REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 15, 1999

On motion of Councillor Steek, Clause 1, of the Report of the Standing Policy Committee on Property and Development, dated June 15, 1999, was considered.

Proposed Leave and License Agreement for the Use of the Mill Street right-of-way - Riverside Park Management Ltd. - City Centre Community File FI-2.2(32) (Vol. 6)

729 - ***Note: Clause 1 has been laid over and referred to the Chief Financial Officer for report back to Executive Policy Committee on September 15, 1999.***

Referred to the Chief Financial Officer for report back to the Executive Policy Committee on September 15, 1999

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 29, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated June 29, 1999, was considered clause by clause.

Moved by Councillor Steek,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,14 and 15, be adopted.

Carried.

Proposed Plan of Subdivision of land located on the southwest corner of McGillivray Boulevard and Kenaston Boulevard
File DASZ 2/89 [c/r DASSF 522/99]

730 - 1. The Standing Policy Committee on Property and Development has been advised that an application has been received from 2374323 Manitoba Inc. (c/o Eric Vogan, Qualico Developments, 20 Speers Road, Winnipeg) for the subdivision of ten (10) acres of "C2" land, as outlined on Map 1. The subdivision would create proposed Lot 1, as outlined on Map 2, as a 2.64 acres site for commercial development (Petro Canada car wash, gas bar and convenience store).

The lands are subject to a Zoning Agreement under File DASZ 2/89, which contains the following clause:

"10. No further subdivision of the "C2" lands shall be approved without first obtaining the recommendation of the Assiniboine Park-Fort Garry Community Committee upon referral of the subdivision application to that Committee."

On June 29, 1999, the Standing Policy Committee on Property and Development concurred in the June 15, 1999, recommendation of the Assiniboia Community Committee, that the applicant be required to enter into a Subdivision Agreement to provide for the following:

1. That the owner be required to enter into a Subdivision Agreement with the City containing therein the following conditions to be imposed on proposed Lot 1 and Lot 36, Block 1, Plan 28797 exc. out proposed Lot 1, Plan (Deposit 388/99).

   A. That the owner of proposed Lot 1 enter into a cross access agreement with the owner of Lot 36, Block 1, Plan 28797 exc. Lot 1, Plan (Deposit 388/99).

   B. That the applicant 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 existing wastewater and land drainage services.

2. That the Proper Officers of the City be authorized to execute the Subdivision Agreement.

3. That the Director of Property and Development Services be authorized to sign and release the survey mylars for File DASSF 522/99 upon the execution of the Subdivision Agreement but that authority shall expire two (2) years after the date of approval unless extended by further resolution of the Standing Policy Committee on Property and Development.

4. This approval shall come into force and effect upon the subdivision mylars being registered in the Winnipeg Land Titles Office in series with the Subdivision Agreement.

The Standing Policy Committee on Property and Development was also advised that the Zoning Agreement under File DASZ 2/89 included the following clause:

"4. Development on the "C2" lands shall be limited to a maximum floor area ratio of 0.32 or a total of 140,000 square feet of gross leasable commercial space, whichever is the lesser."

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On June 15, 1999, the Assiniboia Community Committee considered and concurred in the recommendation to amend Clause 4 as contained in the communication dated June 4, 1999, from the Senior Planner, Property and Development Services Department and as set out below.

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

I. That the Zoning Agreement under File DASZ 2/89 be amended by replacing the wording in Clause 4 with the following:

"4. Development on the "C2" lands shall be limited to a maximum floor area ratio (F.A.R.) of 0.32 for gross leasable floor area (G.L.A.)"

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

Adopted by consent.

(See Minute No. 775 for attachment)

Proposed Subdivision and Rezoning - land located north of Lindenwood Drive East, east of Lindenwood Drive West - Assiniboia Community File DASZ 4/99

731 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been received from Genstar Development Company (Greg Jasper), 117 Victor Lewis Drive, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands outlined from an "A" Agricultural District to an "R1-5" Single-family Residential District and a "PR1" Parks and Recreation District to allow for the construction of single-family dwellings.

The following is the present site description:

Site Area: 44.45 Acres

Existing Land Use and Zoning: "A" Agricultural District, vacant

The following is the surrounding land use and zoning:

North: "A" Agricultural District, future stormwater retention lake and single-family housing

South: "R1-6" Single-family housing along the north side of Lindenwood Drive East; "PR1" Parks and Recreation District (Linden Meadows Public School)

East: "PR1" Parks and Recreation District (Muys Park)

West: "A" Agricultural District, future residential and commercial development.

The proposal is to subdivide about 45 acres of land into 131 single-family lots that meet or, in most cases, exceed the "R1-5" bulk regulations for lot width and area. Land within the development area will also be provided for a stormwater retention basin (6.11 acres) and impoundment (1.9 acres) and park space (6.11 acres). The development bounds the Linden Meadows School on the school sites north and west property limits. Access to the development area will occur via local streets running off of Lindenwood Drive West and Lindenwood Drive East (northerly extension of Wethersfield Drive).

The proposed development represents Phase 10 of the Linden Woods residential subdivision. The subdivision accords with the overall development concept for the neighbourhood and is a logical extension of existing development in the area. The Property and Development Services Department received correspondence from the Linden Meadows School

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Parent Council (Richard Csabak, President) requesting that, prior to the installation of streets and construction of houses, a fence be constructed around the school grounds by either the developer or the Assiniboine South School Division No. 3.

A Public Hearing was held by the Assiniboia Community Committee on May 18, 1999. Two persons appeared in support of the application, fourteen persons registered in opposition thereto, and the Land Sales Preparation Consultant, Property and Development Services Department was in attendance for information thereon.

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

1. The application is consistent with what has been previously approved in the surrounding area, and will ensure that the community will be completed in the manner the residents believed it was to be completed.

2. The proposal allows the next phases of subdivision to proceed as it provides for the final paving of Lindenwood Drive, completion of the lakes and drainage, and provides most of the infrastructure around the lakes.

3. Genstar Development Corporation is and will continue to be a good corporate citizen in this community.

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

I. That the plan of subdivision proposed under File DASZ 4/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/99 dated May 11, 1999, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 29, 1999, after incorporating the following amendments:.

      1. That Condition No. 2. a) be deleted and replaced to read as follows:

         "2. a) That the Developer shall, prior to the release of the subdivision mylars approved under DASZ 4/99, enter into an agreement with the City outlining the cost-sharing arrangements for the stormwater retention basin to be constructed by the City on the Developer's land, which will serve both the Developer's land and the adjacent City-owned lands, as determined by and to the satisfaction of the Director of the Property and Development Services Department and the Director of the Water and Waste Department."

      2. That Condition No. 5. b) be amended to read as follows:

         5. b) The Developer shall, at no expense to the City, construct portland concrete pavements, to widths of 10.0m and 8.0m and a thickness of 200mm, and all related works, including but not necessarily limited to boulevard landscaping, land drainage sewer and ornamental street lighting, in Lindenwood Drive West from its present terminus at Lindenwood Drive East to its present terminus at Deer Run Drive as determined by and to the satisfaction of the Director of Public Works. The Developer shall pay its' share of the cost of land drainage sewers installed by the City of Winnipeg in Lindenwood Drive West as determined by the Director of Water and Waste".

II. That the third lake be joined with the existing lake by a bridge, and that the balance of the lighting be installed, consistent with the lakes and park area in the north end of the subdivision.

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 4/99 dated May 11, 1999, to an "R1-5" Single-Family Residential District and an "PR1" Parks and Recreation District.

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

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

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

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

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

X. That 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. 776 for attachments)

Proposed Subdivision and Rezoning - land located on the southwest corner of Dawson Road South and Royal Mint Drive - Riel Community
File DASZ 5/99 [c/r DAC 6/99]

732 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from Royal Mint Properties Inc. (John Zaikow), 351 Johnson Avenue West, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands outlined from an "A-5" Agricultural District to an "RM-L" Multiple-Family District and an "R1-4" to permit the establishment of new residential development areas.

The following is the present site description:

Existing Land Use and Zoning: The land is currently vacant and zoned "A-5" Agricultural

The following is the surrounding land use and zoning:

North: To the north is an array of "C3-2" Highway Commercial, "A-5" Agricultural and "M1" Industrial land
South: Immediately to the south are several low-density "RM-L" low-density condominium sites
East: To the east is a "PR-1" open space are and developed "R-15" housing
West: To the west is Lagimodiere Boulevard

The proposal for development of the subject land is to be done in two (2) phases. The first phase relates to the most southerly parcel which will be developed as a 15 unit condominium project. The second phase will involve the larger most northerly parcel which is to be developed into a 61 lot single-family subdivision.

The subject property lies at the northwest corner of Southland Park residential area. It is currently zoned "A-5" Agricultural and is completely vacant. Most of the adjoining lands in the subdivision are zoned and developed for "R1-5" Single-Family development but there are pockets of lot-density multiple-family - most notably along Royal Mint Drive immediately south of the subject property. The applicants propose to convert the subject vacant land into two (2) parcels to be developed in to stages. The first stage is to develop the multiple-family condominium project for 15 free-standing residential units. The second will see the establishment of the 61 lot "R1-4" Single-Family subdivision adjacent to the

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north. Simultaneous to the first stage of development, Royal Mint Drive is to be extended and connected with Blue Mountain Road. And eventually a further extension from Royal Mint Drive will tie in with Fermor Avenue, providing a much needed major secondary access to the area.

The Planning and Land Use Division of the Property and Development Services Department regards the proposed zoning change and residential development to be appropriate at the subject location and entirely consistent with past development proposals in Southland Park.

Public Hearings were held before the Riel Community Committee on May 11, June 8 and June 15, 1999. Three persons appeared in support of the application, and no persons registered in opposition thereto.

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

1. The proposed zoning change and residential development is deemed to be appropriate at the subject location and entirely consistent with past development proposals in Southland Park.

2. The Southland Park Residents' Association is supportive of the application.

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

I. That the plan of subdivision proposed under File DASZ 5/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/99 dated May 3, 1999, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an Addendum to Development Agreement AG 25/80 with the City containing all the conditions outlined in the Report of the Administrative Coordinating Group dated April 22, 1999.

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 5/99 dated May 3, 1999, to an "RM-L" Multiple-Family District and an "R1-4" Single-Family District.

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

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

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

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

VIII. 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.

IX. That 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. 777 for attachments)

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Proposed Subdivision and Rezoning - land located on the northeast corner of Main Street and Henry Avenue - Lord Selkirk-West Kildonan Community
File DASZ 6/99

733 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from the City of Winnipeg Property and Development Services Department for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands outlined from an "M1" Industrial District to a "C2" Commercial District to permit the establishment of future commercial development (specifically the proposed Neeginan Project).

The following is the present site description:

Site Area: Approximately 4,500 square metres

Existing Land Use and Zoning: "M1" Industrial

The following is the surrounding land use and zoning:

North: Land to the north is zoned "M1"- vacant; site of the proposed Neeginan Park
South: A combination of "M1" Industrial and "C2" Commercial uses
East: All zoned "M1" Industrial. An array of commercial/industrial businesses
West: Largely commercial/institutional uses - zoned "C2" Commercial

The intent of this application is to facilitate development of a cultural centre facility, specifically an Aboriginal Round House, Medicine Wheelplaza and park.

The concept of Neeginan, Cree for "Our Place", was originally developed in 1975 in a feasibility study that called for the creation of a native people's community or village in Central Winnipeg. The Plan contemplated the establishment of a community services central facility with a unique Aboriginal design.

The redevelopment strategy of the North Main Task Force as described in its report - Our Place - identified the development of Neeginan in general, and the Round House and Medicine Wheel specifically, as opportunities that should be actively pursued as means of revitalizing North Main Street and establishing a recognizable Aboriginal presence in the area.

