City, which consent may not be unreasonably withheld.

The Property and Development Services Department has advised that it would be in order for the City to approve this assignment. In addition, there is no financial impact associated with this matter.

The Standing Policy Committee on Property and Development recommends:

I. That the assignment of Development Agreement AG 23/94 from 3326668 Manitoba Ltd. to Jake Klassen 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.

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Extension of Time - Proposed Subdivision and Rezoning - land located on the south side of Grandmont Boulevard, west of Pembina Highway - Riel Community
File DASZ 11/97 [c/r DAZ 202/90]

68 - 6. The Standing Policy Committee on Property and Development has been advised that the applicant, 2468027 Manitoba Ltd. (c/o Guy Hobman, 240 River Avenue, Winnipeg) has advised the Property and Development Services Department that due to local and regional economic conditions, they have been unable to successfully market the project plans for the subject lands. The applicant now feel that market conditions have recently improved and are now confident that the project can be completed within the next two years. Therefore, the applicant is requesting a two year extension of time to complete the subject rezoning and subdivision application.

On September 25, 1997, Council adopted Clause 5 of the Report of the former Committee on Planning and Community Services dated September 2, 1997, which Clause recommended approval of the subject subdivision and rezoning to "RM-5" Multiple Family District, as outlined on Schedule "A" dated September 24, 1999, to allow for the construction of a multiple-family development, subject to the execution of a Servicing Agreement and a Zoning Agreement.

Recommendation IX. of the said Clause stipulates:

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

The by-law has not been enacted and the twenty-four (24) month time limit will expire on September 25, 1999. The Administration has reviewed the applicant's request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interest remain secured and circumstances leading to the original approval are unchanged.

On October 5, 1999, the Riel Community Committee considered and concurred in the recommendation contained in report dated September 14, 1999, from the Subdivision Officer, Property and Development Services Department, as set out below.

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

I. That the time limit to provide for the enactment of the necessary subdivision and rezoning by-law under File DASZ 11/97 be extended to September 25, 2001.

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.

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Proposed Subdivision and Rezoning - land located on the south side of Horrox Bay, west of Riverwest Road - Lord Selkirk- West Kildonan Community
File DASZ 15/99 [c/r AG 43/87, DAS 23/90, DASZ 24/90 and DASZ 15/97]

69 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Novamet Development Corporation (David Scutter), 2408 - 201 Portage 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 "R1-20" Single-Family District to a "R1-4" Single Family District to allow for the creation of four (4) sites for residential development.

The following is the site description:

Site Area: Approximately 1,600 square metres.

Existing Land Use and Zoning: "R1-20" Single-Family Residential

The following is the surrounding land use and zoning:

North: Single family dwellings, zoned "R1-4" Residential District
South: Single-family dwellings, zoned "R1-4" Residential District
East: Single-family dwellings, zoned "R1-3.5" and "R1-20" Residential District
West: Single-family dwellings, zoned "R1-4"

The applicant requests permission to subdivide and rezone the subject property to an "R1-4" Single Family District in order to develop four (4) building lots for single-family dwellings, consistent with adjacent properties. The property is currently zoned "R1-20" Residential District, requiring a minimum lot area of 20,000 square feet with a minimum lot width of 80 feet and a minimum front yard of 30 feet. Proposed Lots 2, 3 and 4 are to be 40 feet wide (12.2 metres) and 106.4 feet deep (32.431 metres) for a lot area of 4,256 square feet. Proposed Lot 1 is slightly larger with a depth of 106.4 feet (32.431 metres) and a width tapering from 41.8 feet (12.732 metres) at the front property line to 41.6 feet (12.678 metres) at the rear property line. Lots of this proposed size comply with an "R1-4" Residential District.

The subject rezoning and subdivision essentially constitutes an infilling and completion of the overall subdivision plan for the entire area north of Fernbank Avenue. The southwest corner of Horrox Bay and Riverwest Road was approved for subdivision and rezoning from "R1-20" Single-Family District to "R1-3.5" Single-Family District through enactment of the City of Winnipeg By-law No. 7162/98. This application is for the single remaining parcel to complete the development. It is the view of the Property and Development Services Department that the proposed zoning is appropriate and consistent with the allowable lot sizes in neighbouring areas already approved.

The properties to the south, north and east of the subject property are covered under the terms of Development Agreement AG 43/87 with Novamet Development Corporation. From a land use perspective, the proposed subdivision and rezoning are appropriate and are another step towards the completion of this residential community.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on September 14, 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 subdivision and rezoning be approved for the following reason:

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

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

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

I. That the plan of subdivision proposed under File DASZ 15/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/99 dated September 1, 1999, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into an Addendum to Development Agreement 43/87 as outlined in the report of the Administrative Coordinating Group dated August 27, 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 15/99 dated September 1, 1999, to an "R1-4" Residential District.

IV. That the Developer be required to pay to the City ten percent (10%) cash dedication in lieu of land dedication, to be calculated on the basis of the creation of three (3) additional lots.

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 Addendum to the Development Agreement.

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

VIII. That the Proper Officers of the City be authorized to execute all necessary agreements.

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

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

Adopted by consent.

(See Minute No. 96 for attachment)

Proposed Subdivision and Rezoning - land located on the northeast corner of Inkster Boulevard, east of Brookside Boulevard - Lord Selkirk-West Kildonan Community
File DASZ 16/99 [c/r AG 56/85]

70 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Landmark Planning and Design (Wes Paetkau) for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "M1- B" Industrial District to an "M2" Industrial District.

The following is the Site Description:

Site Area:	Approximately 200 acres
Existing Land Use and Zoning:	Currently approved in principle as "M1-B" Industrial by Council but not officially enacted as "by-law". The land is currently vacant.

The following is the Surrounding Land Use and Zoning:

Much of the adjoining land to the west is currently zoned “M1” Industrial or “C3-1” Commercial. Most of the land adjoining to the north and south has in principle been rezoned “M2” from a “C3-2” Commercial zoning but the by-laws have not been enacted. Land to the east remains largely vacant and zoned “A” Agricultural.

The Plan calls for the extension of Inksbrook Park into Phase 2 with the creation of new six (6) lots along a newly proposed cul-de-sac. Access is to be along Meredian Drive from the south and the land in question is to be rezoned “M2” to accommodate a wider large of uses. The area is well serviced from adjoining lands to the south.

The area that the applicants are proposing to subdivide, referred to as Phase 2 on Figure 1 of the enclosed Plan of Development, covers the southwest 3 of Section 25, Township 11, Range 2 E.P.M. being all of Lots 5 and 6, Block 2 and Part Block 5. These lands are located east of Brookside Boulevard between Haggart Avenue to the south and proposed new east-west public right-of-way to the north. Phase 2 is part of the Inksbrook Park Industrial Development, which comprises over 200 acres. Phase 1 to the south, encompassing 60 acres, is presently being serviced. Since Phase 2 is a logical extension of Phase 1, it can be readily serviced.

The particulars of the previous applications relevant to this site are as follows:

1. File DAZ 224/95 rezoned the entire site (about 200 acres) from “A5”, “C3.1” and “C3.2” to “M2” Industrial; and,

2. File DASZ 18/98 which established a concept plan for the site showing the development of Meridian Drive with Haggart Avenue and Commercial Avenue providing access to industrial sites of 1.7 acres to 8.9 acres and subdividing Phase 2 (Haggart Avenue) to create 12 lots. This area was rezoned to “M1-B” as part of the application. Services, including paving, have been build for Haggart Avenue and Meridian Drive but there is no development on these lots. It is important to note that revisions to the previous concept plan will re- locate a proposed retention pond slightly further to the north.

It should also be noted that the apparent rationale for re-establishing an “M2” Industrial zoning would be: 1) that the aforementioned zoning allows for a greater range of uses than the “M1-B”; and, 2) that the performance standards are slightly less restrictive.

The Planning and Land Use Division is of the view that the proposed subdivision and rezoning tie in with the overall conceptual plan for the areas to the north and east. Development appears to be moving ahead in a progressive and orderly fashion. It is therefore recommended that your Committee approve the proposed application as submitted. In addition, it is recommended that your Committee endorse Discovery Place as new street name for proposed cul-de-sac to be constructed in the north half of the subject parcel.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on September 14, 1999. Two persons appeared in support of the application, and no one registered in opposition thereto.

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

1. The proposed rezoning is appropriate at the referenced 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 16/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 16/99, dated September 7, 1999, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an addendum to Development Agreement AG 56/85 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated August 30, 1999.

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

Report of the Standing Policy Committee on Property and Development dated November 19, 1999

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 16/99, attached hereto and dated September 7, 1999, to an "M2" Industrial District.

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

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

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

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, except that the "M2" District, applying to File DASZ 16/99 shall to come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands.

VIII. That the Proper Officers of the City be authorized to execute all necessary agreements.

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. 97 for attachment)

Proposed Rezoning - land located on west side of McPhillips Street, north of Court Avenue - Lord Selkirk-West Kildonan Community
File DAZ 231/99 [formerly DASZ 19/99 and c/r DCU 255/99D]

71 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from DS-Lea Consultants Ltd. (Paul McNeil and Donovan Toews), on behalf of the owners 2448948 Manitoba 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 a "C1" Commercial District and a "R1-20" Residential District to an "C2" Commercial District to permit the establishment of an automotive parts/sales business and future drive-thru restaurant.

The following is the present site description:

Site Area: Overall area of combined lots 1 and 2 is approximately 2.5 acres

Existing Land Use and Zoning: The current zoning is a combined "C1" Commercial and "R1-20" Residential. The property is presently vacant.

The following is the surrounding land use and zoning:

North: To the north is a zoned "C2" Commercial site occupied by McDiarmid Lumber
South: To the south is Royal Bank outlet, zoned "C2" and not currently occupied
East: To the east is a parking area, zoned "C2" Commercial

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West: To the west is a concentration of commercial businesses also zoned "C2" Commercial

The owners propose to construct an automotive parts store on the south half of the property. A proposed drive-thru restaurant is to be constructed on the north half. There are over 150 proposed parking stalls with shared access to McPhillips Street. The extreme west portion of the site is currently reserved for future development.

The proposed zoning is very clearly consistent with existing zoning categories along the east and west sides of McPhillips Street. The proposed uses would also appear to be compatible with and similar to adjacent uses. There is good access to the site and more than adequate parking is provided. A conditional use application is forthcoming for the drive-thru component of the proposed restaurant to be sited on the north periphery of the property. It is the view of the Property and Development Services Department that the proposed development is of appropriate scale and at an appropriate location and should be endorsed.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on October 12, 1999. Two persons appeared in support of the application, and no one registered in opposition thereto.

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

1. The proposed rezoning is appropriate at this location.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 231/99 dated October 4, 1999, to a "C2" Commercial subject to the following:

   A. That the developer be required to enter into a Development Agreement with the City containing all conditions outlined in the report of the Administrative Coordinating Group dated October 5, 1999.

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

III. 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.

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 zoning section of this by-law shall come into force and effect upon execution by the City of Winnipeg of the above-referenced Development Agreement, which execution shall, notwithstanding the enactment of this by-law, remain in the absolute discretion of Council.

