REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED AUGUST 31, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated August 31, 1999, was considered clause by clause.

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

Carried.

Proposed Subdivision Standards By-law
File DASSF (General) (Vol. 1)

816 - 1. On February 24, 1999, Council adopted Clause 5 of the Report of the Standing Policy Committee on Property and Development dated February 2, 1999, which recommended as follows:

I. That the Subdivision Standards By-law No. 7400/99 be approved and given first reading.

II. That the aforementioned by-law be forwarded to the Standing Policy Committee on Property and Development for consideration at a Public Hearing to be held before the said Committee.

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

On February 24, 1999, Council also gave first reading to By-law No. 7400/99, with respect to the proposed Subdivision Standards By-law.

On March 16, April 26 and May 17, 1999, Public Hearings were held before the Standing Policy Committee on Property and Development, on the proposed Subdivision Standards By-law. Seven persons appeared in opposition to the proposed Subdivision Standards By-law No. 7400/99, and ten persons registered for information thereon.

The representations made at the Public Hearings were from a wide diversity of organizations and individuals bringing a significant range of interests and concerns to the Standing Policy Committee. Some questioned the need and/or appropriateness of the by-law going forward at this time. The majority of delegations indicated that if the by-law is to proceed now that it should be modified to be more "permissive" and "flexible" and not so "restrictive" in its wording.

On May 17, 1999, the Standing Policy Committee adjourned the public hearing to August 31, 1999, with further public representations to be heard at that time. The Standing Policy Committee also requested that an invitation be extended to all parties registered in delegation on March 16, 1999, April 26, 1999, and May 17, 1999, to speak to the matter of the proposed Subdivision Standards By-law, to meet with the Administration to review the development guidelines set forth in the proposed by-law, and that the Administration report back to the Standing Policy Committee concerning that meeting on August 31, 1999.

These same concerns came out at the meeting between the Administration and those delegates that were able to attend the review session. The timing and need for the by-law was questioned and the discussions also included the suggestion that the Province of Manitoba be approached to consider rescinding the requirement for this by-law. These conversations were mostly in reference to the recently released Interim Report of the Capital Region Review. However, the consensus at the meeting was that if the proposed by-law is to proceed at this time that it should be reworded to provide more flexibility and be less restrictive. The delegates provided input with respect to the redraft of the by-law, as outlined on Schedule "A" and numbered By-law No.7500/99, which the Administration recommends be forwarded to Council for all three readings.

On August 31, 1999, the Standing Policy Committee heard representation from two persons in support of the re-draft of the proposed Subdivisions Standards By-law. No one registered in opposition thereto, or for information thereon.

Report of the Standing Policy Committee on Property and Development dated August 31, 1999

The Standing Policy Committee also considered report dated August 24, 1999, together with the re-draft of the proposed Subdivision Standards By-law, from the Land Development Administrator, Property and Development Services Department.

On August 31, 1999, the Standing Policy Committee on Property and Development recommended the following amendments to the re-draft of the proposed Subdivision Standards By-law No. 7500/99, namely:

· Section 2 (a) be amended by deleting the words "at no expense to the City"

· Section 7 be deleted in its entirety and replaced with the following:
"7. For any of the required services and improvements where all or a part of the cost of which is paid by the City, the City shall require that the prices reflect competitive tenders and are satisfactory to the City. The City's share of the costs of contracts awarded by the Developer in these circumstances shall be subject to the approval of the City."

The Standing Policy Committee on Property and Development submits draft by-law and recommends:

I. That By-law No. 7500/99, a by-law of The City of Winnipeg to establish standards, criteria and requirements regarding the development of land in the City of Winnipeg, be submitted to Council for all three readings. (Note: By-law No. 7500/99 replaces By-law No. 7400/99, which was given first reading on February 24, 1999, and which is not being proceeded with.)

III. That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing in accordance with the terms of The City of Winnipeg Act.

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

Adopted by Consent.

Proposed Amendment to Development Agreement - land located on the south side of Ridgecrest Avenue between Main Street and the Red River - Lord Selkirk-West Kildonan Community File DASZ 9/97

817 - 2. The Standing Policy Committee on Property and Development has been advised that Lombard North Group (1984) Ltd. has submitted a proposal to amend the current approvals to the application under File DASZ 9/97 to provide some flexibility in dealing with the development of their property on the south side of Ridgecrest Avenue, between Main Street and the Red River.

The proposal is outlined in the letter dated June 30, 1999, to the Land Development Engineer of the Property and Development Services Department, and calls for the following:

1. Establishing a cost sharing formula on an area basis for the works in Ridgecrest Avenue between the Planned Area and adjacent future development lands.

2. Stage the works in Ridgecrest Avenue such that only a portion of the services would be installed by this Developer as his share of the total costs and the balance would be installed by subsequent developers as their share of the costs.

3. That the staging provide for the services to be extended only to Scotia Street under this development.

4. That a further staging of the Ridgecrest Avenue pavement be approved to allow the 10.0 metre pavement to be constructed initially to a 7.5 metre width with the additional 2.5 metre to be added by and when subsequent development takes place.

5. Any costs of the initial stage of servicing in Ridgecrest Avenue by the Developer that exceed his share of the costs would be credited towards other payments required under the approvals such as a share of traffic signals and other pavement works on Main Street and TSR payments.

Report of the Standing Policy Committee on Property and Development dated August 31, 1999

6. That a gravel road in Ridgecrest Avenue from Scotia Street to the east limit of the Planned Area and a 5.5 metre wide asphalt laneway across the east boundary of the Planned Area be constructed by the Developer at no cost to the City, and they be turned over to the City for maintenance after the normal warranty period. The cost of these constructions would not be included in the cost sharing formula for the Ridgecrest Avenue services.

7. That the Scotia Street concrete pavement be allowed to be constructed only up to the north and south limits of the private easement that crosses the Planned Area.

The Administration's position on the various items is as follows:

1. The Administration believes that establishing a cost sharing formula for Ridgecrest Avenue servicing costs is reasonable but it should be on a direct benefitting frontage basis, not an area basis. That would provide for a 50% cost share of the servicing costs between the Developer and the future development on the north side of Ridgecrest Avenue. The Administration has been contacted by the owner of the property on the north side who voiced a similar position.

2 & 3 The Administration can support a staging of the Ridgecrest Avenue services with the initial limit being Scotia Street and the balance being installed by others as part of the cost sharing formula.

4. The Public Works Department opposes the longitudinal staging of the pavement (ie. 7.5 metre width with a future 2.5 metre lane added) on an engineering basis. This will result in a joining of the pavement in an undesirable location which will be subject to differential movement resulting in poor riding quality. Ridgecrest Avenue is to be constructed as a 10.0 metre pavement immediately.

5. If there are any credits due the Developer under the cost sharing formula for the staged services in Ridgecrest Avenue, the Administration would not recommend that they be deducted from other payments under the agreement. However if such an amendment is approved, consideration should be given to limit the payments that would be involved. Only payments that involve surface works and would be charged to the adjacent property when it develops should be included, such as the Main Street pavement works. The TSR should not be used, and the share of traffic signals should be excluded in case for some reason the signals proceed prior to other development.

6. The Public Works Department opposes the installation of a gravel road in Ridgecrest Avenue east of Scotia Street. The main objection is the Developer's request for the City to take on the ongoing maintenance of this road. Although traffic on the road will not be significant because it would be a local access only, it will be adjacent to the proposed condominium development which could result in dust complaints and the requirement for increased maintenance.

   The Administration recommended that if the request for a gravel road is approved it should be conditional on the Developer being responsible for the maintenance until such time as the concrete roadway is extended to replace the gravel portion.

7. The proposed "gap" in the Scotia Street pavement has been discussed previously and is not supported by the Administration. It is recognized that the developer proposes this as a temporary measure until such time as the access easement across the property is removed. However, due to the uncertainty of the timing of that removal, the Administration recommended that the condominium site not be allowed to be built until the issue is resolved.

In view of the foregoing, the Administration recommends as follows:

A. That a sharing formula based on a direct frontage basis be established for the Planned Area and the lands to the north for the cost for the construction of the services to be installed in Ridgecrest Avenue from Main Street to the east limit of the Planned Area.

B. That the works in Ridgecrest Avenue be allowed to be staged with the initial stage being from Main Street to the east limit of the Scotia Street intersection.

C. That the pavements in Ridgecrest Avenue be constructed to their full width of 10.0 metres with no deferment of any of the width.

Report of the Standing Policy Committee on Property and Development dated August 31, 1999

D. That a gravel road in Ridgecrest Avenue not be allowed even on a temporary basis east of Scotia Street, but if approved that the Developer be responsible to maintain the road until it is replaced by a concrete roadway including regrading, regravelling and dust control as determined by the Director of Public Works.

E. That a building permit for the condominium site not be issued until the Scotia Street services can be constructed and utilized across the access easement over the property.

F. If the cost of the services to be installed in Ridgecrest Avenue between Main Street and Scotia Street are in excess of the Developer's share of the costs as per the sharing formula, that credits not be given against other payments under the agreement and the Developer would be repaid at such time as the City collects such costs from future developments. (If however it is intention to provide for such credits, then only those charges for street works on Main Street should be utilized.)

On July 14, 1999, the Lord Selkirk-West Kildonan Community Committee considered report dated July 8, 1999, from the Land Development Administrator, Property and Development Services Department, along with communications dated June 30 and July 14, 1999, from the President of the Lombard North Group (1984) Ltd., in this connection.

The Lord Selkirk-West Kildonan Community Committee recommended that the Development Agreement for File DASZ 9/97 be amended as set out below.

On August 31, 1999, the Standing Policy Committee on Property and Development considered the recommendations of the Lord Selkirk-West Kildonan Community Committee on this matter, as well as the Administrative Coordinating Group's report dated August 16, 1999, which recommended that the Community Committee's proposed amendment not be adopted and that the requirement to pay the TSR be reinstated in its entirety as was originally laid over in the Administrative Coordinating Group's report dated June 16, 1997.

On August 31, 1999, the Standing Policy Committee also heard representation from David Palubeskie, President, Lombard North Group (1984) Ltd., in support of the recommendations of the Lord Selkirk-West Kildonan Community Committee.

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 Development Agreement for File DASZ 9/97 be amended to provide for the following:

A. That a sharing formula based on a direct frontage basis be established for the Planned Area and the lands to the north for the cost for the construction of the services to be installed in Ridgecrest Avenue from Main Street to the east limit of the Planned Area.

B. That the works in Ridgecrest Avenue be allowed to be staged with the initial stage being from Main Street to the east limit of the Scotia Street intersection.

C. That the pavements in Ridgecrest Avenue be constructed to their full width of 10.0 metre with no deferment of any of the width.

D. That a gravel road in Ridgecrest Avenue be allowed east of Scotia Street, and that the Developer be responsible to pay all costs to maintain the road until it is replaced by a concrete roadway including regrading, regravelling and dust control as determined by the Director of Public Works based upon a confirmed maintenance schedule.

E. That the building permit for the condominium site not be issued until Scotia Street is registered as a public street and can be constructed to the Samson and Machan driveway easement and the Developer provides to the City a right-of-way for all purposes over the 16 feet of the Developer's land which also is provided as an easement interest in "a right-of-way for all purposes" to Samson and Machan.

F. If the cost of the services to be installed in Ridgecrest Avenue between Main Street and Scotia Street are in excess of the Developer's share of the costs as per the sharing formula, that a credit be given against the charges for street works on Main Street.

Report of the Standing Policy Committee on Property and Development dated August 31, 1999

G. That the plan be adjusted to provide for the construction at the sole expense of the Developer, a public lane connecting the Ridgecrest Avenue right-of-way to the Samson and Machan access easement at the eastern limit of the planned area.

H. That Council provide a twenty-four (24) month extension for the implementation of the plan of subdivision.

I. That the Developer indemnify the City against all liabilities and costs associated with the Scotia Street crossing of the private access easement with providing Samson and Machan an alternate access to Main Street, opening Scotia Street across their easement and closing their private access driveway onto Main Street (ie. legal bills, personal injury settlements, etc).

J. That the requirement to pay the TSR in its entirety be deleted.

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

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

Adopted by consent.

REPORT "A" OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED AUGUST 31, 1999

ADJOURNED TO SEPTEMBER 2, 1999

On motion of Councillor Steek, Report "A" of the Standing Policy Committee on Property and Development, dated August 31, 1999 adjourned to September 2, 1999, was considered clause by clause.

Moved by Councillor Steek,
That the Consent Agenda, Clauses 2,4,5,6,7,8,9,10,11,13 and 14, 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)

818 - 1. The Standing Policy Committee on Property and Development has been advised that currently the demolition permit By-law No. 4665/87 requires that any person applying for a demolition permit for a property on land zoned to allow residential uses must first obtain a building permit for that same land. This requirement is in place to prevent homes from being bulldozed in advance of development applications. Past experience had shown that when faced with the alternative of a vacant lot, Committees of Council were more inclined to approve applications for non-residential development. This was seen as a factor in the gradual destabilization of some residential neighbourhoods.

Under the by-law, an applicant who does not wish to re-build is required to obtain the approval of the area Community Committee. However, section 14 of the by-law provides that it does not apply to the downtown area, demolitions carried out by the City, or demolitions ordered by the City without the option of remedial measures.

The rationale for not requiring an applicant to have a building permit in hand when applying for a demolition permit at the City's instigation (i.e. by order) is readily apparent. However, where the City's order gives an applicant the option to repair or take other action such as obtaining an engineering report, the terms of the by-law apply.

Under the accelerated enforcement program relating to boarded-up buildings in the inner city, the orders issued almost always provide the owner with the option of obtaining an engineering report to demonstrate that the building can be made safe, as an alternative to demolition. Those owners who wish to demolish the buildings themselves must either have a building permit in hand, or obtain political approval for dispensing with it.

The Property and Development Services Department feels that a policy decision has already been made by Council that the City is prepared to accept the possibility that lots in the inner city may remain vacant for some time, and has found that possibility is preferable to the continued existence of run-down, unsafe structures. Moreover, options for the use of such lots do exist at present, and more are being explored as the City addresses the issues relating to inner city decay. For those reasons, the Administration recommends that By-law No. 4665/87 be amended to provide that no building permit is required in those cases where the City has issued an order which may result in the demolition of a building.

The revised section 14 would read as follows:

"14. This by-law does not apply to:

(a) the area covered by Zoning By-law No. 4800/88;

(b) any demolition carried out, required, or ordered by an Authority having such jurisdiction; or

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

(c) any demolition carried out by an owner or applicant in compliance with an order which specifies demolition to be an option acceptable to the Authority having jurisdiction,

but this by-law does apply to any residential building in respect of which a notice or order requires that remedial measures other than demolition shall be carried out."