The Round House and Medicine Wheel, and design of Neeginan Park at the northeast corner of Higgins Avenue and Main Street are the first projects of the new Neeginan Development Corporation and the first phase of the Neeginan development. The lead project, the Round House and Medicine Wheel form the basis of the subject rezoning application and are to be located at the southeast corner of Higgins Avenue and Main Street. The Circle of Life Thunderbird House (Roundhouse) will act as the primary gateway into the Neeginan development and will be highly visible from Main Street with an architectural design that makes a bold statement.

The Round House is a circular building with entrances to the four cardinal directions. A large circular ceremonial space occupies the main central area of the interior and provides a ceremonial fire at its centre. The ceremonial area is surrounded by a ring of enclosed rooms housing offices, meeting rooms, a kitchen serving area, washrooms and support activities. The main central area will be capable of accommodating up to 450 people. The space could host pow-wows, dances and other events.

The Medicine Wheel is a large landscaped plaza surrounding the Round House. It will incorporate the principles of the Medicine Wheel and encourage public use during casual visits as well as major ceremonial events.

The subdivision and rezoning are required to accommodate future developments (i.e., future phases of Neeginan – youth complex, commercial complex, art gallery, Aboriginal Hall of Justice, etc.) which is consistent with the "C2" district. This will also facilitate the transfer of the Roundhouse and adjacent lands to the Neeginan Development Corporation upon completion of the project, as previously approved by Council.

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A Public Hearing was held by the Lord Selkirk-West Kildonan Community Committee on May 11, 1999. The Manager of Planning and Land Use of the Property and Development Services Department appeared in support of the application, and no persons registered in opposition thereto.

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

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

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

I. That the plan of subdivision proposed under File DASZ 6/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/99 dated May 3, 1999, for registration in the Winnipeg Land Titles Office.

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 6/99 dated May 3, 1999, to a "C2" Commercial District.

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

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.

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

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

X. That 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. 778 for attachment)

Proposed Rezoning - land located at 1485 Inkster Boulevard, Northwest corner at Sheppard Street - Lord Selkirk-West Kildonan Community
File DAZ 216/99 [c/r DAV 284/99D]

734 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Sanjiv Kaushal o/a 3877451 Manitoba Inc., 89 Madrill Close, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from an "MP-2" Industrial District to an "M1-B" Industrial District to allow for limited commercial / industrial development.

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The following is the present site description:

Site Area: Approximately 1.25 acres

Existing Land Use and Zoning: Vacant industrial warehouse building; zoned “MP-2” Industrial District

The following is the surrounding land use and zoning:

North: Across railway spur line, industrial property; zoned “MP-2” Industrial
South: Across Inkster Boulevard, commercial uses; zoned “MP-2” Industrial
East: Across Sheppard Street, industrial property, zoned “MP-2” Industrial
West: Across railway spur line, industrial property, zoned “MP-2” Industrial

The applicant proposes to establish a commercial operation consisting of fuel sales, small grocery/confectionery, restaurant, and automobile washing uses along with accessory parking. A new building is to be constructed.

Inkster Industrial Park is a carefully planned area characterized by a high standard of strictly controlled industrial uses. The park was established by the City of Winnipeg with the objective of stimulating industrial development, which was reflected in the initial selling price of the industrial park lands. The high standards have, for the most part, been maintained. In response to a request from the Lord Selkirk-West Kildonan Community Committee (Fall of 1991), the then Planning Department prepared an inventory and analysis of Inkster Industrial Park uses and standards. Then as now, the majority of uses in the park are manufacturing and warehousing. Within the past ten years, a number of commercial uses have established along Inkster Boulevard. As part of the analysis, Community Committee requested the Planning Department consider the appropriateness of accommodating certain types of commercial uses along Inkster Boulevard given this thoroughfares function as a major feeder route connecting Brookside Boulevard and McPhillips Street.

As a result of consultation with civic departmental representatives, the Planning Department recommended that “certain types of food outlets, particularly take-out / sit-down food operations (i.e. doughnut shops, restaurants, etc.) in conjunction with retail gas sales (if requested) are acceptable and, where necessary, amendments to the by-law will be made to accommodate such uses.” Further, the department noted that such uses “both cater to the surrounding business community and to through-traffic, but would not, in fact, draw people to the above-noted services from well beyond the neighbouring area. Therefore, the intent and purpose of the Industrial Park concept will not be comprised.”

Although a number of commercial uses have established in the interim, due to changes to the City of Winnipeg Act and the adoption of the City's Uniform Zoning By-law (No. 6400/94), uses not permitted (or conditional) in the “MP-2” Industrial Park category can only be accommodated by way of 5-year temporary use variance. In order to maintain uses such as restaurants, fuel sales, and grocery/confectionery, a rezoning of the property is required. In order to sustain the integrity of Inkster Industrial Park and protect the investments of existing businesses within the park, Planning and Land Use Division recommended the applicant rezone the subject site (north west corner of Inkster and Sheppard) to “M1-B” Industrial District. The “M1-B category is intended to provide for industrial development and limited commercial development, subject to a higher level of development and performance standards. Performance standards (noise, vibration, emissions) are identical in”MP-2” and “M1-B” zoning categories. Development standards (exterior storage, signage, building design, landscaping, fencing, parking, loading) are also identical, with all development subject to Building Design Board review. It should be noted, future commercial development of all properties abutting Inkster Boulevard within the Inkster Industrial Area will be required to be rezoned to “M1-B” and also be subject to design review by the Building Design Board.

Consistent with the Inkster Industrial Park Review of Existing Policies (March 1992), the Planning and Land Use Division recommends the property be rezoned to “M1-B” with uses restricted to all “MP-2” uses, plus fuel sales, grocery/confectionery, automobile washing, restaurant, and drive-through restaurant (conditional use). The applicant has also made application to establish his operation on a temporary basis (so as to proceed with development prior to the rezoning by-law being approved at Council) and with variation in yard requirements (DAV 284/99D).

A Public Hearing was held by the Lord Selkirk-West Kildonan Community Committee on June 8, 1999. Seven persons appeared in support of the application, and no persons registered in opposition thereto.

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

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

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 216/99 dated May 27, 1999, to an "M1-B" Industrial District, subject to the following:

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

1. That only the following uses shall be permitted on the land:
   a) all "MP-2" uses;
   b) automobile washing;
   c) fuel sales;
   d) grocery/confectionery;
   e) restaurant;
   f) restaurant, drive-through (conditional use).

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 779 for attachment)

Proposed Rezoning - land located at 1046 Templeton Avenue, south side, south of McPhillips Street - Lord Selkirk-West Kildonan Community File DAZ 222/98

735 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Longboat Capital Group (c/o Scott Stephanson), 21 Murray Park Road, Winnipeg, to amend Zoning By-law No. 6400/94 be rezoning the subject land outlined from an "R1-20" Residential District to a "C2" Commercial District to allow for the expansion of an existing automobile sales dealership.

The following is the present site description:

Site Area: Approximately 40,000 square feet

Existing Land Use and Zoning: Single-family dwelling and automobile storage compound; zoned "R1-20" Residential District

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The following is the surrounding land use and zoning:

North:	Across Templeton Avenue, school division bus depot; zoned "M2" Industrial District
South:	Commercial properties; zoned "C2" Commercial District
East:	Automobile dealership; zoned "C2" Commercial District
West:	Single-family dwelling; zoned "R1-20" Residential District

The applicant proposes to extend the automobile storage compound previously established, to the west of the McPhillips Lincoln Mercury automobile dealership (2420 McPhillips Street). The applicant has purchased the 1046 Templeton Avenue property and intends to proceed with demolition provided the rezoning application is approved. Plans indicate asphalt paving, with a parking fence being installed along the Templeton Avenue frontage. The plans also indicate the existing residential private approach will be maintained for access to the proposed automobile storage area.

The proposed use is appropriate at this location. This application extends the automobile storage compound previously established another 100 feet west along Templeton Avenue. Area context includes commercial development to the east and south, as well as a school bus depot to the north. The previous rezoning application (DAZ 284/87) and variance application (DAV 1007/87) were approved by Lord Selkirk-West Kildonan Community Committee, subject to a number of conditions. Conditions relating to servicing and development charges were largely met, but the Zoning Agreement was not registered and as a result the rezoning was never completed and DAZ 284/87 is not in force and effect. As a result, this property and the 1046 Templeton Avenue property are included in the subject application (DAZ 222/98).

Extension of storage area development west onto the 1046 Templeton Avenue property consistent with that existing to the east is appropriate. A bumper guard fence should be provided along the Templeton Avenue frontage, in alignment with that located to the east. The site plan indicates vehicle storage within the north 30 feet and within the west 10 feet of the 1046 Templeton Avenue property. In order to develop to this extent, a variance application would be required (Zoning By-law No. 6400/94, Section 721.3). This regulation is in effect in order to provide a reasonable separation between new commercial uses and existing residential development.

The Zoning Agreement for File DAZ 284/87, though never registered, prohibits access from the existing automobile storage compound onto Templeton Avenue "unless and until a full range of municipal services exist within Templeton Avenue to the satisfaction of the Commissioner". At the time the report from the Manager of Planning and Land Use was written the Administrative Coordinating Group report was not available. In addition, it should be noted land dedication for the existing automobile storage compound was collected under File DAZ 284/87. Therefore, land dedication for the subject application (DAZ 222/98) should only be applied to the 1046 Templeton Avenue property (i.e. the westerly 100 feet).

Public Hearings were held before the Lord Selkirk-West Kildonan Community on July 7, September 15, November 10 and December 15, 1998, and January 12, February 9, March 9, April 13, and May 11, 1999. Two persons appeared in support of the application, and seven registered in opposition to the application.

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

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

On June 29, 1999, the Standing Policy Committee on Property and Development considered the Report of the Lord Selkirk-West Kildonan Community Committee dated May 28, 1999, and approved the following amendment which has affected the recommendations as set out below:

- Recommendation III be renumbered to Recommendation IA(d), and the balance of the Recommendations be renumbered accordingly.

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 By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 222/98 dated June 25, 1998, to a "C2" Commercial District, subject to the following:

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

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a) That final detailed plans indicating the design and location of parking areas, fencing, landscaping, and any future buildings be subject to the approval of the Chief Administrative Officer or designate.

b) That a bumper guard fence be installed along the north property line, in alignment with that located on the existing automobile storage compound (to the east).

c) That no form of vehicular access shall be permitted to Templeton Avenue from the existing and proposed automobile storage areas unless and until a full range of municipal services exist within Templeton Avenue to the satisfaction of the Chief Administrative Officer or designate.

d) That the applicant be required to submit payments of $9,801.00 per acre and $612.00 per acre for the Trunk Service Rate and Leila Trunk User Charge, respectively.

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. Said land is to only include the 1046 Templeton Avenue property (approximately 100 feet wide by 200 feet deep).

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

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

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

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

Adopted by consent.

(See Minute No. 780 for attachment)

Proposed Amendment to Rezoning - land located at 5920 Roblin Boulevard, south side, between Municipal and Hunterspoint Roads - Assiniboia Community

File DAZ 225/98

736 - 7. On September 9, 1998, Council adopted Clause 12 of the Report of the Standing Policy Committee on Property and Development dated August 24, 1998, (as outlined on Appendix “A”), with respect to the rezoning of land located at 5920 Roblin Boulevard to a "C2" Commercial District, subject to conditions, including that the applicant (Ron Porath) be required to dedicate a fifteen (15) foot widening of Roblin Boulevard from his property in addition to paying ten percent (10%) cash dedication.

The Standing Policy Committee on Property and Development has been advised that because it is not legally possible for the City to acquire land for a future street or street widening pursuant to a rezoning, certain steps must be taken in order to provide that no buildings are constructed on the land which will be required for the widening.

The Legal Services Division advised that section 591(2) of The City of Winnipeg Act precludes the City from using land obtained pursuant to a rezoning for streets or street widenings, and therefore that portion of Council’s instructions must be rescinded.

In order to ensure that the land is available in future for the widening, the Administration recommended that a by-law be passed pursuant to section 518 of The City of Winnipeg Act, prohibiting the construction of any structure within that fifteen foot strip. The Administration also recommended that a clause be added to the Zoning Agreement

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providing notice of this prohibition. Both recommendations may be achieved by way of a minor amendment to the rezoning by-law in this case, pursuant to section 631 of The City of Winnipeg Act.