VII. That Caveat #81-155P be completely withdrawn as it affects Lot 2, Plan 15611.

VIII. That the Proper Officers of the City be authorized to execute all necessary agreements.

Adopted by consent.

(See Minute No. 98 for attachment)

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

Extension of Time - Proposed Rezoning - land located on the west side of St. Mary's Road, north of Normand Avenue - Riel Community File DAZ 279/88

72 - 10. The Standing Policy Committee on Property and Development has been advised that the solicitor for the applicant, Frank Bueti, Scurfield Tapper Cuddy, 1000 - 330 St. Mary Avenue, Winnipeg, has advised the Property and Development Services Department that A and S Builders Limited have entered into a contract to purchase the subject lands, however, an extension of time is required in order that A and S Builders Limited can complete its due diligence investigations and to commence marketing of the property.

On April 17, 1989, Council adopted Clause 5 of the Report of the former Committee on Planning and Community Services dated April 3, 1989, which Clause recommended approval of the subject rezoning to an "RM-2" Multiple Family District to allow for the construction of a multiple family development. The Council approval contains the following condition:

> "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."

An extension of time was previously granted to December 31, 1998. This extension has now expired. 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 remain secured.

On October 5, 1999, the Riel Community Committee considered and concurred in the recommendation contained in report dated September 9, 1999, from the Subdivision Officer, Property and Development Services Department, as set out below.

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

I. That the time limit to provide for the enactment of the necessary rezoning By-law under File DAZ 279/88 be extended to December 31, 2000.

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 Rezoning - land located at 143 St. Anne's Road, east side, north of Bank Avenue - Riel Community File DAZ 208/99 [c/r DAV 127/99D]

73 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from Aldor Enterprises Ltd. (Al Oze), 433 St. Mary's Road, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "RM-2" Multiple-Family District to a "C2" Commercial District to allow for a multi-tenant commercial building.

The following is the present site description:

Site Area: The lot is 14 metre (56 feet) wide and has 33.5 metre (109 feet) of depth

Existing Land Use and Zoning: The subject property is currently vacant. It was once occupied by a single-family dwelling but zoned "RM-2" Multiple-Family Residential.

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

The following is the surrounding land use and zoning:

North:	Immediately to the north is an apartment block zoned RM-2" Multiple-Family
South:	Adjacent to the south is a Church hall zoned "RM-2" Multiple-Family
East:	To the east of the public lane are single-family dwellings zoned "R1-5" Single-Family Residential
West:	Across St. Anne's Road is a diverse collection of commercial businesses (McDonalds, Dairy Queen) all zoned "C2" Commercial

The proposed commercial building will encompass an area of 2,850 square feet and be divided equally into three (3) separate units. The proposed building will straddle the front property line and parking will be at the rear off the lane.

The applicant, as indicated, proposes to construct a small two to three tenant commercial building on the subject site. The proposed building may total 2,850 square feet. The applicant accordingly has requested reduced side yards and an elimination of the front yard requirement. The Administration is of the view that the subject site is an appropriate location for restrictive commercial development. Most of the frontage along this section of St. Anne's Road is already zoned "C2" Commercial with limited parking. And most new businesses have been permitted to build to the front property line - even when abutting residential property. (Note: The front yard for "C2" is normally zero feet except in instances such as the subject situation where the proposed commercial development will be adjacent to an existing residential property.)

The Property and Development Services Department is supportive of a variance for zero front yard provided that some effort is made to provide planters at intervals along the front of the building - possible inset into the building facia. Provision of this kind of landscaping/ beautification component should be based on consultation with the neighbourhood Business Improvement Zone and the Administration. A final plan approval which will include the aforementioned kind of landscaping in addition to fencing, garbage location, and parking details will have to be submitted and endorsed by the Riel Community Committee prior to the issuance of a building permit. It is therefore incumbent upon the applicant to address and resolve any issues related to i.e., garbage enclosures and location thereof at an early stage in the process. On the subject of yard reductions, the Administration will be endorsing a proposed zero side yard on the south side of the building. The elimination of the south side yard will not adversely affect the adjacent property to the south which is a church hall and only utilized at irregular intervals. However, the reduction of the north side yard from 10 feet to 5 feet may have an impact on the neighbouring apartment complex. The Property and Development Services Department will be recommending that at least an 8 foot side yard instead of the required 10 feet be maintained along the north property line. A number of uses permitted in the "C2" Commercial category but deemed inappropriate for the subject site because of their intensity of use will be listed as prohibited uses in the accompanying zoning agreement.

Public Hearings were held before the Riel Community Committee on April 13, 1999, May 11, 1999, July 13, 1999, September 7, 1999 and October 5, 1999. Three persons appeared in support of the application, and two persons registered in opposition thereto.

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

1. Approval of this rezoning with restricted uses is considered to be compatible with the surrounding area.

2. The applicant and the adjacent property owners have reached a compromise on how the property should be developed and the limited commercial uses of the site.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 208/99 dated April 6, 1999, to a "C2" Commercial District, subject to the following:

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

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1. That final site plans indicating landscaping, fencing, parking, building profiles, garbage enclosures, signage, etc., be submitted to and approved by the designate of the Chief Administrative Officer and the Riel Community Committee prior to the issuance of a building permit.

2. That the following uses be prohibited:
   a) Amusement Enterprises Indoor: including driving range, go-cart track, miniature golf course, range for target sports, roller skating or similar facilities
   b) Animal Hospital, Veterinary Clinic
   c) Automobile, motorcycle, sales, repair or service
   d) Building material, hardware, sales
   e) Bowling alley
   f) Club, licensed or unlicensed
   g) Exterminator
   h) Farm supplies, sales
   I) Hotel
   j) Landscape, Garden Supplies, Sales
   k) Liquor, Sales
   l) Recreation Centre
   m) Restaurants
   n) Tire Sales, Service
   o) Stone or Monument Sales
   p) Wood Products Manufacture

3. That no parking of vehicles be permitted on the land until a building permit has been issued.

4. That a barrier be installed to the satisfaction of the Director of Property and Development, or his designate, to prevent vehicles from gaining access to these lands prior to the issuance of a building permit.

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 the applicant provide, at no expense to the City, a widening to the rear lane adjacent to the property in a width of 2.373 metres (7.79 feet) in order to provide a standard commercial width lane right-of-way; said widening to be provided by the preparation and registration of a plan of subdivision by the applicant at no cost to the City.

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 rezoning by-law and forward same to Council for all three readings.

VI. That the rezoning by-law shall come into effect only after the following events have taken place, namely:-

A. 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;

B. The trees on the north side of the site, which are causing damage to the adjacent residential property, are removed;

C. The fence, which is presently located on the north limit of the property, has been repaired or removed.

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

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VIII. 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. 99 for attachment)

Proposed Rezoning - land located at 1046 St. Mary's Road - Riel Community
File DAZ 221/99 [c/r DAV 608/99D]

74 - 12. The Standing Policy Committee on Property and Development has been advised that an application has been received from Michael Mark, 1046 St. Mary's Road, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from a "C1" Commercial District and an "RM-L" Multiple-Family District to a "C2" Commercial District to allow a multi-use commercial building and accessory parking lot.

The following is the present site description:

Site Area: Primary Lot 1 has 48.44 feet of frontage on St. Mary's Road and 106 feet of depth on the north boundary. Accessory Lot 2 to the rear of the lane is approximately 30 feet wide and 100 feet long.

Existing Land Use and Zoning: Lot 1 is currently occupied with an Engineering Office. Lot 2 is currently vacant. Lot 1 is zoned "C1" and Lot 2 is zoned "RM-L" Multiple-Family.

The following is the surrounding land use and zoning: Properties to the south and east are zoned "C1" Commercial and occupied with commercial businesses. To the west, the land is zoned "RM-L" with some multiple-family development close to Dunkirk Drive. Lands to the north are a combination of "C2", "R2" and "RM-2" zonings. Lots along Hastings Boulevard are occupied with single-family homes; while there are primarily businesses abutting St. Mary's Road.

The applicant, Michael Mark, proposes to up-zone his current office facility at the northwest corner of Maralbo Avenue and St. Mary's Road to a "C2" Commercial Category in order to allow for a greater range of commercial uses. He is currently restricted to a professional engineering office with access at the rear to five (5) parking stalls. He has also purchased an abutting parcel of land adjacent to the west, approximately 3,000 square feet in size with the intent of rezoning and utilizing it as an accessory parking lot. The proposed lot is vacant, approximately 30 foot wide by 100 feet in length. The applicant has already, through the subdivision process, dedicated a 5.1 metre wide parcel to the City for the future road widening of Maralbo Avenue. The proposed parking area "B" which will be accessed via the public lane, is deep enough to accommodate ten (10) stalls. Extensive landscaping is proposed along the north and south boundaries of the parking site in addition to fencing which is intended to act as a buffer to existing residential lots just to north and west.

In 1997, the Michael Mark applied for an application to rezone the subject property at the northwest corner of St. Mary's Road and Maralbo Avenue to a "C2" Commercial category to permit an office area, possible retail sales and an automotive service component. The former Planning Department endorsed the proposed rezoning on the basis that the proposed zoning and use was consistent with existing zoning along the east and west sides of St. Mary's Road in this particular area. However, it was recommended that certain "C2" uses such as private clubs (licensed or otherwise), amusement facilities, landscaping operations, theatres, etc, be prohibited on the grounds that they would adversely affect the surrounding neighbourhood. Similarly it was recommended that: 1) hours of operation be imposed; 2) that there be no outside storage on site; and, 3) that rear overhead doors facing the lane not be open if and when repair work was underway. After several public hearings, the Riel Community Committee supported a modified rezoning to "C1" Commercial limiting the use of the land to an Engineering Office.

The Riel Community Committee argued that the initial development as proposed was an over-development of the site - lacking adequate parking - and that the proposed restriction to an office building with accompanying landscaping would be an improvement to what previously occupied the site.

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The current application by Michael Mark requests that the matter be revisited with possible consideration to granting the "C2" Commercial with an increase in the number of permitted uses. Presumably the applicant still wishes to have an automotive service component on site which is not a permitted or conditional use under the current "C1" zoning. In order to strengthen his position regarding increased commercial usage, the applicant recently purchased an addition parcel on the west side of the lane for accessory parking purposes. He proposes to rezone the 30 feet by 100 feet parcel commercial and then fully asphalt and landscape it. The accompanying site plans indicate it will accommodate an additional ten (10) stalls in addition to those that already has at the rear of his building. The applicant also proposes to surround the proposed parking area on three (3) sides with extensive landscaping and fencing to buffer from homes to the north and west along Hastings Boulevard.

The Property and Development Services Department is of the view that, as in 1997, a restricted "C2" zoning would be an appropriate zoning for the site but only in accordance with certain conditions to be outlined in the following proposed zoning agreement. However, the applicant's application in 1997 did not provide for adequate accessory parking which did not aid his case or win support for his application.

