REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JANUARY 26, 1999

On motion of Councillor Steek, Clause 2 of the Report of the Standing Policy Committee on Property and Development dated January 26, 1999, was considered.

Proposed Facility Use Agreement - Winnipeg Canoe Club Golf Course - Riel Community File PR-2.4.1 (Vol. 2)

489 - 2. On April 15, 1995, Council approved a Management Agreement for the operation of the former Winnipeg Canoe Club with the Germanic Cultural Centre of Manitoba Inc., subject to terms and conditions. The Management Agreement addressed the Clubhouse, parking lot and tennis courts as outlined on Misc. Plan No. 4750/15. The operation of the Winnipeg Canoe Club Golf Course was identified as being a separate Lease Agreement to be negotiated with the Germanic Cultural Centre of Manitoba Inc.

On March 26, 1998, Council approved a lease with the Germanic Cultural Centre of Manitoba Inc. for the operation of the Winnipeg Canoe Club golf course, in accordance with terms and conditions outlined on Schedule "A" (Schedule "A" was the thirty page standard lease document). The City of Winnipeg also had full operational audit rights for the agreements with the Germanic Cultural Centre of Manitoba Inc.

A summary of the terms and conditions offered the Germanic Cultural Centre are as follows:

Rent:	- One Dollar, annually
Term:	- April 1, 1995 to March 31, 2000
Tenant's Responsibility:	- Pay all operating costs
	- Pay all taxes including real property taxes and business taxes
	- Maintain the lands and leasehold improvements
	- Perform seasonal maintenance requirements
	- Perform annual winterization requirements
	- Property general liability and business interruption insurance
Cancellation:	- Upon default by Tenant

The Lease Agreement was never consummated by the Germanic Cultural Centre of Manitoba Inc. as the Centre is in arrears in realty taxes in the amount of $70,449.50 as of December 22, 1998. This constitutes a default under the terms of Management Agreement.

On January 14, 1999, at the request of the Germanic Cultural Centre of Manitoba Inc. and the direction of the Chairperson of the Standing Policy Committee on Property and Development, the Property and Development Services Department initiated an operational audit of the Treffpunkt Winnipeg Canoe Club operation.

On January 19, 1999, the Chairman of the Germanic Cultural Centre Inc. confirmed that they were no longer interested in operating the Winnipeg Canoe Club Golf Course which they had been operating, without agreement, since 1995. During this four year period they contracted an independent company, Don Ferguson Maintenance Service Ltd., to operate the facility on their behalf. The operator paid $25,000.00 per annum, or roughly the taxes, plus was to receive the receipts from Golf Memberships and public play in exchange for the operation and maintenance of the Golf Course.

According to both parties of this Agreement, the Germanic Cultural Centre Inc. is in arrears of its financial commitment to Don Ferguson. Only the quantum is in dispute. To Don Ferguson's credit, without full payment from the Germanic Cultural Centre Inc., he has maintained the Golf Course in a fashion described by the Canoe Club membership, as exemplary. The condition of the course has never been better.

In general the operation of a Golf Course requires considerable capital outlay. The equipment alone costs upwards of $300,000.00 to purchase, to lease $90,000.00 per annum. In particular, the Winnipeg Canoe Club Golf Course is a nine hole course which requires virtually the same equipment as an eighteen hole course. While the Course itself is in

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

remarkably good condition, it lacks an irrigation system which does not disturb play and its layout is inefficient in that its holes are relatively long and, with the requirement to travel under a public right of way between the two halves, play is slow. All of these factors have a negative influence on the economic viability of the Golf Course.

The continuing inconsistency of management, capable of responding to changing business cycles, has been a large contributor to the lack of economic viability of both the Golf Course and, for that matter, the Canoe Club itself. Numerous quick fix mechanisms have been tried in the last few years ranging from low price/high volume to high priced/exclusive interest techniques. Without sufficiently capitalized management capable of the long view there is little possibility for this property to remain a diversified viable recreational complex.

ALTERNATIVES

The options considered for the operation of the Canoe Club Golf Course include the following:

1. Close the Golf Course

   This would be a waste of an asset with significant capital in place.

2. Call for Proposals

   The Request For Proposals could address either the continued operation or alternative use of the Golf Course lands. The prospect of an alternative operator, required to make a significant investment in golf course equipment, accepting a short term agreement are remote. Alternative uses of the lands are certainly a possibility but this review process will likely be a lengthy one which, if preferred, can still be undertaken while the Golf Course is in operation.

3. City to Operate Internally

   The City currently operates Kildonan, Windsor and Crescent Drive Golf Courses. In the 1994 season, Civic forces were used to maintain the Canoe Club Golf Course. This experience did not prove to be successful. Having said this, the Civic forces were given little or no notice, the Course had been neglected in previous years, the weather was bad that season, and much of the personnel and equipment used was borrowed from other operations.

   The Community Services Department has not been given sufficient opportunity to respond to the prospect of operating the Golf Course.

4. Current Members Operate

   Much the same as the seven semi-private City owned golf courses, this Course could be turned over to a non profit membership group who would enter into the City's standard long term golf course lease agreement whereby they operate the golf course at no cost to the City, pay full realty taxes, and allow Public play during specified periods.

   While the day to day economics of volunteer management are difficult to dispute, history at the Canoe Club would indicate that such a management intensive operation tends to burn out even the most dedicated in fairly short order. There is also insufficient time to put such an alternative in place prior to the commencement of the 1999 Golf Season.

5. Operate as another business line out of the Canoe Club itself

   The Canoe Club historically operated the golf course and employed an independent contractor to maintain. The operation at the Canoe Club is not sufficiently stable to consider this a viable alternative.

6(a) Lease the Golf Course to Don Ferguson Maintenance Service Ltd. for one year, in accordance with the same terms and conditions as offered the Germanic Cultural Centre Inc., that is, $1.00 plus taxes. The stable operation of the Golf Course would be assured although Don Ferguson, while not outright refusing to consider this alternative, has indicated that he expects difficulties in securing payment from the Germanic Cultural Centre Inc. for past years services. As such he would prefer a long term arrangement. The current realty taxes (1998) amount to $14,933.60 (excluding arrears).

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6(b) Enter into an Agreement for the use of the Golf Course with Don Ferguson Maintenance Service Ltd. for five years, in accordance with the same terms and conditions as offered the Germanic Cultural Centre Inc., except that no taxes would be payable in exchange for the installation of a fully automatic sprinkler system. Five years of realty taxes, estimated at $75,000.00 would be offset by the installation of a fully automatic sprinkler system, to be installed within the first two years of the agreement at an estimated cost of approximately $150,000.00.

The method to accomplish this alternative would be the designation of the lands as a Community Services Department Facility for programming purposes, and therefore be permitable via a seasonal facility use agreement. This on the understanding that administratively the Director of Property and Development Services would have jurisdiction over the Agreement.

COMPARE TO

By way of comparison, the Administration is currently negotiating with the operators of the Semi-Private Golf Clubs on City-owned land, namely Assiniboine, Charleswood, Rossmere, St. Boniface, Transcona and Wildwood Golf Courses. Charleswood's agreement has expired. Rossmere's agreement extends until 2008 with a right of renewal, without payment of taxes, for an additional 50 years. The remainder will expire in 1999 or 2000. The intent, as a minimum, is to place all on an equal footing at least to the extent that they pay realty taxes. To date only St. Boniface Golf Club has agreed to the terms and conditions of a new agreement.

In addition, there are three courses with Lease/Management Agreements:

Harbourview	
Term:	5 years, April 1, 1996 to March 31, 2001
Retainer Fee:	City pays the manager $55,000 per annum
Green Fees:	City receives 90% of green fees
Other Revenues:	City receives 17% of other revenues
Realty Taxes:	Property is tax exempt.

John Blumberg	
Term:	Five years, May 23, 1996 to November 30, 2000
Option to Renew:	One 3 year term at the option of the City
Annual Lease Fee:	City receives $235,000.00 per year or 26% of all revenue sources which ever is higher, plus 10% of revenues in excess of $900,000.00.
Other Revenues:	City receives $1.00 per round for capitalized golf course reserve fund
Equipment Buy out:	At the end of the five year term, with no renewal, City pays balance of equipment lease payments equal to $195,000.00 ($65,000.00 per year over 3 years); or, City pays $1.00 if a 3-year option is provided. (Salvage value of equipment is estimated to be $160,000.00)

Tuxedo			
Term:	20 years, March 1, 1996 to April 30, 2015		
Annual Rent:	Year 1 $29,560.00	Year 2-4 $34,560.00	Year 5-10 $72,034.00
	Year 11-20 $92,474.00	Total Over 20 Years $1,490,184	
Other Revenues:	Realty Taxes paid (1997 $67,366.50)		
Revenue Sharing:	Years 5-20 City receives 25% to 35% of average green fee price for rounds in excess 34,000 rounds		
Additional Benefit:	Lessee to install at its cost an irrigation system and construct a miniature golf and a new club house		

Suffice it to say that each of the three agreements with private operators respond to the individual circumstances of each of the Golf Courses involved.