The issue of demolition permits generally is governed by the Winnipeg Building By-law No. 4555/87. Section 16.3(c) provides that, on completion of demolition, an owner/applicant may be required to "put the site in a safe, level, and sanitary condition to the satisfaction of the authority having jurisdiction". This section, as currently worded, does not authorize the Administration to impose a condition on a demolition permit that the site be sodded or seeded afterward.

In dealing with applications for demolition permits under the demolition permit By-law No. 4665/87, the Community Committees may impose conditions designed to ameliorate any negative impact which a vacant lot might have on adjacent lands. One frequently imposed condition is the requirement that the lot be seeded or sodded following demolition.

The Administration therefore also recommends that section 16.3(c) of the Winnipeg Building By-law No. 4555/87 be amended to read, "put the site into such condition as is safe, level, sanitary, and consistent in appearance with the nature and use of adjoining lands, to the satisfaction of the authority having jurisdiction." Since sodding or seeding may not be appropriate in all cases, reference must be made to the nature and use of the adjoining lands to determine whether such a condition should be imposed on the permit.

The Standing Policy Committee on Property and Development recommends:

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.

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

Moved by Councillor Steek,
Adoption of the clause.

Moved by Councillor Gerbasi,
Seconded by Councillor Smith,

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;

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

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.

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.

INTRODUCTION AND WELCOME OF GUESTS AND ANNOUNCEMENTS

819 - The Deputy Speaker recognized Councillor Timm-Rudolph who acknowledged in attendance in the gallery, Jerome Mauws, Director of the Association of Manitoba Municipalities and Grant Buchariam, Council Member from The Pas.

Council recessed at 11:59 a.m., and reconvened at 1:30 p.m., same members present, the Speaker in the Chair.

The motion to refer the clause back to the Standing Policy Committee on Property and Development, with instructions, was put.

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

Yea: Councillors De Smedt, Gerbasi, Lazarenko, Lubosch, Smith, Deputy Mayor Thomas and Vandal. 7

Nay: Councillors Angus, Prystanski, Steek, Timm-Rudolph and O’Shaughnessy. 5

and the motion to refer the clause back to the Standing Policy Committee on Property and Development, with instructions, was declared carried.

Proposed Amendment to 1963 Agreement - Caveat No. 190883 - Birchwood Motors Lease - 2554 Portage Avenue - Assiniboia Community File SB-19 (Vol. 4)

820 - 2. The Standing Policy Committee on Property and Development has been advised that by way of letter dated September 3, 1998, Ladco Company Limited requested amendments to the Agreement dated August 27, 1963 (Caveat No. 190883) between the former City of St. James, Birchwood Enterprises Limited and Birchwood Motors Ltd.

In 1995, part of the Holiday Inn/Birchwood Motors property was expropriated for the Charleswood Bridge project. This expropriation resulted in the partial redesign and reconstruction of the parking lot serving the hotel and the automobile dealership.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

On August 21, 1996, the former Commissioner of Planning and Community Services submitted a report to the former Board of Commissioners regarding a proposed concrete fence between the Holiday Inn and 2529, 2525, 2521 and 2517 Pinewood Drive. A sketch identified as Schedule "A" outlines the affected properties on Pinewood Drive.

On August 22, 1996, the former Board of Commissioners directed that a seven foot high precast concrete commercial type fence, together with drainage improvements, be built opposite the rear of 2529, 2525, 2521 and 2517 Pinewood Drive with the cost to be charged to the land acquisition portion of the Charleswood Bridge project. The work was estimated to cost $25,000.00.

On September 24, 1996, the residents of 2517 to 2557 Pinewood Drive wrote to advise that nothing less than a concrete fence from 2517 to 2557 Pinewood Drive would be acceptable to them. In their letter, the residents state "that as a result of the design of the termination of the noise barrier (for the Charleswood Bridge) on the west of 2557, it serves as a resounding board to bounce the noise of the traffic and particularly the noise from the Birchwood Motors area onto the neighbouring properties."

In an agreement made on August 27, 1963, between the former City of St. James and Birchwood Enterprises Limited and Birchwood Motors Ltd., outlined on Schedule "B", it was agreed that:

1. A strip of land five feet wide extending along the entire southerly boundary of the land shall be landscaped by Birchwood Enterprises Limited with trees and shrubs and kept in good condition by Birchwood Motors Ltd.

2. A lane twenty feet wide shall be located at the southern boundary of the land immediately to the north of the area referred to in the preceding paragraph and the building to be constructed on the land shall be constructed at least sixteen feet from the northerly limit of said lane. The lane affected by the 1963 Agreement is the land shown as 2552 Portage Avenue on Schedule "A".

A representative of Birchwood Motors Ltd. had previously advised that Birchwood Motors Ltd. was prepared to re-landscape the aforementioned five foot strip. However, as a consequence of the construction of the Charleswood Bridge, it is the residents' contention that landscaping will not provide adequate noise attenuation.

On May 29, 1997, the former Board of Commissioners recommended the following:

1. That the (former) Land and Development Services Department be authorized to cause an eight foot high precast concrete commercial type fence to be installed between the Holiday Inn/Birchwood Motors property and the residential properties on the north side of Pinewood Drive (2517 to 2557 Pinewood Drive), together with drainage improvements.

2. That the fence not be installed unless and until:

    a) The owners of 2517 and 2557 Pinewood Drive consent to the registration of a caveat with the title to their respective lots covering an agreement obliging the owners to maintain the hotel's and the automobile dealership's property between the proposed fence and the property line.

    b) The owners of 2517 to 2557 Pinewood Drive provide confirmation, in a form acceptable to the City Solicitor/Manager of Legal Services, that they each agree with the proposed work.

3. That the estimated $61,000.00 cost of the proposed project be charged to Account No. 01-118117-340199-WL016 being the land acquisition portion of the Charleswood Bridge project.

Following the former Board of Commissioners' May 29, 1997, recommendation representatives of the former Land and Development Services Department began negotiations with Ladco Company Limited which controls 2108496 Manitoba Ltd. and 2108500 Manitoba Ltd., the registered owners of 2520 and 2552 Portage Avenue, respectively. In anticipation that agreement would be reached, Reid Crowther and Partners Ltd. Consulting Engineers were retained to prepare drawings for the construction of the approved works. However, on February 27, 1998, a representative of the former Land and Development Services Department met with officials of Ladco Company Limited and was advised that they would not permit the erection by the City of a fence as currently contemplated by the Pinewood Drive residents. This information was relayed to the Pinewood Drive residents who then appeared in delegation before the Standing Policy Committee on Property and Development on April 6, 1998.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

On April 6, 1998, the Standing Policy Committee on Property and Development referred the matter to the Manager of Development and Inspections to consult with (then) Deputy Mayor Eadie and Councillor O'Shaughnessy and to meet with Ladco Company Limited, and report back.

On April 23, 1998, the Manager of Development and Inspections, (then) Deputy Mayor Eadie and Councillor O'Shaughnessy met with officials of Ladco Company Limited and an agreement in principle was reached to allow the construction of the fence as contemplated by the residents of Pinewood Drive. The Legal Services Division prepared draft agreements with respect to the easements required for the fence and land drainage and Ladco Company Limited is prepared to execute those agreements. Included in those agreements is the following clause:

> "At the request of the Owner, the City agrees to review the terms and conditions of the Agreement dated August 27, 1963, between The City of St. James, Birchwood Enterprises Limited and Birchwood Motors Ltd. to determine whether the said agreement should be amended. The City reserves for itself sole discretion as to whether amendments shall or shall not be made to the said agreement."

On September 28, 1998, the Assiniboia Community Committee recommended that the Standing Policy Committee on Property and Development approve the proposed amendments to the 1963 Agreement between Birchwood Motors and the City of Winnipeg, with the condition that the documents relating to the proposed Pinewood Fence be finalized and the fence constructed as soon as possible.

On August 31, 1999, the Standing Policy Committee on Property and Development considered report dated August 17, 1999, from the Director of Property and Development Services, which outlined that the amendments are required as a consequence of recent work carried out on the site as a result of the construction of the Charleswood Bridge, which work necessitated updating three of the original clauses in the 1963 Agreement. The affected lands are outlined on Misc. Plan No. ASBA 9468/9.

Council approval is required to amend the subject Agreement.

The Standing Policy Committee on Property and Development recommends:

I. That in accordance with the provisions of Section 104(1) of The Municipal Board Act, the Council of the City of Winnipeg recommends that Building Restriction Caveat No. 190883 be varied but not discharged as it affects property located at 2554 Portage Avenue, Winnipeg, and legally described as Lots 73 to 77, Block 5, Plan 6564 WLTO excepting out of Lot 73 easterly 15.51 feet perpendicular and excepting out of all said lots, Street Plan 30871 WLTO in RL 12 to 15 Parish of St. James, as applied for by Ladco Company Limited on behalf of 2108500 Manitoba Ltd. to the extent that:

   A. Clause 2(d) be amended by deleting the words "one approach" and replacing them with the words "two approaches".

   B. Clause 2(f) be deleted and replaced with the following new clause (f): "The building to be constructed on the land for Motors shall be constructed at least thirty-six (36) feet from the northerly limit of the area referred to in the preceding paragraph."

   C. Clause 2(i) be amended by deleting the word "not" on the second line and replacing it with the words "may include outdoor lighting".

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

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

Adopted by consent.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

Proposed Amendment to Subdivision and Rezoning - Residential Development on the east side of rue Youville, north of Bertrand Street - Riel Community
File DASZ 11/92

821 - 3. On January 27, 1993, Council amended and adopted Clause 10 of the Report of the former Committee on Planning and Community Services dated January 15, 1993, and approved a development application for subdivision and rezoning on land located on the east side of rue Youville, north of Bertrand Street and on the south side of Bertrand Street between rue Des Meurons and rue Youville, subject to a number of conditions.

The approved plan of subdivision was registered in the Land Titles Office in June of 1999 and the Developer, St. Boniface Development Corporation, has installed the services in Phase 1, i.e. within the new cul-de-sac named place Georges Forest.

Council's approval of January 27, 1993, stipulates that the Developer shall not be permitted to commence construction of municipal services in Phase 2 until:

a) A right-of-way for a permanent secondary means of access to the subdivision has been acquired at no expense to the City, and
b) An engineering study has been prepared addressing the provision of a full range of municipal services for Phase 2 with said study being subject to the approval of the (former) Commissioner of Works and Operations.

A sketch showing the plan of subdivision approved under File DASZ 11/92 and Phases 1 and 2 of development is outlined on Schedule “A”.

Engineering reports have been submitted and approved by the City’s Water and Waste Department and the issue of a vehicle turnaround at the terminus of rue Youville has been addressed to the Administration’s satisfaction. The issue of providing a permanent secondary access however has not been resolved although the Developer is investigating a number of options including a connection northerly to Hamel Avenue (place Cabana lane).

The Administration has been informed by St. Boniface Development Corporation (S.B.D.C.) that the Canada/Manitoba Infrastructure Works Program has approved a cost-sharing agreement whereby S.B.D.C. would be reimbursed for two-thirds (2/3) of the cost of installing services in rue Youville subject to those services being completed prior to December 31, 1999. The S.B.D.C. has therefore requested permission to install the subject services in Phase 2 during the 1999 construction season without the secondary access issue being fully resolved.

The Administration reviewed the S.B.D.C.’s request and finds same to be reasonable in view of the fact that building permits will not be issued on rue Youville, north of place Georges Forest until the land has been further subdivided and/or rezoned. Caveats can be filed against the Phase 2 land with respect to the above restriction to the issuance of building permits.

The Standing Policy Committee on Property and Development recommends:

I. That Council’s instructions of January 27, 1993, be amended by deleting the condition that the St. Boniface Development Corporation not be permitted to commence construction of municipal services in Phase 2 until a right-of-way for a permanent secondary means of access to the subdivision has been acquired at no expense to the City.

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.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

The Executive Policy Committee recommends that the following be included as Recommendation II, namely:

II. That when the secondary means of access is created, that it be at no expense to the City.

and that the former Recommendation II. be renumbered to III.

(See Minute No. 856 for attachment)

Moved by Councillor Steek,
Adoption of the clause.

In amendment,

Moved by Deputy Mayor Thomas,
That the recommendation of the Executive Policy Committee be adopted.

Carried.

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

Proposed Amendment to the Addendum to Development Agreement AG 57/86 - Pursuant to the Approval of DASZ 11/93 - East Kildonan-Transcona Community
Files DASZ 11/93 and DASZ 57/86

822 - 4. On September 22, 1993, Council approved the development application under File DASZ 11/93, subject to the developer entering into an addendum to Development Agreement AG 57/86, being the Kildonan Estates Agreement. DASZ 11/93 approved the establishment of five lots fronting onto Jacques Avenue and five lots fronting onto Grassie Boulevard, east of Skowron Crescent. The five lots on Jacques Avenue were fully serviced and have been developed.

On July 20, 1994, Council approved an amendment to the Addendum to AG 57/86 whereby the Developer would be permitted to satisfy his financial obligations with respect to the five lots on Grassie Boulevard in two stages. The first stage would comprise the two serviced lots and the second stage would comprise the other three lots. The Developer has now requested a further amendment whereby he would be permitted to satisfy his obligations on a lot by lot basis.

The Administration reviewed the Developer's request and advised him that they could support his request subject to payment of an additional administration fee of $60.00 per lot.

On July 13, 1999, the East Kildonan-Transcona Community Committee considered and concurred in the recommendations contained in report dated June 14, 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 recommendations of the East Kildonan-Transcona Community Committee and recommends:

I. That the Addendum to Development Agreement AG 57/86, pursuant to the approval of DASZ 11/93, be further amended to permit the Developer to fulfill his financial obligations with respect to the five lots fronting on Grassie Boulevard on a lot by lot basis subject to the payment of $60.00 for each transaction.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

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

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

Adopted by consent.

Proposed Subdivision and Rezoning - land located on Bard Boulevard between Shaftesbury Boulevard and Holland Boulevard - Assiniboia Community
File DASZ 7/98

823 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from 68888 Manitoba Ltd. (Sam Searle), 1383 Dugald Road, Winnipeg, for approval of a plan of subdivision and related zoning to Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "A.5" Agricultural District to an “RM-L” Multiple Family District and an "RM-3" Multiple Family District to allow for the construction of a multiple-family development.

The following is the present site description:

Site Area Parcel “A”:	4.2 acres with 296 feet of frontage on Shaftesbury Boulevard and about 455 feet of frontage on the north side of the proposed Bard Boulevard extension
Site Area Parcel “B”:	2.9 acres with about 962 feet of frontage on the south side of the proposed Bard Boulevard extension
Existing Land Use and Zoning:	Undeveloped land zoned “A.5”

The following is the surrounding land use and zoning:

North:	Hydro Substation and Tuxedo Park High School, zoned “PR-1” Parks and Recreation District
East:	St. Paul’s High School, zoned “PR-1” Parks and Recreation District
South:	Houses fronting Billingham Place zoned “R1-9” Single-family Residential District
West:	Assiniboine Forest, zoned “PR-2” Parks and Recreation District

The applicant has not submitted plans illustrating the type of development proposed for the two parcels. The applicant believes that the proposed rezoning would make the parcels more marketable to builders. The applicant indicated a general idea as to the nature and scale of development on the land as described below.