The financial impact of this matter is not assessable at this time.

The Standing Policy Committee on Property and Development recommends:

I. That Recommendation II. under File DAZ 225/98, as adopted by Council on September 9, 1998, requiring the applicant to dedicate a fifteen-foot strip of land to the City at no cost for the future widening of Roblin Boulevard, be rescinded.

II. That a by-law be passed pursuant to section 518 of The City of Winnipeg Act in order that no building or structure shall be placed on the applicant's land within fifteen feet of Roblin Boulevard.

III. That Recommendation I.A. under File DAZ 225/98, as adopted by Council on September 9, 1998, be amended by adding the following sub-clause:

"4. That, pursuant to a by-law passed by Council in this matter on July 19, 1999, pursuant to section 518 of The City of Winnipeg Act, no building or structure shall be erected or maintained on the land within fifteen (15) feet of Roblin Boulevard."

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. 781 for attachment)

Proposed Rezoning - land located at Unit 3 - 11 Reenders Drive - East Kildonan-Transcona Community File DAZ 204/99

737 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Anhang Walsh and Company, Barristers and Solicitors, 426 Portage Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from a "C3.1" Highway Commercial District to a "C2" Commercial District to allow for a wider range of commercial uses.

The following is the present site description:

Site Area: 2.22 ha (5.49 acres)

Existing Land Use and Zoning: Multi-tenant commercial development, zoned "C3.1" Highway Commercial

The following is the surrounding land use and zoning:

North: Revy Home and Garden Centre - zoned "C3.1"
South: Kildonan Crossing Shopping Centre - zoned "C2" Commercial
East: Lagimodiere Boulevard
West: Residential apartment buildings, zoned "RM-3" and "RM-4" on west side of Panet Road

The proposed development can be briefly described as follows: The existing commercial development is to remain. The proposed rezoning is to permit additional uses only.

The subject lands were originally zoned and serviced in conjunction with the proposed Revelstoke Home and Garden Centre Development under File DASZ 8/96. Under File DASZ 8/96 the most southerly 55 metres (approximately) in depth of the subject land from Reenders Drive were zoned to "C3.1" Commercial from "RM-7" Multiple-Family Residential, and were consolidated into one (1) site with the lands to the north which were already zoned "C3.1".

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Revelstoke Home and Garden Centre deemed the "C3.1" zoning to be appropriate for their own development purposes at that time. Subsequently the subject lands were separated from the Revelstoke Home and Garden Centre lands to the north, and Lot 1 the Reenders Square Development (the subject lands), and Lot 2 (McDonalds development) were created.

The "C3.1" zoning is intended to accommodate highway oriented uses and as such excludes a number of retail and services uses which are found in the "C2" zoning categories. Upon construction of Reenders Square development (the subject site) the owners found that some of the proposed tenants were not permitted to establish on the lands under the existing "C3.1" zoning. As a result, the owners applied for a use variance, DAV 911/98C, to permit "C2" uses on the subject lands for a period of five (5) years. The variance terminates on November 30, 2003, and the subject rezoning application will make the need for the variance redundant.

The Planning and Land Use Division of the Property and Development Services Department is supportive of the proposed rezoning since the "C2" category is intended for multi-unit development such as Reenders Square, and "C2" zoning is established on similar sites in the area. The Administration advised that should the Community Committee concur with the rezoning, then it recommended that the existing zoning agreement as it affects the site be discharged and replaced with a similar agreement which regulates signage and other development aspects on the site, and is consistent with the agreement on Kildonan Crossing Shopping Centre to the south.

Public Hearings were held by the East Kildonan-Transcona Community Committee on March 16, April 20, and May 18, 1999. One person appeared in support of the application, and no persons registered in opposition thereto. The Development Manager Coordinator and the Senior Planner, both of the Property and Development Services Department were in attendance for the City of Winnipeg.

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

1. The subject lands were originally zoned and serviced in conjunction with the Revelstoke Home and Garden Centre Development under File DASZ 8/96, whereby the most southerly 55 metres (approximately) in depth of the subject land from Reenders Drive were zoned to "C3.1" Commercial from “RM-7" Multiple-Family Residential, and were consolidated into one (1) site with the lands to the north which were already zoned "C3.1". Revelstoke Home and Garden Centre deemed the "C3.1" zoning to be appropriate for their own development purposes at that time. Subsequently the subject lands were separated from the Revelstoke Home and Garden Centre lands to the north, and Lot 1 the Reenders Square Development (the subject lands), and Lot 2 (McDonalds development) were created.

2. The "C3.1" zoning is intended to accommodate highway oriented uses and as such excludes a number of retail and services uses which are found in the "C2" zoning categories. Upon construction of Reenders Square development (the subject site) the owners found that some of the proposed tenants were not permitted to establish on the lands under the existing "C3.1" zoning. As a result, the owners applied for a use variance, DAV 911/98C, to permit "C2" uses on the subject lands for a period of five (5) years. The variance terminates on November 30, 2003, and the subject rezoning application will make the need for the variance redundant.

3. The Planning and Land Use Division of the Property and Development Services Department is supportive of the proposed rezoning since the "C2" category is intended for multi-unit development such as Reenders Square, and "C2" zoning is established on similar sites in the area.

4. The existing zoning agreement as it affects the site will be discharged and replaced with a similar agreement which regulates signage and other development aspects on the site, and is consistent with the agreement on Kildonan Crossing Shopping Centre to the south.

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 204/99 dated February 22, 1999, to a "C2" Commercial District, subject to the following:

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

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1. Free-standing signs shall be permitted provided that the maximum height of any free-standing sign shall be 35 feet above grade.

2. Mobile signs, A-frames, balloon signs, poster signs, banner signs, bunting, streamers and similar kinds of permanent or temporary signage or attention-getting devices shall not be permitted on the lands or upon any building or structure thereon.

3. Advertising signs, including billboards shall be prohibited.

4. 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 building, the type and colour of all exterior materials, the location and design and details of accessory parking areas, loading areas, private approaches, fencing, garbage enclosures, exterior lighting pylons, landscaping and all free-standing signs are submitted to and approved by the East Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Director of the Property and Development Services Department under the designations as Schedule “A” to Zoning Agreement DAZ 204/99, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule “A” to the Agreement.

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

III. That the zoning agreement under File DASZ 8/96 (By-law No. 6864/96) Caveat No. 2135718 as it is presently registered against the subject property be fully discharged.

IV. 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.

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

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

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

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

Adopted by consent.

(See Minute No. 782 for attachment)

Proposed Rezoning - land located at 400 Bond Street - East Kildonan-Transcona Community
File DAZ 213/99 [c/r DAV 211/99D]

738 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from Grant Sesak, 723 Talbot Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from a “C2" Commercial District to an "R1.3-5" Residential District to allow for maintenance of an existing residential/commercial building as a single-family residence.

The following is the present site description:

Site Area: 325.16 square metres (3500 square feet)

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Existing Land Use
and Zoning: One-storey dwelling and addition; zoned “C2" Commercial

The following is the surrounding land use and zoning:

North: Public lane and single-family dwellings - zoned “R1.4" Residential
South: Victoria Avenue West and commercial buildings - zoned “C2" Commercial
East: One-storey industrial building - zoned “C2" Commercial
West: Bond Street and one-storey commercial building - zoned “C1" Commercial

No additional development is proposed. The existing development on the land consists of a one-storey single-family dwelling with a one-storey masonry addition on the south side. The applicants have requested the rezoning from "C2" Commercial District to "R1-3.5" Single-Family Residential District in order to facilitate obtaining a mortgage for the property. It is intended that the whole building will continue to be occupied as a single-family dwelling.

The location of the site is within an area of limited existing commercial uses, yet at the edge of a residential area which would justify support for either limited commercial or residential zoning on the land. The proposal to rezone to an "R1.3-5" Single-Family Residential District will not adversely affect any adjacent properties. The ten percent (10%) dedication normally collected on the increased value of rezoned lands is not relevant in this case but is required to be considered.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on May 18, 1999. One person appeared in support of the application, no one registered in opposition thereto, and the Senior Planner of the Property and Development Services Department was in attendance for the City of Winnipeg.

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

1. The existing development on the land consists of a one-storey single-family dwelling with a one-storey masonry addition on the south side and the applicants have requested the rezoning from “C2" Commercial District to “R1-3.5" Single-Family Residential District in order to facilitate obtaining a mortgage for the property as it is intended that the whole building will continue to be occupied as a single-family dwelling.

2. The location of the site is within an area of limited existing commercial uses, yet at the edge of a residential area which would justify support for either limited commercial or residential zoning on the land.

3. The proposal to rezone to an “R1.3-5" Single-Family Residential District will not adversely affect any adjacent properties.

4. The ten percent (10%) dedication normally collected on the increased value of rezoned lands is not relevant in this case but is required to be considered.

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 213/99 dated May 6, 1999, to an "R1-3.5" Single-Family Residential District.

II. 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.

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.

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

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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. 783 for attachment)

Proposed Rezoning - land located at 500 Sherburn Street - City Centre Community File DAZ 210/99 [c/r DAV 170/99D]

739 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from the Addictions Foundation of Manitoba (Herb Thompson), 1031 Portage Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land outlined from a “R2A” Two-family District to a "C2" Commercial District to allow for the establishment of an accessory parking area.

The following is the present site description:

Site Area: 2562.6 square feet

Existing Land Use and Zoning: A “R2A” Two-family District; property used as parking lot

The following is the surrounding land use and zoning: "C2" Commercial District along Portage Avenue to the south. North of Portage, lands are zoned “R2A” and used for residential purposes.

The following is a description of the proposed development:

The applicant has owned the lot for several years. The house that stood on the property was damaged by fire and demolished. The ten vehicle parking lot was initially approved under a five year use variance (File DAV 536/93C). The order has expired and the applicant wishes to rezone the property to permit the parking lot. The lot is fully developed in accordance with the plans submitted. An accompanying zoning variance (File DAV 170/99D) deals with substandard aisle width and front and north side yards. The Administration has recommended the variance application be approved.

The Property and Development Services Department recommended the approval of the rezoning with conditions.

Public Hearings were held by the City Centre Community Committee on May 11 and June 8, 1999. One person appeared in support of the application, and one person registered in opposition thereto.

The City Centre Community Committee recommended that the rezoning application be approved for the following reason:

1. The parking lot has been fully developed and has been previously approved under a 5 year use variance.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule “A” for File DAZ 210/99 dated May 7, 1999, to a "C2" Commercial District, subject to the following:

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

1) That the use of the land be limited to an accessory parking lot for the building at 1031 Portage Avenue.

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.

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

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

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

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

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

Adopted by consent.

(See Minute No. 784 for attachment)

Proposed Zoning Agreement Amendment - land located at 700, 710, 720 Blantyre Avenue - East Kildonan-Transcona CommunityFile ZAA 4/99
[c/r DAZ 234/77 and DASSF 526/99]

740 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from Edward Winters of Kress & Associates (Edward Winters), 250 - 4910 Roblin Boulevard, Winnipeg, to amend the Zoning Agreement affecting the subject property outlined to permit the maintenance of 48 dwelling units on part of the lands (proposed lot 1 under File DASSF 526/99) and permit additional development on the remainder (proposed lot 2 under File DASSF 526/99).

The applicants are proposing to subdivide the existing lot and create two (2) new lots. The westerly lot (proposed lot 1) would contain the existing 48 dwelling units and parking stalls, and the easterly lot (proposed lot 2) would be sold for future residential development. A concurrent short form subdivision application has been made under File DASSF 526/99. No specific development proposal has been submitted for proposed lot 2.