FINANCIAL IMPLICATIONS

Based on Alternative 6(b) the financial implications would suggest that the City would forego five years of realty taxes estimated at $15,000.00 per year or $75,000.00 for the five years, in exchange for capital improvements estimated to cost $150,000.00.

Pursuant to Section 156(2) of The City of Winnipeg Act, the approval of at least two-thirds majority of Council is required on the lease of property designated or acquired for park purposes.

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

The Standing Policy Committee on Property and Development recommends:

I. That the Winnipeg Canoe Club Golf Course be designated as a Community Services Department Facility for programming purposes, and therefore be permitable via a seasonal facility use agreement.

II. That the said Facility Use Agreement be provided to Don Ferguson Maintenance Service Ltd., with the terms and conditions of said Facility Use Permit to provide, among other things, for a term of five years, subject to the installation within the first two years of a fully automatic sprinkler system at no cost to the City and to the satisfaction of the Director of Community Services, plus such other terms and conditions deemed appropriate and in the best interests of the City by the City Solicitor/Manager of Legal Services in order to fulfil the intent of Council.

III. That the Director of Property and Development Services undertake a feasibility study in order to identify the highest and best use of the Winnipeg Canoe Club Golf Course in conjunction with a similar review of the former Winnipeg Canoe Club.

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

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

On March 24, 1999, Council granted an extension of time of 30 days for further consideration of this matter.

The Executive Policy Committee does not concur with the recommendation of the Standing Policy Committee on Property and Development and recommends:

I. That the City of Winnipeg enter into a lease agreement with Don Ferguson Maintenance Service Ltd., for the operation of the golf course in 1999 for the value of the 1999 property taxes; said lease to expire November 30, 1999, and allowing storage of equipment on the property until April 1, 2000;

II. That the Administration be requested to prepare a Request for Proposal either for the continued operation or alternative use of the Golf Course lands beyond 1999.

Moved by Councillor Steek,
That the clause be considered.

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

Moved by Councillor Golden,
That the clause be referred back to the Standing Policy Committee on Property and Development.

Lost.

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

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

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED APRIL 6, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development dated April 6, 1999, was considered.

Moved by Councillor Steek,

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

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

Councillor Smith requested that Clause 9 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,6,8,10 and 11 was put and declared carried.

Proposed By-law to Authorize City Personnel to Carry Out Electrical Inspections File EB-2.1 (Vol. 5)

490 - 1. The Standing Policy Committee on Property and Development has been advised that on July 24, 1997, Council passed By-law No. 7080/97 which amended the City of Winnipeg Electrical By-law No. 6499/94 to allow City personnel to carry out electrical inspections of one or two family dwellings, row housing and related structures and equipment.

On February 24, 1999, Council adopted the new Winnipeg Electrical By-law No. 7372/99 which came into effect on April 1, 1999. By-law No. 6499/94 was effectively repealed on that same date. Through inadvertence, the provisions of amending By-law No. 7080/97 were not carried forward into the new Electrical By-law.

City employees who have been carrying out electrical inspections of one or two family dwellings, row housing and related structures and equipment lost their authority to carry out such inspections after April 1, 1999.

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

I. That Council adopt the proposed By-law to authorize City personnel to carry out electrical inspections of one or two family dwellings, row housing and related structures and equipment.

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 Subdivision and Rezoning - Amendment to Phases 1.C and 1.D - land located in Canterbury Park, south of Kildare Avenue East and east of Redonda Street - East Kildonan-Transcona Community File DASZ 42/87

491 - 2. The Standing Policy Committee on Property and Development has been advised that on May 31, 1989, Council approved an application under File DASZ 42/87 from Novamet Development Corporation to subdivide and rezone approximately 240 acres of land located south of Kildare Avenue and east of Redonda Street, as outlined on Map 1.

Report of the Standing Policy Committee on Property and Development dated April 6, 1999

At the Developer's request, Council on August 2, 1989, approved the registration of the approved plan of subdivision in phases in accordance with the plan identified as Map 2. To date only Phase 1 has been registered and developed.

Due to unfavourable marketing conditions the Developer has decided not to register and develop Phase 2 at this time. The Developer, however, has advised that he could market twenty lots on the southerly extension of Chadwick Crescent, as outlined on Map 3, and thirteen lots on the east side of Redonda Street, as outlined on Map 4. The Administration has reviewed the Developer's proposal and deems it acceptable from servicing and access perspectives. The thirty-three lots could be serviced economically, especially the lots on Redonda Street which only require construction of the lane and Rothshire Drive street stub.

On March 16, 1999, the East Kildonan-Transcona Community Committee concurred in the recommendation contained in report dated February 19, 1999, from the Land Development Engineer, Property and Development Services Department, and recommended that the phasing plan approved by Council on August 2, 1989, be amended to allow Phase 1.C and 1.D as outlined on Maps 3 and 4 respectively.

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

I. That the phasing plan approved by Council on August 2, 1989, be amended to allow Phase 1.C and 1.D as outlined on Maps 3 and 4 respectively.

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. 530 for attachments)

Proposed Subdivision and Rezoning - land located on the south west corner of Atwood Street and Pandora Avenue West - East Kildonan-Transcona Community
File DASZ 29/98

492 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from DWE Holdings Ltd. (Warren Earl), 85 Wiebe's 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 as outlined from an "M1" Industrial District to an "R1-4" Single-Family District to permit the establishment of twenty single-family residential dwelling sites.

The following is the site description:

Site Area: 1.128 ha (2.79 acres)

Existing Land Use and Zoning: Land is presently vacant and zoned "M1" Industrial

The following is the surrounding land use and zoning:

North: Pandora Avenue West
South: Single-family dwellings, zoned "R1-5", and two-family dwelling district zoned "R2"
East: Atwood Street
West: Vacant land, zoned "M1" Industrial

The applicant proposes to subdivide the frontage along Atwood Street into single-family sites with private approaches onto Atwood Street.

Report of the Standing Policy Committee on Property and Development dated April 6, 1999

The subject property is located on the west side of Atwood Street, south of Pandora Avenue West. The property comprises one of the three property ownerships which cover the land in the immediate area bounded by the corridor alignment on the west, Atwood Street on the east, Pandora Avenue West on the north, and dwellings on the north side of Ranchgrove Bay to the south. The subject property is 2.79 acres in size and constitutes approximately 35.3 percent of the above-noted overall 7.9 acres of this land.

The applicant proposes a subdivision along the Atwood frontage into "R1-4" sized single-family lots. The intent is to provide each lot with its own private approach from Atwood Street. Although it is not shown on the plan, the applicant has verbally indicated that he is willing to reserve a location along the Atwood frontage for a future interior street opening. The applicant has stated that he does not concur with the City's concept plan for the lands and that he is unwilling to investigate the possibility of future development proposals or new concept plans in conjunction with the other two adjacent owners.

The applicant's development proposal is inconsistent with existing developments which have been approved further south along Atwood Street. These developments have recognized Atwood Street as both a collector street and transit route, and frontage development and private approaches have been minimized. Additionally, development to the south of the subject property has maximized lot yield over all of the lands abutting the corridor alignment through the incorporation of new streets west of Atwood Street.

The Traffic Assessment Engineer of the Public Works Department has requested, that should the application be approved, that either a public lane or a frontage service road be provided to the lots in order to avoid each lot having its own private approach onto Atwood Street. The Water and Waste Department advised that it will be necessary to construct a sanitary sewer in Atwood Street to service the lots. Because of the existence of a high pressure gas main, habitable structures are not permitted within fifty (50) feet of the west limit of Atwood Street.

The Planning and Land Use Division is not supportive of the application as submitted. Although in principle the area is suitable for single-family development, there are two major issues at this time which in the opinion of the Administration remain to be resolved.

1. Potential zoning and land use conflict

The area is designated as "Neighbourhood" in Plan Winnipeg and is considered appropriate for residential and commercial development with full City services. However, the adjacent lands to the west (as with the subject lands) are zoned "M1". Should the application be approved independently of a development proposal for the lands to the west, possible future industrial or commercial development on these lands would create visual, noise and potential other conflicts with the new single-family homes.