Parcel “A”: The proposed “RM-3” zoning permits one (1) rental or condo unit per 1,000 square feet of gross lot area. Based on the 4.2 acre area of Parcel “A”, a maximum of 180 units could be built on the site. The accompanying height limit in “RM-3” zones is 45 feet, the normal equivalent of 5 storeys. The applicant indicated that he chose the “RM-3” zoning category because of the 45 foot height limit rather than the density allowance. That is, the “RM-2” category only allows a maximum height of 35 feet, with a density of one unit per 1,250 square feet of gross lot area (145 total units). The additional height would, according to the applicant, enable better screening of the hydro substation at the northwest corner of Parcel “A”.

Parcel “B”: The proposed “RM-L” zoning anticipates what is commonly referred to a “town houses” constructed either in rows, clusters or “stacked”, or detached bungalow condominium units normally built in clusters. In this case, the applicant envisions single-storey bungalow condos. At 2.9 acres, the site could accommodate 50 multiple units under the “RM-L” zoning based on the 2.9 acres and the ratio of one (1) unit per 2,500 square feet of lot area. However, the construction of bungalow condominiums would reduce the density substantially, to about 20 units according to the applicant. It is noted that bungalow condominiums usually front onto an internal, private street under

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

the control of the Condominium Corporation. It is highly unusual for single-detached condominium units to front onto a public street as is currently being suggested.

The Property and Development Services Department had difficulty recommending approval of this development application. While the proposed land use is considered compatible with existing development in the area, the Department was concerned about the apparent lack of communication with area residents. The following paragraphs deal with the land use issues.

Planning Context: Parcel "A" is bordered by a hydro substation and institutional development on the north and east, and a regional street on the west. This is considered a transitional site between the institutional uses along Grant and the low-density housing to the south. Low-rise apartment units would not be inappropriate in this location depending upon access and landscaping considerations.

In the case of Parcel "B", the one-storey, detached condominium units envisioned are like single-family homes in outward appearance, albeit smaller than the houses backing onto them on Billingham Place. Separation space would not be an issue as the property depth from the proposed Bard Boulevard to the back of the Billingham Place lots is 132.5 feet, compared to a depth of 120 feet for the Billingham Place lots. Development of the Bard Boulevard extension might be more acceptable to area residents if both frontages were developed with detached housing, either single family or condominium bungalows. Such discussions should involve St. Paul's High School, which controls half of the frontage on the north side of Bard Boulevard.

Planning Issues: The issues surrounding this development application extend beyond land use compatibility. In the past, residents of South Tuxedo have made it clear that they desire the balance of the South Tuxedo lands to be developed with an equivalent standard of up-scale housing on "R1-9" lots with 75 foot frontages and lot areas of 9,000 square feet. There is precedent for a departure from this standard in the case of "R1-6" housing (60-foot frontage, 6,000 square foot lot area) on Erinview Place and along the south side of Park Place East bordering the Canadian National Railway main line. The rationale for this departure was based on problems in marketing 75 foot lots in this location and the reluctance of people to build half-million dollar houses bordering a rail line and in close proximity to an intermodal facility.

The southwest corner of Tuxedo has been the focus of several concept-planning exercises in an attempt to integrate the various property holdings into a cohesive plan. The plans envision single-family development with a mix of 60 foot and 75 foot lots. Proposals for "multi-family" housing, mostly detached, bungalow condos, have been floated in the past but most have not gone beyond the discussion stage. A recent "RM-L" application under File DASZ 26/98, for 18 semi-detached condos on 2.8 acres south of Park Place West between Litchfield Place and Bower Boulevard, was defeated in the face of substantial opposition from area residents.

Traffic Concerns: One of the main issues affecting development in the southwest corner of South Tuxedo is traffic. The status of Shaftesbury Boulevard as a regional street with access restrictions calls for development parcels to be accessed via internal, local streets like Bard Boulevard and Park Place West. Residents do not want the increased traffic that would result from higher density development. Such development may be more palatable if accessed directly from Shaftesbury Boulevard or possibly Grant Avenue via Bower Boulevard. The Property and Development Services Department does not know if alternatives for accessing Parcel "A" have been explored.

Public Consultation: It is customary in the case of controversial applications to meet with area residents before the public hearing. This gives the applicant an opportunity to familiarize residents with the proposed development in an informal setting. Such meetings often lead to compromises and design changes or improvements aimed at alleviating residents' concerns. The Property and Development Services Department welcomed an opportunity to participate in discussions concerning the present application and was not prepared to recommend approval or denial of the application unit such discussions had taken place.

A Public Hearing was held before the Assiniboia Community Committee on July 13, 1999. Three (3) persons were heard in support of the application, 121 persons registered in opposition thereto, and four (4) registered for information thereon.

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

1. The strong opposition to the application by area residents.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

2. The proposed development is not compatible with the existing development in the area.

3. There are other residential options that could be considered in order to develop the lands in a more appropriate manner.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, and recommends that the application under File DASZ 7/98 to rezone the subject lands from an “A.5" Agricultural District to an “RM-L” Multiple Family District and an “RM-3" Multiple Family District, not be proceeded with.

Adopted by consent.

Proposed Subdivision and Rezoning - land located at 3584, 3586 and 3590 Portage Avenue - Assiniboia Community
File DASZ 10/99 [c/r DAV 364/99D and DCU 154/99D]

824 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from LM Architectural Group (Terry Danelley), 300 - 290 Vaughan Street, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject land outlined from a "R1-5.5" Single-Family Residential District and a "C4" Commercial District to a "RM-3" Multiple-Family District to permit the establishment of a 59 unit multiple-family dwelling, and to amend Clause 4 of the existing zoning agreement to permit parking within 200 feet of the south limit of Portage Avenue.

The following is the present site description:

Site Area: Existing total site area is 1.031 ha (2.54 acres). Proposed lot 1 is 6554.4 square metres (1.62 acres); proposed lot 2 is 3753.4 square metres (0.927 acres).

Existing Land Use and Zoning: One-storey commercial building (presently vacant) on proposed lot 2, zoned "C2" Commercial District. Temporary gravel parking area on proposed lot 1, zoned "R1-5.5" Residential and "C4" Commercial.

The following is the surrounding land use and zoning:

North: Automobile service station, zoned "C4" Commercial
South: Single-family dwellings, zoned "R1-5.5" Residential
East: Retail commercial development, zoned "C4" Commercial
West: Automobile dealership, zoned "C2" Commercial

The applicants intend to create two (2) lots from one (1) existing lot. The proposed new westerly lot (lot 1) will be rezoned from "R1-5.5" Residential and "C4" Commercial development to "RM-3" Multiple-Family District to permit the construction of a six-storey, 59 unit, life-lease apartment building. The building will provide on-site parking, of which 24 spaces will be located under proposed carports on the site. New development on the proposed easterly lot (lot 2) will consist of additional at-grade parking spaces being created along the east side of the driveway from Portage Avenue, and also to the north of the existing commercial building. Some existing parking on the west side of the existing driveway from Portage Avenue will be removed. A concurrent variance application, File DAV 364/99D is being made to permit a variety of yard reductions, as well as a building height variance and parking variances.

A concurrent conditional use application, File DCU 154/99D is being made to permit construction of an identification/advertising sign for the apartment building at the Portage Avenue frontage.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

The most westerly lot (proposed lot 1), is presently vacant and does not have frontage on a public street. The easterly lot (proposed lot 2) is intended to be developed with additional parking. In order to ensure that proposed lot 1 will be accessible, a subdivision agreement providing for cross-access will be required and should be registered as a caveat against proposed lot 2. In order to permit additional parking development on the east side of the private driveway on proposed lot 2, the existing zoning agreement which prohibits parking within 200 feet of the south limit of Portage Avenue will need to be amended. The Planning and Land Use Division of the Property and Development Services Department recommended approval of the subdivision, subject to the above agreement and agreement amendment being required as a condition of that approval.

The proposed westerly lot (lot 1), upon which it is intended to construct the six-storey 59 unit life-lease apartment building, is bounded on the west and north by commercial uses on commercial zoned lands, and on the east by the private driveway into the site. The lands to the south however contain single-family dwellings on Twain Drive and at the present time the most southerly 50 feet in depth of the subject proposed lot 1 is zoned "R1-5.5" in order to ensure a 50 feet development buffer for these homes on Twain Drive. The 50 feet buffer is also in place along the south side of the existing Veterans Hall, and behind the parking areas on the lots to the east.

The development proposal provides a 15.36 metre (50.39 feet) rear yard between the main rear wall of the apartment and the south property line. Balconies project into this rear 50 foot yard, so that the unobstructed separation between the apartment and the property lines of the Twain Drive residences is 13.96 metres (45.8 feet). This area is to be developed and maintained as a landscaped buffer. In the opinion of the Planning and Land Use Division, the rezoning of the site to "RM-3" Multiple-Family Residential can be supported in light of adjacent uses, and in particular the intent to preserve the 50 feet buffer to residential lot lines on Twain Drive.

The Property and Development Services Department recommends that the applicants be required to enter into a zoning agreement with the City specifying that the most southerly 15.24 metres (50 feet) in depth of the proposed new westerly lot (proposed lot 1) are to be used only for landscaping purposes, excepting balcony projections, and further that all site and building plans for both lots 1 and 2 be subject to approval of the Assiniboia Community Committee prior to issuance of any development permits.

The applicants have indicated that the proposed life-lease apartment is to be constructed and managed by a non-profit association, the “Anavets Non-Profit Housing Society, Inc.”, and consistent with Council Policy dedication is not payable on this rezoning application.

A Public Hearing was held before the Assiniboia Community Committee on July 13, 1999. Eleven persons registered in support of the application, and no persons registered in opposition thereto.

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

1. The project is consistent with the surrounding area.

2. There was no opposition to the application.

On September 2, 1999, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning application under File DASZ 10/99, and approved the following amendment which has been incorporated in the recommendations as set out below:

· Recommendation IX. be deleted in its entirety, and replaced with the following:

IX. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, with the following exception: that the "RM-3" District, applying to proposed Lot 1 (DASZ 10/99) shall to come into force and effect when the Zoning Agreement has been registered by caveat as a first charge in the Winnipeg Land Titles Office against those lands, provided that the said registration date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council, failing which the by-law shall become of no force and effect unless the deadline for registration is extended by a resolution of Council.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

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

I. That the plan of subdivision proposed under File DASZ 10/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 10/99, dated June 23, 1999, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Subdivision Agreement with the City containing the following conditions.

i) That a cross-access agreement, providing for access to proposed lot 1 across proposed lot 2, shall be entered into by the owners of said lots.

ii) That applicants shall execute a joint servicing agreement which shall obligate all present and future owners of the proposed lots to be jointly responsible for the proper use, maintenance, repair and replacement of the water, wastewater and lands drainage services.

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 10/99 dated June 23, 1999, to a "RM-3" Multiple-Family District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site shown as proposed Lot 1 on Schedule “A” to File DASZ 10/99 dated June 23, 1999 to include the following conditions:

A. That no building or structures shall be erected or located on the most southerly 15.24 metres (50 feet) in depth of the land except for balconies accessory to a permitted multiple-family dwelling on the northerly remainder of the land; it being understood and agreed that the owners shall landscape and fence the said southerly 15.24 metres (50 feet) of the lands and maintain said landscaping and fencing in accordance with plans to be submitted to and approved by the Assiniboia Community Committee, and to the satisfaction of the Director of Property and Development Services.

B. No buildings, structures or works, accessory parking areas, private approaches, driveways, fencing, garbage enclosures, exterior lighting, free-standing signs and landscaping shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing location, design, type and colour of all exterior materials are submitted to and approved by the Assiniboia Community Committee and the Director of Property and Development Services, thereafter identified by the signature of that Director under the designation “Schedule “A” to Zoning Agreement DASZ 10/99, and no buildings or structures or works shall be erected or located on the land except in accordance with that Schedule “A” to this agreement.

IV. That the ten percent (10%) cash dedication be waived in this instance as this is for non-profit seniors housing.

V. That Zoning Agreement By-law No. 2330/79 (Caveat 262233) DAZ 228/79 be amended by deleting that part of clause 4 which prohibits parking spaces within 200 feet of the southerly limit of Portage Avenue.

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

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

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

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

IX. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, with the following exception: that the "RM-3" District, applying to proposed Lot 1 (DASZ 10/99) shall to come into force and effect when the Zoning Agreement has been registered by caveat as a first charge in the Winnipeg Land Titles Office against those lands, provided that the said registration date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council, failing which the by-law shall become of no force and effect unless the deadline for registration is extended by a resolution of Council.

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

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

Adopted by consent.

(See Minute No. 857 for attachment)

Proposed Subdivision and Rezoning - land located at 1570 Regent Avenue West - East Kildonan-Transcona Community
File DASZ 11/99 [c/r DCU 176/99D, DAV 449/99D and DAC 5/99]

825 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Pensionfund Realty Limited c/o John Pearson, Shindico Group, 100-1 Evergreen Place, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "M1" Industrial District to a "C4" Commercial District to permit the establishment of five (5) sites for a large scale retail development.

The following is the present site description:

Site Area: 8.719 ha (21.601 acres)

Existing Land Use and Zoning: Community scale shopping centre; "C4" Shopping Centre District and “C2" Commercial District (Lots 8, 9, 10)

Additional Area: 16.076 ha (41.28 acres)

Existing Land Use and Zoning: Vacant land; "M1" Industrial

The following is the surrounding land use and zoning:

North: Commercial Development on north side Regent Avenue zoned "C2", and "CR” (Kildonan Place Shopping Centre)

South: CNR Main Line and "M2" Industrial land

East: Commercial Development zoned "C2A" on Regent Avenue frontage, and Victoria Beach Subdivision line

West: Lagimodiere Boulevard

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

The applicant proposes to consolidate the "M1" lands (to be purchased from the City of Winnipeg) with the site of the existing Crossroads Shopping Centre. The consolidated site will be resubdivided to create five (5) developable lots for commercial development. The City of Winnipeg has retained land for a proposed transit corridor in the southwest (rear) of the site, and which is proposed to connect to Regent Avenue West through a north/south right-of-way (easement) through the shopping centre.