The following is the proposed site description:

Proposed Lot 1

Dimensions:	44.9 metres (147.6 feet) width, 145.89 metres (478.65 feet) average depth.
Site Area:	6563.26 square metres (1.62 acres)
Existing Land Use:	Three buildings, each two-storey in height containing a total of 48 dwelling units
Zoning:	“RM-2” Multiple-Family District

Proposed Lot 2

Dimensions:	44.98 metres (147.6 feet) width, 22.86 metres (75 feet) depth
Site Area:	1028 square metres (11070 square feet)
Existing Land Use:	Vacant
Zoning:	“RM-2” Multiple-Family District

The existing zoning agreement limits the number of dwelling units to 48, and the height of buildings to 35 feet. Additional clauses require that private approaches be minimized, and their location be subject to approval of the Director of Public Works.

The Planning and Land Use Division of the Property and Development Services Department has no objection to the proposed subdivision or to the zoning agreement amendments as requested. The Administration recommended that the existing zoning agreement be amended to affect only proposed lot 1, and that the agreement as it affects proposed lot 2 be withdrawn. Development on proposed lot 2 can be managed through the normal zoning by-law.

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A Public Hearing was held by the East Kildonan-Transcona Community Committee on June 15, 1999. Three persons appeared in support of the application, and one person registered in opposition thereto.

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

I. That Zoning Agreement DAZ 234/77 (By-law No. 3714/84), dated October 1, 1980, presently affecting all Lot 1, Plan 18657 WLTO, be withdrawn.

II. That Zoning Agreement DAZ 234/77 (By-law No. 3714/84), dated October 1 1980, be re-registered against all the lands within proposed Lot 1 as identified under File DASSF 526/99

III. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 234/77 (By-law No. 3714/84), dated October 1, 1980, as approved in aforesaid Recommendation II.

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

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

Adopted by consent.

Proposed Zoning Agreement Amendment - land located at 1375 Molson Avenue - East Kildonan-Transcona Community
File ZAA 5/99
[c/r DASZ 12/92 and DCU 16/99D]

741 - 12. The Standing Policy Committee on Property and Development has been advised that an application has been received from Pro-Plan Construction Services Ltd. (Doug Cannell), 200 - 436 Berry Street, Winnipeg, to amend the Zoning Agreement affecting the subject land outlined to allow an additional 80 beds to be added to the existing 120 beds in the River East Personal Care Home, and the addition to be two-storeys in height.

The subject site has 147.78 metres (485.1 feet) frontage on Molson Street and is 145± metres (477 ± feet) in average depth. The site areas is approximately 2.15 hectares (5.3 acres). The site is zoned “RM-2” Multiple-Family District and currently has a 120 bed personal care home upon it.

The subject site was zoned “RM-2” under File DASZ 12/91. Under the terms of a zoning agreement, in conjunction with the rezoning, a maximum of 120 beds within a building one-storey in height was permitted. These limitations reflected the development proposal for the site at that time.

The applicants (on behalf of the owners) are requesting that Clause 2(a) of the Zoning Agreement affecting the subject land be amended to permit up to 80 additional beds to be constructed in a proposed addition to the existing personal care home. The applicants are also requesting that Clause 3 of the agreement be amended to permit a two-storey building addition on the site.

The Planning and Land Use Division of the Property and Development Services Department recommended approval of the requested amendments. Although the requested amendments would enlarge the development parameters for the site, approval of a conditional use application for a specific development proposal is still necessary. Additionally, under the remaining clauses of the zoning agreement, the East Kildonan-Transcona Community Committee has final approval of site and building plans.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on June 15, 1999. One person was heard in support of the application, and no person registered in opposition thereto.

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

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I. That Zoning Agreement DASZ 2/91 (By-law No. 5989/92) dated June 17, 1992, be amended to read as follows:

Clause 2(a) A personal care home not exceeding 200 beds
Clause (3) No building on the land shall exceed a height of two-storeys.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 12/91 (By-law No. 5989/92), dated June 17, 1992, as approved in aforesaid Recommendation I.

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

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

Adopted by consent.

Proposed Zoning Agreement Amendment - land located at 2149 St. Mary's Road - Riel Community File ZAA 6/99 [c/r DAZ 12/82 and ZAA 11/89]

742 - 13. The Standing Policy Committee on Property and Development has been advised that an application has been received from Morden & Kemp Ltd. (Mark Olson), 2A - 2020 Portage Avenue, Winnipeg, to amend the Zoning Agreement (By-law No. 3591/83) affecting the subject property outlined to replace clause 2(b) that requires a 167 foot separation space with a 131.23 foot separation space and to delete clause 2(h) that requires a continuous noise barrier.

The following is the present site description:

Dimensions: Approximately 590 feet of frontage along St. Mary’s Road; also 500 ± feet frontage along Warde Avenue

Site Area: 1.416 hectares

Existing Land Use and Zoning: Mostly vacant except for a closed service/gas facility on proposed lot 1 and a building on proposed lot 2; zoned “C2” Commercial

Under File DASSF 530/99 the property is being split into three (3) separate parcels. The only prospective tenant at this point, appears to be a Co-op Gas facility to be located on lot 1. The existing building on lot 2 will remain for now. There are currently no plans for lot 3.

The current zoning agreement allows for commercial buildings to be constructed as close as 25 feet from the south and east property lines with the adjoining residential acres. And that buffer zone is to landscaped to the satisfaction of the City and in accordance with plans submitted in 1989.

In addition, it was specified that an eight (8) foot masonry wall was/is to be constructed between any new buildings adjoining the residential areas to the east and south. This was intended to act as a continuous noise buffer between the future commercial activity on the north side of any new buildings and the adjacent residential dwellings and the adjacent residential dwellings. It was also specified that while retail fuel sales and food stores were allowable uses, they were not to be established within 167 feet of the south and east property lines. A gas outlet has previously operated on the site complying with the above-noted restriction.

The applicants have indicated that a new tenant Co-op Gas Ltd., is interested in occupying the site on proposed lot 1. Because they are a fuel outlet and have a food sales component and because their building is proposed to be situated at the requested 131.23 feet distance instead of the aforementioned 167 feet, an amendment to the original agreement is required. While there does not appear at this time, to be additional new tenants occupying proposed lot 3, the applicants have asked that the connecting masonry wall requirement be deleted as a condition of the original zoning agreement. It is their view that the proposed building itself and any additional buildings plus more extensive landscaping should act as a

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sufficient buffer. It should be noted that the original plans called for structures to be built immediately adjacent to the residential areas that is unlikely to happen with redevelopment of the site. It appears as though greater setbacks then are required will be observed.

A Public Hearing was held before the Riel Community Committee on June 8, 1999. One person appeared in support of the application, and thirteen persons registered in opposition thereto.

The Riel Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1. What Committee has recommended represents a reasonable balance between what the developer of the subject property needs and what the area residents are concerned about.

2. The area residents are supportive of a food store/gas bar at the subject location as long as appropriate measures are taken during the plan approval process to mitigate their concerns.

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

I. That Zoning Agreement DAZ 12/82 (By-law No. 3591/83), be amended by reducing the restriction prohibiting the operation of a food store from within 167 feet of the south and east lot lines of the land to 130 feet of the same property lines subject to the following conditions:

   (a) That the hours of operation be limited to the hours between 7:00 a.m. and 10:00 p.m. daily.

   (b) That no building or structure shall be erected or located on the land, and no building permit issued unless and until plans, including the location and design of the proposed buildings and structures, including parking area, garbage enclosures, fencing, landscaping and signs are submitted to and approved by the Riel Community Committee.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 12/82 (By-law No. 3591/83), as approved in aforesaid Recommendation I.

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

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

Adopted by consent.

Proposed Enactment of a New By-law and Repeal of By-law No. 3971/85 - A By-law to provide for the Execution of Minor Amendments to Zoning Agreements relating to Tolerances File EP-1 (Vol. 19)

743 - 14. The Standing Policy Committee on Property and Development has been advised that occasionally minor errors occur in the construction of buildings and structures in accordance with the requirements of zoning by-laws and related zoning agreements as to minimum yards, lot widths, lot areas, and similar requirements.

A simple and expeditious method is necessary to amend zoning agreements relative to those minimum requirements. At present, the current By-law No. 3971/85 is not consistent with the Development Procedures By-law No. 5893/92 which permits a tolerance of not more than 5% and/or varies any yard or space separation by not more than 0.3 metres (1 foot) whichever is greater.

Council approval is required to repeal and enact a new by-law.

The Standing Policy Committee on Property and Development recommends:

Report of the Standing Policy Committee on Property and Development dated June 29, 1999

I. That By-law No. 3971/85 be repealed, and that a new by-law of the City of Winnipeg be enacted to provide for the execution of minor amendments to zoning agreements relating to tolerances as provided under Section 108 of The City of Winnipeg Act and to be consistent with the Development Procedures By-law No. 5893/92 and amendments thereto.

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

Adopted by consent.

Proposed Reduction of Speed Limits on the Red and Assiniboine Rivers
File E-5.1.2 (Vol. 3)

744 - 15. The Standing Policy Committee on Property and Development has been advised that the Riverbank Management Committee has considered a request (initiated by Fred Petrie, Navigator Services, 15 Dunkirk Place, Winnipeg) to reduce the speed limit of watercraft on the Red and Assiniboine Rivers.

On January 21, 1999, the Riverbank Management Committee referred the matter to the Acting Harbour Master, Winnipeg Police Service, to solicit input from the various interest groups on the request for a reduced speed limit on the Red River and report back.

On April 22, 1999, the Riverbank Management Committee considered communication dated March 13, 1999, from the Acting Harbour Master, as well as communication dated April 19, 1999, from Councillor Timm-Rudolph, Transcona Ward, on this matter. The Riverbank Management Committee subsequently referred the request for proposed changes to speed limits on the Red and Assiniboine Rivers within the City of Winnipeg to all Community Committees for comment back.

On May 27, 1999, the Riverbank Management Committee considered the responses from the Assiniboia, City Centre, East Kildonan-Transcona, Lord Selkirk-West Kildonan and Riel Community Committees, and subsequently requested the Standing Policy Committee on Property and Development Services to give favourable consideration to the following motion:

> That Council request The Province of Manitoba (Department of Natural Resources) to request the Government of Canada (Canadian Coast Guard) to hold a public (town-hall) meeting for the purposes of public consultation on the request for reduced speed limits on the Red and Assiniboine Rivers inasmuch as there is a federal government requirement that public consultation must occur before an amendment to the Boating Restriction Regulations (such as a reduced speed limit) can be considered.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Riverbank Management Committee and recommends:

I. That Council request The Province of Manitoba (Department of Natural Resources) to request the Government of Canada (Canadian Coast Guard) to hold a public (town-hall) meeting for the purposes of public consultation on the request for reduced speed limits on the Red and Assiniboine Rivers inasmuch as there is a federal government requirement that public consultation must occur before an amendment to the Boating Restriction Regulations (such as a reduced speed limit) can be considered.

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

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JULY 8, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated July 8, 1999, was considered clause by clause.

Moved by Councillor Steek,

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

Councillor Smith requested that Clause 2 be pulled from the Consent Agenda.

Councillor Timm-Rudolph requested that Clause 7 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,3,4,5,6,9,10 and 11 was put and declared carried.

Servicing Agreement for Issuance of Building Permit for 1200 Wilkes Avenue - Assiniboia Community
File FI-2(31) (Vol. 3)

745 - 1. The Standing Policy Committee on Property and Development has been advised that Kleysen Transport has negotiated the purchase of the subject lands, as outlined on Misc. Plan No. ASBA 9286, for the relocation of part of its trucking operation currently located at the southwest corner of Kenaston and McGillivray Boulevards. Kleysen Transport wishes to obtain a building permit for construction to occur this fall, however, the subject lands require the installation of certain services before a building permit can be issued and that servicing requires that Kleysen Transport and the City enter into a Servicing Agreement. Council approval is required for the terms of the Servicing Agreement.

Kleysen Transport indicated that the development would utilize the most southerly portion of the land which would ultimately be south of Sterling Lyon Parkway, and has proposed that access, at least until Sterling Lyon Parkway is extended, be taken from Wilkes Avenue. The Public Works Department reviewed the request and indicated that the proposed use as outlined could be accommodated with an approach from Wilkes Avenue without any modifications to the Wilkes pavement. However, they advised that any subsequent subdivision and more intense development may require additional pavement works for access and other conditions of approval that include payments towards Sterling Lyon Parkway and the internal roadway.