2. Absence of coordinated development

The Concept Plan prepared for the area is a workable proposal which takes into account the concerns of the Transportation Assessment Engineer and provides for efficient utilization of all lands in the immediate area. Although different concept plans on an area wide basis could be developed and may also provide for efficient utilization of the lands, the applicant has indicated that he wishes to develop his property in isolation of the adjacent lands. The Planning and Land Use Division has concerns with this approach since the overall area (7.9 acres) of all the lands is relatively small and development options which would accommodate required new streets are few in number. The applicant's proposal generally discounts the need for street access to rearage lands from Atwood Street. Access from Pandora Avenue West alone or from some presently unidentified opening on Atwood Street could be inadequate. Additionally, the applicants plan does not take into account the need to integrate existing part lots at the intersection of Ranchgrove Bay and Atwood Street, and the disposition of the City of Winnipeg North/South Corridor lands in this location is not yet finalized.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on March 16, 1999. Four persons were heard in support of the application, and no one registered in opposition thereto.

The East Kildonan-Transcona Community Committee did not concur in the recommendation contained in the report dated February 22, 1999, from the Manager of Planning and Land Use, Property and Development Services Department, that the application not be proceeded with, and recommended that the proposed subdivision and rezoning be proceeded with for the following reasons:

Report of the Standing Policy Committee on Property and Development dated April 6, 1999

1. From a Community perspective the proposed subdivision/rezoning application to have the property rezoned to an “R1-4" Single-Family District from an “M1" Industrial District is positive and perhaps the best thing that could happen in the area.

2. The adjacent neighbourhood, to the railway line, is basically residential.

3. Infill residential lots are desired in the community given the changes in lifestyle whereby families are requesting housing on smaller, more affordable lots or older persons are attempting to reduce maintenance costs.

4. Anything that can be done to encourage people to reside in existing communities is very positive.

5. Provision of a frontage road would increase the price of the lots and render them cost prohibitive.

6. The development will clean up the area to the west property limit of Atwood Street by construction of habitable residence buildings.

7. The area is designated as “Neighbourhood” in Plan Winnipeg and is considered appropriate for residential and commercial development with full City services.

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

I. That the plan of subdivision proposed under File DASZ 29/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 29/98 dated February 22, 1999, for registration in the Winnipeg Land Titles Office, subject to the Developer entering into a Servicing Agreement with the City containing all the conditions outlined in the report from the Administrative Coordinating Group dated February 26, 1999, amended as follows:

   A. That Paragraph I. with respect to providing a frontage road be deleted in its entirety.

   B. That Paragraph II.1. with respect to providing concrete pavement within the frontage road be deleted in its entirety.

   C. That Paragraph II.4. be amended by deleting the “1" in line 3 thereof.

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 29/98 dated February 22, 1999, to an “R1-4" Single-Family District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site and to include the following conditions:

   A. That a minimum thirty-six (36) foot frontage setback from the front property line be provided.

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 of the land and the creation of additional building lots.

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

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

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

Report of the Standing Policy Committee on Property and Development dated April 6, 1999

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

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

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

XI. 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. 531 for attachment)

Proposed Subdivision and Rezoning - land located on 1519 Regent Avenue West - East Kildonan - Transcona Community
File DASZ 3/99
[c/r DAV 72/99D & DAV 73/99D]

493 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Nejmark Architect Inc., 2 - 54 Adelaide Street, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the subject lands as outlined from an “A-5” Agricultural District to a “C2” Commercial District and a “C2” Commercial District to an “A-5” Agricultural District to permit the expansion of an existing site on the “C2” Commercial District lands.

The following is the site description:

Site Area:	3.085 ha (7.624 acres)
Existing Land Use and Zoning:	Canadian Tire store and garden centre; zoned “C2" Commercial

The following is the surrounding land use and zoning:

North:	Vacant land zoned “A5" Agricultural District
South:	Regent Avenue West; existing Canadian Tire store; zoned “C2" Commercial
East:	Peguis Street
West:	Kildonan Place Regional Shopping Centre; zoned “CR”

The applicant proposes to exchange ownership of equal sized pieces of land with Kildonan Place Ltd. to facilitate expansion of the existing Canadian Tire Store.

The Canadian Tire Corporation is proposing to enlarge their existing store at the northwest corner of Peguis Street and Regent Avenue West. The existing site has an irregular rear property line, and in order to accommodate the proposed expansion, a land exchange between the Canadian Tire Corporation and the adjacent property owner, Kildonan Place Ltd. is proposed. The proposed land exchange is reflected in the subject requested zoning and subdivision application, as outlined on Schedule “A”. The lands to be designated “A5" are presently zoned “C2" and are in the ownership of Canadian Tire Corporation, and are to be transferred to Kildonan Place Ltd. for consolidation with their lands. The property to be zoned “C2", is presently zoned “A5" and is in the ownership of Kildonan Place Ltd. and is to be transferred to and consolidated with Canadian Tire Corporation property. The amount of land involved in each instance is 0.13 acres.

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The applicants have made two variance applications in conjunction with the subject subdivision and rezoning. File DAV 72/99D, Part 1, is a request for a use variance to permit commercial development upon the lands to be rezoned "C2" Commercial, in advance of the subject rezoning and subdivision by-law DASZ 3/99 being approved and coming into force and effect. The remaining parts of variance under File DAV 72/99D deal with zoning deficiencies created by the proposed Canadian Tire expansion in conjunction with the use variance under Part 1 of that same variance. It is intended that all parts of variance order DAV 72/99D, should it be approved, would terminate upon the coming into force and effect of the subdivision and rezoning under File DASZ 3/99.

The second variance application DAV 73/99D is intended to accommodate the zoning deficiencies that will exist or be created when the rezoning and subdivision under File DASZ 3/99 comes into force and effect. Variance application DAV 73/99D would allow the proposed expanded Canadian Tire development to be maintained as built under DAV 72/99D, but in conjunction with the revised zoning as applied for under File DASZ 3/99.

The applicants have been advised that although the East Kildonan-Transcona Community Committee may approve variance applications DAV 72/99D and DAV 73/99D, the rezoning and subdivision application DASZ 3/99 is subject to approval by Council. The applicants are aware that no assurances can be given as to how Council may deal with application DASZ 3/99, and that under DAV 72/99D, the maximum time limit for which the use variance can be granted is five (5) years.

The Planning and Land Use Division is supportive of the subject subdivision and rezoning application. Although under Files DAV 72/99D and DAV 73/99D, the Administration recommended approval subject to a number of development conditions, it is also recommended that the applicants be required to enter into a Zoning Agreement in conjunction with File DASZ 3/99, since it is under this by-law approval that the same relevant development conditions can be appropriately established in the long term. The Zoning Agreement is intended to deal with limitations on mobile and other kinds of temporary and advertising signs, and Schedule "A", approval by Community Committee to deal with all aspects of site and building layout and design in order to achieve integration with adjacent Kildonan Place Development. It is also noted that the existing fenced Canadian Tire outdoor enclosure (garden centre) has in recent years been used for general storage in violation of the Zoning By-law. The Planning and Land Use Division recommended that this inappropriate and unsightly use of the garden centre area be specifically prohibited by the Zoning Agreement. Zoning By-law No. 6400/94, Section 722(1) also requires all accessory storage to be within a completely enclosed building. The Administration further recommended that the applicants be required to enter into a Subdivision Agreement with the City to ensure that vehicular access from Peguis Street to parking at the rear of the Canadian Tire store will be granted and maintained by Kildonan Place Ltd. across their property.

The application has been circulated and no objections to approval of File DASZ 3/99 have been received from other Civic Departments. However, the Public Works Department requested that the lands needed for future widening of Peguis Street, and a corner cut at the Regent Avenue West/Peguis Street intersection, be transferred to the City of Winnipeg in conjunction with the subdivision. The purchase of these lands was agreed between Canadian Tire Ltd. and the City of Winnipeg in the year 1994. Although the building expansion will clearly increase vehicular traffic on the site, the Public Works Department considers that it can be accommodated without the need to construct the Reenders Drive extension. The East Kildonan-Transcona Community Committee previously requested that a "small area" plan be created to deal with issues in conjunction with the Home Depot application, however, it is the opinion of the Planning and Land Use Division that the subject application can be supported outside of the requested plan for the following reasons:

1. The application under File DASZ 3/99 proposes to rezone identical size areas of land and therefore no additional ("C2") commercial zoned lands are being created nor is the site being enlarged.

2. The lands do not abut residential lots or residential zoning and consequently have no direct impact upon any residential areas.

3. The rezoning is minor in nature and will facilitate only a small part of the proposed Canadian Tire expansion which can presently be undertaken almost entirely on the existing "C2" zoned lands.