Proposed development on part of the lands to be purchased from the City of Winnipeg, (proposed lots 2, 3 and 4), consists of three big box stores with a total gross floor area of about 365,000 square feet. It is indicated that there will be some additional outside storage, and display associated with these stores. Proposed development on lot 1, the existing Crossroads Shopping Centre site, will include demolition of part of the mall, and reconstruction, along with a number of new free-standing smaller commercial rental units along Lagimodiere Boulevard. There would be new restaurant buildings and a gasoline kiosk on the Regent Avenue West frontage. Total gross floor area of reconstructed and new buildings proposed on lot 1 is approximately 271,245 square feet.

Proposed lot 5 is also part of the land purchased from the City of Winnipeg, however at this time, the applicant does not have a specific development proposal for this lot. Although it is intended that the lot be created as a developable lot under the subject subdivision application, the application has been advertised to give Council discretion as to the future zoning category on the land. Potential development proposals for lot 5, as indicated by the applicant could include additional retail development, or light industrial or office type uses.

The existing Crossroads Shopping Centre site is located within a Neighbourhood Policy Area within Plan Winnipeg. The lands being purchased from the City of Winnipeg are located within an Industrial Policy Area. Although both Neighbourhood Policy and Industrial Policy within Plan Winnipeg permits commercial development, commercial development within Commercial zoned lands is usually directed to Neighbourhood Policy Areas. In this instance, the proposed consolidated site would be located partly in a Neighbourhood Policy Area and partly within an Industrial Policy Area. In order to deal with this inconsistency, the subject application proposes to rezone the industrial "M1" lands to "C4" Commercial to create a consistent commercial zoning designation on the lands. The Planner responsible for Plan Winnipeg has further indicated that in order to deal with the split Plan Winnipeg designation on the site, a redesignation to Neighbourhood Policy Area will probably form a part of the future recommendation to Council in the present review of Plan Winnipeg.

The proposed consolidated site area of the shopping centre will be 63 acres with approximately 636,000 square feet of at grade building floor area. Additional on-site commercial development will include a gas kiosk, outdoor storage and display, future development on lot 5, and a future proposed expansion of 30,000 square feet to one of the new big box stores. Total retail and accessory retail floor area will probably ultimately exceed 700,000 square feet. Although the total proposed development significantly exceeds the nearby Kildonan Place Regional Shopping Centre both in terms of site area and building area (46 acres site area and 457,000 square feet gross floor area), the subject site is not, according to Plan Winnipeg, classified as Regional in scale. It is, therefore, not subject to policy applicable to Regional Shopping Centres in Plan Winnipeg. The Commercial Development study authorized last year by Council is still in preparation by the Consultant, and consequently the subject application is not at present subject to any deliberation or decision by Council on the outcome of that study. The report is due in mid September 1999, with preliminary policy recommendations available at the end of July 1999.

Existing Zonings

The existing Crossroads Shopping Centre site is categorized as a community scale shopping centre. The site is generally bounded on the north, east and west by public streets with some small commercial sites to the east. The approximately 41.2 acres of lands to the south which are presently zoned "M1", and which are intended to be consolidated with the Crossroads site, have mostly been held in the ownership of the City of Winnipeg for future transportation purposes for many years. Plan Winnipeg has, until 1992, designated these "M1" lands for development of a future east/west thoroughfare. Plan Winnipeg in 1992 deleted the east/west thoroughfare proposal but retained the transit corridor alignment on the lands. Therefore, although the lands are designated "M1" Industrial, a zoning category which permits certain commercial uses as of right, the majority of the lands are part of a legally open public right-of-way. This right-of-way is in the process of being legally closed under File DAC 5/99.

Council has, upon receipt of the report of TransPlan 2010, confirmed that not all of the City-owned lands are required for future transportation purposes. Consequently, the major portion of the lands have been declared surplus and offered for sale. The owners of the Crossroads Shopping Centre have agreed to purchase the lands conditionally. The subject subdivision and rezoning application will determine whether Council is prepared to accept the development

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

proposal of the purchaser of the lands.

The subject application to subdivide and rezone the lands indicates, in the public notice, that all the existing Crossroads Shopping Centre lands are zoned, and will continue to be zoned "C4" Commercial District. The public notice is in error to the extent that the most easterly 80.48 metres (264.95 feet), being lots 8, 9 and 10, Plan 5371 WLTO, are presently zoned "C2" Commercial. Since the public notice indicates that the lands will retain their present zoning, the Planning and Land Use Division of the Property and Development Services Department advises that the existing "C2" zoned lands cannot be rezoned to "C4" under the subject application. The Planning and Land Use Division considers however, that the public hearing will not be prejudiced because of the above-noted error. Continuing the existing "C2" zoning on these lots is consistent with the Plan Winnipeg designation and suitable for the proposed development.

Proposed Zonings

The proposed "C4" zoning category is described within Zoning By-law No. 6400/94 is intended to regulate shopping centre sites, other than Regional Shopping Centre sites. The Plan Winnipeg Planner has stated that this is not a Regional Shopping Centre as defined in Plan Winnipeg, and therefore, notwithstanding the scale of development, the proposed "C4" zoning can be supported. The "C4" zoning category establishes development parameters of five times site coverage, maximum, and 25% maximum lot coverage. An associated variance application, File DAV 449/99D has been made which in part requests an increase in maximum lot coverage. This request is caused in part by the fact that the site is proposed to be subdivided into five "C4" lots.

The applicant proposes to rezone all of the optioned City of Winnipeg lands to "C4" Commercial except that proposed lot 5 has been advertised to remain “M1" or to be rezoned "C4" at the discretion of Council. The reason for this is that the applicant does not have a specific development proposal for lot 5 at the present time. If the applicant were to request that the subject lot 5 remain "M1" Industrial, the lands would become inconsistent with the anticipated Neighbourhood Policy designation for the shopping centre as part of the Plan Winnipeg Review. However, future development proposals could include light industrial uses, which could be acceptable under Plan Winnipeg if the lands are rezoned "M1B" Industrial Park District. Similarly, if the future development of lot 5 were to be Commercial, then "C4" zoning is most appropriate. After due consideration, it is the opinion of the Planning and Land Use Division that the subject lands should be rezoned "C4" at the present time. It is more likely that commercial uses will be established on the lands than light industrial uses. If light industrial uses are to be established in the future, it would be the recommendation of the Division that a future rezoning to "M1B" be required. If the lands are to remain "M1" Industrial it is recommended that Council prohibit all uses on the lands except parking, driveways and landscaping accessory to permitted uses on adjacent lots by means of a zoning agreement. The restriction of the uses under the zoning agreement could then be removed upon rezoning to the subsequent final use category, probably either "C4" or "M1B".

Transportation and Vehicular Access

Issues with regard to access, and traffic management on the regional street system are, in the opinion of the Planning and Land Use Division, the most important of all the servicing and development issues related to this application. The Transportation Planning and Traffic Management Division of the Public Works Department has received a traffic study from the applicants consultant with respect to impact of the proposed development, and the measures they consider necessary to ameliorate these impacts on the public street system. The need to review the impact of the proposal on the public street system are generally related to the following facts as indicated by the applicants own plan submitted with the subject application.

- The site area will expand from 21.6 acres to 62.88 acres.
- The square foot area of retail buildings and other accessory retail development will increase from about 242,000 square feet to about 700,000 square feet when fully developed.
- The number of parking stalls on site will increase from approximately 930 stalls to 3,800 stalls.
- All private vehicular access (cars) will continue to access the enlarged site via existing approaches from Regent Avenue West only.

The Land Development Administrator, in his report dated July 7, 1999, outlined that the Administration does not consider that the applicant’s traffic study adequately addresses the potential traffic problems associated with this development proposal. He further advises that, because of the time constraints associated with receipt of the traffic study, the Public Works Department recommendations have not been discussed with the applicant.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

The Public Works Department, Transportation Planning and Traffic Management Division, has advised in recommendations incorporated within the report of the Land Development Administrator dated July 7, 1999, that substantial off-site street works are needed to accommodate the proposed scale of this development. Some of these recommendations will require that developer-owned and other private lands be acquired for public street improvements and additional private access. This includes the recommendation for a widening along the south side of Regent Avenue West, and a private access system from Lagimodiere Boulevard. Because all lots do not front on a public street, cross-access agreements will also be necessary. The establishment of the proposed transit corridor through the site is to be achieved by means of easement agreement between the City of Winnipeg and the developer, as set out in the agreement for sale. The actual location and detail of the corridor is to be subject to approval of the Director of Transit.

Land Servicing

The existing regional infrastructure with respect to sewer, water and land drainage can accommodate the proposed development. The Land Development Administrator has recommended, as outlined in his report dated July 7, 1999, that a joint servicing agreement be required in order to establish use, maintenance, repair and replacement responsibilities of the owners.

Planning and Land Use

The subject City-owned lands, which have been optioned by the applicant, are zoned "M1" Light Industrial and are designated as Industrial in Plan Winnipeg. These two (2) designations are presently consistent with a future development of the lands for light industrial uses. The subject lands are located to the south of the Crossroads Shopping Centre and except for a small frontage onto Rougeau Avenue, have a severe limited access problem. The future development of the east/west thoroughfare behind the Crossroads Shopping Centre would, in the longer term have provided the means of access to facilitate development of these industrial zoned lands. The deletion of the proposed east/west thoroughfare from the long-range plans of the City has resulted in most of the proposed right-of-way becoming available for development. The land to the rear of the Crossroads Shopping Centre now has become generally landlocked, not only in the short term, but now also in the long term. The consequence of this is that without a local street system being constructed on the land, development and access is most logically undertaken in conjunction with the lands to the north (Crossroads Shopping Centre) which have frontage onto Regent Avenue West.

In the absence of any general Council Policy which provides specific direction as to the appropriateness of the establishment of Regional Scale Big Box developments, the Planning and Land Use Division is generally supportive in principle of the establishment of "C4" zoning and subdivision of the lands as proposed by the applicant. The general location of the site will not result in direct conflict with residential areas. However, Rougeau Avenue is a major collector street serving the Mission Gardens area and the impact of additional traffic on Rougeau Avenue could indirectly impact that residential community. The concerns expressed by the Transportation Planning and Traffic Management Division of the Public Works Department however are the most significant of all development related issues. The scale of development proposed on this site is very significant. If relatively low density industrial development previously anticipated on the “M1" lands is to be replaced by high traffic generating big box stores, then impact on the Regional Street System is the paramount issue, and measures to deal with it are necessary.

The Planning and Land Use Division is supportive of the subject application providing that the recommendations of the Transportation Division are adopted in full by Council. Ideally, the magnitude of the traffic related issues and solutions associated with the development call for more consultation and research on cost implications and impacts of this development both on the applicants land development proposal, and on the City of Winnipeg Regional Street System in this area. As an alternative, a staged approach to construction of off-site street and access improvements could be considered in conjunction with staged development permit approvals for the site. However, even for this approach to be considered as an alternative, more time will be needed for proper review. It is regretted that this has not been available.

A Public Hearing was held before the East Kildonan-Transcona Community on July 13, 1999. Nine persons were heard in support of the application, four persons registered their in conditional support, and one person registered in opposition thereto. The Senior Planner from the Property and Development Services Department, as well as the Traffic Assessment Engineer from the Public Works Department, were in attendance for the City.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

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

1. The development will provide a great number of opportunities and a large amount of taxation will be generated, which will benefit the City both from taxes and job opportunities.

2. The application provides an opportunity for the construction of needed alternative roadways and will encourage the use of some roads which are not presently being used which should be.

3. City Council, having confirmed that not all of the City-owned lands are required for future transportation purposes, have declared the land surplus and offered it for sale.

4. The application represents a positive rezoning, with the property being rezoned from "M1" Industrial District to "C4" Commercial District, as retention of the existing Industrial zoning would have a very detrimental effect.

5. The application will result in the retention of some existing retailers such as Walmart as well as new investment from businesses and other restaurants.

6. The application will result in the creation of employment from construction as well as long term employment opportunities.

7. The proposed "C4" zoning can be supported, notwithstanding the scale of development, as the site is not a Regional Shopping Centre as defined in Plan Winnipeg.

8. The deletion of the proposed east-west thoroughfare from the long range plans of the City has resulted in the land to the rear of the existing Crossroads Shopping Centre being landlocked and without a local street system being constructed on the land, development and access is most logically undertaken in conjunction with the lands to the north which have frontage onto Regent Avenue West.

On August 31, 1999, the Standing Policy Committee on Property and Development considered the subdivision and rezoning application under File DASZ 11/99, and approved the following amendment which has been incorporated in the recommendations as set out below:

· Recommendation VIII. be deleted in its entirety, and replaced with the following:

VIII. That the zoning section of the by-law shall come into force and effect when:

i) The Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and

ii) The Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against all those lands, shown as proposed lots 1 to 5 inclusive, Schedule “A” to DASZ 11/99 dated July 7, 1999, provided that the said registration date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council, failing which the by-law shall become of no force and effect unless the deadline for registration is extended by a resolution of Council.

On August 31, 1999, the Standing Policy Committee on Property and Development considered an additional report dated August 19, 1999, from the Director of Public Works, which recommended as follows:

“The Developer shall, pay to the City in cash on demand, a 50% share of the cost of constructing a widening to the Regent Avenue pavement to provide dual east and west bound left turn lanes at the intersections of Regent Avenue, Lagimodiere Boulevard and Stapon Street, and all related works, all as determined by and to the satisfaction of the Director of Public Works.”

The Standing Policy Committee did not concur in the recommendation contained in the report dated August 19, 1999, from the Director of Public Works, with respect to the cost of constructing a widening to the Regent Avenue pavement.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

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

I. That the plan of subdivision proposed under File DASZ 11/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 11/99 dated July 7, 1999, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the plan be amended to provide:

1. A 3.5 metre street widening along the south side of Regent Avenue West and a corner cut in the southeast corner of Regent Avenue West and Lagimodiere Boulevard as determined by and to the satisfaction of the Director of Public Works.

B. The Developer shall enter into a Subdivision Agreement with the City containing the following conditions:

1. To provide for a cross-access easement agreement, to the satisfaction of the Director of Public Works, providing for access over each of the five proposed lots in favour of each of the other proposed lots.

   Vehicle access to each of the five proposed lots is to be available through all private approaches approved or to be approved for the development. The Developer shall ensure that the appropriate agreement is executed and registered against the title of each proposed lot to guarantee that vehicular access to development on each lot is available.

2. The applicants shall execute a joint servicing agreement which shall obligate all present and future owners of the proposed lots to be jointly responsible for the proper use, maintenance, repair and replacement of the water, wastewater and land drainage services.

C. The Developer shall enter into a Servicing Agreement with the City containing the following conditions:

1. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping, is completed, all as determined by and to the satisfaction of the Director of Public Works.