In the interim, he appears to have addressed that issue by purchasing an adjacent parcel for the expressed purpose of constructing an accessory parking site. If the proposed parking site is properly asphalted, fenced and landscaped, it should provide adequate parking for the applicants business if the current "C1" building is zoned "C2" with an expanded list of uses. Should it be recommended that the current "C1" zoning for the existing building be maintained, then the proposed rezoning of the adjacent "RM-L" parcel should be denied. The rationale being that there is no need for a zoned accessory parking area if the current limited "C1" category is retained.

Finally, it should be noted that at least half of the land on the south side of Maralbo Avenue extending west towards Dunkirk Drive is zoned "C1" Commercial and functions as a parking area. It was successfully zoned commercial in the late 1970's largely because all of the land south of Hastings Boulevard (under the Old St. Vital Land Use Plan) was designated for high-density multiple-family development. It is currently still zoned for and partially developed with low-density multiple-family development. In any event, should the land along the north side of Maralbo Avenue continue to be subdivided and developed, it will probably continue to evolve into a low- medium density multiple-family housing area. The applicant's proposed parking area, if properly developed, in accordance with a high standard of fencing and landscaping should not adversely affect possible future development of the lands lying adjacent.

Public Hearings were held before the Riel Community Committee on September 7, 1999 and October 5, 1999. Three persons appeared in support of the application, and three persons registered in opposition thereto.

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

1. The additional parking area on Lot 2 (Plan 37283) provides for adequate accessory parking for the proposed commercial activity.

2. The proposed "C2" zoning, with limited uses, is consistent with existing zoning along the east and west sides of St. Mary's Road in this particular area.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule "A" for File DAZ 221/99 dated August 30, 1999, to a "C2" Commercial District, subject to the following:

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

      1. That only the following uses be permitted on principal Lot 1 (Plan 1951):

         a) the servicing of automobiles and motorcycles; which servicing shall be limited to the installation and servicing of electronic components such as command start, stereo equipment and the like;
         b) a professional office.

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2. That the use of accessory Lot 2 (Plan 37283) be restricted to:

   a) a commercial parking lot

3. That final construction plans outlining design and location of new construction, new buildings, accessory parking, garbage enclosures, fencing, landscaping, and signage be subject to the approval of the designated City authority and the Riel Community Committee prior to the issuance of any new building permits.

4. That the hours of operation for any automotive repair component be limited to Monday to Saturday, 7:00 a.m. to 8:00 p.m.

5. That any overhead doors accessing any automotive repair component always be closed when repair or installation work is underway.

6. That no more than two (2) vehicles be actively under service on the premises at any one time.

7. That a maximum of two (2) parking stalls be dedicated at the rear of the building for vehicles under service.

8. That there be no outside storage of parts/materials anywhere in the premises.

9. That all site work (i.e. landscaping, fencing, hard surfacing for the proposed accessory parking area) in accordance with aforementioned Clause III be completed and in place not later than June 30, 2000.

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. 100 for attachment)

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

Proposed Rezoning - land located at 1680 Grant Avenue - southwest corner of Grant Avenue and Lindsay Street - City Centre Community
File DAZ 223/99 [c/r DAV 769/99D]

75 - 13. The Standing Policy Committee on Property and Development has been advised that an application has been received from Chartier and Associates, 570 Portage Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from a “C1" Commercial District and “R1-4A” Single- family Residential District to a "C2" Commercial District to allow for medical and professional offices and a restaurant.

The following is the present site description:

Site Area: 16,920 square feet approximately with 120 feet of frontage on Grant and 141 feet of flankage on Lindsay Street. For purposes of calculating yards, Lindsay Street is considered the fronting street.

Existing Land Use and Zoning: The site consists of 5 lots fronting Lindsay Street. The two southerly lots are residentially zoned.

The following is the surrounding land use and zoning:

The commercially zoned portion of the site contains a vacant Kentucky Fried Chicken restaurant. The residentially zoned portion of the site is vacant. The proposal is to renovate the existing building and expand it to the east (public lane) and west (Lindsay Street). The existing building provides 1,489 square feet of space. The proposed additions would increase the floor area to 4,696 square feet.

Access to the site is provided by existing uni-directional approaches off Grant Avenue (right-in, right-out) to the front of the building, and by a bi-directional approach off the public lane to the rear of the building. Median openings are provided on Grant Avenue at the public lane and at Lindsay Street.

The site provides 26 parking stalls including 5 in the front and 21 in the rear. The parking requirement for retail and medical clinic use is 1 stall per 250 square feet of floor area, or 19 stalls for the proposed building.

The Property and Development Services Department is prepared to support a "C1.5" zoning of the application area with a zoning agreement requiring site-plan approval and limiting land use to lower intensity commercial uses. It is the opinion of the Department that the redevelopment of the site, to an appropriate scale and quality of building and landscaping, will benefit the neighbourhood and will not have a detrimental or devaluating impact on adjacent properties. The accompanying yard variances are also being supported.

A Public Hearing was held before the City Centre Community Committee on October 12, 1999. Three persons appeared in support of the application, one person appeared in conditional support, one person appeared for information purposes, and four persons registered in opposition thereto.

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

1. Redevelopment of the site, to an appropriate scale and quality of building and landscaping, will benefit the neighbourhood and will not have a detrimental or devaluating impact on adjacent properties.

2. The proposed uses are permitted.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule “A” for File DAZ 223/99 dated October 5, 1999, to a "C1.5" Commercial District, subject to the following:

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

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:

a) medical offices, clinics and group medical centres
b) business and professional offices (excluding realtors)
c) barber shop, beauty salon or related personal service
d) art/crafts/hobbies: instruction, supplies and sales
e) art/antique: sales, service
f) gift store
g) clothing store/tailor
h) book store
I) jeweller
j) restaurant up to 1,500 square feet

2. That the use of Lots 42 and 43, Plan 1094, be restricted to accessory parking for 1680 Grant Avenue.

3. That no building or structure be erected on the land exceeding two (2) storeys or thirty (30) feet in height.

4. That the "C1" sign provisions of Zoning By-law 6400/94 apply to the site and buildings, and that no mobile signs be permitted on the site.

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

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

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

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

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

Adopted by consent.

(See Minute No. 101 for attachment)

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

Proposed Rezoning - land located on the north side of Wilkes Avenue, between Kenaston Boulevard and Sterling Lyon Parkway - Assiniboia Community
File DAZ 224/99
[c/r DCU 218/99D and DAV 665/99D]

76 - 14. The Standing Policy Committee on Property and Development has been advised that an application has been received from Khartum Shrine Temple Limited (Tom Derhak), 529 Wellington Crescent, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "M2" Industrial District to a "C2" Commercial District to allow for a club, including licensed premises, banquet hall, dance hall.

The following is the present site description:

Site Area: 16,653 square metres (4.115 acres)

Existing Land Use and Zoning: Vacant land zoned "M2" Industrial District

The following is the surrounding land use and zoning:

North: Across CNR railroad tracks, single family dwellings zoned "R2"
South: Across Wilkes Avenue, vacant land zoned "M2"
East: Across CPR railroad tracks, vacant land zoned "M2"
West: Vacant zoned "M2"

Khartum Shrine Temple has conditionally sold its property at 529 Wellington Crescent and has purchased the subject 4.11 acre lot on the north side of Wilkes Avenue from the City of Winnipeg. The intention is to relocate their operation to the Wilkes Avenue location. The applicant proposes to build a facility that includes office and meeting space, storage, a licensed lounge and a banquet and dance hall.

The subject property is zoned "M2" Industrial District. The golf dome is located to the west of the property and the Italian Canadian Center is east of the subject location. The applicant is requesting a rezoning to "C2" Commercial District in order to accommodate a club, a banquet/dance hall and a licensed lounge as conditional uses. Under the present zoning a licensed club could only be permitted as a temporary use variance.

Two other related applications are concurrently in process. The first application (DCU 218/99D) requests conditional use approval for the banquet/dance hall and licensed lounge in "M2" and conditional use approval for the banquet / dance hall, licensed lounge and club in the pending "C2" Commercial District zoning. The second application (DAV 665/99D) requests a variance for a temporary change of use to accommodate the club in an "M2" Industrial District while the re-zoning process is underway.

The area north of Wilkes Avenue between Kenaston Boulevard and Waverley Street has been developing with institutional uses and multi-family dwellings over the past several years. This trend has served to create a buffer between the built-up residential uses to the north of the CNR rail line and the industrial developments south of Wilkes Avenue.

A similar application was made in 1996 by the Italian Canadian League of Canada to build a cultural center with many of the same features as the Khartum Shrine Temple is currently proposing. The property in that case is the next developed lot to the east of this application's subject property. In the Planner's Report relating to the 1996 application, it was noted by the Division: "...that the "M2" Industrial District zoning category is not the most appropriate under the circumstances considering the "C2" Commercial District zoning of adjacent lands to the east and the future of the neighborhood to the east ...".

It was recommended by the Planning and Land Use Division in this 1996 Planner's Report that the City of Winnipeg initiate a rezoning of a property to the east from "M2" Industrial District to "C2" Commercial District to accommodate the current development proposal and future development of the lands. For the same reasons, the Division supports a rezoning of the subject property to "C2" Commercial District.

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The Plan Winnipeg Planner has confirmed, by memo dated September 10, 1999, that this development is consistent with the intentions of Plan Winnipeg. She also notes that the changing nature of uses along the north side of Wilkes Avenue at this location will be examined under the Plan Winnipeg Review process.

A Public Hearing was held before the Assiniboia Community Committee on September 28, 1999. Four 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 reasons:

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

2. The proposed development is consistent with the intentions of Plan Winnipeg.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 224/99 dated September 13, 1999, to a "C2" Commercial District, subject to the following:

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

      1. That final construction plans indicating the design and location of the proposed buildings, including elevations and details of exterior finishing materials, accessory parking and loading areas, vehicular access to the site and onsite traffic circulation, fencing, landscaping, garbage enclosures, and free standing signage, be subject to the approval of the Chief Administrative Officer or designate and the Assiniboia Community Committee prior to the issuance of a building permit;

      2. That the use of the property be limited to the following uses:

         a) a club, including licensed premises
         b) a banquet hall / dance hall
         c) offices; and
         d) accessory uses relating to the above uses.

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 from "M2" Industrial District to "C2" Commercial District.

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

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

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

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

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

Adopted by consent.

(See Minute No. 102 for attachment)

Proposed Zoning Agreement Amendment - land located at 59 Nikki Lane - Lord Selkirk-West Kildonan Community
File ZAA 7/99 [c/r DASZ 36/86]

77 - 15. The Standing Policy Committee on Property and Development has been advised that an application has been received from John Hawryliw of Harlequin Construction, on behalf of Rajinder Sandhu, to amend the Zoning Agreement affecting the subject land outlined by amending Clause 2 of By-law No. 4560/87 to permit a rear yard of 26.97 feet to the easterly limit of McPhillips Street instead of 45 feet required as an alignment for noise attenuation purposes.