4. The Public Works Department has stated that in their opinion the Reenders Drive extension is not required as a condition of approval.

5. The development is presently provided with sewer, water and land drainage services.

Report of the Standing Policy Committee on Property and Development dated April 6, 1999

6. Since the subject rezoning will not create any net additional zoned “C2" lands, it is recommended that cash dedication in lieu of land for open space not be collected.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on March 16, 1999. Five persons were heard in support of the application, and no persons registered in opposition thereto.

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

1. The development will be beneficial to the community from the aspect of construction jobs and a variety of taxation levels.

2. The property is a very viable location and the expanded store will be used by both City residents and those residing outside the City.

3. The application under File DASZ 3/99 proposes to rezone identical size areas of land and therefore no additional (“C”) commercial zoned lands are being created nor is the site being enlarged.

4. The lands do not abut residential lots or residential zoning and consequently have no direct impact upon any residential areas.

5. The rezoning is minor in nature and will facilitate only a small part of the proposed Canadian Tire expansion which can presently be undertaken almost entirely on the existing “C" zoned lands.

6. The Public Works Department has stated that in their opinion the Reenders Drive extension is not required as a condition of approval.

7. The development is presently provided with sewer, water and land drainage services.

8. Since the subject rezoning will not create any net additional zoned “C2" lands, it is recommended that cash dedication in lieu of land for open space not be collected.

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

I. That the plan of subdivision proposed under File DASZ 3/99 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 3/99 dated March 2, 1999, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Subdivision Agreement with the City requiring that a cross-access agreement be entered into with Kildonan Place Ltd. to ensure that vehicular access across Kildonan Place Ltd. lands is provided and maintained to the parking at the north of the proposed Canadian Tire building, and that the agreement be registered as a caveat against the property.

   B. That the plan be amended to provide for a widening along the west side of Peguis Street and for a 9 by 9 metre corner cut at the Regent Avenue West/ Peguis Street intersection, all as outlined on Misc. Plan 9679/4, and designated Schedule “B” to File DASZ 3/99 dated March 2, 1999.

   C. That the lands outlined as proposed to be subdivided and zoned “A-5" shall be consolidated in the title with proposed lot 2, the lands in the ownership of Kildonan Place Ltd. adjacent to the north, and the lands to be subdivided and zoned “C2" shall be consolidated in title with proposed lot 1, the adjacent lands to the south in the ownership of Canadian Tire Ltd., all as outlined on Schedule “A” to File DASZ 3/99 dated March 2, 1999.

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

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III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule "A" for File DASZ 3/99 dated March 2, 1999, to an "A5" Agricultural District and a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site and to include the following conditions:

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

B. Advertising signs and billboards are prohibited on the lands or upon any building or structure thereon.

C. That there shall be no storage of any kind permitted in the seasonal garden centre area or within any structures located therein.

D. That all accessory storage shall be contained within a completely enclosed building.

E. 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 facia and free-standing signs are submitted to and approved by the local Ward Councillor, and thereafter identified by the signature of the Director of Property and Development Services, or his designate, under the designations as Schedule "A" to Zoning Agreement DASZ 3/99, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement.

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 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 by-law in accordance with the above.

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

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

VIII. 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 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.

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

The Executive Policy Committee recommends that the words "local Ward Councillor" in Recommendation III. E. be replaced with the words "East Kildonan-Transcona Community Committee"

Adopted by consent.

(See Minute No. 532 for attachments)

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Proposed Rezoning - land located at 837 Sherbrook Street, east side between William and Bannatyne Avenues - Lord Selkirk-West Kildonan Community
File DAZ 201/99 [DAV 991/98D]

494 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from The Prescription Shop (Kris Thorkelson), 837 Sherbrook Street, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the subject land as outlined from an "RM-L" Residential District to a "C2" Commercial District to allow for commercial development.

The following is the site description:

Site Area: Approximately 3,100 square feet

Existing Land Use and Zoning: Multi-tenant commercial building; zoned "RM-L" Residential District

The following is the surrounding land use and zoning:

North: Funeral parlour; zoned "RM-L" Residential District
South: Across Bannatyne Avenue, office/residential care facility; zoned "RM-L" Residential District
East: Single-family dwelling; zoned "RM-L" Residential District
West: Across Sherbrook Street, Health Sciences Centre; zoned "C2" Commercial District

The applicant proposes to rezone the subject property in order to accommodate commercial uses previously approved via variance applications. The property is currently developed with a one-storey commercial building which is occupied by a florist, drug store, and clinic. In order to continue these or other compatible commercial uses at this location, the applicant is compelled to rezone the property to an appropriate commercial designation.

The pharmacy, clinic, and florist uses are appropriate at this location, directly opposite the main entrance to the Health Sciences Centre. The commercial building and tenants are also compatible with adjacent properties to the north, east, and south. The accompanying variance application (File DAV 991/98D) acknowledges yard, site coverage, and parking/loading deficiencies which are extant.

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

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.

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 201/99 dated February 2, 1999, to a "C1.5" Commercial District.

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

III. That, in the event 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.

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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. 533 for attachment)

Proposed Rezoning - land located at 871/873 Hector Avenue at Stafford Street - City Centre Community
File DAZ 202/99

495 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Jim Miller, 697 Niagara Street, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the land as outlined to an "R2A" Two-Family Residential District to allow for the construction of a two-family dwelling.

The following is the site description:

Dimensions: 50 feet by 100 feet

Site Area: 5,000 square feet

Existing Land Use: Two single-family dwellings

Adjacent Zoning: "RM-5A" Multiple-family District and "R1-3.5A" Single-Family District

Adjacent Land Use: Primarily single-family housing; across lane to the north is the Bethel Mennonite complex including church, seniors housing and day care centre

The property currently contains two dilapidated single-family houses on one title. The proposal is to demolish the houses and construct a duplex.

The Property and Development Services Department supports the application for the following reasons:

1. The development complies with the "R2" bulk regulations and on-site parking is provided.
2. The location, adjacent to a regional street, is appropriate for higher density housing.
3. The neighbourhood would benefit from the housing investment.
4. The area currently provides a mix of one- and two-family housing.

The applicant was advised that the Public Works Department requested that a Zoning Agreement be registered against the title of the property to protect the possible future requirement for a seven (7) foot Stafford Street widening.

A Public Hearing was held before the City Centre Community Committee on March 9, 1999. One person was heard in support of the application, and no persons registered in opposition thereto.

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

1. The proposed development complies with the "R2" bulk regulations and on-site parking will be provided.

2. The location, adjacent to a regional street, is appropriate for higher density housing.

3. The neighbourhood would benefit from the housing investment.

4. The area currently provides a mix of one and two family housing.

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5. A Zoning Agreement will be registered against the title of the property to protect the possible future requirement for a seven (7) foot Stafford Street widening.

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 202/99 dated March 1, 1999, to an "R2A" Two-Family Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 620 of The City of Winnipeg Act to provide for the following:

1. That no permanent buildings, structures, or improvements be erected within 2.134 metres (7.0 feet) of the east property limit, which lands may be required for the future widening of Stafford Street.

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

III. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings when the Zoning Agreement has been executed.

IV. That the rezoning by-law shall become effective when the Zoning Agreement has been registered as a first charge against the subject land at Winnipeg Land Titles Office.

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

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

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

Adopted by consent.

(See Minute No. 534 for attachment)

Proposed Rezoning - land located at St. Mary's Road, east side, north of Warde Avenue - Riel Community
File DAZ 203/99

496 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from St. Vital E.M.C. Church, 539 St. Catherine Street, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the land as outlined from an "A-5" Agricultural District and "C1" Commercial District to a "C2" Commercial District to allow for a church and accessory parking lot.

The following is the present site description:

Site Area: The property is one of the few remaining vacant undeveloped properties along St. Mary's Road. It has over 400 feet of frontage and 300 feet of depth.

Existing Land Use and Zoning: Combined "C1" Commercial and "A5" Agricultural zoning. The land is currently vacant.

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The following is the surrounding land use and zoning:

North: Immediately to the north is a pedestrian walkway and Hydro Transmission Line
South: Vacant undeveloped "C2" Commercial land
East: A fully developed "R1-5" Residential subdivision
West: A mixture of some light commercial, and undeveloped "A-5" Agricultural occupies the land directly west of St. Mary's Road

The applicant proposes to consolidate the two (2) lots in question, and rezone them to a single commercial zoning category which will facilitate development of a church. The building itself will have a sanctuary, offices and a gymnasium area. It is to be sited at the centre of the lot surrounded by proposed 128 parking stalls. Primary access is via St. Mary's Road.