2. The Developer shall be responsible to control and initiate the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean-up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

3. The Developer shall be responsible for all costs associated with providing vehicular access to the proposed development, including, but not necessarily limited to private approaches, median openings, through lanes, auxiliary lanes, traffic control signals and all related works, all as determined by and to the satisfaction of the Ward Councillor, the Standing Policy Committee on Public Works, and the Administration.

4. The Developer shall, at no cost to the City, transfer to the City and legally open as street right-of-way, a 3.5 metre widening to the Regent Avenue West right-of-way along the full length of the subject property abutting Regent Avenue West including a right-of-way corner cut in the southeast corner of the intersection of Regent Avenue West and Lagimodiere Boulevard as determined by and to the satisfaction of the Director of Public Works.

5. The Owner shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of all services included in the Servicing Agreement.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

6. The Owner shall pay $2,500.00 to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

7. The Developer shall pay to the City in cash, on demand, the full cost of the installation of traffic control signals, including but not necessarily limited to pedestrian and vehicular actuation, audible pedestrian signals and interconnection to adjacent traffic control signals, at the intersection of Reenders Drive and Stapon Road when and as determined by the Director of Public Works. This requirement is to be secured by the provision of a Letter of Credit in an amount and form satisfactory to the Administration.

8. The Developer shall, at no expense to the City, extend the existing four-lane divided cross-section of Rougeau Avenue southerly to the proposed access from/to the subject property in portland cement concrete pavement including but not necessarily limited to transition from four-lane divided to two lane undivided cross section, boulevard and median landscaping, street lighting, sidewalks, land drainage sewer and all related works all when and as determined by and to the satisfaction of the East Kildonan-Transcona Community Committee. This requirement is to be secured by the provision of a Letter of Credit in an amount and form satisfactory to the Administration.

9. The Developer shall make application to the Public Works Department for Private Approach modifications to the main private approach, opposite Stapon Road, serving the subject development, said modifications to be designed to accommodate a dual northbound left turn out of the subject property to proceed westerly on Regent Avenue. This dual left turn will require a protected traffic control signal phase for this movement.

10. The Developer shall pay all costs of having a qualified transportation engineering consultant prepare a traffic control signal optimization plan for the traffic control signals at the following intersections:

    Lagimodiere Boulevard and Reenders Drive
    Lagimodiere Boulevard and Regent Avenue West
    Stapon Road and Reenders Drive
    Stapon Road and Regent Avenue West
    Rougeau Avenue and Regent Avenue West.

    The Developer is further advised that additional private approaches to serve development of the subject property will not be permitted from Lagimodiere Boulevard for reasons of traffic operations, capacity and safety.

II. That the Developer be required to pay to the City ten percent (10%) cash dedication in lieu of land dedication based on the increase in value of the land and the creation of additional building sites (payment if any to be in accordance with the Purchase and Sales Agreement).

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

IV. That Zoning By-law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule "A" for File DASZ 11/99 dated July 7, 1999, to a "C4" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject lands (proposed lots 2, 3 and 4) and to contiguous lands owned by the applicant being proposed lots 1 and 5, as outlined on Schedule "A" to File DASZ 11/99 dated July 7, 1999, to include the following conditions:

A. That no building, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed buildings, the type and colour of all exterior materials, the location and design of accessory parking areas, private approaches, loading areas, exterior lighting, driveways, entry gates, fencing, garbage enclosures, free-standing signs, and landscaping are submitted to and approved by the East

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Director of Property and Development Services under the designations as Schedule “A” to Zoning Agreement DASZ 11/99, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule “A” to the Agreement.

B. That the following uses be prohibited on Lot 5, (which is to remain zoned "M1") namely:

- Animal Pound, Animal Training, Kennel
- Appliances, including major appliances: Manufacture
- Arena, Auditorium, Stadium
- Auction Room
- Automobile, including motorcycle: Repair, Service; Installation of Supplies, Parts
- Banquet Hall; Dance Hall
- Beer; Sales
- Beverages: Manufacture: Bottling; excluding a brewery or distillery
- Boat Docking/Launching; Boat Rental; Marina
- Boat: Manufacture
- Bus Station
- Cemetery
- Contractor’s Establishment
- Crematorium
- Depot for Collection of Recycling Materials, provided all recyclable goods are stored entirely in an enclosed container constructed in compliance with a design endorsed by the Director of Property and Development Services
- Farm Implements: Rental; Sale; Service
- Farm Supplies: Sales
- Fish: Packing, Processing
- Fuel: Sales kiosk
- Fuel: Sales, key-lock station
- Funeral Chapel or Parlour; Mortuary
- Glass Products: Manufacture from finished glass
- Hospital, or similar treatment centre
- Hotel, including Motel, limited to guest rooms
- Hotel, including a beverage room or any conditional use
- Landscape/Garden Supplies: Sales, including outside display limited to packaged supplies, plants or trees
- Landscape/Garden Supplies: Sales, Landscape Contractor: production, including greenhouses or nursery, and sale of supplies, plants, trees and landscaping materials
- Leather; Hides; Fur; Bone; Hair Products: Manufacture from finished materials
- Lumber Yard
- Machinery/Heavy Equipment: Rental; Sale; Service
- Machinery/Heavy Equipment: Supplies and Parts: Sales; Installation, Service
- Manufacturing Uses, not listed
- Metal Products: Manufacture from finished metal
- Motors or Machines, Recreational or Utility, including power toboggans, outboard motors, lawn mowers; Rental; Sale; Service
- Motors or Machines, Recreational or Utility, including power toboggans, outboard motors, lawn mowers; Manufacture
- Moving or Storage Establishment
- Outside Display
- Outside Storage
- Paper Products: Manufacture from finished paper
- Parking Structure, accessory
- Parking Structure, non-accessory
- Plastic Products: Manufacture from finished plastic
- Post Office; Carrier Depot
- Poultry Hatchery
- Prefabricated Buildings: Display; Sales

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

- Prefabricated Buildings: Manufacture; Storage
- Radio or Television Station
- Radio or Television Tower, non-accessory
- Recycling: Materials Sorting, Baling or Storage; completed contained in an enclosed building
- Rubber Products: Manufacture from finished rubber
- Sign, Advertising
- Signage: Manufacture; Rental; Sales
- Stone or Monuments: Sales, including incidental finishing
- Studio, Motion Picture
- Terminal for Haulage; Motor Freight Station, excluding an inter-modal terminal
- Terminal for Courier/Delivery/Express Service; Cleaning Service; Key and Lock Service; Security Service; Taxi or similar service
- Textiles Products: Manufacture from finished textiles
- Theatre; Concert Hall
- Tile or other Ceramic Products; Manufacture
- Tire: Retreading, including accessory sales
- Towing Service, excluding vehicle compound
- Truck, Trailer, Recreational Vehicle, Bus: Repair
- Truck, Trailer, Recreational Vehicle, Bus: Rental, Sale
- Truck, Trailer, Recreational Vehicle, Bus: Washing
- Warehousing; Cold Storage; Rental Storage Units
- Welding or Soldering Shop
- Wood Products: Manufacture from finished wood, including a cabinet shop

C. The proposed Private Approach to Rougeau Avenue is to be designed and signed by the Developer to accommodate only the southbound right turn entering the subject property and the eastbound left turn exiting the subject property.

D. Delivery trucks are prohibited from using Rougeau Avenue for access to or egress from the subject property, it being agreed and understood that delivery vehicles may use the proposed Transit corridor/right-of-way over the subject site in accordance with terms and conditions to be determined by the Director of Transit.

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

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

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

VIII. That the zoning section of the by-law shall come into force and effect when:

i) The Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and

ii) The Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against all those lands, shown as proposed lots 1 to 5 inclusive, Schedule “A” to DASZ 11/99 dated July 7, 1999, provided that the said registration date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council, failing which the by-law shall become of no force and effect unless the deadline for registration is extended by a resolution of Council.

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

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

X. That in the event 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. 858 for attachment)

Proposed Amendment to Development Agreement - land located on the north side of Leila Avenue, east of Birtle Street - Seven Oaks School Division No. 10 - Lord Selkirk-West Kildonan Community
File DAZ 293/87

826 - 8. The Standing Policy Committee on Property and Development has been advised that pursuant to Development Agreement AG 338/76, the lane right-of-way at the rear of Block 14, Plan 14408 was opened. The Developer, Leila Farms Ltd., was only obligated to install a crushed limestone roadway within the lane right-of-way; to date Block 14 has not been developed nor has the lane been improved. The subject lane is outlined on the sketch identified as Schedule “A”.

Pursuant to Servicing Agreement AG 293/87, which abuts the subject lane right-of-way, the Seven Oaks School Division No. 10 is required to pay upon demand its share of the cost of constructing a concrete lane pavement (16 feet wide). The Servicing Agreement also contains a clause prohibiting the School Division from taking access off the lane. The City has been holding a letter of credit in the amount of approximately $30,000.00 since 1991 covering the School Division’s obligations.

On July 6, 1999, the Lord Selkirk-West Kildonan Community considered and concurred in the recommendation contained in the report dated June 11, 1999, from the Land Development Engineer, Property and Development Services, as set out below.

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

I. That Development Agreement AG 293/87 be amended to delete the Seven Oaks School Division No. 10's obligation to pay its share of the cost of the concrete pavement to be installed in the lane at the rear of Block 14, Plan 14408, by the City in the future.

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

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

Adopted by consent.

Extension of Time - Proposed Rezoning - land located at The Forks, two sites, one north and one south of Provencher Bridge - The Forks Renewal Corporation - City Centre Community
Files DAZ 226/97B and DAZ 209/98

827 - 9. On April 29, 1998, Council passed By-law No. 7216/98 rezoning certain lands owned by The Forks, to the north and west of the proposed Pioneer Boulevard extension. Clause 2 of that by-law provided that the rezoning would take effect upon registration of a caveat recording the associated Zoning Agreement, which registration was to take place on or before April 29, 1999, failing which the by-law was to expire.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

On July 22, 1998, Council passed By-law No. 7259/98 rezoning certain lands to the south of City-owned lands adjacent to the Provencher Bridge. Clause 2 of that by-law provided that the deadline for registration of the caveat was July 22, 1999. However, Council instructions in that case provide a twelve-month registration period from the date the by-law is adopted by Council, which date would be June 24, 1999. Before those Zoning Agreements were executed, however, The Forks Renewal Corporation made application in each case to amend the Agreement to delete the dedication requirement. On June 23, 1999, Council adopted the Standing Policy Committee and Community Committee recommendation that dedication be waived in each of these two cases.

Because the application to amend the two Zoning Agreements had been recommended for approval by the Administration even before the Agreements themselves were executed, it was decided not to process the Agreements in the normal course, in the expectation that any amendments could then simply be incorporated into those Agreements. The fact that the registration deadline was only one year after adoption of the by-law by Council, rather than the more usual two years, was inadvertently overlooked.

Without the formal resolution extending the deadline for registration of each of these caveats, the wording of the by-laws themselves provides that the by-laws will expire and the rezonings will become of no force and effect.

Since the delay in registration occurred through no fault of the applicant, the Legal Services Division advises that the City is legally obliged to provide The Forks Renewal Corporation with a reasonable period of time within which to register these caveats. A reasonable period in these circumstances would be two years from the date of adoption of the amendment which caused dedication to be waived, that is, until June 23, 2001.

The financial impact of the matter cannot be assessed at this time.

A Council resolution is required to formally provide an extension of time to permit the registration of Zoning Agreement Caveats associated with these rezonings.

The Standing Policy Committee on Property and Development recommends:

I. That the deadline for registering the Zoning Agreement Caveat DAZ 226/97B be extended to June 23, 2001.

II. That the deadline for registering the Zoning Agreement Caveat DAZ 209/98 be extended to June 23, 2001.

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.

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

Adopted by consent.

Proposed Rezoning - land located at 522 Talbot Avenue - East Kildonan-Transcona Community File DAZ 217/99

828 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Jason Lange, 522 Talbot Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an “R2-T” Residential District to a "C1" Commercial District to allow for commercial uses in an existing building.

The following is the present site description:

Site Area: 520 square metres (5,597.8 square feet)

Existing Land Use and Zoning: Single-family residence and one-storey commercial addition zoned “R2-T” Residential

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

The following is the surrounding land use and zoning:

North:	Talbot Avenue and school site zoned "R1-2.5"
South:	Single-family dwelling across rear lane zoned "R1-3.5"
East:	Railway tracks zoned "PR"
West:	Single-family dwelling zoned "R2-T"

The applicant proposes to use the existing commercial structure for limited commercial uses.

In October 1998, the present owner (Jason Lange) applied for and received use variances to establish a retail balloon sales business and a personal computer training business in the building. The applicant has requested the "C1" zoning to permit the continuation of retail uses in the building and in particular the establishment of a hairdresser. The rezoning will eliminate the need for repeated use variances on the site. The Planning and Land Use Division is supportive of the application since the site is probably too small to sustain a multiple-family dwelling and the location makes it very unlikely that a new single-family dwelling or duplex would be built. The location of the land on a busy collector street, and on a corner lot flanking railroad tracks, also adds to its suitability as a local commercial site.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on July 13, 1999. One person appeared in support of the application, and no one registered in opposition thereto.

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

1. In October 1998, the present owner and applicant (Jason Lange) applied for and received use variances to establish a retail balloon sales business and a personal computer training business in the building and has now requested the "C1" zoning to permit the continuation of retail uses in the building and in particular the establishment of a hairdresser.

2. The proposed rezoning will eliminate the need for repeated use variances on the site.

3. The Planning and Land Use Division is supportive of the application since the site is probably too small to sustain a multiple-family dwelling and the location makes it very unlikely that a new single-family dwelling or duplex would be built.

4. The location of the land on a busy collector street, and on a corner lot flanking railroad tracks, also adds to its suitability as a local commercial site.

The Standing Policy Committee on Property and Development concurred in the recommendations of the East Kildonan-Transcona 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 217/99 dated June 22, 1999, to a "C1" Commercial District.

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

III. That in the event 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 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. 859 for attachment)

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

Proposed Rezoning - land located at 777 Portage Avenue; 245 Beverley Street; and 252, 254 and 256 Toronto Street - City Centre Community
File DAZ 218/99 [c/r DAV 374/99D]

829 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from LM Architectural Group (George Martens), 300 - 290 Vaughan Street, Winnipeg, to rezone the subject land outlined from an “R2-T” Two-Family Transitional Residential District to a "C2" Commercial District to allow for the establishment of accessory and non-accessory parking areas.

The following is the present site description:

Existing Land Use: Toronto Street parcel, used for parking; Beverley Street parcel, vacant

The following is the surrounding land use and zoning: “R2-T” Two-Family Transitional Residential District (apartment building bordering on Toronto Street; houses bordering on Beverley Street); "C2" Commercial District along Portage Avenue.

A related application under File DAV 374/99D would permit the immediate establishment of the Toronto Street lot under a use variance with reduced yards. The Property and Development Services Department is recommending approval of the zoning variances.