The following is the present site description:

Site Area:	Approximately 6,240 square feet of frontage and 120 feet of depth
Existing Land Use and Zoning:	Zoned “R1-5” occupied with a partially completed dwelling

In 1986-87, when the subject subdivision along Nikki Lane was approved, the lots lying adjacent to McPhillips Street were designed with added depth (120 feet) in order to accommodate the noise attenuation requirements established by the former Streets and Transportation Department. Several homes on the west side of Nikki Lane have already been built in full compliance with the yard requirements established under By-law No. 4560/87. The subject dwelling at 59 Nikki Lane has been partially constructed on one of the remaining lots midway along the street. The by-law calls for a 45 foot set back between the rear wall of any building and the west property line. The subject structure sits at a little under 27 feet (specifically 26.9 feet) from the McPhillips Street right-of-way. Apparently the home which is well advanced in its construction was built without benefit of the building permit process, a process which would have caught the proposed infraction at a relatively early stage. The application is now faced with several options: a) remove the structure and re-site it at a complying location; or b) obtain a zoning agreement amendment to legitimize the building where it currently stands. The Public Works Department is opposed to any reduction in the minimum rear yard as it would lead to increased traffic noise levels being experienced by the future residents of the dwelling on the subject lot and would also create a bad precedent relative to the remaining lots lying on the west side of Nikki Lane. The Planning and Land Use Division have, in the past, supported minor building/deck encroachments, etc., into the established alignment areas - as much as five or six feet in some circumstances. However, the subject encroachments is not a minor encroachments, it totals almost 20 feet. There while this Department sympathizes with the applicant, we are unable to support the proposed amendment to the Winnipeg Zoning By-law.

The Planning and Land Use Division therefore recommends that Zoning Agreement DASZ 36/86 (By-law No. 4560/87) be denied.

In response to the Lord Selkirk-West Kildonan Community Committee’s of July 6, 1999, the Senior Planner advised that there are approximately thirty three (33) lots immediately abutting the east side of McPhillips Street between Jefferson Avenue and Kingsbury Avenue. All are single family having lots zoned either "R1-5.5" or "R1- 5". With the exception of two lots, one at the northeast corner of Jefferson Avenue and one at the southeast corner of Canna Boulevard (City owned and maintained) between the rear property lines and the McPhillips Street right- of-way. On most of McPhillips Street north and south of Jefferson Avenue intersection, the speed limit is 60 kph. Going north at about the point one approaches the Bergen cut-off, just past Nikki Lane, the speed limit increases to 80 kph.

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Public Hearings were held before the Lord Selkirk-West Kildonan Community Committee on July 6, 1999 and September 14, 1999. Two 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 zoning agreement amendment be approved for the following reason:

1. The Zoning Agreement Amendment will not impact the Community.

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 DASZ 36/86 (By-law No. 4560/87), dated March 25, 1987, be amended as follows:

   A. By amending Clause No. 2 to permit a rear yard of 26.97 feet to the existing easterly limit of McPhillips Street, in accordance with plans submitted.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 36/86 (By-law No. 4560/87) dated March 25, 1987, as approved in aforesaid Recommendation No. 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.

Proposed Zoning Agreement Amendment - land located at 3 Winfield Way, southwest of Omand's Creek Boulevard - Lord Selkirk-West Kildonan Community
File ZAA 10/99
[c/r DASZ 10/77 and DASSF 34/88]

78 - 16. The Standing Policy Committee on Property and Development has been advised that an application has been received from Pitblado Buchwald and Asper (Kevin Dooley), 2500 - 360 Main Street, Winnipeg, to amend the Zoning Agreement affecting the subject property outlined by deleting Clause 2(b) which requires that buildings on adjoining lands maintain at least a 10 feet separation from side property lines. The owners wish to connect to a proposed warehouse that they own on an adjoining lot by way of an above surface tunnel structure.

The following is the present site description:

Site Area: The two (2) lots in question both appear to be between an acre to one acre and a half in size (1 to 1½).

Existing Land Use and Zoning: The largest of two (2) lots, at the corner of Winfield Way and Omand's Creek Boulevard have a large industrial building site on it. Both lots are currently zoned "M2".

The owners propose to amend the yard requirements under the existing agreement which will enable them to join a 90 to 95 feet above ground tunnel connection between their existing one-storey metal-sided industrial building and the rear of a newly proposed warehouse on their immediately adjacent lot. The connection is intended to allow for the easy transportation of goods from the existing manufacturing site to the warehouse building particularly adjoining during the winter period.

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The Planning and Land Use Division has evaluated the proposed amendment and is of the view that the situation is unique in a number of ways. Given the proximity of the existing and proposed buildings and the fact that both structures and lots are under the same ownership and operating in tandem, it is the opinion of the Administration that the proposed amendment, in this instance, can be approved without violating the integrity of adjacent industrial properties. It should be specified though that the proposed connection not exceed in size that which is outlined in accompanying plans.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on September 14, 1999. Two 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 zoning agreement amendment be approved for the following reason:

1. There is no public opposition to the Zoning Agreement Amendment.

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 DASZ 10/77 (By-law No. 2000/78) dated June 15, 1978, be amended as follows:

   A. By amending Clause No. 2(b) to permit an above ground connection between the proposed building on Lot 2, Plan 32487 and the existing building on Lot 1 of Plan 32487, in accordance with plans submitted.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 10/77 (By-law No. 2000/78) dated June 15, 1978, as approved in aforesaid Recommendation No. 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.

Proposed Zoning Agreement Amendment - land located at 1315 Gateway Road - East Kildonan-Transcona Community File ZAA 11/99 [c/r DAZ 222/96 and DAV 421/99D]

79 - 17. The Standing Policy Committee on Property and Development has been advised that an application has been received from North Kildonan Mennonite Brethren Church, Unit F, 1215 Henderson Highway, Winnipeg, to amend the Zoning Agreement affecting the subject property outlined by amending Clause 5 of said agreement to permit a church and clock tower to be constructed on Site No. 1 to a height of 70 feet instead of 30 feet as permitted; and to amend Clause 7 of said agreement to permit a free-standing sign (not including a billboard) on the lands north of the C.P.R. right-of-way.

The applicants propose to construct a church on the site, with an accessory free-standing sign on lands north of the C.P.R. right-of-way.

Under File DAZ 222/96, the subject lands were rezoned “M1-B” Industrial District, subject to a zoning agreement limiting uses and development on the lands.

The applicants are proposing to construct a church on the subject site. Under Clause 5 of the zoning agreement, the maximum height of building is limited to 9.144 metres (30 feet). The proposed church is intended to be 42 feet in height (to top of roof) with a clock tower having a height of 70 feet above grade. The applicants are also proposing a sign, accessory to the proposed church on the lands north of the C.P.R. right-of-way. Clause 7 of the

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

zoning agreement prohibits such signs, although free-standing signs to a maximum height of 25 feet are permitted on the proposed church site itself.

The Planning and Land Use Division recommends approval of the above requested amendments to the zoning agreement. The proposed use is listed as permitted under the agreement and the requested height and signage changes are reasonable and will not have adverse effect on adjacent lands or development.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on September 28, 1999. Six persons were heard in support of the application, and no one registered in opposition thereto.

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

1. The proposed use is permitted under the agreement.

2. The requested height and signage changes are reasonable and will not have an adverse effect on adjacent lands or development.

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

I. That Zoning Agreement DAZ 222/96 (By-law No. 7069/97) dated June 24, 1997, be amended as follows:

   A. That Clause 5 be amended to read:

      "The maximum building height on Site No. 1 shall be limited to 9.144 metres (30 feet), excepting that a church may have a maximum height, to peak of roof, of 13.716 metres (45 feet) and a single clock tower to a maximum height of 21.336 metres (70 feet). The maximum building height on Site No. 2 shall be limited to 15.24 metres (50 feet)."

   B. That Clause 7 be amended to read:

      "All lands lying north of the C.P.R. right-of-way along Springfield Road shall be established and maintained as a landscaped area, and no other uses excepting one (1) free standing sign to a maximum height of 6.096 metres (20 feet) and accessory to a church use on Site No. 1, shall be permitted on the land, said landscaping to be completed by the owner to the satisfaction of the Director of Property and Development Services prior to the issuance of any development permits for Site No. 2".

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 222/96 (By-law No. 7069/97) dated June 24, 1997, as approved in Recommendation No. 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.

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Proposed Zoning Agreement Amendment
- land located at 172 Foxwarren Drive -
Lord Selkirk-West Kildonan Community
File ZAA 13/99 [c/r DASZ 14/87]

80 - 18. The Standing Policy Committee on Property and Development has been advised that an application has been received from Randall Homes (Mar Harzan), 615 St. Mary's Road, Winnipeg, to amend the Zoning Agreement affecting the subject property outlined by permitting a minimum rear yard of 13.32 metres (43.7 feet) between the principal residential building and the rear property line abutting the future Kildonan Corridor instead of the required 49.93 feet.

Site Area: The subject lot is 17 metres by 40 metres in size. A bi-level occupies the subject lot.

Existing Land Use and Zoning: The subject site is zoned "R1-5" Single-Family District. Most of the adjacent area is zoned for "R1-4" or "R1-5" Single-Family District; areas to the north are zoned "A" Agricultural.

The applicant seeks approval for a reduced rear yard, two (2) feet less than what the agreement requires in order to legitimize the existing location of a single-family dwelling.

The Zoning Agreement calls for a 45.93 foot setback from the rear property line of the subject lot to any principal building constructed. The setback is established as a noise attenuation buffer from the future proposed Kildonan Corridor which will eventually parallel Foxwarren Drive to the north. As a rule, it is the Property and Development Services Department's policy not to vary noise attenuation setback standard unless the situation is unique or the reduction is so small as to be insignificant in our view. In this case, a reduction of only a few feet to a 43.7 foot yard will not adversely affect or violate the intent of the standards nor will the subject amendment set a bad precedent as it relates to the development of other sites in the neighbouring area.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on September 14, 1999. No persons were heard in support or opposition of the application.

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

1. There was no public opposition to the Zoning Agreement Amendment.

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 DASZ 14/87 (By-law No. 7250/98) dated June 24, 1998, be amended as follows:

   A. To permit a 43.7 feet minimum rear yard instead of the required 45.93 feet.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 14/87 (By-law No. 7250/98) dated June 24, 1998, as approved in aforesaid Recommendation No. 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.

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Proposed Rezoning - land located at 500 Shaftesbury Boulevard, northwest corner of Grant Avenue - Assiniboia Community
File DAZ 219/99

81 - 19. The Standing Policy Committee on Property and Development has been advised that an application has been received from Aikins, MacAulay, Thorvaldson (Bob Tyler), 30th Floor, 360 Main Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "A1" Agricultural District to a "C2" Commercial District to allow for the establishment of a University and Accessory Uses.

The following is the present site description:

Site Area:	About 24 acres.
Existing Land Use and Zoning:	Pan Am Games Headquarters, formerly Manitoba School for the Deaf, zoned "PR1" Parks and Recreation District.