The subject property lies just north of Warde Avenue, east of St. Mary's Road. Years ago, a portion of the subject land was rezoned to a "C1" limited commercial zoning category but inexplicably it was never developed. The Royal Bank of Canada currently has title to the aforementioned parcel in addition to the agriculturally zoned lot lying adjacent to the north. The applicants are proposing to purchase both properties from the Royal Bank and provided that the necessary rezoning is endorsed by Council, they will consolidate both properties and construct a church. While an agricultural zoning permits a church outright, "C1" Commercial does not. A restrictive "C2" Commercial zoning will both allow for the proposed uses and provide a mechanism for putting a Zoning Agreement in place. Through the Zoning Agreement, neighbouring residents will be able to ensure that uses other than a church and its accessory uses (including parking area) will not be permitted without a zoning agreement amendment. Similarly the agreement will allow for an opportunity to review and endorse all building and site plans prior to the issuance of any building permit. In that way, proper landscaping, fencing, building set-backs, garbage enclosure location, etc., can be established and maintained in the interests of surrounding property owners. The Property and Development Services Department is of the view that by putting the recommended conditions in place, the proposed development should not have any significant adverse effect on the surrounding neighbourhood. It would appear to be a preferable alternative to the 40+ uses currently permitted out right under just the "C1" Commercial zoning.

The Administration therefore recommended that the Riel Community Committee endorse the application subject to the conditions listed.

A Public Hearing was held before the Riel Community Committee on March 9, 1999. Eleven persons were heard in support of the application, no persons registered in opposition thereto, and two persons registered for information thereon.

The Riel Community Committee recommended that the rezoning application be approved for the following reasons:

1. The proposed development is considered to be compatible with the surrounding area and a welcome addition to the neighbourhood.

2. The conditions will ensure that the proposed development will not have any significant adverse effect on the surrounding neighbourhood.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule "A" for File DAZ 203/99 dated March 1, 1999, to a "C2" Commercial District, subject to the following:

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

      1. That final site plans illustrating proposed location of buildings, building profile, points of access/egress, signage, landscaping/fencing, parking areas, exterior lighting and garbage enclosures be submitted to and approved by the Manager of Planning and Land Use and the Riel Community Committee prior to the issuance of any building permits.

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2. That use of the site be restricted to the following uses:
   a) Church, synagogue or similar place of worship; and,
   b) Accessory gymnasium and offices, kitchen, play-rooms, library, sanctuary, and storage areas.

3. That the maximum height of the proposed church, in accordance with plans submitted be restricted to thirty-three (33) feet.

B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated February 25, 1999, with the following amendment:

i) That the servicing costs of $87,030.59 be amortized over a period of ten (10) years.

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.

Moved by Councillor Steek,
Adoption of the clause.

Moved by Councillor Angus,
Seconded by Councillor Golden,

That the clause be referred back.

The motion to refer the clause back to the Standing Policy Committee on Property and Development was put and declared carried.

(See Minute No. 535 for attachment)

Report of the Standing Policy Committee on Property and Development dated April 6, 1999

Proposed Rezoning - land located on the north side of Ashcroft Point, east of Glendale Boulevard - Assiniboia Community
File DAZ 205/99 (c/r File DASZ 20/94)

497 - 8. 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, to amend Zoning By-Law No. 6400/94 by rezoning the subject land as outlined from an “R1-4" Single-Family District to a “PR1" Parks and Recreation District to facilitate the expansion of an existing park.

The following is the site description:

Site Area: Approximately 32,400 square feet (0.75 acres)

Existing Land Use and Zoning: Vacant; zoned “R1-4” Residential District

The following is the surrounding land use and zoning:

North: Park; zoned “PR1” Parks and Recreation District
South: Across Ashcroft Point, single-family dwellings; zoned “R1-6” Residential District
East: Park; zoned “PR1” Parks and Recreation District
West: Single-family dwellings; zoned “R1-4” Residential District.

On December 16, 1998, Council accepted a cash donation from a private donor, provided the donation be used to acquire the subject property to establish a public park and that the City of Winnipeg use its best efforts to initiate a rezoning to a park designation as soon as practicable. The donor also requested that use of the property be further restricted by prohibiting the construction of any building thereon. These requests are the subject of clauses included in the Sales Agreement.

The subject property was formerly part of the Woodhaven School site. This property and lands fronting the east side of Glendale Boulevard were subdivided and rezoned in 1995 to “R1-4” Residential District in order to establish a number of single-family lots (under File DASZ 20/94). File DASZ 20/94 presented the option of either single-family or low density multiple-family development of the former school site. At the time, both the former Planning Department and the former Parks and Recreation Department supported the development of single-family lots fronting on Glendale Boulevard, with the rest of the site to remain “PR1”. The developer indicated that without the lots along Ashcroft Point, the development was not financially viable.

The Assiniboia Community Committee recommended that the application under File DASZ 20/94 not be proceeded with. Standing Committee, and later Council, recommended the approval of the rezoning and a total of fourteen single-family lots. If the current application (under File DAZ 205/99) is approved, a total of ten single-family lots will still be available for development along Glendale Boulevard.

A Public Hearing was held before the Assiniboia Community Committee on March 16, 1999. No persons registered in support of, or in opposition, to the application.

The Assiniboia Community Committee recommended that the rezoning application 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 Assiniboia Community Committee and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule “A” for File DAZ 205/99 dated March 8, 1999, to a “PR1” Parks and Recreation District.

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II. 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.

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 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.

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. 536 for attachment)

Proposed Zoning Agreement Amendment - land located at 2575 / 2585 Main Street, northeast corner, Red River Boulevard - Lord Selkirk - West Kildonan Community
File ZAA 1/99
[c/r DASZ 37/84 & DCU 9/99D]

498 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from Ralph W. Schilling Architect, 729 - 177 Lombard Avenue, Winnipeg, to amend the Zoning Agreement affecting the subject lands as outlined to allow for an expanded list of commercial uses and to delete the condition restricting free-standing signage.

The following is the present site description:

Site Area: Approximately 436,738 square feet (10 acres)

Existing Land Use and Zoning: Grocery store and accessory parking area; zoned “C2” Commercial District

The Zoning Agreement currently limits uses to all “C1” uses and a list of specified “C2” uses. The Zoning Agreement also permits only one free-standing sign, subject to a maximum height of thirty (30) feet and a minimum setback from the Main Street property line of twenty (20) feet. The applicant requested permission to expand the list of permitted uses and to eliminate the clause relating to free-standing signage restrictions.

When this property was first subdivided and rezoned to “C2” Commercial District (under File DASZ 37/84), the Lord Selkirk-West Kildonan Community Committee recommended approval subject to certain restrictions. Such restrictions are not unusual in circumstances where surrounding lands are anticipated to be residential but are not yet developed. The intent is to accommodate future commercial development, while also attempting to anticipate concerns of future residential neighbours.

Since the property was rezoned in 1984, residential properties to the north, east, and south have been developed. The owner of the commercial property has developed a program for development, including: site access, proposed uses, and conceptual site plan which indicates approximate locations and sizes of proposed commercial buildings. In addition to the existing grocery store, potential uses include: restaurants, gas kiosk, and unspecified retail operations. In order to accommodate these and future tenants, the Planning and Land Use Division recommended Zoning Agreement Clause No. 11 be replaced. The recommended replacement clause will prohibit uses which would be incompatible with adjacent properties or would tend to include outside operations, extended business hours, or other activity which may interfere with the otherwise quiet enjoyment of adjacent residential properties.

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The applicant also requests the restrictions concerning free-standing signage (Clause No. 15) be eliminated. Zoning By-Law No. 6400/94 limits total free-standing sign surface area to a maximum of 323 square feet. In addition, sign height in "C2" districts must not exceed 35 feet above grade. The Zoning Agreement does not restrict sign surface area. It does restrict height (30 foot maximum), location (20 foot setback from the Main Street property line), and number (one pylon per zoning lot). Since the property was zoned "C2" the nature and layout of commercial sites and commercial signage has evolved. Interior-oriented shopping malls with anchor department or grocery stores are no longer the norm. Instead, a site such as this tends to be developed with a free-standing grocery store, a small multi-tenant strip of retail uses, and several free-standing restaurants (usually with drive-through lanes) and gas kiosks adjacent to the main thoroughfare. The more familiar shopping mall would tend to emphasize the shopping centre on a large pylon sign, with the tenants identified on small panels on that same sign. The newer form of development tends to emphasize individual tenants, with little attempt to articulate an overall site identity. Buildings are often designed to specifications demanded by the tenant, with each free-standing operation desiring its own pylon sign and also with preordained specifications.