Underground servicing for the subject lands requires the extension of existing services. There is an existing watermain and wastewater sewer on Wilkes Avenue that extends part way along the frontage of the lands. However, the sewer is not very deep at that location and provides only sufficient capacity and availability for minimal depth of the property. Therefore the wastewater sewer and the watermain would have to be extended along Sterling Lyon from Whidden Gate. The estimated cost that has been provided for that installation is $250,000.00, but at this time it is uncertain whether that includes the costs of piping within the property or just up to it.

The land drainage service is more or a problem. The lands are within the Park Boulevard Drainage Area which requires that the drainage must go west. That regional system has been extended from the east to Kenaston Boulevard at Sterling Lyon Parkway. Kleysen Transport had proposed that the drainage from their lands be conveyed to that location through the Lowson Crescent ditch system or alternatively, by ditches directly to Kenaston Boulevard until such time as Sterling Lyon Parkway is extended to Kenaston Boulevard. The Lowson Crescent system could not handle the additional flow and therefore this proposal is not supported by the Administration. For the alternative ditching proposal, the throw-away costs involved in the construction of an inlet structure at Kenaston Boulevard to accept a direct ditch connection would be very significant due to the City's newly adopted policy on safety measures required for drainage facilities (estimated to be in the $250,000.00 range).

Therefore the Administration recommends that land drainage be provided by the installation of a large diameter land drainage pipe from the existing pipe at Kenaston Boulevard to the site. The pipe would provide capacity for all the lands bounded by Kenaston Boulevard, the C.N.R. tracks north of Wilkes Avenue, the east limit of the subject property and extending 30 or so metres south of Sterling Lyon Parkway in the area west of the subject property. The total area is

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

approximately 100 acres of which Kleysen Transport's lands are approximately half. The cost of this piping cannot be determined until a detailed design has been completed, but could range from $250,000.00 to as much as $1,000,000.00 depending on what drainage reduction measures Kleysen Transport can incorporate within its development.

This land drainage piping is not part of the regional land drainage facilities that are covered under the Trunk Service Rate (TSR) that Kleysen Transport is required to pay. It is designated as a "lateral" even though it could be quite large. Therefore any payback will be based on the cost of the over sizing that Kleysen Transport will be required to construct and will be collected from other lands within the drainage area as applications for development come forward.

The terms of the servicing agreement will require that Kleysen Transport pay to have these services installed. The balance of the agreement will deal with the determination of Kleysen Transport's share of the costs and how and when any repayment will occur.

With respect to the wastewater and watermain extensions, a large portion of the piping is external to the site and potentially benefits the future development of lands on the north side of Sterling Lyon Parkway. Kleysen Transport had proposed informally that they would absorb $100,000.00 of the cost but would expect the City to repay the balance. By a rough calculation of the benefit of these services to the Kleysen Transport land based on the Sterling Lyon Parkway frontage that the property will have ultimately and current local improvement rates his share is estimated to be approximately $115,000.00. Since the City is a major land owner of the benefitting lands, the Administration recommends that the balance of the costs be repaid to Kleysen Transport following the installation and the funds charged to the Land Operating Reserve Account with recoveries to that account as those lands are developed and/or sold.

As for the land drainage sewer, Kleysen Transport must pay the TSR for the subject property at the rate of $10,500.00 per acre. There has been some discussion as to deferment of these fees but no final agreement between the Administration and Kleysen Transport has been reached. Deferments have been considered in other cases where the regional system is not yet available or if a building permit is not being requested for some time. In those cases the payment would be deferred until the regional system is installed or a building permit is requested and the payment secured in the interim by a letter of credit.

Because the land drainage system will be immediately tied into the regional facilities and there is no subdivision occurring at this time, it is the Administration's position that the TSR charge should be paid upon execution of the agreement.

The Administration suggested that should the Standing Policy Committee on Property and Development consider a total or partial deferment, payment must be tied to a particular occurrence and a letter of credit should be provided to secure the obligation.

Kleysen Transport shall install the land drainage piping from Kenaston Boulevard to the site. The Servicing Agreement will provide for a repayment of the over sizing costs. This potentially can be done in several different ways: repaid as the City collects from others; repaid by the City once installed through capital funding with the City collecting from others for its own benefit; and, although not a "trunk" facility, repaid all or in part by a credit towards the TSR payment.

Of these the only alternative that the Administration can support is the repayment of the over sizing costs as they are recovered from the other benefitting lands.

The Standing Policy Committee on Property and Development recommends:

I. That in order for a building permit to be issued on the subject property, as outlined on Plan ASBA 9286 (Schedule "A"), the City and the Applicant, Kleysen Transport, enter into a Servicing Agreement with the following conditions:

   1. The Applicant shall install watermain and wastewater sewer from Whidden Gate and Sterling Lyon Parkway to the west limit of the site as determined by and to the satisfaction of the Director of Water and Waste.

   2. The Applicant shall install land drainage sewer from Kenaston Boulevard and Sterling Lyon Parkway to the site to provide drainage for the proposed development area only (±20 acres), as determined by and to the satisfaction of the Director of Water and Waste.

   3. The Applicant shall warranty all of the works for one year and provide security for same in the form of a letter of credit in a form and amount acceptable to the City.

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

4. The Applicant shall pay to the City a Land Drainage Regional Trunk Charge (TSR) based on the area of the proposed development (±20 acres) within the subject property and a rate of $10,500.00 per acre.

5. The Applicant shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of the services.

6. The Applicant shall pay to the City a fee in the amount of $2,500.00 to cover the City's costs in the administration of the Servicing Agreement.

7. The City shall repay to the Applicant a share of the costs for the installation of the watermain and wastewater sewer in Clause 2 over and above the Applicant's share of $115,000.00.

8. That prior to the issuance of any building permits beyond the initial development (±20 acres), or the installation of the ultimate land drainage sewer to Kenaston Boulevard, the Developer shall pay to the City the TSR payable on the balance of the property, and their share of the cost for the said Land Drainage Sewer as determined by the Director of Water and Waste. The City may register this requirement as a caveat on the title(s) of the subject property

II. That the funds required for the repayment by the City of a share of the watermain and wastewater installation costs be charged to the Land Operating Reserve Account

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

Adopted by consent.

(See Minute No. 785 for attachment)

Proposed Acquisition - Mandarin Building,
185 King Street - City Centre Community
File FI-2.3(32) (Vol. 5)

746 - 2. On April 28, 1999, Council adopted Clause 1 of the Report of the Standing Policy Committee on Property and Development dated April 8, 1999, and approved the Offer to Lease Space in the Mandarin Building for the Winnipeg Hydro Department, the Legal Services Division, the Claims Branch and the Audit Department for a five year term.

On April 8, 1999, the Standing Policy Committee on Property and Development also instructed that in tandem with the renewal of the aforesaid lease, the Director of Property and Development Services negotiate a proposed acquisition of certain interests in the property commonly known as the Mandarin Building as follows:

- all interests held by the Canada Life Assurance Company
- the interest held by Brownlor Ltd. (Dr. H.L. Fleishman)
- the interest held by the Winnipeg Chinatown Development Corporation described in Certificate of Title No. 1068782, pursuant to lease No. 1109853, in respect of City-owned Parcel B, Plan 23246 (excluding the Winnipeg Chinatown Development Corporation's sub-surface interest in both Parcels A and B, Plan 23246, ie. the underground parkade),

with the Director of Winnipeg Hydro and the Chief Financial Officer to assist in determining the source of funding for the proposed acquisition.

The Real Estate Division has conducted those negotiations with the following results:

Canada Life Assurance Company

This is the 99 year leasehold estate from August 1, 1988, i.e. the above-ground building commonly known as the Mandarin Building at 185 King Street. The comprehensive terms and conditions of a proposed purchase by the City have been set out in the draft Offer to Purchase outlined on Schedule "A". The document contains the terms and conditions

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

appropriate for a commercial real estate transaction of this nature at a proposed purchase price of $3,387,500.00, which is the mid-point between two independently prepared, professional real estate appraisals.

Clause 3.a)ix) of the document also requires the Vendor to raise the physical condition of the property to a standard which is satisfactory to the City's Manager of Civic Accommodations. This represents an additional cost to the Vendor which is estimated to be $100,000.00, more or less, and which would normally, in a transaction such as this, become the responsibility of the Purchaser.

This proposed transaction would be conditional, at the City's option, upon the City completing a purchase of the Brownlor Ltd. interest in the property. Should this proposal be acceptable, the City will be required to deposit an initial sum of $169,375.00 with the formal Offer to Purchase, the remainder to be paid on the Date of Closing, which shall be 60 days, or sooner by mutual agreement, from the date of acceptance of the Offer to Purchase.

As indicated in Clause 3.a)ii) of the Offer to Purchase, and in report dated April 7, 1999 from the Real Estate Division on the matter, the Canada Life Assurance Company is not presently the registered owner of this interest in the property, however, it is indeed entitled to be owner by virtue of its power of sale under a mortgage foreclosure. This means that due process must be followed and that the District Registrar has jurisdiction to supervise the sale. The District Registrar's approval requires that the sale price cannot vary more than 10% from the mid-point between two independently prepared, professional appraisal reports.

Also as stated in the April 7, 1999, report from the Real Estate Division, a purchase in this price range would result in substantial overall savings to the City when compared to the cost of leasing the premises. Appendix "B" to that report indicates the advantages to the City under various price scenarios ranging between $3 million and $3.99 million. That analysis does not yet take into account a further financial advantage to the City which occurs when it is able to achieve tax exempt status through ownership of the premises. The Real Estate Division and the Civic Accommodations Division of the Property and Development Services Department would support a proposed purchase of this interest in the property at the price and upon the terms and conditions as negotiated. The Legal Services Division and Geomatics Division have reviewed the legal aspects of this matter in their respective areas of expertise.

Brownlor Ltd. (Dr. H.L. Fleishman)

The terms and conditions of a proposed purchase of this interest in the property are contained within the Offer to Purchase outlined on Schedule "B". The proposed Purchase Price remains at $1,050,000.00, firm, as stated in the April 27, 1999, administrative report. Furthermore, the transaction would, at the City's option, be subject to the City first completing a purchase of the Canada Life Assurance Company's interest in the property.

The advantage of purchasing this interest in the property is twofold: first, the City's acquisition cost amortized over twenty years results in annual debt service similar to the annual lease payments, however, beginning in the twenty-first year there would be no annual payment; secondly, throughout the entire time of the City's ownership, the resulting tax exempt status would provide a further financial advantage to the City annually and which, for the northerly portion of the property, has been calculated at the 1999 mill rate to be in excess of $57,000.00.

Winnipeg Chinatown Development (1981) Corporation

As indicated in an earlier administrative report, the owner of the underground parkade wishes to retain its interest, however, the owner states that it will cooperate with the City by executing any documentation pertaining to the transfer of its air space rights to the City of Winnipeg at the appropriate time. This interest in the air space is no longer necessary for the Winnipeg Chinatown Development Corporation if the City should purchase the Canada Life Assurance interest in the above-ground portion of the building. The City's acquisition of this interest (together with acquisition of the Canada Life Assurance interest) would result in achieving tax exempt status on the southerly portion of the property and the annual financial advantage has been calculated at the 1999 mill rate to be in excess of $52,000.00.

On the presumption that the City would wish to conclude the proposed transactions with both Canada Life Assurance and Brownlor Ltd., the Administration has requested the Winnipeg Chinatown Development Corporation to provide a Transfer of Land to the City's Legal Services Division "in trust" that this transaction will not interfere with the owner's continued operation, use and enjoyment of the underground parkade, and that the Transfer be used by the City only in the event that the aforesaid transaction with Canada Life Assurance Company is indeed concluded, otherwise the transfer would be returned unused.

The Real Estate Division has reviewed the market data and opinions expressed as to the market value of the various interests in the properties as outlined, and supports the prices in accordance with the terms and conditions as negotiated.