The following is the surrounding land use and zoning:

North:	Tuxedo Golf Course, zoned "PR2" Parks and Recreation District
South:	Across Grant, Canadian Mennonite Bible College, zoned "PR1"
East:	Across Shaftesbury Boulevard, single-family houses zoned "R1-9" and St. Demetrious Greek Orthodox Church at the northeast corner of Grant Avenue and Shaftesbury Boulevard
West:	Tuxedo Golf Course maintenance compound and an Emergency Response Unit, zoned "PR1"

The Provincial Government is selling the site to Mennonite Properties Inc. for the expansion of the Canadian Mennonite Bible College on the south side of Grant Avenue. The new facility will be called the Mennonite College Federation. The existing buildings on the site provide about 120,000 square feet of gross floor area. Proposed and future building additions will add about 195,000 square feet of gross floor area.

It is estimated that faculty and non-faculty staff will number up to 180, and that upwards of 800 students will attend the site. Dormitories will be located on the south side of Grant Avenue (south campus). Proposed uses at 500 Shaftesbury Boulevard (north campus) will include classrooms, administration offices, chapel, dining room, kitchen, library, gymnasium and a future performing arts centre. The two campuses will be connected in future, either by a pedestrian overpass or a tunnel under Grant Avenue.

Parking will be provided for 290 stalls, divided between the two sites north and south of Grant Avenue. Access to the subject site will be from Shaftesbury Boulevard and Grant Avenue. The Grant Avenue approaches to the north and south campuses will be aligned at a new median opening on Grant Avenue. The Shaftesbury Boulevard approach will remain in its current location. The existing parking lot at the north end of the site will be roughly doubled in size.

The site and original building have heritage status. This will serve to protect the existing building setback on Shaftesbury Boulevard and to prevent the encroachment into this area of new buildings. Also, to ensure that the original building is not overshadowed, a two-storey height limit will apply to new buildings on the site. Substantial landscaping is proposed for the development including water features.

The Property and Development Services Department is supportive of the application for the following reasons:

1. The proposed use is consistent with existing institutional development in the area including St. Paul's College and Tuxedo-Shaftesbury High School.

2. Grant Avenue and Shaftesbury Boulevard are Regional Streets which can accommodate the additional traffic (with improvements as required to accommodate site access).

3. The original building on the lands has historic significance that will be preserved in the redevelopment.

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

4. The proposed building siting and overall landscaping will minimize the visual impact of the development on residential properties fronting the east side of Shaftesbury Boulevard.

5. The site area can readily accommodate the scale and intensity of the proposed development.

A Public Hearing was held before the Assiniboia Community Committee on September 28, 1999. Eight persons registered in support of the application, and no one registered in opposition thereto.

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

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

2. The site area can readily accommodate the scale and intensity of the proposed development.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 219/99 dated September 21, 1999, to a "C2" Commercial District, subject to the following:

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

      1. That the use of the lands be limited to a University and Accessory Uses including institutional, entertainment, office, dining, retail and service uses consistent with university campuses and intended for the convenience and service of university faculty, staff, and students.

      2. That the height of new building construction on the lands be limited to 45 feet.

      3. That no new building construction occur to the east of the front wall of the 1922 School for the Deaf, being the original building on the site.

      4. That, prior to the issuance of any development permits, plans showing the site layout, including access, parking, roadways, building locations and elevations, fencing, landscaping, signage, and external lighting, be approved by the Assiniboia Community Committee as a Schedule "A" to the zoning agreement.

II. That the ten percent (10%) dedication in lieu of the requirement for land dedication be waived if the Canadian Mennonite Bible College enters into a Joint Use Facility Agreement with the Tuxedo Community Centre to allow it to use its recreational facilities located on the south campus.

III. That, in the event this application is not proceeded with expeditiously and the by-aw 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.

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

VIII. That the Canadian Mennonite Bible College be required to hire a transportation consultant to work within the guidelines of the Transportation Division of the Public Works Department and make recommendations to Council, prior to third reading of the rezoning by-law, on the need for the following traffic improvements, all to be installed at the expense of the College, namely:

A. Deceleration lanes to the north campus in the vicinity of Grant Avenue.

B. Left and right hand turning lanes off Grant Avenue to access the north and south campuses.

C. Traffic signalization on Grant Avenue at the entrances of the north and south campuses and, if required, at what point should same be installed.

Adopted by consent.

(See Minute No. 103 for attachment)

Proposed Subdivision and Rezoning - land located at 5606/5610 Roblin Boulevard - Assiniboia Community
File DASZ 13/99 [c/r DAV 462/99D]

82 - 20. The Standing Policy Committee on Property and Development has been advised that an application has been received from Anatex Development (Fred Meinzer), 5630 Roblin Boulevard, Winnipeg, for approval of a plan of subdivision and for a proposed zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands outlined from an "R1-6" Single-Family District to a "C1" Commercial District to allow for the establishment of an accessory parking area.

The following is the present site description:

Site Area: Approximately 10,160 square feet

Existing Land Use and Zoning: Part of 5610 Roblin Boulevard, zoned “R1-6” Single-Family Residential District

The following is the surrounding land use and zoning:

North: Across Roblin Boulevard, “R1-6” Single-Family Residential District
South: Across public lane, “R1-6” Single-Family Residential District
East: “C1” Commercial District, existing strip mall
West: “R1-6” Single-family Residential District

The proposal is to subdivide and rezone 55 feet of frontage from the residential property at 5610 Roblin Boulevard and consolidate it with the commercial property at 5606 Roblin Boulevard. The commercial property contains a seven (7) unit, “L” shaped strip mall with existing parking for about twenty (20) vehicles. The proposal would allow the development of about twenty (20) additional parking stalls with a ten (10) foot landscaped yard against the remainder of the residential property to the west. A related variance application would permit the parking lot to be established with a substandard front yard, direct access to parking stalls off a public lane, and a gravel surface instead of asphalt or concrete.

The Property and Development Services Department is prepared to support the application on the basis that the safety and convenience of customers attending the commercial mall would benefit from the proposed development in terms of improved parking and site circulation. Also, the proposed parking area can be developed so as not to cause a detrimental impact on adjacent and adjoining residential properties. The Department will be recommending that the access to the public lane be denied, that the lot be eventually paved, that the proposed front yard be increased in depth, and that a detailed landscaping plan be submitted showing the proposed fencing and landscape materials.

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The Property and Development Services Department is also recommending that the subdivided portion of Lot 1 Plan 20292, identified on Schedule "A" as Proposed Lot 1, be consolidated with the adjoining Lot 1 Plan 13362, containing the commercial development for which the additional parking is being proposed. It is also noted that a fifteen (15) foot widening to the Roblin Boulevard R.O.W. is being requested as a condition of subdivision approval across Proposed Lot 1 and the balance of Lot 2, Plan 20292, as outlined on Schedule "A." Finally, cash- in-lieu of land dedication and the Charleswood Transportation Levy are being charged against Proposed Lot 1 as separate conditions of rezoning and subdivision approval.

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

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

1. The inclusion of the reversionary clause, as a condition of approval, represents a compromise between what the applicant and the area residents are requesting.

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

I. That the plan of subdivision proposed under File DASZ 13/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 13/99, dated September 21, 1999, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the plan be amended as follows:

      1. To provide a 4.572 metre (15.0 foot) widening to the Roblin Boulevard right-of-way, by way of the plan of subdivision at no cost to the city, along the full length of proposed Lot 1 and proposed Lot 2.

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

III. That the Developer not be required to pay to the City his share of the Charleswood Transportation Levy on proposed Lot 1.

IV. That the Director of Property and Development Services be authorized to certify any documents in connection therewith.

V. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 13/99, dated September 21, 1999, to an "C1" Commercial District, subject to applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site to include the following conditions:

   A. That the use of the land be limited to accessory parking for the adjacent commercial development at 5606 Roblin Boulevard (Lot 2, Plan 13362).

   B. That plans showing the details of the fencing and landscaping of the accessory parking area be submitted for the approval of the Assiniboia Community Committee prior to the issuance of a development permit.

   C. That the zoning of the property will revert back to its "R1-6" zoning classification five years from the date Council gives third reading to the rezoning by-law.

VI. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four 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 time.

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

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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, except that the "C1" District, applying to the easterly 55 feet of Lot 1, Plan 20292, shall to come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands.

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. 104 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED OCTOBER 28, 1999

On motion of Councillor De Smedt, the Report of the Standing Policy Committee on Property and Development, dated October 28, 1999, was considered clause by clause.

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

Councillor Gerbasi requested that Clause 1 be pulled from the Consent Agenda.

Proposed Listing of former D.A. Ross House at 484 Wellington Crescent as a Grade III building on the Buildings Conservation List - City Centre Community File G-3.1.1* (Vol. 1)

83 - 1. The Standing Policy Committee on Property and Development has been advised that the Historical Buildings Committee visited and evaluated the former D.A. Ross residence on June 17, 1999, after being advised that the current owner of the site wished to demolish the building. Since the residence is on the "Inventory of Buildings" under the terms of the Historical Buildings By-law No. 1474/77, a demolition application is delayed until the item has been dealt with by Council.

On June 17, 1999, the Historical Buildings Committee recommended that the D.A. Ross House located at 484 Wellington Crescent, be listed as a Grade III building on the Buildings Conservation List, under the Historical Buildings By-law No. 1474/77, with the following interior element: 1) retention of the staircase and bannister.

The Historical Buildings Committee cited the following reasons for its recommendations to place the building on the "Buildings Conservation List", namely:

1. While this building is not extraordinary in overall design, the plan of the house is unusual in having two separate dwellings in one residential building in this social setting;

2. The building retains most of its original layout design elements and has suffered little alteration; and

3. This house is of importance as a contributing element to the existing character and context of the neighbourhood and streetscape. This building was planned in scale and setback to fit into the development of Crescentwood, an early neighbourhood that is largely intact.

A summary of the historic research on the former D.A. Ross House is contained in the Report of the Historical Buildings Committee dated August 4, 1999.

On September 14, 1999, the City Centre Community Committee concurred in the recommendation of the Historical Buildings Committee and recommended that the former D.A. Ross House located at 484 Wellington Crescent, be placed on the Buildings Conversation List with a Grade III rating.

On October 26, 1999, the Standing Policy Committee heard representation from Charles L. Chappell, Solicitor, Aikins MacAulay and Thorvaldson, and the owner Dr. M.N. Bojkovic, in opposition to the preservation and listing of the subject building. Committee also heard representation from Richard Bracken, on behalf of Senator and Mrs. Everett, who reside at 514 Wellington Crescent, with respect to the matter. Committee was also advised of a communication submitted by Theresa Ducharme, President and Foundress, People in Equal Participation Inc., which outlined support for the proposed listing and concurrence with the recommendations of the Historical Buildings Committee and the City Centre Community Committee.

Report of the Standing Policy Committee on Property and Development dated October 28, 1999

On October 26, 1999, the Standing Policy Committee laid over the matter to its meeting scheduled for February 1, 2000, pending the Court of Queen's Bench decision on the Application (under File No. CI-99-01-13839) between Michael Neboisa Bojkovic and The City of Winnipeg.