Since the grocery store and multi-tenant building have less exposure than those buildings arranged along Main Street, a more prominent thirty-five (35) foot high pylon which identifies these uses is appropriate (which is also the maximum permitted within the "C2" category). Since the restaurants, gas kiosks, and other uses arranged along Main Street have more visibility (through their location and fascia signage), their individual pylons should be of a lesser scale so as not to compete or obscure the principal pylon. In order to articulate a hierarchy for free-standing signage, a maximum height of twenty-five (25) feet is recommended for these uses. The Planning and Land Use Division also recommended signage be oriented towards the Main Street frontage, rather than being located along Red River Boulevard.

The Public Hearing was held by the Lord Selkirk-West Kildonan Community Committee on February 9 and March 9, 1999. Thirteen persons were heard in support of the application, sixty nine persons registered in opposition thereto, and one person was registered for information.

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

1. Plans Approvals and Conditional Use applications are subject to public input.

On April 6, 1999, the Standing Policy Committee on Property and Development considered the Report of the Lord Selkirk-West Kildonan Community Committee dated March 26, 1999, and approved the following amendments which have been incorporated in the recommendations as set out below:

- That Recommendation I.B. outlining uses not permitted and conditional uses on the land, be amended as follows:
    - deleting "(l) Beer: Sales;" from uses not permitted, and adding same as a conditional use on the land
    - deleting "(a) Animal Hospital, Veterinary Clinic;" as a conditional use, and adding same as a use not permitted on the land
    - deleting "(a) Audio/Video Recordings: Rental, Sales when exceeding 2,000 square feet in floor area or located within 50 feet of residential district boundaries;" as a conditional use, and adding same as a use not permitted on the land
    - deleting "(h) Dry-cleaning, Pressing, Dyeing, not including accessory Depot, limited to non-inflammable, non-explosive solvents;" as a conditional use, and adding same as a use not permitted on the land
    - deleting "(j) Liquor: Sales;" as a conditional use, and adding same as a use not permitted on the land
    - deleting in its entirety and replacing "(e) Billiard Parlour up to a maximum of two billiard parlour tables per use (otherwise not permitted);" under conditional uses on the land, with the following: "Billiard Parlour in conjunction with restaurant;"

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- deleting in its entirety and replacing "(l) Restaurant, exceeding a floor area of 1,700 square feet;" under conditional uses on the land, with the following: "Restaurant, exceeding a floor area of 2,500 square feet;"

with the sub-clauses being renumbered accordingly;

- That Recommendation I.D. with respect to Clause No. 15 be amended by deleting the words "the building to which the sign relates to" in the third sentence, and replacing same with "the IGA building".

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

I. That Zoning Agreement DASZ 37/84 (By-Law No. 4030/85) dated August 30, 1985, be amended as follows:

A. By deleting Clause No. 11 which states that:

"the "C2" land and any building or structure thereon shall not be used for, and no building or structure shall be erected, placed, altered, or enlarged on the "C2" land for any use except for the following uses:

(a) any use permitted in the "C1" District;
(b) retail stores or retail businesses;
(c) art or antique shop, if conducted wholly within completely enclosed building;
(d) bank;
(e) bird store, pet shop, or taxidermist;
(f) business college or private school operated as a commercial enterprise;
(g) blueprinting or photostating;
(h) catering establishment;
(i) cleaning establishment, using non-flammable and non-explosive cleaning fluid;
(j) department or furniture store;
(k) film exchange;
(l) interior decorating store;
(m) medical or dental clinics and laboratories;
(n) music conservatory or music instruction;
(o) newsstand;
(p) printing, lithographing, or publishing;
(q) public garage, if all operations are conducted within a completely enclosed building provided, however, that where a public garage is located on a lot which does not abut upon a lane and is within fifty (50) feet of a lot in an "RA" or "R1" District, the garage wall, nearest to such lot, shall have no openings other than stationary windows;
(r) studios (except motion pictures);
(s) tire shop operated wholly within a building;
(t) trade school, if conducted wholly within a completely enclosed building;
(u) accessory uses when located on the same lot;
(v) loading space as required in the applicable zoning provisions (presently Old Kildonan Town Planning Scheme 1957 Chapter 14, A9);
(w) automobile parking space required for dwellings and buildings other than dwellings, as provided for in the applicable zoning provisions (presently Old Kildonan Town Planning Scheme 1957 Chapter 14, A8)."

B. By replacing Clause No.11 with the following:

"That the following uses not be permitted on the land:

(a) Amusement Devices, Accessory;
(b) Amusement Enterprise, Indoor;
(c) Amusement Enterprise, Licensed;
(d) Amusement Enterprise, Outdoor;
(e) Animal Hospital, Veterinary Clinic;
(f) Animal Pound, Animal Training, Kennel;

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(g) Arena, Auditorium, Stadium;
(h) Auction Room;
(i) Audio / Video Recordings: Rental, Sales when exceeding 2,000 square feet in floor area or located within 50 feet of residential district boundaries;
(j) Automobile, including motorcycle: Cleaning;
(k) Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of Supplies/Parts;
(l) Banquet Hall, Dance Hall;
(m) Bed and Breakfast;
(n) Bingo Parlour;
(o) Boarders or Roomers;
(p) Boat: Sales, Service;
(q) Boat Docking / Launching, Boat Rental, Marina;
(r) Bus Station;
(s) Cabaret;
(t) Carnival, Circus, Fair;
(u) Contractors' Establishment;
(v) Dispatch for Taxi;
(w) Dry-cleaning, Pressing, Dyeing, not including accessory Depot, limited to non-inflammable, non-explosive solvents;
(x) Dwelling Unit;
(y) Exterminator;
(z) Family Day Care Centre, in a single family dwelling;
(aa) Farm Supplies: Sales;
(bb) Farmers' Market;
(cc) Flea Market;
(dd) Funeral Chapel or Parlour, Mortuary;
(ee) Group Day Care Home;
(ff) Hospital, or similar treatment centre;
(gg) Hotel, including Motel, limited to guest rooms;
(hh) Hotel, including Motel, including a beverage room or any conditional use;
(ii) Institution;
(jj) Institution, Residential, including nursing home, personal care home, or similar use;
(kk) Liquor: Sales;
(ll) Machinery / Heavy Equipment Supplies and Parts: Sales, Installation, Service;
(mm) Mobile Home Park;
(nn) Neighbourhood Rehabilitation Home, providing a minimum separation of 990 feet from a Care Home, a Neighbourhood Care Neighbourhood Rehabilitation Home;
(oo) Office / Service Building, accessory to a mobile home park or a multiple family dwelling;
(pp) Parish Hall, accessory to a place of religious worship;
(qq) Parking Structure, accessory;
(rr) Parking Structure, non-accessory;
(ss) Pawnshop;
(tt) Private Home Day Care, in a dwelling unit with a ground-level entry;
(uu) Public Utility;
(vv) Recycling Depot for Collection of Materials;
(ww) Shelter House;
(xx) Sign, Advertising (billboard);
(yy) Stone or Monument: Sales;
(zz) Studio, Motion Picture;
(aaa) Tattoo Parlour;
(bbb) Taxidermist;
(ccc) Terminal for Courier / Delivery / Express Service, Cleaning Service, Key and Lock Service, Security Service, Taxi, or similar service;
(ddd) Wood Products: Manufacture from finished wood, including a cabinet shop."

"That the following be conditional uses on the land:

(a) Automobile, including motorcycle: Repair, Service, Installation of Supplies / Parts provided such uses be located in proximity to the Main Street frontage and a minimum of 50 feet from residential district boundaries (otherwise not permitted);

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(b) Automobile Washing: drive-through or self-service provided such uses be located in proximity to the Main Street frontage and a minimum of 50 feet from residential district boundaries (otherwise not permitted);
(c) Beer: Sales;
(d) Billiard Parlour in conjunction with a restaurant;
(e) Convenience Store when accessory to another use (otherwise not permitted);
(f) Drive-Through Facility, excluding a drive-through restaurant or automobile washing provided such uses be located in proximity to the Main Street frontage and a minimum of 50 feet from residential district boundaries (otherwise not permitted);
(g) Fuel: Sales kiosk provided such uses be located in proximity to the Main Street frontage and a minimum of 50 feet from residential district boundaries (otherwise not permitted);
(h) Radio or Television Station provided such uses not include accessory communication/broadcast towers or satellite dishes;
(i) Restaurant, exceeding a floor area of 2,500 square feet;
(j) Restaurant, Drive-Through provided such uses be located in proximity to the Main Street frontage and a minimum of 50 feet from residential district boundaries (otherwise not permitted);
(k) Theatre, Cinema, Concert Hall;
(l) Tire: Sales, Service provided such uses be located in proximity to the Main Street frontage and a minimum of 50 feet from residential district boundaries (otherwise not permitted)."