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

The Canada Life Assurance Company has advised that, as part of its fiduciary responsibility as a "mortgagee in possession", it will require a mechanism for price adjustment to reflect the incremental value in the event that the vacant fourth floor space should become leased prior to closing of the sale. The Real Estate Division does not agree that this would be appropriate. Canada Life's broker/ property manager adds that it is highly unlikely that the space would be leased during the summer. Should this occur, however, then further negotiations may become necessary. The broker also advises that, due to the seasonality of this real estate market and the fact there are fresh appraisals, they are preparing a full Investment Sale Package, but will delay the actual marketing launch to accommodate the City's consideration of this matter, i.e. by Council on July 19, 1999. Upon the City making its Offer to Purchase and it being accepted by Canada Life, a binding purchase/sale agreement would result in accordance with the terms of the accepted Offer to Purchase.

The two appraisal reports estimate the market value of the Canada Life Assurance interest in the property to be $3,375,000.00 and $3,400,000.00 respectively. A difference of $25,000.00 between two independently prepared market value estimates of this magnitude is to be expected. The average of the two conclusions is $3,387,500.00. An internally prepared preliminary analysis by the Real Estate Division had indicated a possible market value range of between $2.3 and $2.5 million, while the Canada Life Assurance Company had indicated its price would be $3,990,000.00. However, that internal analysis was of a very preliminary nature on the basis that the City as the only tenant, would not renew it's leases (with the effect this would have on vacancy and subsequent net income estimates) and which took into account up to $400,000.00 in estimated repairs required to the building. Numerous repairs to the building have been completed since the time that the estimate was prepared. Furthermore, an internal market value estimate prepared during November of 1997 had as its conclusion a $3,500,000.00 possible price on the basis of both the remainder of the contract rents and the market rents thereafter.

Given the foregoing and the fact that the District Registrar has jurisdiction to supervise the sale of the Canada Life Assurance interest and that the District Registrar's decision to approve the sale will be based upon the midpoint of two independent and professionally prepared appraisal reports, it would appear reasonable, to agree to a price at the midpoint of the two market value estimates.

The financial implications of the transactions proposed are essentially that a source of capital funds is required in the amount of approximately $5,000,000.00. To date, no source of funding has been identified and any decision to purchase will have to account for the purchase prices, adjustments as to taxes, real estate closing costs, etc. and a 5% finance and administration charge.

The Canada Life Assurance Company has previously offered to take back a mortgage in the sale of the subject property. However, the Legal Services Division advises that there is no provision within The City of Winnipeg Act for the City to mortgage any of its assets. Notwithstanding, however, Canada Life's offer to finance would be at competitive market rates, to which the City presently has access through its normal means of financing.

The Real Estate Division, in consultation with others, suggests three potential sources of funding;

1. New Capital Borrowing

A Provincial cap on the City's borrowing is a factor to consider in weighing the alternatives. It appears that this potential source of funding is not feasible in the present circumstances.

2. Borrowing from Winnipeg Hydro Reserves

Insofar as Winnipeg Hydro is one of the prime occupants of the premises and is able to produce reserves from revenue, consideration could be given to borrowing from Winnipeg Hydro's reserves and with reimbursement on an annual basis from the monies saved by the City in not having to pay rental for the office space within the building.

3. Borrowing from the Land Operating Reserve Account

This account exists partly for the purpose of financing Real Estate acquisitions where there is a reasonable expectation of producing a profit on development and resale, thus, there are restrictions on the use of this account. While there are expectations as to the funds required to be retained in this account to finance development of City-owned properties for sale, plus a requirement to transfer a substantial amount from year to year into the General Revenue Account, it may be possible to utilize this account in the same fashion as suggested under the preceding alternative, i.e. borrowing from Winnipeg Hydro's Reserves.

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

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the interests in the Mandarin Building held by the Canada Life Assurance Company be approved at a price of $3,387,500.00, in accordance with the terms and conditions contained in the draft Offer to Purchase document as outlined on Schedule "A", together with such revisions as are deemed necessary by the City Solicitor/Manager of Legal Services in order to satisfy the intent of Council, subject to Recommendations II and IV.

II. That the proposed acquisition of the interest in the Mandarin Building held by Brownlor Ltd. be approved at a price of $1,050,000.00, in accordance with the terms and conditions contained in the draft Offer to Purchase document outlined on Schedule "B", together with such revisions as are deemed necessary by the City Solicitor/Manager of Legal Services in order to satisfy the intent of Council, subject to Recommendations I and IV.

III. That the proposed acquisition of the 99 year lease of airspace Certificate of Title No. 1078782 held by the Winnipeg Chinatown Development (1981) Corporation be approved at a price of $1.00, and upon such terms and conditions as are deemed necessary by the City Solicitor/Manager of Legal Services in order to satisfy the intent of Council, subject to Recommendations I, II, and IV.

IV. That funding in the amount of $5,000,000.00 for the proposed acquisitions be provided from the Winnipeg Hydro Reserves and that monies which would have been paid for the rental of office space within the Mandarin Building be credited to the Winnipeg Hydro Reserves on an annual basis until such time as the funding has been fully reimbursed.

V. 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.

Moved by Councillor Steek,
Adoption of the clause.
Carried.

Proposed Amendment to Joint Use and Management Agreements - Proposal from East Side Eagles Football Club and Field Hockey Manitoba to develop an Artificial Turf Facility at the Kildonan East Regional School site - East Kildonan-Transcona Community File PR-2.3 (Vol. 14)

747 - 3. The Standing Policy Committee on Property and Development has been advised that the East Side Eagles Football Club and Field Hockey Manitoba initiated a proposal to develop an artificial turf facility at the Kildonan East Regional School site for use in the 1999 Pan American Games.

On March 23, 1994, Council approved the development of an amateur football facility at the Kildonan East Regional School site by the East side Eagles Football Club. The purpose of the proposal was to establish a permanent location for the Club partly in response to the ongoing joint use problems between the Club and Northwest Soccer at Anderson Park.

By agreement dated October 27, 1994, the City of Winnipeg entered into a Joint Use Agreement with the River East School Division No. 9 for the use of a portion of the Kildonan East Regional School site.

By agreement dated November 14, 1994, the City of Winnipeg entered into a Management Agreement with the East Side Eagles Football Club for the use of the joint use lands. Subsequently, the Club proceeded with the development of the facility including the upgrading of an existing football pitch, installation of field lighting and completion of a Clubhouse. The Club has used facility since 1994 and has maintained payments on its loan guarantee of $50,000.00 for the Clubhouse.

On February 9, 1998, the Standing Committee on Protection and Community Services approved Community Incentive Grant funding to Field Hockey Manitoba for the establishment of the artificial turf project.

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

On June 24, 1998, the River East School Division No. 9 approved the installation of an artificial turf facility at the Kildonan East Regional School site.

Between the period of June 24, 1998, and July 23, 1998, the East Side Eagles Football Club received confirmation of an Infrastructure Grant ($1,000,000.00) and Pan Am Games Society Allocation ($450,000.00) and Field Hockey Manitoba funding of $20,000.00 (City of Winnipeg Community Incentive Grant).

By letter dated July 23, 1998, the Director of Property and Development Services provided approval for the subject project in accordance with delegated authority as provided for in the Management Agreement (term 3.07) as same was required in order for the project to proceed in the first week of August 1998, to be ready for the summer of 1999. By letter dated July 29, 1998, the East Side Eagles Football Club agreed to the conditions of the letter dated July 23, 1998.

By letter dated August 5, 1998, the River East School Division No. 9 consented to the construction of the Artificial Turf Facility under term No. 4 of the Joint Use Agreement.

During the period between September 1998 and June 1999, there has been regular contact between the CAO Secretariat, Property and Development Services Department (Real Estate Division), Pan Am Games Society Construction Branch, East Side Eagles Football Club, Field Hockey Manitoba and the River East School Division No. 9, regarding the status of the project and the handling of routine construction issues.

With respect to the proposal to construct an Artificial Turf Facility at the Kildonan East Regional School site for the 1999 Pan American Games, in 1997, the East Side Eagles Football Club and Field Hockey Manitoba initiated a proposal to develop an artificial turf facility. The Club submitted the proposal to the Provincial-Federal Infrastructure program and to the Pan Am Games Society for approval.

In early June 1998, the Infrastructure Secretariat advised the Football Club that the proposal may be approved. The Secretariat advised the Club to contact the Pan Am Games Society to determine if the Society intended to approve their request. In mid June 1998, the Society advised of their support and coincident approval of the Infrastructure and Pan Am Games Society funding occurred.

Prior to approving the project, various meetings were held with various Civic Agencies, Provincial, Federal and Pan Am Games Society representatives to study the proposal. It was determined that the facility fit with the former Parks and Recreation Department Strategic Plan and previous facility decisions for the site and with plans for the 1999 Pan American Games as follows:

1. The facility would provide an additional specialized recreational facility at the Kildonan East School - Elmwood Kildonan Pool - Terry Sawchuk Arena – Civic Park and Valley Gardens Community Centre site. The development of same is in accordance with guidelines in Plan Winnipeg and strategic planning objectives of Clustering- Asset Utilization, and Marketing objectives via the creation of a core attraction.

2. The facility would provide a venue site for the 1999 Pan American Games to accommodate Field Hockey and provide a permanent provincial centre for Field Hockey Manitoba.

Following the review, a letter of approval was provided to the East Side Eagles Football Club and the project commenced in August 1998, with the award of a contract to Astro-Turf International. The Company is a leading supplier and installer of artificial turf facilities in North America. Following the award of the contract by the Pan Am Games Society, the Club and the Pan Am Games Society have complied with all the terms and conditions of the approval. The project was completed on time and on budget as of June 4, 1999.

As part of the discussion process, the issues of fees and charges and replacement of the artificial turf have been discussed. The following agreements have been negotiated on these issues:

With respect to replacement of the Artificial Turf, representatives of the East Side Eagles Football Club, Field Hockey Manitoba and the Property and Development Services Department (Real Estate Division) have met on numerous occasions to discuss the replacement and financing of the artificial turf. The Club and Field Hockey Manitoba have agreed to establish a reserve fund to be used for the field replacement. It will require replacement every 10 to 12 years at a cost of $200,000.00. The Club will obtain a firm cost estimate from Astro-Turf International and will establish the amount of annual contribution required and will make annual contributions accordingly.

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With respect to Access and the Fees and Charges Policy, representatives of the East Side Eagles Football Club, Field Hockey Manitoba, and the Property and Development Services Department (Real Estate Division) have met to discuss the issues of access and fees and charges for the facility. The Groups are in agreement with establishing a pricing model which begins at a break-even point with addition for the annualized contributions for the artificial turf replacement. As well, the Groups are in agreement with providing access to sport users in the community after meeting all football, field hockey and school commitments. To this end, the Property and Development Services Department will be seeking the assistance and input of the Community Services Department (Recreation Services – Joint Use and Athletic Field Booking Divisions) to develop, determine and implement same.

In order to finalize this matter, approval is being requested to undertake all things necessary to update the existing agreements to reflect the installation and use of the subject facility and requirements for the fees and charges policy and artificial turf replacement.

The Administration advised that there are no financial implications to the City of Winnipeg to report on at this time.

The Standing Policy Committee on Property and Development recommends:

I. That the existing Joint Use and Management Agreements with the East Side Eagles Football Club and Field Hockey Manitoba be updated to reflect the development of an Artificial Turf Facility at the Kildonan East Regional School site.

II. That the requirement to establish a Reserve Fund for the replacement of the artificial turf every ten years be inserted into the Agreements.

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

Adopted by consent.

Proposed Easement for Private Watermain - Con Force Structures Limited - 2500 Ferrier Street - Lord Selkirk-West Kildonan Community File ED (34) (Vol. 1)

748 - 4. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Property and Development Services Department received a request from Con Force Structures Limited for the City to grant permission to install and maintain a private watermain to service 2500 Ferrier Street.