On October 28, 1999, the Standing Policy Committee on Property and Development passed the following motion:

> WHEREAS the Standing Policy Committee on Property and Development on October 26, 1999, concluded its hearing pursuant to Section 8(2) of the Historical Buildings By-law No. 1474/77, with respect to the proposed listing of the former D.A. Ross House at 484 Wellington Crescent, as a Grade III structure on the Buildings Conservation List;
>
> AND WHEREAS this is the last meeting of the current Standing Policy Committee on Property and Development before the Council Organization Meeting scheduled for November 3, 1999;
>
> THEREFORE BE IT RESOLVED that the Standing Policy Committee rescind its decision of October 26, 1999, to lay over this matter to February 1, 2000, and make its recommendation to Council on whether or not the list the subject property at 484 Wellington Crescent.

The Standing Policy Committee on Property and Development did not concur in the recommendations of the Historical Buildings Committee and the City Centre Community Committee, and recommends:

I. That the former D.A. Ross House at 484 Wellington Crescent not be listed as a Grade III structure on the Buildings Conservation List, under the Historical Buildings By-law No. 1474/77.

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

Moved by Councillor De Smedt,
Adoption of the clause.

The Speaker called the Deputy Speaker, Councillor Lazarenko, to the Chair and left the Chamber.

The motion for the adoption of the clause was put.

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

Yea: Councillors Angus, De Smedt, Steek, Timm-Rudolph, Vandal, Eadie and Lazarenko 7

Nay: Councillors Clement, Gerbasi, Golden, Lubosch, Smith and Deputy Mayor Thomas. 6

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

Proposed Sale of City-owned lands - Proposed Street Closing - Street and Lane right-of-way portions of Harrow Street, Sparling Avenue and the lane south of Sparling Avenue - City Centre Community
File FI-2.4(32) (Vol. 8) and DAC 9/99

84 - 2. The Standing Policy Committee on Property and Development has been advised that 3346324 Manitoba Ltd. acquired Lot 3, Block 1, Plan 36519 from the Canadian National Railway. 3346234 Manitoba Ltd. has advised the Property and Development Services Department that in dealing with a rezoning and development application for the CNR property the City Centre Community Committee suggested that the applicant pave the southern stub of Harrow Street or apply to have it closed and to purchase it from the City.

Report of the Standing Policy Committee on Property and Development dated October 28, 1999

Subsequently 3346324 Manitoba Ltd. applied to close and acquire the property shown as "proposed closing" on Misc. Plan No. 10609. The closing process has been implemented and is being held in abeyance pending resolution of the Manitoba Hydro issues.

On September 30, 1999, the Standing Policy Committee on Property and Development heard representation from Mark Olson, Vice-President of Development for 3346324 Manitoba Ltd., who advised that he and the Property and Development Services Department were unable to reach an agreement on the matter of the sale price. The Standing Policy Committee referred the matter to the Administration to continue negotiations and to report back to the meeting on October 28, 1999.

Details of the property that 3346324 Manitoba Ltd. is interested in purchasing are as follows:

Address of Property:	Parts of Harrow Street, Sparling Avenue and public lane south of Sparling Avenue	
Legal Description:	Part Harrow Street, Sparling Avenue and the public lane south of Sparling Avenue east and west of Harrow Street shown outlined on Misc. Plan No. 10609	
Ownership:	The City of Winnipeg	
Size of Land:	Part Sparling Avenue	15,896.9 square feet
	Part public lane	2,393.79 square feet
	Part Harrow Street	5,377.00 square feet
	Winnipeg Hydro easement	13,880.07 square feet
	Total	37,547.76 square feet
Zoning:	"M1" Industrial District "M2" Industrial District "C2" Commercial District	

The Property and Development Services Department submitted the following proposal to 3346324 Manitoba Ltd. (Mark Olson, Vice-President of Development) on August 26, 1999:

> The Property and Development Services Department is prepared to recommend sale of the property shown as proposed closing on Misc. Plan No. 10609 which is 37,547 square feet for the price of $34,500 subject to Manitoba Hydro agreeing to the closing. The sale if approved by the Standing Policy Committee on Property and Development would be subject also to the City's standard terms and conditions in addition to the requirement for the titles to be consolidated with the adjacent lands and subject to any easements required.

Mark Olson, Vice-President of Development, has indicated that 3346324 Manitoba Ltd. is not prepared to pay any more than $0.20 per square foot for the property. In its letter, it referenced paying $0.2576 per square foot, $0.2027 per square foot for large sites they acquired from the CNR and $0.3939 per square foot on a large site at the northeast corner of Wilkes Avenue and Waverley Street that it acquired from the City.

The Property and Development Services Department prepared an appraisal on the subject property which took into consideration the comparisons referenced by Mark Olson, Vice-President of Development, in addition to other comparable properties sold throughout the City.

When evaluating Mr. Olson's position, the Standing Policy Committee was requested to take into consideration a recent Council approved sale of lands by the City located between the Royal Bank Call Centre, and the subject property on the south side of Taylor Avenue which includes streets and lanes to be closed and the retention of hydro easements. These lands are to be sold for $0.84245 per square foot.

The Standing Policy Committee on Property and Development was also advised that Manitoba Hydro who have lands in close proximity to the subject property would be adversely affected by the closings, and although they were not originally opposed to the closing are now on record as opposing the closings.

The Property and Development Services Department is of the opinion that this property is comparable to the Council approved sale of City lands on the south side of Taylor Avenue by virtue of the fact that they are in the same general location, are irregular shaped and are encumbered by easements. The Department is of the opinion

Report of the Standing Policy Committee on Property and Development dated October 28, 1999

that the sale of this property to 3346324 Manitoba Ltd. should be at no less a price than previously approved by Council which if applied to the sale of this property would be $31,632.00 ($0.84245 per square foot).

Furthermore, the sale must be subject to:

1. The resolution of Manitoba Hydro's objection to the proposed street and lane closings;

2. Council's enactment of a street and lane closing by-law; and

3. 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 City's interests.

The Standing Policy Committee on Property and Development recommends:

I. That the subject property, outlined as "proposed closing" on Misc. Plan 10609, be declared surplus to the City's requirements, subject to final approval of the closing and enactment of the closing by-law.

II. That the sale of the subject property, outlined as "proposed closing" on Misc. Plan No. 10609, be approved to 3346324 Manitoba Ltd. at a price of $.42 per square foot, subject to the following:

a) the lands are being purchased for the purposes of consolidation with the Purchaser's adjacent holdings;

b) the City's standard terms and conditions and any other terms and conditions deemed by the City Solicitor/Manager of Legal Services to be in the best interests of the City;

with the date of closing, possession and adjustment to be the latter of 60 days after the enactment of the closing by-law or resolution of the Manitoba Hydro issues but no later than December 31, 2000.

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.

The Executive Policy Committee concurs in part with the recommendation of the Standing Policy Committee on Property and Development and recommends that Recommendation II. be amended to read as follows:

II. That the sale of the subject property, outlined as "proposed closing" on Misc. Plan No. 10609, be approved to 3346324 Manitoba Ltd. at a price of $0.84245 per square foot, subject to the following:

a) the lands are being purchased for the purposes of consolidation with the Purchaser's adjacent holdings;

b) the City's standard terms and conditions and any other terms and conditions deemed by the City Solicitor/Manager of Legal Services to be in the best interests of the City;

with the date of closing, possession and adjustment to be the latter of 60 days after the enactment of the closing by-law or resolution of the Manitoba Hydro issues but no later than December 31, 2000.

Moved by Councillor De Smedt,
Adoption of the clause.

The Speaker here resumed the Chair.

In amendment,

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

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

Report of the Standing Policy Committee on Property and Development dated October 28, 1999

Councillor Golden asked to be recorded as having voted against the amendment proposed by Executive Policy Committee, in accordance with Rule 50.7 of the Procedure By-law.

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

Proposed Closings of Streets and Lanes south of Taylor Avenue, west of Harrow Street - City Centre Community
File DAC 9/99 [c/r DAC 20/97, DAC 1/98 and FI-2.4(32) (Vol. 8)]

85 - 3. The Standing Policy Committee on Property and Development has been advised that the proposals to close the subjects streets and lanes located south of Taylor Avenue, west of Harrow Street, as outlined on Misc. Plan No. 10090/18, have been initiated by offers to purchase submitted by Shindico Realty Inc.

On May 27, 1998, Council approved the closing of streets and lanes in the block bounded by Waverley Street, Taylor Avenue, Harrow Street and the CNR Railway Plan 358, as outlined on Misc. Plan No. 10090/2 (File DAC 20/97).

On July 22, 1998, Council approved the closing of the streets and lanes in the block bounded by Waverley Street, Taylor Avenue, Harrow Street and the CNR Railway Plan 358, as outlined on Misc. Plan No. 10090/13 (File DAC 1/98).

On May 11, 1999, a Public Hearing was held before the City Centre Community Committee with respect to the proposed closing of parts of Harrow Street, Sparling Avenue, and the Public Lane south of Sparling Avenue. One person appeared in support of the application, and one person registered in opposition thereto. The City Centre Community Committee recommended approval of the proposed closings and that the City Solicitor / Manager of Legal Services prepare the necessary by-law for submission to Council to effect the closing in accordance with Schedule “A”, Misc. Plan No. 10609.

This application was originally processed under the terms of By-law No. 7325/98, which allows certain street and lane openings/closings to be submitted directly to Council without the requirement to be reviewed by the Standing Policy Committee on Property and Development. Considering the recent developments in the area, the matter may have to be considered by the Standing Policy Committee before proceeding to Council.

Before this closing was initiated, the applicant provided the Property and Development Services Department with a letter from Manitoba Hydro stating that they had no objection to the proposed closing as long as they were given the right to cross the closed streets and lanes.

The three closing applications were processed with the understanding that Manitoba Hydro had no objections to the proposals. Manitoba Hydro has since provided a letter to the Property and Development Services Department stating that it does not oppose the closings.

Shindico Realty Inc. has requested that the streets and lanes be closed, regardless of Manitoba objections.

The Standing Policy Committee on Property and Development was provided with the following options that the City may pursue, in order of preference, namely:

1. Closure of part of the streets and lanes:

The Committee Report recommending Files DAC 20/97 and DAC 1/98 specifically stated that the closure of all of the streets and lanes in the area was contingent on the agreement of the adjacent property owners, and that it was assumed that Shindico Realty Inc. would be undertaking this task. The Report also stated that the streets and lanes would have to remain open if the Property and Development Services Department could not sell the property.

Report of the Standing Policy Committee on Property and Development dated October 28, 1999

Misc. Plan No. 10090/17 shows a proposal to close a portion of the streets and lanes and to leave the portion adjacent to the Manitoba Hydro property open for the time being. This proposal has been arrived at without the input of Manitoba Hydro, but the Committee Reports recommending File DAC 20/97 and DAC 1/98 gave the Administration authority to leave these portions of the streets and lanes open if they cannot be sold.