The property at 777 Portage Avenue is a four-storey, 40,000 square foot office building whose tenants include a branch of the Bank of Nova Scotia. The insurance company Hayhurst Elias Dudek Inc. is purchasing the building. The holding includes the Beverley Street lot which received variance approval for use as a non-accessory parking lot in 1973, and the Toronto Street lots which contained three houses recently demolished by City Order. The small, two-storey brick office building which currently stands on the site at 248 Toronto Street, behind 777 Portage Avenue, is slated for demolition. The parking proposed for 777 Portage Avenue (57 stalls) is in excess of the by-law requirement of 48 stalls.

The Beverley Street lot provides parking for 16 vehicles, is paved, and is accessed from the public lane only. The lot is fenced and landscaped, but both are in neglected condition. The Toronto Street lot will provide parking for 41 vehicles and will be fenced (chain link along the lane), landscaped and lit. Access will occur via existing approaches onto Toronto Street.

Neither lot provides the standard residential front yard, however, the Beverley Street is long established and the Toronto Street lot is adjacent to an apartment building which also does not provide a front yard.

The Property and Development Services Department supports the rezoning and related variance application. Recent precedent for establishing or continuing non-accessory parking areas can be found in successful rezoning applications at Portage Avenue and Arlington Street, Portage Avenue and Aubrey Street, and Portage Avenue and Sherburn Street. In these cases, the applications proceeded with the support of the neighbourhood and/or the lack of opposition from adjacent residents and property owners. The Department is not obliged to support such applications, however, it is important for neighbourhood diversity and stability to balance the needs of the residential and commercial components of inner city neighbourhoods. In this case, the availability of safe and convenient parking is a factor in leasing commercial space along Portage Avenue in the West End. It is noted that the Department has not received any calls regarding this application from area residents or business owners.

The Property and Development Services Department is prepared to look at the strategic, site specific development of non-accessory parking lots in order to accommodate commercial parking requirements on a case-by-case basis. Development parameters include a high quality of design including landscaping, paving, drainage, fencing, lighting, and signage. A high level of parking lot maintenance is also expected which includes cleaning and snow removal.

A Public Hearing was held before the City Centre Community Committee on July 6, 1999. Two persons were heard in support of the application, and no persons registered in opposition thereto. The Senior Planner, Property and Development Services Department was in attendance for the City.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

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

1. The Property and Development Services Department supports the rezoning and related variance application.

2. Recent precedents for establishing or continuing non-accessory parking areas can be found in successful rezoning applications at Portage Avenue and Arlington Street, Portage Avenue and Aubrey Street and Portage Avenue and Sherburn Street where the applications proceeded with the support of the neighbourhood and/or the lack of opposition from adjacent residents and property owners.

3. It is important for neighbourhood diversity and stability to balance the needs of the residential and commercial components of inner city neighbourhoods and in this case the availability of safe and convenient parking is a factor in leasing commercial space along Portage Avenue in the West End.

4. The Property and Department Services Department did not receive any calls regarding this application from area residents or business owners.

5. Development parameters include a high quality of design including landscaping, paving, drainage, fencing, lighting, and signage. A high level of parking lot maintenance is also expected which includes cleaning and snow removal.

On September 2, 1999, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning application under File DAZ 218/99, and approved the following amendment which has been incorporated in the recommendations as set out below:

· Recommendation IV. be amended by adding the following words "provided that the said registration date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council, failing which the by-law shall become of no force and effect unless the deadline for registration is extended by a resolution of Council" after the words "Winnipeg Land Titles Office".

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule “A” for File DAZ 218/99 dated June 25, 1999, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 600(1) of The City of Winnipeg Act to provide for the following:

    1. That the use of the property be limited to accessory and non-accessory parking lots for the building at 777 Portage Avenue.

    2. That prior to the issuance of a development permit final construction plans indicating the design and layout of the parking lot, including pavement, drainage, fencing, landscaping, lighting, furnishings, and signage, be subject to the approval of the Ward Councillor and the Director of Property and Development Services.

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 for open space, park and recreational use based on the increase in the market value of the land.

III. 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 when the Zoning Agreement has been executed.

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

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

V. That the Proper Officers of the City be authorized to execute said Zoning Agreement.

VI. 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.

VII. 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.

Adopted by consent.

(See Minute No. 860 for attachment)

Proposed Zoning Agreement Amendment - land located at 478 River Avenue - City Centre Community
File ZAA 9/99 [c/r DAZ 230/80, DCU 165/99D and DAV 401/99D]

830 - 12. The Standing Policy Committee on Property and Development has been advised that an application has been received from Subway (Paul Karam), 204 - 3657 Roblin Boulevard, Winnipeg, to amend the Zoning Agreement affecting the subject land outlined by deleting Clause 2, which states that a restaurant, tea room, or café shall not be permitted on the land.

The following is the present site description:

Dimensions:	60.13 feet frontage on River by 99 feet in depth
Site Area:	Approximately 5,953 square feet
Existing Land Use and Zoning:	Three (3) storey commercial building, zoned "C1" Commercial District with a floor area of about 9,600 square feet

The proposal is to amend the Zoning Agreement governing the subject lands to permit the establishment of a 1,500 square foot, 34 seat Subway restaurant, and a 420 square foot outdoor patio with seating for about 20. A related conditional use application would permit a restaurant on the site up to a maximum floor area over 1,500 square feet. A related variance application would permit the establishment of a deck to permit a zero foot west side yard instead of 10 feet.

The west side yard is required as the adjoining property is zoned for residential development. The adjoining property contains a two-storey, mixed-use building with Village Chiropractic on the main floor and a private residence on the second floor. The chiropractic clinic was established under a five-year use variance that expires on November 6, 2000, at which time the property will have to be rezoned for commercial use, likely "C1" Commercial District. Interior side yards are not required in "C1" zones.

The subject building contains a variety of tenants including a tanning salon, pharmacy, medical clinic, and business offices. Parking is not provided on site.

It is noted that, as the proposed development represents a change of use rather than new construction, expansion or redevelopment, it is exempt from parking requirements in accordance with Section 1100(2) of Zoning By-law No. 6400/94. In addition, the Property and Development Services Department does not require parking in connection with outdoor patios in view of their temporary, seasonal nature, as long as they do not displace existing parking.

The building was previously an apartment block. It was converted to a commercial building, with retail and office space, under File DAZ 230/80. The rezoning was approved against the recommendation of the Planner. It was the opinion of the Planner in 1980 that the commercial conversion was contrary to the residential character of the area and would introduce additional traffic into the neighbourhood and compound parking problems in view of the lack

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

of on-site parking. The rezoning was approved with a zoning agreement prohibiting restaurants. It is noteworthy that the zoning agreement failed to preclude other higher intensity commercial or office uses. For example, the space proposed for the Subway was previously occupied by a video store that generated substantial pedestrian traffic during its lengthy period of operation.

The Property and Development Services Department is prepared to support an amendment to the Zoning Agreement for the following reasons:

1. As predicted by the then Planner in 1980, the historic character of the area as a single-family, residential neighbourhood has been eroded in recent years, and the area is experiencing a natural transition to diversity in terms of land uses and housing types and density.

2. The adjacent properties are commercial in nature and the subject site overlooks the Safeway property, slated for major redevelopment, and one of the City's busiest intersections.

3. The Department has been encouraged to support restaurant development in the urban villages of Osborne and Corydon as a catalyst for business and tourism and commercial redevelopment.

4. The proposed restaurant will cater to a walk-in crowd and residents of the immediate area and, in the opinion of the Department, will not introduce additional pedestrian or vehicular traffic into the neighbourhood.

A Public Hearing was held before the City Centre Community Committee on July 20, 1999. Five persons were heard in support of the application, and six persons registered in opposition thereto.

The City Centre Community Committee recommended that the proposed zoning agreement amendment not be proceeded with for the following reasons:

1. All information with respect to the proposal was not presented in a transparent manner so that prior knowledge of the deck was available.

2. The concerns of the residents in the area as well as those of the Business Improvement Zone, are valid and must be taken into consideration.

3. There are a number of other issues such as garbage, signage, parking and privacy which have not been addressed.

4. The neighbourhood is very delicate, requiring great care and compromise to meet the needs of both the residents and businesses.

The Standing Policy Committee on Property and Development did not concur in the recommendation of the City Centre Community Committee and recommends:

I. That the Zoning Agreement under File DAZ 230/80 dated July 16, 1980, be amended by replacing Condition 2. with the following:

   "2. That the total restaurant floor area within the existing building be limited to a maximum of 1,500 square feet inclusive of outdoor space, and that the restaurants not be licensed by the M.L.C.C."

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 230/80 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.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

The Executive Policy Committee recommends that the recommendation of the Standing Policy Committee on Property and Development be not concurred in and that the recommendation of the City Centre Community Committee be concurred in, namely, that the proposed zoning agreement amendment be not proceeded with.

Moved by Councillor Steek,

That the recommendation of the Standing Policy Committee on Property and Development be adopted.

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

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

Yea: Councillors Golden, Steek and O'Shaughnessy. 3

Nay: Councillors Angus, Clement, De Smedt, Gerbasi, Lazarenko, Lubosch, Prystanski, Smith, Deputy Mayor Thomas, Timm-Rudolph and Vandal. 11

and the motion for the adoption of the recommendation of the Standing Policy Committee on Property and Development was declared lost, and the recommendation of the City Centre Community Committee was thereby adopted.

Proposed Zoning Agreement Amendment - land located at 1042 Keewatin Street, west side, south of Inkster Boulevard - Lord Selkirk-West Kildonan Community
File ZAA 12/99 [c/r DAZ 207/87, DCU 147/99D and DAV 342/99D]

831 - 13. The Standing Policy Committee on Property and Development has been advised that an application has been received from Joe Nocita, 636 Leila Avenue, Winnipeg, to amend the Zoning Agreement affecting the subject land outlined to allow for a billiard parlour as a principal use in conjunction with a restaurant, subject to Conditional Use approval instead of an accessory use to a restaurant as permitted by the agreement.

The following is the present site description:

Dimensions: 115 feet by 192 feet

Site Area: Approximately 52 acres

Existing Land Use and Zoning: Zoned "C2" Commercial occupied by a restaurant and accessory billiard parlour

The applicant proposed to expand the Billiard Parlour area in order to accommodate sixteen (16) tables instead of the ten (10) originally approved.

The subject property is located on the west side of Keewatin Street just south of Inkster Boulevard. To the north of the site is a Petro Canada Service Station. To the south is a multi-tenant commercial building. On the opposite side of Keewatin Street is the Inkster Industrial Park. Immediately to the rear of the subject property is located Taraska Bay with single family development. The applicant has applied to vary the number of parking spaces required.

The application has previously been granted a conditional use (DCU 189/96C) to permit the establishment of the restaurant and outdoor patio, a cocktail lounge and a billiard parlour. The outdoor patio has not been developed for use at the present time. There was an associated Zoning Agreement Amendment (under Files ZAA 7/96 and ZAA 10/96) which added the uses of billiard parlour and cocktail lounge to the list of permitted uses under the original Zoning Agreement (DAZ 207/87). The additional uses were to be accessory to a restaurant only. The Zoning

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

Agreement Amendment was supported by the residents in the area conditional upon the billiard parlour and cocktail lounge uses being accessory to a restaurant.

The proposed expansion of the billiard parlour is contrary to the intent of the approval received under Zoning Agreement DAZ 207/87. The billiard parlour and cocktail lounge uses will occupy more floor area than the restaurant. Therefore, the Planning and Land Use Division of the Property and Development Services Department recommended that the application be denied.

A Public Hearing was held by the Lord Selkirk-West Kildonan Community Committee on July 14, 1999. Two persons were heard in support of the application, and five persons 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 Variance and Conditional Use approvals are subject to expiry in one year, and if the number of complaints continue, and if conditions of approval, are not performed an occupancy permit will not be issued for the expansion.

On August 31, 1999, the Standing Policy Committee on Property and Development considered the subdivision and rezoning application under File ZAA 12/99, and approved the following amendments which have been incorporated in the recommendation as set out below:

· That Recommendations I, II, III, IV and V be renumbered as I.A to I.E, respectively.

· That Recommendation VI. be deleted in its entirety and replaced with the following Recommendations II, III and IV.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 207/87 (By-law No. 4703/87) dated October 1, 1987, as approved in Recommendation I.

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

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

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

I. That Zoning Agreement DAZ 207/87 (By-Law No. 4703/87) dated October 1, 1987, be amended to permit a billiard parlour as a principal use in conjunction with a restaurant, subject to the following conditions:

A. That the prior approval for an outdoor patio, granted as conditional use DCU 189/96C, be revoked.

B. That a solid fence be constructed at a height of six foot six inches (6 foot 6 inches) from the north property limit to the south property limit, to the satisfaction of the Ward Councillor.

C. That an exterior security camera be installed.

D. That exterior security floodlighting be installed on the western limit of the property, facing easternly, to illuminate the parking lot.

E. That all exterior areas of the subject property are to be paved (asphalt, concrete, interlocking paving stones).

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 207/87 (By-law No. 4703/87) dated October 1, 1987, as approved in Recommendation I.

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

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

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

Adopted by consent.

Proposed Amendment to Subdivision and Rezoning - land located at 1519 Regent Avenue West - East Kildonan-Transcona Community File DASZ 3/99

832 - 14. On April 28, 1999, Council adopted Clause 4 of the Report of the Standing Policy Committee on Property and Development, and approved a proposed plan of subdivision and rezoning to permit the expansion of an existing site - the Canadian Tire store and garden centre adjacent to Kildonan Place Shopping Centre - subject to conditions.

The applicant, Canadian Tire Ltd., proposed to exchange equal-sized pieces of land with Kildonan Place Ltd., in order that Canadian Tire could expand its store and Kildonan Place its parking lot. The parcels to be exchanged were each land-locked (i.e., had no frontage on a street). As a condition of subdivision approval, Council required that each such non-fronting parcel should be consolidated with adjacent land.

Since then, the Winnipeg Land Titles Office has advised the applicant that titles cannot be consolidated unless each title is clear of registered encumbrances. In this instance, that would require the discharge and re-registration of a number of security instruments (mortgages, etc.). Canadian Tire is willing to do this with the parcel it is acquiring, but Kildonan Place has indicated it will not.

The Legal Services Division of the Corporate Services Department felt it would be inadvisable to forward the rezoning by-law to Council for enactment until this outstanding issue could be resolved.

The Administration is of the view that the consolidation requirement is necessary to ensure that no lot can exist which does not have frontage on a street. Planning principles dictate that such lots must become part of (usually) larger, adjoining parcels which do have such frontage.