The Property and Development Services Department, Real Estate Division, has circulated this request to various concerned City Departments with the following comments being received:

The Water and Waste Department has no objections to the proposed special water service connection for 2500 Ferrier Street, subject to the following conditions:

1. The easement agreement must outline ownership and maintenance responsibilities for the water service. The owners of 2500 Ferrier Street should be responsible for everything particularly including all surface restoration works and/or damage to existing park trees and facilities in the public reserve area, during installation and in the event of a watermain break or other cause to excavate the service in the future.

2. Construction drawings to be submitted to the Water and Waste Department for review and approval prior to the start of construction.

3. The installation work must be done by a Licensed Sewer and Water Contractor who must take out a permit with the City to do the work. It is recommended that the service be installed by augering to minimize damage to the existing park trees and facilities.

4. The water service within the public reserve lands must be located a minimum of 4.5 metres west of the eastern limit of the park.

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

The Public Works Department has no objections to the proposed private watermain easement subject to the watermain being installed on either a 2 metre or 3 metre alignment along the south limit of the "Bergen Cut-off" lands.

The Property and Development Services Department, Planning and Land Use Division, is supportive of the subject proposal and would require the owners and future owners of 2500 Ferrier Street be responsible for the following:

1. The watermain installation contract must include restoration of any damage of sod, asphalt, trees and irrigation systems.

2. The exact location of the works within the public reserve be authorized by the Parks and Open Space Division of the Public Works Department prior to construction.

3. Any future repairs or works to the watermain be subject to the above conditions.

The Property and Development Services Department, Geomatics Branch has no objections to the proposed private watermain easement provided that the owners of 2500 Ferrier Street be responsible for the following:

1. Retaining the services of a Manitoba Land Surveyor to prepare a Plan of Easement suitable for registration in The Property Registry, based on the proposed location of the watermain as approved by the Departments concerned.

2. Posting of one limit of the Easement Plan with 0.025 x 0.025 x 0.914 metre iron survey bars, including all deflection points.

3. Any costs associated with the preparation and registration of the plan and accompanying caveat(s) at the Property Registry.

The Property and Development Services Department, Real Estate Division proposed that Con Force Structures Limited by required to pay to the City an amount equal to the market value of lands in the area discounted by 50%, taking into account that Con Force Structures Limited would only be acquiring a partial interest in the City lands, and not the full bundle of rights.

The Real Estate Division also requests that inasmuch as Council and Standing Policy Committees of Council meetings are prorogued from July 26 to August 27, 1999, the Director of Property and Development Services be authorized to do all things necessary to finalize the said Easement Agreement in accordance with terms and conditions to be negotiated as outlined and such other terms and conditions deemed necessary by the City Solicitor/Manager of Legal Services.

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 an Easement Agreement in favour of Con Force Structures Limited for the installation and maintenance of a private watermain to service 2500 Ferrier Street, as outlined on Misc. Plan No. 10671, be approved.

II. That the Director of Property and Development Services be authorized to do all things necessary to finalize the said Easement Agreement in accordance with terms and conditions to be negotiated as outlined and such other terms and conditions deemed necessary by the City Solicitor/Manager of Legal Services.

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 July 8, 1999

Proposed Encroachment of Overhead Pedestrian Walkway Link - Shelter Canadian Properties Limited and North Portage Development Corporation - City Centre Community File ED(32) (Vol. 2)

749 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Shelter Canadian Properties Limited to establish an overhead pedestrian walkway to connect Carlton Call Centre Inc. with Portage Place over the east/west Public Lane north of Portage Avenue, west of Carlton Street, as outlined on Misc Plan No. 10672.

The Zoning and Permits Branch of the Property and Development Services Department circulated the application for comments from various interested agencies. Upon consideration of the comments received, the Zoning and Permits Branch recommended that the application be approved subject to the following conditions:

1. That the approval of the application will be valid only for a period of six (6) months subject to the applicants entering into a standard overhead pedestrian walkway Leave and License Agreement with the City.

2. That all necessary precautions are observed prior to and during construction in the vicinity of underground gas facilities.

3. That the minimum overhead clearance for access routes for use by Fire Service vehicles shall be maintained at not less than five metres.

4. That a Building Permit and Occupancy Permit be obtained prior to development and use of the overhead pedestrian walkway.

Briefly, the proposed City standard terms and conditions of leave and license are consistent with other private overhead pedestrian walkways approved by Council, which include the above mentioned provisions to be negotiated with Shelter Canadian Properties Limited and North Portage Development Corporation, are as follows:

Term:	Forty (40) year term, automatic 10 year renewal unless termination notice given at least 12 months prior to the expiration of the term.
Rental:	To be computed on the basis of the fees outlined in The City of Winnipeg Encroachment By-law No. 692/74 and amendments thereto.
Insurance:	Public liability insurance of at least $1,000,000.00 naming the City of Winnipeg as additional insured and containing a cross-liability clause.
Cancellation:	Default.

The Real Estate Division requested that inasmuch as Council and Standing Policy Committees of Council meetings are prorogued from July 26 to August 27, 1999, that the Director of Property and Development Services be authorized to finalize a leave and license of the subject street right-of-way in accordance with terms and conditions to be negotiated as outlined and such other terms and conditions deemed necessary by the City Solicitor/Manager of Legal Services.

In order to legitimize the use of that portion of air space over the referenced Public Lane the approval of Council is required.

The Standing Policy Committee on Property and Development recommends:

I. That a Leave and License Agreement in favour of Shelter Canadian Properties Limited and North Portage Development Corporation for the development and maintenance of an overhead pedestrian walkway over the east/west Public Lane north of Portage Avenue, west of Carlton Street, as outlined on Misc. Plan No. 10672, be approved.

II. That the Director of Property and Development Services be authorized to do all things necessary to finalize the said Leave and License Agreement in accordance with terms and conditions to be negotiated as outlined and such other terms and conditions deemed necessary by the City Solicitor/Manager of Legal Services.

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

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

Adopted by consent.

Proposed Leave and License Agreement - portion of the Bishop Grandin Boulevard and Waverley Street right-of-way - Murray Chevrolet Oldsmobile - Assiniboia Community File FI-2.2(31) (Vol. 2)

750 - 6. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Property and Development Services Department has received a letter of intent from Murray Chevrolet Oldsmobile (Dan Murray, President and General Manager), with support from the Ward Councillor, respecting the use of a portion of the Bishop Grandin Boulevard and Waverley Street right-of-way to develop and maintain the subject lands as an additional display area for new and used vehicles in conjunction with the adjoining business operation.

The subject legally opened street right-of-way which is not physically improved is required by the City for future transportation interchange purposes.

The Water and Waste Department has indicated that it has no objections to a leave and license of the subject street right-of-way, subject to the protection of the City's municipal services contained within the site. Furthermore, all development plans would require prior approval and the agreement would exclude that portion of the property which contains the open drainage ditch.

The Public Works Department has advised that it has no objections to a leave and license of the subject street right-of-way, and has verbally indicated that in all likelihood, the subject lands would not be required for transportation purposes within the next fifteen years.

Briefly, the proposed City standard terms and conditions of leave and license to be negotiated with Murray Chevrolet Oldsmobile are as follows:

Term:	Annual continuing, commencing on a mutually agreeable date.
Purpose:	Vehicle display area, in conjunction with adjoining business operation.
Rental:	Ten percent (10%) return to the fair market value of the lands, plus an amount equivalent to realty taxes.
Insurance:	Public liability insurance of at least $1,000,000.00 naming The City of Winnipeg as additional insured and containing a cross-liability clause.
Cancellation:	365 days notice by either party.

The Real Estate Division requests that inasmuch as Council and Standing Policy Committees of Council meetings are prorogued from July 26 to August 27, 1999, the Director of Property and Development Services be authorized to finalize a leave and license of the subject street right-of-way in accordance with terms and conditions to be negotiated as outlined and such other terms and conditions deemed necessary by the City Solicitor/Manager of Legal Services.

As the fair market value of the subject property has not yet been determined, the estimated potential return to the City cannot be calculated at this time.

The Standing Policy Committee on Property and Development recommends:

I. That Leave and License in favour of Murray Chevrolet Oldsmobile for the use of that portion of the Bishop Grandin Boulevard and Waverley Street right-of-way, as outlined on Misc. Plan No. 10665, be approved.

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

II. That the Director of Property and Development Services be authorized to negotiate the said Leave and License in accordance with terms and conditions as outlined and such other terms and conditions deemed necessary by the City Solicitor/Manager of Legal Services, and report back to the Standing Policy Committee on Property and Development.

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

Adopted by consent.

Proposal to Declare City-owned Property Surplus and Available for Sale - Winnipeg Transit Garage at 461 Century Street - Assiniboia Community
File FI-2.4(31) (Vol. 7)

751 - 7. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department is in receipt of two offers to purchase the subject City property at 461 Century Street, as outlined on Misc. Plan No. 10585. The Winnipeg Transit Garage building on the lands, which is approximately 65,000 square feet, was built in 1958 and has been used as a transit garage and maintenance centre for the transit buses.

The Transit Department has provided the following information with regards to the availability of the subject property:

> The St. James Garage was decommissioned in 1996 and is not currently in use as an operational centre. It is, however, being utilized at the present time as a storage facility for older buses being kept for use during the 1999 Pan American Games. In addition, the Transit Department has been using this facility, since it was closed, for the storage of large component parts (engines, transmissions, etc.) awaiting rebuild, as well as a significant number of vehicles and equipment that are largely seasonal in their requirement.
>
> The Transit Department's plan is to reactivate the garage to operational status during the 1999 Pan American Games in order to accommodate an enlarged fleet. Immediately after the Games, the garage will be utilized to store the old buses until they can be stripped of salvageable parts and disposed of. The Department currently anticipates that this process may take until the end of February 2000.
>
> After February 2000, the property may be available for sale. The Department's current plans are that funds realized through the sale of St. James Garage would be placed into a transit building reserve fund and be utilized for the upgrade/replacement of North Garage. This initiative is contained within the Transit Departmental Business Plan.
>
> If St. James Garage is sold, the Transit Department will have a requirement for some additional storage to accommodate the materials we have been storing at St. James Garage since the time it was closed. Once North Garage is upgraded/replaced, this additional storage requirement can be accommodated at that location.

On February 16, 1999, the Assiniboia Community Committee indicated that it had no objections to the proposed sale of the subject property.

The Property and Development Services Department received an unsolicited offer for the property on March 2, 1999. On May 17, 1999, the Property and Development Services Department received a second unsolicited letter of intent/offer for the subject property.

The subject City property has yet to be declared surplus to the City's requirements. On June 1, 1999, the Transit Department provided the following additional information.

> It is not possible at this time to provide an exact date that St. James Garage would be available for sale. The St. James Garage will only become surplus to the Department's requirements when:
>
> 1. The 90 buses being stored there for use during the 1999 Pan American Games have been stripped of salvageable parts and disposed of. The Department estimates this could take until February 2000.

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

2. Alternative space is made available for the storage of large component parts awaiting rebuild, and various seasonal vehicles and pieces of equipment. There has been no initiative, to the best of the Department's knowledge, to identify any such alternative storage space.

3. The Transit Department has had the opportunity to remove valuable salvage equipment from the building (equipment such as the bus washer, bus hoists, air compressors, etc.)

Confirmation is requested that any proceeds from the sale of St. James Garage would be placed into a building reserve fund to be utilized for the upgrade/replacement of Carruthers Garage.

The Property and Development Services Department has completed an appraisal for the property and the value of the property has been estimated to be in the range of $625,000.00 to $650,000.00 with the Purchaser responsible for all demolition costs. A Phase II Environmental Study will be undertaken shortly.

The Property and Development Services Department recommends that the subject property be listed with Shindico Realty Inc., and that the parties who have given the City offers be advised accordingly.

The City's 1999 Listing Program identified the property to be listed with Shindico Realty Inc. at such a time as it was ready to be listed. The Property and Development Services Department will coordinate timing with the Transit Department to ensure that it has had enough time to vacate the subject City property.

There are no direct financial implications associated with the report submitted to the Standing Policy Committee on Property and Development.