2. Closure of all of the streets and lanes:

The City Administration has the authority to place a by-law or by-laws to close the streets and lanes addressed under File DAC 20/97, DAC 1/98 and DAC 9/99 for the consideration of Council. The public hearings required for street closings have been held, and no objections have been received. Manitoba Hydro's objections were raised after the public hearings were concluded. Manitoba Hydro may appear before Council at the time the by-law is considered to state its objections.

The Standing Policy Committee on Property and Development 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. 10090/18, subject to:

   a) the Purchaser agreeing that it shall hold harmless the City in respect of those lands which may be excluded from Council from the closing by-law and which form part of the agreement of purchase and sale; the Purchaser shall have no rights to acquire such extended lands/streets and lanes; and

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.

The Executive Policy Committee has considered an Administrative report dated November 10, 1999 advising that an alternative closing as outlined on Schedule "B", Misc. Plan No. 10090/19, has been suggested by the purchasers of the land in anticipation of Manitoba Hydro's submission to Council objecting to the closing.

The Executive Policy Committee recommends:

I. That Council be requested to approve either Schedule "A", Misc. Plan No. 10090/18 ***OR*** *Schedule "B", Misc. Plan No. 10090/19 and that the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street and lane closings.*

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

Moved by Councillor De Smedt,
That the clause be referred back to the Executive Policy Committee.

The Speaker acknowledged Councillor Steek, ruling that he had a right to speak against the referral as the former Chairperson of the Standing Policy Committee on Property and Development.

Councillor De Smedt challenged the ruling of the Chair.

The question, "Shall the ruling of the Chair be sustained?" was put.

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

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

Nay: Councillors Clement, De Smedt, Gerbasi, Lubosch, Deputy Mayor Thomas and Eadie. 6

and the ruling of the Chair was sustained.

Report of the Standing Policy Committee on Property and Development dated October 28, 1999

The motion to refer the clause to the Executive Policy Committee was put.

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

Yea: Councillors Clement, De Smedt, Gerbasi, Lubosch, Deputy Mayor Thomas, Vandal and Eadie. 7

Nay: Councillors Angus, Golden, Lazarenko, Smith, Steek, Timm-Rudolph and O'Shaughnessy. 7

and the motion to refer the clause to the Executive Policy Committee was declared lost in accordance with Rule 58 of the Procedure By-law.

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be adopted.

In amendment,

Moved by Councillor Timm-Rudolph,
Seconded by Councillor Angus,

THAT the clause be amended by making the following a condition of approval:-

the successful cross easement agreement being secured between Shindico Realty Inc., and Manitoba Hydro.

The amendment was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Angus, Golden, Lazarenko, Steek, Timm-Rudolph and O'Shaughnessy. 6

Nay: Councillors Clement, De Smedt, Gerbasi, Lubosch, Smith, Deputy Mayor Thomas and Vandal. 7

and the amendment was declared lost.

The recommendation of the Standing Policy Committee on Property and Development was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Angus, Golden, Lazarenko, Steek, Timm-Rudolph and O'Shaughnessy. 6

Nay: Councillors Clement, De Smedt, Gerbasi, Lubosch, Smith, Deputy Mayor Thomas and Vandal. 7

and the recommendation of the Standing Policy Committee on Property and Development was declared lost.

(See Minute No. 105 for attachment)

REPORT "A" OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED OCTOBER 28, 1999 ADJOURNED TO OCTOBER 29, 1999

On motion of Councillor De Smedt, Report "A" of the Standing Policy Committee on Property and Development, dated October 28, 1999 adjourned to October 29, 1999, was considered.

Proposed Sale of City Lands on east side of Lagimodiere Boulevard, south of the Crossroads Shopping Centre to Pensionfund Realty Limited - East Kildonan-Transcona Community
File FI-2.4(33) (Vol. 3) [c/r DASZ 11/99]

86 - 1. On February 24, 1999, Council adopted Clause 1 of the Report of the Standing Policy Committee on Property and Development dated February 10, 1999, as follows:

I. That Option A, as outlined on Misc. Plan No. 10548/8, be approved and the Director of Property and Development Services be delegated authority to reduce the width of the corridor to be retained to no less than 25 metres if in his opinion suitable arrangements can be negotiated with Pensionfund Realty Limited to enable the creation of a bike path and, if so, the terms and conditions of sale be amended accordingly.

II. That the subject City property, as outlined on Misc. Plan No. 10548/8, be declared surplus to the City's requirements.

III. That with respect to the expropriation of lands under By-laws 861 and 1133 and pursuant to Section 51(1) of The Expropriation Act, the Director of Property and Development Services be authorized to do all things necessary with respect to providing notice to Tallman Investments Ltd. and Princess Auto Ltd. regarding its First Right of Refusal to re-acquire a portion of the subject City property pursuant to the settlement reached with those companies and further in accordance with the said Section 51(1) that Council approve the disposal and sale of the balance of the lands to Pensionfund Realty Limited.

IV. That the sale to Pensionfund Realty Limited of the subject City property as described in Recommendation No. I at a price of approximately $4,422,864.60 be approved, in accordance with the terms and conditions as outlined in the Offer to Purchase as amended and dated February 9, 1999.

V. That Clause 16, outlined in the Offer to Purchase as amended and dated February 9, 1999, be amended by deleting the words "thirty (30)" and replacing it with the words "fifteen (15)".

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

The Standing Policy Committee on Property and Development has been advised that Tallman Investments Ltd. and Princess Auto Ltd. did not respond to the Right of First Refusal during the fifteen (15) day allotted period. Their lawyer verbally indicated that they would not be exercising their Right of First Refusal on the portion of the property within which it had an interest.

The Property and Development Services Department received a letter dated July 23, 1999, from Morguard Investments Limited (Pensionfund Realty Limited), indicating that the Purchaser's Due Diligence is proceeding expeditiously and that environmental and soil testing has been completed and the servicing feasibility study is nearing completion.

On September 2, 1999, the Standing Policy Committee on Property and Development extended the due diligence date on the sale of the subject City-owned land to Pensionfund Realty Limited, from September 22, 1999 to October 15, 1999, and the closing date from October 21, 1999 to October 28, 1999. In addition, the Standing Policy Committee also authorized the Director of Property and Development Services to extend the due diligence

period, date of possession and adjustment, and the date of closing, as is necessary in his sole discretion. The Property and Development Services Department on October 15, 1999, extended the Due Diligence period to November 15, 1999, and the Date of Closing, Possession and Adjustments to November 30, 1999.

On September 22, 1999, Council passed By-law No. 7501/99, for a plan of subdivision and related rezoning of the subject lands to a "C4" Commercial District to permit the establishment of five sites for a large scale retail development (File DASZ 11/99).

The following is a listing of issues respecting the proposed sale that will require further clarification and/or decisions. (See Appendix “A”)

A. Early Possession

Pensionfund Realty Limited has requested permission to enter upon the subject lands upon satisfaction of the due diligence conditions for the purpose of site preparation.

B. Price Reduction

The Purchaser has requested a $100,000.00 reduction in the purchase price to reflect site cleaning and clearing costs.

C. Dedication

It has been determined that under File DASZ 11/99 (the application for subdivision and rezoning the property) there is no dedication payable. The existing zoning for the Crossroads Shopping Centre was "M-1" Industrial District. The City has requested that the property be rezoned to “C-4" Commercial. There is no dedication on the number of building sites as there were a number of existing titles on the lands and no additional sites were created. No further action is necessary with regard to this issue.

D. Covenant to Construct

The original Offer to Purchase approved by Council on February 24, 1999, required the purchaser to construct a building or buildings on the subject lands within a period of five years from the date of approval. Since the property will be subdivided into five lots and the Purchaser will be able to sell or lease these lots to their purchasers/tenants as necessary, it becomes difficult to identify which lot the caveat for the construction/covenant will be applied.

E. Transit Issues

The Transit Department has been deeply involved with the sale of the subject property from the outset. The Transit Department advised that a portion of the subject lands were reserved for construction of the future Eastern Transit Corridor. The purchaser requested the Transit Department to consider reducing the width of the proposed Transit Corridor right-of-ways to improve the development potential of the subject site. Ensuing discussions involved consideration of a north/south bus corridor through the subject property and the Pensionfund Realty Limited adjacent lands to the north to intersect with Regent Avenue at Stapon Road.

The Administration requested that consideration be given to the extra costs to the City to resolve the Transit Corridor/CN issue, and recommended that $250,000.00 be allocated from the proceeds of the sale to pay for the additional cost of reconstruction of the Lagimodiere Boulevard overpass as a result of avoiding an easement on CN lands.

F. Definition of Property to be Sold

On February 24, 1999, Council approved the sale of the lands identified as subject City property on Misc. Plan No. 10548/8, and declared the property to be surplus to the City’s requirements. The Director of Property and Development Services was delegated the authority to reduce the width of the corridor to be retained by the City to be no less than 25 metres.

Report "A" of the Standing Policy Committee on Property and Development dated October 28, 1999 adjourned to October 29, 1999

The Standing Policy Committee on Property and Development requested the Administration to maximize the size of the land to be sold to Pensionfund Realty Limited to the extent possible.

Ensuing discussions with regard to the property definition has resulted in an expansion of the lands to be sold. Misc. Plan Nos 10548/19 and 10548/20, the composition of the proposed expanded site. In addition to the site already approved by Council, the expanded site will include:

a) the lands shown shaded and identified as "Proposed Additional Closing and Sale", as outlined on Misc. Plan No. 10548/19 (Appendix "C");

b) the lands shown cross-hatched and identified as "Proposed Additional Land to be Sold" as outlined on Misc. Plan No. 10548/19; (Appendix "C") and

c) the lands shown shaded and identified as "Proposed Additional Closing and Sale", as outlined on Misc. Plan No. 10548/20 (Appendix "D");

d) the lands shown cross-hatched and identified as "Proposed Additional Land to be Sold" as outlined on Misc. Plan No. 10548/20; (Appendix "D").

For the information of the Council, the rezoning application under File DASZ 11/99, as considered by Council on September 22, 1999, already reflects the proposed expanded site, as outlined on Misc. Plan No. 10548/13. The purchaser may be required to make further application with regard to subdivision for the additional City lands to be sold, as outlined on Misc. Plan No. 10548/20.

The effect of these additional lands is to increase the sale price from approximately $4,422,864.00 to $5,394,470.00 (an increase of $971,606.00 {subject to survey}).

G. Request for Leave and License

Royal Canadian Properties Limited, the owner of the property at 1530 Regent Avenue, has requested the City to grant it a "Leave and License Agreement" in respect of the irregular shaped parcel annotated as "Requested Leave and License Agreement" on Misc. Plan Nos. 10548/19 and 10548/20. That Company requires this to enhance its truck traffic and loading capabilities on its own site. A previous "Leave and License Agreement" for this same purpose has expired.

The Property and Development Services Department is of the opinion that this particular application should not be granted as doing so could create additional complications in completing the transaction with Pensionfund Realty Limited. Rather, should the sale of the additional lands to Pensionfund Realty Limited be approved, the Department suggested that this applicant be referred to Pensionfund Realty Limited upon finalization of the sale.