Without consolidation, difficulties will arise in the event of a forced sale, for example, a mortgage foreclosure. The conforming lot may be transferred to the lender, but the non-fronting lot, which never had that mortgage registered against it, would not. The owner would then be left with a small, non-fronting, non-conforming lot, which it could in turn transfer to yet a third party.

The Administration is aware of at least two other developers who are in the same position as Canadian Tire.

It has been suggested that, in lieu of consolidation, both the non-fronting and the conforming lot could be caveated with an agreement (referred to as a “non-subdivision agreement”) that consolidation take place at some point in the future. This option has been reviewed in depth by the Administration, in consultation with the Winnipeg Land Titles Office, and found to be ineffective from the City’s viewpoint. The Administration does not recommend this option.

A preferable alternative would be a request to the Province of Manitoba for changes to The Real Property Act which would make it easier to effect a consolidation. There have been indications from the Winnipeg Land Titles Office that it would support such changes.

On August 31, 1999, the Standing Policy Committee on Property and Development heard representation from Bruce Parker and Chuck Chappell, Solicitors, Aikins MacAulay and Thorvaldson, on behalf of Canadian Tire Real Estate Limited, in support of the request to rescind a subdivision approval requirement that two lots without frontage on a street be consolidated with adjacent lots.

Report "A" of the Standing Policy Committee on Property and Development dated August 31, 1999 adjourned to September 2, 1999

On August 31, 1999, the Standing Policy Committee also considered, however did not concur in the recommendation contained in report dated August 30, 1999, from the Chief Administrative Officer, that the Council instruction I.C. in the subject subdivision and rezoning, to the effect that the applicant consolidate certain lands, not be rescinded.

The Standing Policy Committee on Property and Development recommends:

I. That the City of Winnipeg request the Province of Manitoba to amend The Real Property Act to make it possible to effect a consolidation of titles when one or both of the titles is encumbered.

II. That the Council direction of April 28, 1999, with respect to the subdivision and rezoning for the property at 1519 Regent Avenue West under File DASZ 3/99, be amended as follows:

A. That Condition I.C. be deleted and the following substituted:

I.C. That the lands to be subdivided and rezoned "C2" outlined on Schedule “B” as proposed Lot 3 shall be consolidated with the lands outlined on Schedule “B” as proposed Lot 4, the adjacent lands to the south on which Canadian Tire is located.

B. That Conditions I.D. and I.E. be added as follows:

I.D. That the Developer be required to enter into a second Subdivision Agreement with the City, to be registered by way of caveat against the lands shown outlined on Schedule “B” as Lots 1 and 2, to provide as follows:

(i) That upon the proposed transfer of Lot 2 into the same ownership as Lot 1, Lots 1 and 2 shall remain in the same ownership save and except in the event of a forced sale of Lot 1;

(ii) That the owner of Lots 1 and 2 shall consolidate the two lots under one title at such time as the within caveat stands first in priority of all registrations against Lot 1, or sooner if feasible, and that until such consolidation is achieved the owner shall not voluntarily register any encumbrance against one lot and not the other;

(iii) That in all matters related to zoning, the two lots shall be treated as one;

(iv) That such other terms and conditions be included as are necessary in the opinion of the City Solicitor/Manager of Legal Services to achieve the objective of having the two lots remain under the same ownership, insofar as is legally possible, until a consolidation can be effected.

I.E. That the Developer shall forthwith apply to the Board of Adjustment for a variance to permit the existence of a lot without frontage on a street.

III. That the City Solicitor/Manager of Legal Services be authorized to add conditions to the Subdivision Agreement in order to satisfy the intent of Council.

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.

(See Minute No. 861 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED SEPTEMBER 2, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated September 2, 1999, was considered clause by clause.

Moved by Councillor Steek,
That the Consent Agenda, Clauses 2,3,4 and 5, be adopted.

Carried.

Request for Proposals for the Preservation of the Princess Block buildings - 146 to 164 Princess Street - Proposal by Red River College to develop a High Technology Downtown Campus File G-3.1.1 (Vol. 1)

833 - 1. On February 10, 1999, the Standing Policy Committee on Property and Development requested the Administration to prepare a Request for Proposals for the following historical buildings on Princess Street, between William and Elgin Avenue, namely:

A. The former Drake Hotel at 146 Princess Street
B. The former House of Comoy at 150 Princess Street
C. The former Hochman Building at 154 Princess Street
D. The former Exchange Building at 160 Princess Street
E. The former Utility Building at 164 Princess Street.

The subject properties located on Princess Street were originally constructed during the late 1800's. The City has obtained ownership of the properties by both purchase and Tax Sale. The buildings are listed on the Buildings Conservation List.

One Proposal was received by the time, date for final receipt of Proposals (12:00 Noon, Wednesday, August 25, 1999) from Red River College. An overview of the Proposal's two options (Schedules A and B), based on select characteristics, is outlined on Schedule C.

A deadline for approval of the Proposal by the City has been set by Red River College by September 30, 1999. Further note that Red River College requires approvals from its Board of Governors and the Province of Manitoba. As such, the Proposal from Red River College represents a conditional offer to the City.

The advantages identified in accepting Red River College's Proposal are that the Proposal:

1. Brings approximately 1,150 people during regular business hours and upwards of 400 people in evening and on Saturdays thereby increasing pedestrian traffic and contributing to security and safety in the area;

2. Creates opportunities/jobs in the private sector for the provision of goods and services such as residential housing/apartments (it is estimated that 150 student rental units will be required), food/beverage services, parking services, specialty stores, etc.;

3. Increased attractiveness and likely value to both commercial and residential properties in the area;

4. Retention of the existing façades utilizes a depreciating historic asset, contributes to the historic status of the area, preserves the heritage character of the buildings, and blends the existing streetscape/sightlines in a manner that would continue to be attractive to the film industry;

5. Improved visual aesthetics from renovations and additional green-space;

6. Supports collaboration and partnering with not-for-profit and community organizations;

Report of the Standing Policy Committee on Property and Development dated September 2, 1999

7. Provides individuals/organizations with a downtown location for delivery of information technology / continuing education, library services, and conference theatre (120 seat);

8. Enhances tourism by providing Winnipeg with a "leading edge" information technology educational facility for tourists and visitors; and,

9. Promotes increased use of transit service.

A disadvantage identified in accepting Red River College's Proposal is that the Proposal identifies requirements of the City for which no funding has been budgeted.

There is no Financial Impact associated with the administrative recommendation that the Proposal received from Red River College in response to RFP No. 277-99 be approved in principle, subject to purchase agreement terms and conditions acceptable to both parties. A Financial Impact will be prepared to accompany the Administration's report documenting the purchase agreement terms and conditions.

As at September 2, 1999, the Property and Development Services Department had began discussions with Red River College and the Province of Manitoba to specify Proposal terms and conditions for the purposes of estimation of Financial Impact to the City.

It should be noted there are factors which could result in a significant Financial Impact to the City. Specifically, the following requirements of the City, which are presently not quantifiable, have been identified:

1. Environmental assessment fees;
2. Potential environmental remediation costs;
3. Potential expropriation costs;
4. Infrastructure development costs;
5. Re-zoning administration; and,
6. Public lane closure(s) administration.

Further note that potential costs associated with environmental remediation will not be quantifiable until completion of the environmental assessment report. Completion of an environmental assessment report prior to the deadline for Proposal approval by the City set by Red River College (September 30, 1999) is unlikely.

It is also anticipated there are financial benefits to the City of accepting the Proposal from Red River College from sources such as incremental tax revenues. However, the total financial benefits are not presently quantifiable.

The Standing Policy Committee on Property and Development recommends:

I. That the following historical buildings on Princess Street, between William and Elgin Avenues, be declared surplus to the City's requirements, namely:

   A. The former Drake Hotel at 146 Princess Street
   B. The former House of Comoy at 150 Princess Street
   C. The former Hochman Building at 154 Princess Street
   D. The former Exchange Building at 160 Princess Street
   E. The former Utility Building at 164 Princess Street.

II. That the Proposal received from Red River College in response to RFP No. 277-99 be approved in principle, subject to purchase agreement terms and conditions acceptable to both parties.

III. That the Administration be requested to prepare a Letter of Intent on behalf of the City to the proponent prior to September 30, 1999.

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

Moved by Councillor Steek,
Adoption of the clause.

Carried.

Report of the Standing Policy Committee on Property and Development dated September 2, 1999

Proposed Lease of the former Coronation Park Library facility at 120 Eugenie Street - Riel Community
File FI-2.2(35) (Vol. 4)

834 - 2. On February 25, 1998, Council adopted the recommendation of its Standing Policy Committee on Property and Development that the City-owned property at 120 Eugenie Street not be declared surplus to the City's requirements. Council authorized the Director of Property and Development Services to prepare a Request for Proposals on the lease of the subject property to a third party, taking into consideration that the eventual use of the subject property is to be compatible with the surrounding park.

On May 17, 1999, the Standing Policy Committee on Property and Development was advised that the Request for Proposals did not result in a successful proponent, and the Property and Development Services Department had since received other expressions of interest in the subject property. The Administration recommended that the Director be instructed to proceed with a second Request for Proposals to lease the subject property, as outlined on Misc. Plan No. 10424/1 and in accordance with the context of the report and the timing schedule identified therein.

The Standing Policy Committee on Property and Development did not concur with the May 17, 1999, recommendation from the Administration and referred the proposed lease of the City-owned property at 120 Eugenie Street to the Property and Development Services Department to list with one of the two Industrial Commercial Investment (ICI) brokers which are contracted by the City, to negotiate a lease with a third party and report back.

On July 8, 1999, the Standing Policy Committee on Property and Development considered a report from the Manager of Real Estate, Property and Development Services Department, which recommended that the Director be given further direction as the Ward Councillor had advised the Administration of his disagreement with the Standing Policy Committee's direction, and as such, requested that the Standing Policy Committee further consider the matter.

The Standing Policy Committee was advised that the Ward Councillor is supportive of leasing the subject property to the Forum Art Institute in conjunction with the Norwood Grove Business Improvement Zone. The Real Estate Division is of the understanding that the proposed users of the property are prepared to pay $1.00 in rent and assume the operating costs associated with use of the building which would include: utilities, security, janitorial, snow removal and realty taxes. To date, the Forum Art Institute has not confirmed that it has the financial capacity to pay for these operating costs and is presently looking for other organizations willing to sub-let space in the building in order to obtain additional revenue, and thus, sustain operation at the subject site.

Furthermore, over the past year a local Realtor, Ed Boldt, verbally advised of two clients (an architectural firm and the Canadian Cancer Society) interested in leasing the subject property at a market rent.

Current Reality:

The former use of the City-owned building as a library was compatible with the adjoining park. The former Parks and Recreation Department had no objection to the continued use of the building provided that its use was complementary with Coronation Park. Accordingly, the former Department was supportive of using the building for alternative purposes provided that it met the following conditions:

1. That the building be offered to an external user under a lease basis only whereby the City can directly control its use;

2. That the use of the building be compatible with Coronation Park;

3. That preference be given to a Lessee of the building which provides a public service; such as a Daycare or Seniors Centre on a full chargeback recovery cost basis; and,

4. That the lease of the building be limited exclusively to that of the existing building, without parking encroaching further into the treed area south of the building.

Report of the Standing Policy Committee on Property and Development dated September 2, 1999

The Forum Art Institute's use of the property would appear to comply with the above criteria with the exception of payment of rent. As the property is zoned "PR1" Parks and Recreation District, the proponent would be required to apply and obtain an Use Variance for a period time to be determined by the Board of Adjustment. The Forum Art Institute suggested it will not require expansion of the parking lot servicing the building and is investigating as to whether the two hour parking restriction currently on Eugenie Street could be lifted.

From a commercial use point of view (i.e. office or retail sales) it would be difficult to meet the criteria imposed by the former Parks and Recreation Department. The expansion of the parking lot would in all likelihood be required. Furthermore, as these types of uses are not permitted under the property's current zoning designation a Use Variance would also be required which may not be easily obtained due to the existence of Coronation Park and the residential nature along Eugenie Street.

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

The Standing Policy Committee on Property and Development recommends:

I. That the lease of the former Coronation Park Library facility at 120 Eugenie Street, as outlined on Misc. Plan No. 10424/1, to the Forum Art Institute be approved, subject to the following:

1. The term of the lease be one (1) year with a view to establishing a longer lease for five (5) years;

2. Payment of operating costs associated with the use of the subject building;

3. Inclusion of a cancellation clause whereby if the art displayed does not meet community standards, that upon the consultation with the Ward Councillor, the lease be cancelled;

and with the agreement to provide such other terms and conditions as are deemed necessary by the Director of Property and Development Services and by the City Solicitor/Manager of Legal Services to achieve the intent of Council and to protect the City's interests.

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

For the information of Council, in the interim, the Standing Policy Committee on Property and Development requested the Administration to accommodate the lease of the subject parks property by way of a Facility Use Agreement with the Forum Art Institute, if possible.

Adopted by consent.

Proposed Sale of City-owned Property - northwest corner of Alexander Avenue and Lily Street - Royal Winnipeg Ballet - City Centre Community
File FI-2.4(32) (Vol. 8)

835 - 3. The Standing Policy Committee on Property and Development has been advised that the Royal Winnipeg Ballet (2940770 Manitoba Ltd.) has made a request to close and purchase a portion of the right-of-way at the northwest corner of Alexander Avenue and Lily Street, as outlined on Misc. Plan No. 10698.

The Royal Winnipeg Ballet (2940770 Manitoba Ltd.) is the owner of the property at 155 Alexander Avenue. The building is used for the manufacture of sets for the Royal Winnipeg Ballet (RWB). The RWB has received a $500,000.00 grant from a U.S. foundation, which will be used for the purpose of putting an addition onto the RWB's existing facility at 155 Alexander Avenue. The RWB's property at 155 Alexander Avenue is irregular shaped and as such, the RWB was forced to consider designing the building expansion to accommodate the shape of the existing property, as outlined on Schedule "A".

Report of the Standing Policy Committee on Property and Development dated September 2, 1999

On August 13, 1999, the Royal Winnipeg Ballet approached the Property and Development Services Department to initiate a request to close a portion of the right-of-way and to acquire the property, outlined as "proposed closing" on Misc. Plan No. 10698, for the sum of one dollar ($1.00). The acquisition of the subject property would then allow the RWB to be able to construct a portion of its building expansion on the subject property without incurring the additional costs of constructing an irregular shaped building.

The Royal Winnipeg Ballet is a non-profit organization who functions primarily through grants and revenue generated through their performances.

The Royal Winnipeg Ballet is aware that the right-of-way closing process is a three to six month process and is willing to wait for the right-of-way to be closed prior to taking title to the property; however, it would like to be able to commence construction as soon as approval for the sale is given in order to satisfy the terms of the grant.