The Standing Policy Committee on Property and Development recommends:

I. That Council declare the subject City property, as outlined on Misc. Plan No. 10585, to be surplus to the City's requirements.

II. That the Director of Property and Development Services be instructed to list the subject City property for sale with Shindico Realty Inc., and to report to the Standing Policy Committee on Property and Development on any offers received.

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.

Moved by Councillor Steek,
Adoption of the clause.

Carried.

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

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

752 - ***Note: Clause 8 has been laid over by the Executive Policy Committee.***

Laid over by the Executive Policy Committee

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

Proposal to Declare Surplus and List for Sale the City-owned Property south of Notre Dame Avenue between Spruce and Clifton Streets - City Centre Community
File FI-2.4(32) (Vol. 8)

753 - 9. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department on January 27, 1999, received a letter from Warren R. Baldwin, AACI, of Warren R. Baldwin & Associates Ltd. requesting the opportunity to list the subject City property for sale, in conjunction with an anticipated listing of Canadian Pacific Railway owned lands adjoining to the south, in order to facilitate a better sale price than what would probably be obtained on an individual basis.

The subject City property was acquired in 1949. The City retained this property for the possible diversion of Spruce Street in the event that a grade separation would prevent the exit of Spruce Street on to Notre Dame Avenue. Said grade separation would be the result of a proposed subway at Notre Dame Avenue and the C.P.R. tracks. In January of 1976, Tan Jay/Nygard (the owners of Parcel A, Plan 5012) requested to purchase the subject City property to use for employee parking purposes.

The former Streets and Transportation Department advised that there were no plans to construct a grade separation on Notre Dame Avenue at the C.P.R. tracks and that the Department would be agreeable to a possible sale subject to a reversionary right to the property in favour of the City. The former Law Department however felt that it would be more advantageous to the City to negotiate a long-term lease. Tan Jay/Nygard did not proceed with the proposed lease.

From 1976 to 1988, the City received four requests from parties interested in acquiring the subject property. In August 1988, the former Streets and Transportation Department advised that this property was no longer required for future transportation purposes and could be declared surplus and sold.

By letter of November 22, 1988, Tan Jay/Nygard again expressed interest in acquiring the subject City property as an addition to its holding. The former City Centre-Fort Rouge Community Committee, at its meeting held on January 24, 1989, indicated it had no objection to the sale of the subject City property. However, on May 2, 1990, Tan Jay/Nygard advised that it was no longer interested in purchasing the subject City property.

The subject City property is north of and adjacent the C.P.R. right-of-way (Plan 378) and has the feature of having frontage on two public (and opened) road allowances, (Spruce and Clifton Streets).

The Property and Development Services Department recommends that Warren R. Baldwin & Associate Ltd. have the opportunity to list the subject City property only, consistent and in conjunction with the listing of the adjoining Canadian Pacific land in order to create a more marketable property.

A copy of the Financial Impact Sheet is on file in the City Clerk's Department

The Standing Policy Committee on Property and Development recommends:

I. That the "subject City property", as outlined on Misc. Plan No. 7516/1, be declared surplus to the City's requirements, and marketed for sale purposes with Warren R. Baldwin & Associate Ltd. at a listing price of $63,000.00, consistent and in conjunction with the marketing of the adjoining Canadian Pacific land.

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

Adopted by consent.

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

Proposal to Declare Surplus and List for Sale the City-owned Property located on the south side of Pandora Avenue West, across from Starlight Drive - East Kildonan-Transcona Community

File FI-2.4(33) (Vol. 3)

754 - 10. The Standing Policy Committee on Property and Development has been advised that the subject City property, as outlined on Misc. Plan No. 10570, was purchased from the Canadian Reformed Church in December of 1978 for the sum of $28,430.88 to be utilized for a proposed transportation corridor in Transcona. The property is under the jurisdiction of the Public Works Department, which Department advises that the property is no longer required.

The subject property is located on the south side of Pandora Avenue West, across from Starlight Drive, and is legally described as Lot 15, Block 2, Plan 25241. The following Caveats have been registered against the subject property: No. 1345124 - a Manitoba Hydro/MTS 2.15 metre easement that is located along the rear of the parcel for the overhead hydro/MTS lines; and No. 231688 - a City of Winnipeg 25 foot wide easement for a land drainage sewer located within the subject property running north-south along the westerly portion of the subject. MTS Netcom/Shaw Cable requires an easement for future underground service at the rear in the area of the lot.

In October 1998, the Real Estate Division of the Property and Development Services Department received a letter of interest for the possible purchase of this lot. As well, there have been two other expressions of interest in the possible purchase, plus the Canadian Reformed Church from whom this property was purchased may itself wish to reacquire the property depending on the price. This indicates that a vibrant market exists for this property.

On May 18, 1999, the East Kildonan-Transcona Community Committee recommended that the Canadian Reformed Church be advised that the property is surplus to the needs of the Public Works Department, and be given the right of first refusal to purchase it back at the same price, plus interest, that the City paid for the property, prior to listing of the property with Century 21 - Carrie Realty Ltd. The original purchase price with interest thereon would vastly exceed the currently estimated market value. However, the Church may wish to submit an offer to purchase depending on the City's "list price."

This property is suitable for subdivision into two building lots. The District Planner was contacted to confirm subdivision potential. Although subdividing this property into two building lots is the highest and best use, the Real Estate Division is of the view that it would be in the City's best interest to sell this as one property due to administration costs and the time involved in marketing it. The City could sell this lot as one, with the potential for subdivision and the subdivision costs would be borne by the purchaser.

The subject property has services available such as water and sewer, however, lot line connections are required. Open ditches along the frontage of Pandora Avenue provide for land drainage.

The Real Estate Division of the Property and Development Services Department recommends that this property be declared surplus and marketed for sale purposes with Century 21-Carrie Realty Ltd., in accordance with the Council approved Residential Sales Program.

Council is the authority to declare the subject property as surplus to the City's requirements, following which the Standing Policy Committee on Property and Development can approve the terms and conditions of sale as negotiated by the Property and Development Services Department. It was suggested that a recommendation that this property be declared surplus by Council require the consideration by the Standing Policy Committee on Public Works.

The Financial Impact Sheet is on file in the City Clerk's Department.

The Standing Policy Committee on Property and Development recommends:

I. That the "subject City property", as outlined on Misc. Plan No. 10507, be declared surplus to the City's requirements, and that the Director of Property and Development Services be authorized to list this property for sale with Century 21 - Carrie Realty Ltd., in accordance with the Council approved Residential Sales Program.

Report of the Standing Policy Committee on Property and Development dated July 8, 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.

Adopted by consent.

Proposed Acquisition of Riverbank Lands - east side of D'Arcy Drive, south of Agassiz Drive - Riel Community
File FI-2(35) (Vol. 7)

755 - 11. The Standing Policy Committee on Property and Development has been advised that in 1997, portions of the subject riverbank were damaged as a result of the spring flood. Subsequent to the flood, the City applied for financial assistance from the Disaster Financial Assistance (DFA) Program for the resultant damage. The Federal Government has approved funding for the subject site for riverbank stabilization up to 90% of the cost with the City being responsible for the remaining 10%.

On March 4, 1999, the Standing Policy Committee on Property and Development considered and concurred in the recommendations contained in the report dated February 22, 1999, from the Director of Property and Development Services, as follows:

1. That the Property and Development Services Department be authorized to negotiate the acquisition of Lots 1, 2, 3 and 4 D'Arcy Drive for riverbank stabilization and riverbank parkway purposes.

2. That the subject acquisition be funded from the Riel Community Land Dedication Reserve Fund.

On May 27, 1999, the Property and Development Services Department submitted a purchase proposal to the owner in the amount of $3,813.00 for the subject properties as outlined on Misc. Plan No. 7082/2. Negotiations with the owner have resulted in a proposed acquisition by the City at the price of $6,000.00, and in accordance with the terms and conditions outlined on Schedule "A".

The subject properties are located on the east side of D'Arcy Drive, south of Agassiz Drive, and are legally described as Lots 2 and 4, Block 12, Plan 7003. The two vacant lots are partially treed and are comprised mostly of below top of bank river edge lands.

The Federal Government funding in the amount of $396,000.00 is available only for a limited time. The subject properties comprise 50% of the lands required for the project. Their acquisition will help facilitate the construction project, and with the two remaining properties currently under negotiations, will ensure continued access to the federal funding.

The construction project will result in the restoration of the riverbank, and thus protect the equity the City has in the D'Arcy Drive services (pavement and piped services). As well, D'Arcy Drive is part of the primary line of defence for flood proofing. Construction of the restoration works will ensure that D'Arcy Drive will continue to serve as the primary line of defence for flood proofing. Also, acquisition of the subject properties will further consolidate the City's ownership of the riverbank lands for the City's riverbank linear parkway program.

The acquisition of the subject properties at $3,000.00 per lot exceeds the assessed value (for taxation purposes) by approximately $400.00 per lot. This difference is nominal and the Real Estate Division therefore recommends acquisition at the owner's counter-proposal of $3,000.00 per lot. In order to expedite the conclusion of this project the Real Estate Division suggests that the Director of Property and Development Services be delegated the authority to approve the terms and conditions of acquisition of the remaining Lots 1 and 3, Block 12, Plan 7003.

Funding in the amount of $40,000.00 for the proposed acquisitions has been committed from the Riel Land Dedication Reserve.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the "subject properties" as outlined on Misc. Plan No. 7082/2, be approved at a price of $6,000.00, and in accordance with the terms and conditions as specified on Schedule "A".

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

II. That the Director of Property and Development Services be delegated the authority to approve the terms of acquisition of the remaining Lots 1 and 3, Block 12, Plan 7003.

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.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

756 - 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 first time. File EP-1 (Vol. 19)

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

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. 7472/99, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg File SC-3.14(32)(Vol. 1)

By-law No. 7473/99, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg File SC-3.14(31)(Vol. 2)

By-law No. 7474/99, a by-law of The City of Winnipeg to close part of the public lane in the block bounded by Wolseley Avenue, Cornish Avenue, Furby Street and Sherbrook Street File DAC 8/98

By-law No. 7475/99, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg File SC-3.14(32)(Vol. 1)

By-law No. 7476/99, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg File SC-3.14(35)(Vol. 1)

By-law No. 7477/99, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg File SC-3.14(35)(Vol. 1)

By-law No. 7478/99, 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 Winterhaven Drive south of John Forsyth Road in the Riel Community File DASZ 31/84 (Phase 7)

By-law No. 7479/99, 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 Knightswood Court, west of Scurfield Boulevard in the Assiniboia Community File DASZ 58/85 (Phase 51)

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

By-law No. 7480/99, 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 south side of Roblin Boulevard between Municipal Road and Hunterspoint Road in the Assiniboia Community. File DAZ 225/98

By-law No. 7481/99, a by-law of The City of Winnipeg to regulate and control the distance from a street line (Roblin Boulevard) within which a building shall not be placed File DAZ 225/98A

By-law No. 7482/99, 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 north of Lindenwood Drive East, east of Lindenwood Drive West in the Assiniboia Community File DASZ 4/99

By-law No. 7483/99, 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 southwest corner of Dawson Road South and Royal Mint Drive in the Riel Community File DASZ 5/99

By-law No. 7484/99, 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 northwest corner of Inkster Boulevard and Sheppard Street in the Lord Selkirk-West Kildonan Community File DAZ 216/99

By-law No. 7485/99, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at 1046 Templeton Avenue in the Lord Selkirk-West Kildonan Community File DAZ 222/98

By-law No. 7486/99, 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 3 - 11 Reenders Drive in the East Kildonan-Transcona Community File DAZ 204/99

By-law No. 7487/99, 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 400 Bond Street in the East Kildonan-Transcona Community File DAZ 213/99

By-law No. 7488/99, 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 500 Sherburn Street in the City Centre Community File DAZ 210/99

Councillor Golden asked to be recorded as having voted against all three readings of By-law No. 7477/99, in accordance with Rule 50.7 of the Procedure By-law.