C. By deleting Clause No. 15 which states that:

"Not more than one (1) free-standing sign shall be located upon a zoning lot within the "C2" land, such sign shall not exceed thirty (30) feet in height, and such sign shall not be located within twenty (20) feet of the eastern limit of Main Street."

D. By replacing Clause No. 15 with the following:

"Not more than 5 free-standing signs shall be located upon the subject property. The principal free-standing sign shall not exceed 35 feet in height. Secondary, individual free-standing signs shall not exceed 25 feet in height or the height of the IGA building, whichever is less. Free-standing signs shall not be located with 10 feet of the Main Street property line. Free-standing signs shall be oriented towards Main Street, with no free-standing sign oriented towards the Red River Boulevard property line."

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 37/84 (By-Law No. 4030/85), dated August 30, 1985, 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.

The Executive Policy Committee recommends that Recommendation I.B. be amended by deleting the following therefrom, namely:

"(e) Animal Hospital, Veterinary Clinic"

"(i) Audio/Video Recordings: Rental, Sales when exceeding 2,000 square feet in floor area or located within 50 feet of residential district boundaries;"

"(w) Dry-cleaning, Pressing, Dyeing, not including accessory Dept, limited to non-inflammable, non-explosive solvents;"

"(kk) Liquor: Sales;"

and that the sub-clauses be renumbered accordingly.

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Moved by Councillor Steek,
Adoption of the clause.

In amendment,

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

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

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

Proposed Street Name Changes - Mayfair Avenue to Harkness Avenue - Harkness Street to Harkness Avenue - City Centre Community File SC-3.14(32) (Vol. 1)

499 - 10. On June 24, 1998, Council adopted Clause 16 of the Report of the Standing Policy Committee on Property and Development dated June 1, 1998, and in doing so, approved the street name changes and street classifications in the area between the Main/Norwood Bridges and Donald Street.

In the course of providing the required legal descriptions to prepare the street name change by-law, the Geomatics Branch of the Property and Development Services Department discovered that portions of the public right-of-way outlined in black on Schedule "A" dated August 13, 1998, were named Mayfair Avenue (instead of Harkness Avenue) and registered in the Winnipeg Land Titles Office as Plan No. 30733. Plan No. 30733 was prepared under By-law No. 6244/93 which refers to the expropriation of the land required for the Norwood Bridges Project. Therefore it is now necessary to rename these portions to Harkness Avenue as approved by Council on June 24, 1998.

On March 9, 1999, the City Centre Community Committee concurred in the recommendation contained in the report dated August 13, 1998, from the Subdivision Officer, Property and Development Services Department, and recommended that the currently utilized name "Mayfair Avenue" be changed to "Harkness Avenue".

In addition, it has been determined that the street name change on lands located on Stradbrook Avenue between River Avenue and the east-west leg of Stradbrook Avenue was inadvertently outlined as Harkness Street (instead of Harkness Avenue), which impacts a significant number of residents in the community. It is therefore necessary to rename this portion of "Harkness Street" to "Harkness Avenue", as outlined on Schedule "B".

The Standing Policy Committee on Property and Development recommends:

I. That the following street name changes be approved:

(a) Mayfair Avenue be changed to "Harkness Avenue", as outlined on Schedule "A" dated August 13, 1998;

(b) Stradbrook Avenue between River Avenue and the east-west leg of Stradbrook Avenue, be changed to "Harkness Avenue", as outlined on Schedule "B";

and that in approving these changes, Council authorize the following:

A. That the Director of Property and Development Services be requested to provide the necessary legal description to the City Solicitor/Manager of Legal Services for the purpose of preparing a by-law.

B. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law for approval by Council for registration in the Winnipeg Land Titles Office and that the street name change become effective upon third reading.

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C. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the by-law by Council, be authorized to publish the street name change in two daily newspapers having a general circulation throughout the City of Winnipeg.

D. That the City Clerk be requested, upon passage of the by-law, to provide the relevant Community Clerk with a copy of the by-law and the report for the purpose of changing all pertinent records and notifying all persons affected by the by-law.

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

Adopted by consent.

(See Minute No. 537 for attachment)

Proposed Street Name Change - "Place Lesard" to "Place Lessard" - Riel Community File SC-3.14(35) (Vol. 1)

500 - 11. The Standing Policy Committee on Property and Development has been advised that on August 29, 1989, the former St. Boniface-St. Vital Community Committee approved a list of street names to be included under File DASZ 14/88, one of which was “Place Lesard”. Plan of Subdivision 25692 was registered in the Winnipeg Land Titles Office on September 17, 1990, with the spelling “Place Lesard”. It has now been brought to the attention of the Property and Development Services Department that the correct spelling should be “Place Lessard”. Therefore it is now necessary to rename “Place Lesard”, as outlined on Schedule “A” dated February 6, 1999, to “Place Lessard”.

On March 9, 1999, the Riel Community Committee concurred in the recommendation contained in the report dated February 16, 1999, from the Subdivision Officer, Property and Development Services Department, and recommended that the currently utilized name “Place Lesard”, outlined on Schedule “A” dated February 16, 1999, be changed to “Place Lessard”.

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

I. That the currently registered street name “Place Lesard”, as outlined on Schedule “A” dated February 16, 1999, be changed to “Place Lessard”, and that in doing so, Council authorize the following:

A. That the Director of Property and Development Services be requested to provide the necessary legal description to the City Solicitor/Manager of Legal Services for the purpose of preparing a by-law.

B. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law for approval by Council for registration in the Winnipeg Land Titles Office and that the street name change become effective upon third reading.

C. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the by-law by Council, be authorized to publish the street name change in two daily newspapers having a general circulation through the City of Winnipeg.

D. That the City Clerk be requested, upon passage of the by-law, to provide the relevant Community Clerk with a copy of the by-law and the report for the purpose of changing all pertinent records and notifying all persons affected by the by-law.

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

Adopted by consent.

(See Minute No. 538 for attachment)

Report of the Standing Policy Committee on Property and Development dated April 6, 1999

Proposed Amendment to License By-law No. 6551/95 - Sign Erector, Window Installer, Awning & Canopy Installer, Crane Operator And Window Washer
File EL-1 (Vol. 31)

501 - ***Note: Clause 12 has been laid over by the Executive Policy Committee.***

Laid over by the Executive Policy Committee

Proposed Amendment to License By-law No. 6551/95 - Christmas Tree Vendor
File EL-1 (Vol. 31)

502 - ***Note: Clause 13 has been laid over by the Executive Policy Committee.***

Laid over by the Executive Policy Committee

The City of Winnipeg License By-law No. 6551/95 - Review of License Fees
File EL-1 (Vol. 31)

503 - ***Note: Clause 14 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 APRIL 8, 1999

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

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

Carried.

Proposed Lease Renewal - Mandarin Building, 185 King Street - Office Accommodation for Winnipeg Hydro Department, Legal Services Division, Claims Branch and Audit Department - City Centre Community
File FI-2.3(32) (Vol. 4)

504 - 1. The Standing Policy Committee on Property and Development has been advised that on April 19, 1988, the former Committee on Finance and Administration approved a development proposal and lease of a minimum of 20,000 square feet in the Mandarin Building at 185 King Street.

Commencing November 1, 1989, the City entered into a ten (10) year lease, to provide 43,081 square feet of office space for the Winnipeg Hydro Department, the former Law Department, and the Claims Branch of the former Finance Department. The lease will expire on October 31, 1999. The deadline to exercise the first option to renew is April 30, 1999.

On December 1, 1998, the Standing Policy Committee on Property and Development considered and laid over Report No. 2A, Item No. 3 dated November 13, 1998, from the Technical Advisory Committee on City Properties, pertaining to the owners communicated intent to list the building for sale and enquiry if there is any interest on the part of the City to acquire the Mandarin Building.

On January 8, 1999, the report was again laid over to a Special Meeting of the Standing Policy Committee, to be held at the call of the Chairperson.

At a Special Meeting held on January 26, 1999, the Standing Policy Committee again considered the matter and directed in part, "That the Administration be instructed to negotiate an extension of the lease agreement, on a month to month basis, to a maximum of six months, with the lease rates to be equivalent or less than the current lease rates;" and report back on February 4, 1999.

On February 4, 1999, the Standing Policy Committee on Property and Development considered report dated February 3, 1999, from the Director of Property and Development Services and the Manager of Civic Accommodations, recommending the Director be authorized to enter into two separate lease renewal agreements between the City of Winnipeg and Canada Life Assurance Company, for space in 185 King Street, in accordance with terms and conditions as outlined in Schedules A and B, and to be in a form satisfactory to the City.