The Public Works Department does not object to the proposed closing. A Winnipeg Hydro street lighting cable and a land drainage system is located within the proposed right-of-way to be closed. Easements will be required for these systems and any costs of relocation if necessary are to be to the account of the Royal Winnipeg Ballet.

Neither the existing sidewalk nor landscaping will be impacted by this closing and sale, as both improvements will continue to be located within public right-of-way.

The Property and Development Services Department has been advised that although the Royal Winnipeg Ballet is a non-profit organization they pay realty taxes on this particular property.

Property and Development Services Department Concerns: Timing / Risk

The Department observes that the requested street closing process will require three to six months to accomplish, but the Royal Winnipeg Ballet requires an approved transaction such that possession can be given to the RWB upon Council's approval of the sale which is anticipated to be in September 1999.

In all other sales involving the legal closure of public right-of-ways the transfer of title and the turnover of possession of the lands would not occur until after Council enacted a by-law to legally close the right-of-way and after the right-of-way closing plan was registered at the Winnipeg Land Titles Office.

The Royal Winnipeg Ballet has advised that it understands the foregoing, and notwithstanding, it wishes to proceed and to take possession of the land at the end of September 1999 to permit it to commence its project.

The Property and Development Services Department observes that if this proposed sale is approved and if Council grants the Royal Winnipeg Ballet possession of the land as is requested then that decision effectively commits the City to subsequently close the right-of-way notwithstanding the results of the closing process which has yet to be initiated.

Sale Price

The Royal Winnipeg Ballet has offered a sale price of One Dollar ($1.00). Not having appraised the property, the Property and Development Services Department is of the opinion that the unencumbered market value rate at this location is no less than $3.00 per square foot. In view of the fact that the property will be encumbered with easements and will be consolidated with the adjacent Certificate(s) of Title, the Department would support a rate of $1.50 per square foot for a sale price of $1,950.00.

In addition, to the sale price the Royal Winnipeg Ballet will be required to finance the closing and plan of subdivision costs estimated to be $3,000.00.

The Property and Development Services Department recommends that should the sale be approved, the sale be subject to the City's standard terms and conditions as applicable to a sale of this type and to include the need for title consolidations, easement retention and the payment of right-of-way closing costs.

The Standing Policy Committee on Property and Development recommends:

I. That the subject property outlined as "proposed closing" on Misc. Plan No. 10698 be declared surplus to the City's requirements.

Report of the Standing Policy Committee on Property and Development dated September 2, 1999

II. That the sale of the subject property outlined as "proposed closing" on Misc. Plan No. 10698 be approved, subject to the City's standard terms and conditions as applicable to a sale of this type and to include the need for title consolidations, easement retention and the payment of right-of-way closing costs.

III. That subject to approval of Recommendation No. II, the Royal Winnipeg Ballet be granted the authority to enter onto the subject lands for construction purposes, subject to provision of proof of insurance and proper indemnification satisfactory to the City Solicitor/Manager of Legal Services.

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.

Proposed Lease of a portion of City-owned Parks Property - Vince Leah Park Site - Lord Selkirk-West Kildonan Community
File FI-2.2(34) (Vol. 2)

836 - 4. The Standing Policy Committee on Property and Development has been advised that in the Summer of 1999, the Seven Oaks School Division No. 10 requested approval from the City to place two portable classrooms on City-owned property situated north of the École Riverbend School site for the 1999-2000 School Year. The Board of Adjustment granted a conditional use order at its meeting on July 30, 1999, for the installation of two portable classrooms at the École Riverbend School site.

A negotiation of terms and conditions for an agreement were undertaken in advance of obtaining the Community Committee, Standing Policy Committee on Property and Development and Council approvals as the Seven Oaks School Division No. 10 required these lands to ensure that the portable classrooms were ready for the beginning of the 1999-2000 School Year. The Standing Policy Committees and Council were prorogued in August 1999, and as such there was not an opportunity to obtain approvals to negotiate.

The Seven Oaks School Division No. 10 proceeded with the installation of the two portable classrooms and is prepared to remove same if all Civic approvals are not obtained.

On August 19, 1999, representatives of the Seven Oaks School Division No. 10 and the Property and Development Services Department (Planning and Land Use and Real Estate Divisions) met to discuss the subject request and to finalize the terms and conditions for a lease agreement.

The École Riverbend School site is located at 123 Red River Boulevard West, as outlined on Misc. Plan No. 10703. This School - Community site is located within the Riverbend Neighbourhood which is bounded by the City limits to the north, Main Street to the east, Chief Peguis Trail Extension to the south, and McPhillips Street to the west.

In response to increasing school enrollments, the Seven Oaks School Division No. 10 obtained Public Schools Finance Board approval to install two portable classrooms. The School Division subsequently approached the City with a plan to install the classrooms upon City-owned parkland (Vince Leah Park) adjacent to the École Riverbend School site, as outlined on Plan No. 3318-1-S-1R.

The Planning and Land Use Division subsequently reviewed the request and determined that it would not adversely affect the use of the subject public reserve for community parks and recreation purposes, and as such it supported the request subject to the following conditions:

1. That the west wall of the second portable classroom be located in a parallel line with the east wall of the École Riverbend School building as outlined on Plan No. 3318-1-S-1R.

2. That the School Division agree to provide a detailed site plan to the Director of Property and Development Services to screen the portable classroom buildings from existing residential views.

Report of the Standing Policy Committee on Property and Development dated September 2, 1999

3. That the School Division agree to replace and install replacement trees for any trees that it removes.

4. That the School Division provide adequate indemnification to the City to cover the potential for foul balls landing in the area under lease. The Planning and Land Use Division expressed a concern regarding the potential of foul balls from the baseball diamond situated west and north of the proposed leased area to hit the structures or students.

Upon determining the basis of an agreement for the use of the lands, the Property and Development Services Department determined the particulars of the property and prepared a set of terms and conditions for an agreement with respect to the use of the lands.

The particulars of the subject City owned property are as follows:

Owner:	City of Winnipeg
Legal:	Public Reserve, Plan 17125
Size:	34 feet by 101 feet
Zoning:	"PR1"
Term:	Five year with 1 five-year renewal
Rent:	$1.00
Realty Taxes:	School Divisions are exempt from paying realty taxes on all school sites under ten acres which are owned by a school division, or, leased by a school division for school purposes as defined by the Public Schools Finance Board.

The complete terms and conditions for the lease agreement are as referenced in Appendix "A".

Being as the subject proposal does not adversely effect the use of the subject public reserve and that a site-landscaping plan will be developed to screen the appearance of the portable classrooms and that the Seven Oaks School Division No. 10 requires the subject lands for the installation of two portable classrooms to address an increase in enrollment, the Property and Development Services Department is supportive of the subject request and of leasing the subject property to the School Division.

There are no financial implications associated with the foregoing to the City.

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

The Standing Policy Committee on Property and Development recommends:

I. That the lease of a portion of City-owned parks property for public school purposes, as outlined on Misc. Plan No. 10703, be approved subject to the finalization of wording for the indemnification clause by the City Solicitor/Manager of Legal Services.

II. That the Director of Property and Development Services be requested to finalize a lease agreement with the Seven Oaks School Division No. 10 in accordance with the terms and conditions as referenced in Appendix “A”.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated September 2, 1999

Proposed Property Acquisition - portion of the Canadian National Railway Airport Spur Track, between King Edward and Century Streets - Assiniboia Community
File FI-2(31) (Vol. 4)

837 - 5. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Property and Development Services Department negotiated a proposed acquisition of property, located south of Sargent Avenue between King Edward and Century Streets; which property was offered for sale to the City by the Canadian National Railway.

In April 1999, an agent representing the Canadian National Railway (CNR) advised the Real Estate Division of the Property and Development Services Department that portions of the CNR's Airport spur line were being offered for sale to the adjacent property owners. The City was initially offered the north half (25 feet) of the subject property adjacent to the rear of the City-owned property located at 1750 Sargent Avenue, for the asking price of $64,625.00 ($2.75 per square foot). Subsequently, the CNR's agent has advised the Real Estate Division that entire width of the subject property (50 feet) is now available for the purchase price of $139,500.00 ($2.75 per square foot).

Through negotiations, the Canadian National Railway has agreed to sell the subject property for $126,800.00 ($2.50 per square foot), subject to the terms and conditions outlined in Schedule "A".

A representative for the Canadian Pacific Railway has most recently advised that the abandoned CPR spur line located adjacent and to the west of 1750 Sargent Avenue, outlined as "subject Canadian Pacific Railway property" on Misc. Plan No. 9453/2, may be available for sale.

Canadian National Railway Property

On January 27, 1999, Council adopted the recommendation of its Standing Policy Committee on Property and Development to declare as surplus the City-owned property located at 1750 Sargent Avenue, outlined as "City property" on Misc. Plan No. 9453/2, and that the property be listed for sale. Presently, 1750 Sargent Avenue has been listed for sale with Chartier and Associates. There have been several inquiries made regarding this property and the listing broker has advised that he is expecting to bring forward an offer to purchase for 1750 Sargent Avenue in the near future.

The City-owned property at 1750 Sargent Avenue does not have any land fronting onto King Edward Street resulting in no direct access to this southbound major thoroughfare. The acquisition of the subject property, for the purpose of consolidation with 1750 Sargent Avenue, would provide the opportunity to develop a point of ingress and/or egress on King Edward Street, thus enhancing the marketability of the consolidated site.

The Real Estate Division of the Property and Development Services Department is of the opinion that the proposed acquisition of the subject property at the price of $126,800.00, in accordance with the negotiated terms and conditions, is in the City's best interest, as it will increase the marketability and sale price of the consolidated site. The price to be paid is in accord with recent sales of similar City-owned spur lines.

Canadian Pacific Railway Property

The subject Canadian Pacific Railway (CPR) property, as outlined on Misc. Plan No. 9453/2, is part of an abandoned CPR-owned spur line.

Although the CPR has not yet offered this property to the City, the Property and Development Services Department anticipates that this property will become available at a price that will be in the range of the price proposed to be paid for the CNR property. The acquisition of the CPR property would improve the plottage, configuration, accessibility and marketability of the City-owned property.

The Property and Development Services Department recommends that it be delegated the authority to initiate negotiations, to approve the negotiated terms of acquisition, and to finalize the acquisition.

Report of the Standing Policy Committee on Property and Development dated September 2, 1999

King Edward Street Property

Parts of both of the CPR and CNR owned spur lines intersect King Edward Street. As the use of these railway tracks has been discontinued it would be appropriate for the City to acquire those portions of the spur lines that lie within King Edward Street. The Public Works Department supports the acquisition and is prepared to finance any costs incurred against the Land Acquisition for Future Transportation Purposes Account.

The Property and Development Services Department recommends that it be given the delegated authority to initiate the negotiations for the proposed acquisition of those parts of the CNR and CPR spur lines that intersect with King Edward Street at the location, as outlined on Misc. Plan No. 9453/2; approve the negotiated terms and conditions of purchase; and finalize the acquisition.

Prior to embarking on negotiations, the Department would examine the respective rights of ownership as they pertain to the City, CNR and CPR at this location.

The acquisition of these properties must be subject to the Director of Property and Development Services satisfying himself as to the acceptability of the subject properties from an environmental perspective. The CNR has advised that it has conducted an environmental site assessment and will supply a copy to the Department upon execution of a Sales and Purchase Agreement.

Funding for the proposed acquisition of the portion of the CNR Airport and CPR spur lines would be made available from the Land Operating Reserve Account. These costs related to the proposed acquisitions would be recovered by the sale of the larger parcel.

Funding for the acquisition of the CNR and CPR spur lines at the intersection of King Edward Street will be made available from the Land Acquisition for Future Transportation Purposes Account.

The acquisition of any property not forming a part of an approved Capital project requires Council's consideration.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the lands outlined as "subject property" on Misc. Plan No. 9453/2, be approved at the negotiated price of $126,800.00, in accordance with terms and conditions identified in Schedule "A", subject to the Director of Property and Development Services satisfying himself as to the acceptability of the subject property from an environmental perspective.

II. That the Director of Property and Development Services be delegated the authority to:

a) Initiate negotiations for the proposed acquisition of the lands outlined as "Canadian Pacific Railways Property" on Misc. Plan No. 9453/2;

b) Approve the negotiated terms and conditions of acquisition; and,

c) Finalize the acquisition subject to the Director of Property and Development Services satisfying himself as to the acceptability of the subject property from an environmental perspective.

III. That the Director of Property and Development Services be delegated the authority to:

a) Initiate negotiations for the proposed acquisition of those parts of the CNR and CPR spur lines that intersect King Edward Street at the location outlined on Misc. Plan No. 9453/2;

b) Approve the terms and conditions of acquisition; and

c) Finalize the acquisition.

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.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

838 - On motion of Councillor Steek, By-law No. 7489/99, a by-law of The City of Winnipeg to provide for the execution of minor amendments to zoning agreements relating to tolerances, was read a second time. File EP-1 (Vol. 19)

In amendment,

Moved by Councillor Steek,
Seconded by Councillor Angus,

THAT By-law No. 7489/99, being a by-law to provide for the execution of minor amendments to zoning agreements relating to tolerances, be amended as follows:

- Clause 1 Delete the words “which establishes” and substitute the words “in order to establish” at the end of sentence;

- Clause 1.(a) Delete the word “by-law” and substitute the word “agreement” in the second sentence;

- Clause 1.(b) Delete the words “zoning by-law” in the first line, and add the words “contained in the zoning agreement” after the word “requirement”.

Carried.

Councillor Steek moved that this constitute the second reading of By-law No. 7489/99, as amended, which motion was carried.

On motion of Councillor Steek, By-law No. 7489/99, as amended, was read a third time, and was passed and ordered to be signed and sealed.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

839 - On motion of Councillor Steek, 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. 7495/99, 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 522 Talbot Avenue in the East Kildonan - Transcona Community. File DAZ 219/99

By-law No. 7496/99, 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 east side of Beverley Street and the west side of Toronto Street north of Portage Avenue in the City Centre Community. File DAZ 218/99

By-law No. 7497/99, 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 west side of St. Mary’s Road south of Moore Avenue in the Riel Community.
File DASZ 11/98

By-law No. 7498/99, 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 at 1519 Regent Avenue in the East Kildonan - Transcona Community. File DASZ 3/99

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

By-law No. 7499/99, a by-law of The City of Winnipeg to widen the northeast corner of the intersection of the second north/south public lane east of Tache Avenue with the first east/west public lane south of Provencher Boulevard. File DAO 4/98

By-law No. 7500/99, a by-law of The City of Winnipeg to establish standards, criteria and requirements regarding the development of land in The City of Winnipeg.
File DASSF (Gen) (Vol. 1)

By-law No. 7501/99, 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 at 1570 Regent Avenue West in the East Kildonan - Transcona Community.
File DASZ 11/99