On October 28, 1999, and again at its reconvened meeting on October 29, 1999, the Standing Policy Committee on Property and Development considered Proposals from Pensionfund Realty Limited and Shindico Realty Ltd. with respect to amendments to terms and conditions of the sale. The Standing Policy Committee addressed the requests of the Purchaser under its purview, with its recommendations as set out below, with the exception that the matter pertaining to the fencing and trees along the south property line was referred to the Administration for subsequent report to the East Kildonan-Transcona Community Committee.

On October 29, 1999, the Standing Policy Committee on Property and Development passed the following motion:

> WHEREAS the Standing Policy Committee on Property and Development is of the view that the route of the future Transit Corridor be along the southern boundary of the subject City property to be sold through the Crossroads Shopping Centre to Regent Avenue, as opposed to being along the southern boundary of the said lands and along Rougeau Avenue to Regent Avenue;
>
> THEREFORE BE IT RESOLVED that the Standing Policy Committee recommends that should the Northern Extension Railway, CNR Plan No. 898 (CN Pine Falls Beachline Railway) become available for sale, that the lands be acquired to provide for an alternative route for the future Transit Corridor;

Report "A" of the Standing Policy Committee on Property and Development dated October 28, 1999 adjourned to October 29, 1999

BE IT FURTHER RESOLVED that an easement 11.5 metres wide, and contiguous to the north boundary of the National Transcontinental Railway, CNR Plan No. 7495, be retained to gain a straight line access to the Northern Extension Railway, CNR Plan No. 898 (CN Pine Falls Beachline Railway).

The Standing Policy Committee on Property and Development recommends:

I. That Pensionfund Realty Limited be granted the authority to enter onto the lands to be sold for the purposes of commencing site preparation and for the purposes of placing fill on the lands prior to the Date of Closing subject to the following:

a) provision of evidence of suitable insurance and indemnification in a form acceptable to the City Solicitor/Manager of Legal Services;

b) the reasonable approval of the Director of Public Works upon review of the plans for installing such fill and the materials to be utilized;

c) that in the event it does not proceed with the sale the Purchaser agreeing that the City can, in its sole discretion remove the fill material and retain a portion of the deposit monies to offset the cost of the removal of the fill material.

II. That the request from Pensionfund Realty Limited to reduce the price by $100,000.00 as part of the soil contamination issue be denied, and that the City of Winnipeg provide to Pensionfund Realty Limited the following:

a) land along the west property line of the subject property, shown as hatched on the site plan submitted by Pensionfund Realty Limited to the Standing Policy Committee on Property and Development on October 29, 1999 and designated Appendix "B" (A triangular piece of land seven (7) metres wide at the south end, tapering to the north with a land area of approximately 9,083 square feet, and with a land value at $3.00 per square foot equals $27,249.00);

b) five (5) metres of land along the south limits of Lot 2 (Home Depot) and Lot 3 (Superstore), thus reducing the future Transit Corridor from twenty-five (25) metres to twenty (20) metres (approximately 15,810 square feet, with a land value at $3.00 per square foot equals $47,430.00); and

c) the lot lines on the Subdivision Plan for Lots 2 and 3 be modified accordingly and ensure that Lot 2 remains at a minimum of 10.414 acres (the Lot 2/3 internal lot line will be adjusted);

subject to the confirmation by the Public Works and the Property and Development Services Departments that proper standards and safety requirements will be adhered to with respect to the foregoing, and for the construction of a retaining wall along the west property line.

III. That the "covenant to construct" provision in the sales agreement (clause 9 of the Offer to Purchase) be deleted.

IV. That Council declare the following lands as surplus to the City's requirements, namely:

a) the lands shown shaded and identified as "Proposed Additional Closing and Sale", as outlined on Misc. Plan No. 10548/19 (Appendix "C");

b) the lands shown cross-hatched and identified as "Proposed Additional Land to be Sold" as outlined on Misc. Plan No. 10548/19; (Appendix "C") and

In addition to IV. a) and b), that Council declare the following lands as surplus to the City's requirements, namely:

c) the lands shown shaded and identified as "Proposed Additional Closing and Sale", as outlined on Misc. Plan No. 10548/20 (Appendix "D");

Report "A" of the Standing Policy Committee on Property and Development dated October 28, 1999 adjourned to October 29, 1999

d) the lands shown cross-hatched and identified as "Proposed Additional Land to be Sold" as outlined on Misc. Plan No. 10548/20; (Appendix "D").

V. That the sale to Pensionfund Realty Limited of the additional lands as referenced in Recommendation IV. be approved at a rate of $3.00 per square foot.

VI. That up to a maximum of $1,000,000.00 (One Million Dollars) be allocated from the proceeds of the sale to pay for the additional cost of the following:

a) the reconstruction of the Regent Avenue/Stapon Road intersection;
b) the Regent Avenue reconstruction/widening for the frontage lands; and
c) the improvements at the Regent Avenue/Lagimodiere Boulevard intersection;

in accordance with the request of the Ward Councillor.

VII. That Pensionfund Realty Limited be granted the authority to enter onto the lands for the purpose of construction of a retaining wall along the western boundary of the subject City property to be sold.

VIII. That the Purchaser provide an 11.5 wide easement, as shown on Misc. Plan No. 10548/20, to the City for the purposes of the City's proposed future Transit Corridor and Bicycle Path; said easement to be subject to cross-use agreement, if required.

IX. 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.

The Executive Policy Committee concurs in Recommendations I. to VII. and IX. of the Standing Policy Committee on Property and Development and recommends that Recommendation VIII. be deleted in its entirety, and replaced with the following:

VIII. That the City retain an 11.5 metre wide "Reversionary Right for Transit Corridor Purposes" as shown on Misc. Plan No. 10548/21 subject to:

(a) the City and Shindico Realty exercising its best efforts to acquire the Northern Extension Railway, CNR Plan No. 898 (CN Pine Falls Beachline Railway) as the preferred route for the proposed alternative transit corridor;

(b) in the event that Recommendation VIII.(a) cannot be achieved to the sole satisfaction of the City then the City can exercise the reversionary right (as referenced in Recommendation VIII.) when Council decides to implement the Transit Corridor;

(c) upon exercise of the reversionary right by the City, the City will pay to the Purchaser, or its successor, a price to be calculated at the rate of $3.00 per square foot (the same price per square foot as Pensionfund Realty Limited is acquiring these lands from the City);

(d) in the event that the City and Shindico Realty is able to acquire the Northern Extension Railway, CNR Plan No. 898 (CN Pine Falls Beachline Railway) as referred to in Recommendation VIII.(a), then the said reversionary right will be limited to the 11.5 metre wide "Reversionary Right for Transit Corridor Purposes" as outlined on Misc. Plan No. 10548/22;

(e) the "Reversionary Right for Transit Corridor Purposes" as referenced in Recommendation VIII.(a) and VIII.(d) be registered as a caveat against the affected Certificates of Title;

(f) the removal of the restrictions on the hours of use by trucks of the proposed transit corridor running south/north through the centre of the shopping centre, as expanded.

Report "A" of the Standing Policy Committee on Property and Development dated October 28, 1999 adjourned to October 29, 1999

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.

In amendment to the amendment,

Moved by Councillor De Smedt,
Seconded by Councillor Clement,
WHEREAS on November 10, 1999, the Executive Policy Committee made a recommendation relative to Clause 1 of Report "A" of the Standing Policy Committee on Property and Development dated October 28, 1999 with respect to the proposed sale of city lands on the east side of Lagimodiere Boulevard, south of the Crossroads Shopping Centre;

AND WHEREAS at the time of the recommendation, copies of Misc. Plan Nos. 10548/21 and 10548/22 were not available for distribution;

AND WHEREAS there was a typographical error in recommendation VIII. (e) which should be corrected;

THEREFORE BE IT RESOLVED THAT the Executive Policy Committee recommendation VIII. (e) be amended by deleting the reference to "(a)" contained in the second line thereof.

The amendment to the amendment proposed by Councillors De Smedt and O'Shaughnessy was put and declared carried.

The recommendation of the Executive Policy Committee, as amended, was put.

At the request of Councillor Timm-Rudolph, Council considered the recommendations within Recommendation No. VIII, separately.

Recommendation No. VIII (a) was put and declared carried.

Recommendation No. VIII (b) was put and declared carried.

Councillor Timm-Rudolph asked to be recorded as having voted against Recommendation No. VIII (b), in accordance with Rule 50.7 of the Procedure By-law.

Recommendation No. VIII (c) was put and declared carried.

Councillor Timm-Rudolph asked to be recorded as having voted against Recommendation No. VIII (c), in accordance with Rule 50.7 of the Procedure By-law.

Recommendation No. VIII (d) was put and declared carried.

Councillor Timm-Rudolph asked to be recorded as having voted against Recommendation No. VIII (d), in accordance with Rule 50.7 of the Procedure By-law.

Recommendation No. VIII (e) was put and declared carried.

Councillor Timm-Rudolph asked to be recorded as having voted against Recommendation No. VIII (e), in accordance with Rule 50.7 of the Procedure By-law.

Report "A" of the Standing Policy Committee on Property and Development dated October 28, 1999 adjourned to October 29, 1999

Recommendation No. VIII (f) was put and declared carried.

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

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

(See Minute No. 106 for attachments)

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS OF WHICH NOTICE HAS BEEN GIVEN

Moved by Councillor Prystanski,
Seconded by Councillor Smith,

87 - 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.

Moved by Councillor Eadie,

That the motion be laid over to the next Council Meeting to be held on December 15, 1999.

Carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor De Smedt,
Seconded by Councillor Lazarenko,

88 - WHEREAS Council at its Organizational Meeting on November 3, 1999, referred to the Standing Policy Committee on Property and Development the matter of recommending the appointment of four (4) members of Council to the Riverbank Management Committee;

AND WHEREAS the next meeting of the Standing Policy Committee on Property and Development is to be held on November 23, 1999, and the next Council meeting is to be held on December 15, 1999;

THEREFORE BE IT RESOLVED that Councillors Gerbasi, Lazarenko and Lubosch be appointed to the Riverbank Management Committee, with Councillor Lazarenko, being designated as the Chairperson of the Committee.

Carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

89 - 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.7518/99, 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 on the west side of McPhillips Street, north of Court Avenue in the Lord Selkirk - West Kildonan Community.
File DAZ 231/99.

By-law No. 7519/99, 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 1046 St. Mary's Road in the Riel Community. File DAZ 221/99

By-law No. 7520/99, 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 1680 Grant Avenue in the City Centre Community. File DAZ 223/99

By-law No. 7521/99, 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 on the north side of Wilkes Avenue west of the CPR La Riviere Subdivision in the Assiniboia Community.
File DAZ 224/99

By-law No. 7522/99, 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 side of Inkster Boulevard east of Brookside Boulevard in the Lord Selkirk - West Kildonan Community. File DASZ 16/99

On motion of Councillor De Smedt, the rule was suspended and By-law No.7531/99, a by- law of The City of Winnipeg to close Murchison Drive between Speers Road and Lagimodiere Boulevard, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File DAC 10/96