The particulars of the building and ownership of the Mandarin Building at 185 King Street, are as follows:

Building Name:	Mandarin Building
Building Address:	185 King Street, northeast corner of King Street at James Avenue
Air Rights (building-above grade):	Canada Life Assurance Company
Building Plan Area:	18,331 square feet
Gross Upper Floor Area:	81,709 square feet
Realty Roll No.:	714382
Property Description:	A four storey office building, with underground parking, Dynasty Building at 180 King Street.

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

Subject Leased area	
- expires October 31, 1999	43,081 square feet (Hydro/Legal/Audit)
Leased area	
- expires July 3, 2002	7,401.5 square feet (Materials Management)
Leased area	
- expires May, 2004	8,549.5 square feet (Employee Benefits)
Total Area	59,032.5 square feet

EXISTING LEASE

The Landlord was requested to provide a six month extension pursuant to the Standing Policy Committee's direction of January 26, 1999. The Landlord has orally responded, that on the basis of its negotiations undertaken thus far in good faith with the City, it proposes two new five year leases at economical rents rather than extending the existing lease for six months. Out of a fiduciary obligation to the Landlord to conclude the original negotiations entered into, the terms and conditions of the proposed leases are presented for consideration by the Standing Policy Committee. The acceptance period for the proposal is open for seven (7) days from February 2, 1999, after which it becomes null and void.

The subject ten year lease of 43,081 square feet, expiring October 31, 1999, was acquired to accommodate the office and customer service requirements of Winnipeg Hydro and the City Water Utility, Legal Services Division, Claims Branch of the Corporate Services Department, and the Audit Department.

The existing lease is for ten years at a net rent of $10.00 per square foot. It provides two (2) options to renew, each for a five (5) year term, subject to the rate being revised to "not less than" the existing rate. The deadline to exercise the first option is April 30, 1999. The lease also provides that should the Tenant remain beyond the expiration date without the benefit of a formal agreement, effective November 1, 1999, the Tenant will be in an over holding position and required to pay $20.00 per square foot net rent, twice the present net rent.

Common area operating costs in 1998 were approximately $3.81 per square foot (1997 = $4.07) and realty taxes approximately $2.75 per square foot (1997 taxes = $3.35).

The initial investment for tenant improvements installed on third floor were in the principle amount of $590,000.00 and $765,000.00 in the Hydro space, the total principle investment being $1,355,000.00 or approximately $31.50 per square foot. There have also been additional tenant improvements for re-configuration and upgrades performed at various times during the past ten years of occupancy. The condition of these premises and improvements are considered very good at this writing. The existing tenant improvements, paid for by the City, have an estimated remaining life of more than five years.

The Civic Accommodations Division reviewed the requirements for the next five year term with all of the respective Divisions in occupancy, who confirmed their desire to continue occupancy for a further five years at this site. The respective Departments concurred that a separate lease for their respective individual space may be advantageous to their future planning, although not an absolute necessity. Stability over the next five years and assurance that there will be no disruption to their operations within these accommodations without appropriate pre-planning is important.

NEGOTIATIONS FOR TWO NEW FIVE YEAR LEASES IN 185 KING STREET

Over the past years, rental rates in the market place for alternate locations in the area have declined and space is available at a lesser net rent than the existing lease rate of $10.00 per square foot. In view of this, the Landlord was advised that the option to renew would not be exercised. However, consideration would be given to a proposal for three new leases for the individual spaces, rather than one collective lease. The expectations of an economical rent and flexible lease terms were conveyed to the Landlord's agent, O & Y Enterprise Manitoba.

The intention of separate leases is to provide flexibility in future dispositions of leased space as may be required on a per department basis:

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

Location In Building	Occupant/Division	Source Department	Square Foot Area
Main Floor Second Floor	Hydro/Water & Waste Winnipeg Hydro	Hydro/Water & Waste Winnipeg Hydro	6,116 sf 18,617 sf 24,733 sf
Third Floor	Legal Services /Audit	Corporate Services Dept.	14,058 sf
Third Floor	Claims & Insurance	Corporate Finance Dept.	4,290 sf
Total Area			43,081 sf

As a result of the ongoing negotiations, the Landlord agrees to provide two new leases, rather than the requested three; one for 24,733 square feet of Winnipeg Hydro space and the other for 18,348 square feet occupied by the Legal Services Division, the Claims Branch and the Audit Department. The Landlord also agrees to:

1. Reduce the interest rate on overdue accounts to 2% over prime;
2. Grant an option to renew at the then prevailing market rent for comparable premises;
3. Reduce the net rates;
4. Remove the over holding penalty for a maximum of six month after the lease expiry in 2004;
5. Offer a cash improvement allowance in a revised amount of $172,324.00, with the proviso that 75% can be used for the tenant's discretionary use and 25% be used for leasehold improvements, payable upon formal execution of the proposed two lease agreements; and,
6. Offer one month free net rent at the commencement of the new term, a value of $28,720.66.

Analysis of the proposal reflects that after application of the free rent inducement and the 75% portion of discretionary cash inducement ($129,243.00), the average effective net rent over the term is approximately $7.50 per square foot (subject to GST). The remaining 25% portion of the cash allowance, in amount of $43,081.00, will also be available for tenant improvements. When compared to the existing lease, the proposal represents a total savings in net rent in amount of $114,882.66 in the first year and $86,162.00 per annum thereafter.

The proposed net rent is within the acceptable range for comparable property in the market place. The terms and conditions of the lease proposals are summarized in Schedules A and B dated February 2, 1999.

The positive aspects of remaining at this site are:

1. Positive rental comparison to other space with similar amenities;
2. The tenant improvements are paid and have an estimated remaining life of more than five years;
3. The location is close to the major clients of the Divisions and to their respective source Departments; and,
4. The building class and newer standards provide modern, efficient office accommodation.

Since it is the responsibility of the Civic Accommodations Division to provide safe and economical accommodations to meet the needs of the Civic Departments, all of the aforementioned negotiations were undertaken in good faith with the Landlord. Said discussions were always cognizant of:

a) the City's preference to consider only short term leases in keeping with the City of Winnipeg's "Strategic Facilities Master Plan", adopted by Council on September 29, 1998;
b) minimize any need for capital expenditures;
c) the need for departments to maintain a position of stability so they may effectively put into place their respective business plans and re-organize their operations over the next few years;
d) build an element of flexibility into the leased portfolio to accommodate efficient asset management and future dispositions of leased space as required with minimal disruption and cost.

IMPACT OF RELOCATION TO ALTERNATIVE LOCATION

Relocation of the affected offices will only create increased costs and inefficiencies to the City's overall operation:

1. Presently there is not adequate space available within the City-owned portfolio, suitable to accommodate the client departments that are located in the Mandarin Building.

2. Installation of tenant improvements would be required to bring alternate premises conducive to a department's operation. Dependant upon the property, such costs could reasonably be expected to range upward from $30.00 per square foot (43,081 x $30.00 = $1,292,430.00 before interest).

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3. Relocation would cause a lost opportunity to use and derive benefit from the + $1,355,000.00 worth of tenant improvements already invested in the main, second and third floors at 185 King Street.

4. Cost for the various physical moves would be a substantial additional cost.

5. The Mandarin Building has a fibre optic link to City Hall main frame computer and security monitor. This is not available in alternate properties without significant cost.

6. Time required to complete negotiations for alternative sites and obtain approvals will create excessive cost as a result of incurring over holding penalties.

7. A relocation on short notice may be difficult to achieve in a timely and economical manner due to possible difficulties in obtaining and co-ordinating trades and services necessary to fit-up a new premise and move in a timely manner.

8. There would be an adverse impact upon the human resources in the effected divisions to plan and coordinate such a major change in an orderly manner and mitigate disruption to the respective operations.

In view of the foregoing, it is the opinion of the Civic Accommodation Division that it would be in the best interest of the City and its corporate operations that direction be given to the Property Development and Services Department enter into lease renewals as per the Landlord's proposal and described in Schedules A and B dated February 2, 1999.

All costs associated with the new lease renewals are to be charged to Account No. 40-552701-011001 for Winnipeg Hydro space and to Account No. 52-5527010190101 for the Legal Services Division, Audit Department and Claims Branch space.

FINANCIAL IMPLICATION

There is a Net Benefit estimated at $68,000.00 in 1999 resulting from the proposed rent inducements. The estimated Average Annual Current Budget Funds Required in the four year period 2000 to 2003 are $822,000.00 per year. The 1999 and 2000 proposed Current Budgets, currently before Council, contain funding for the accommodation of the Departments currently occupying the subject leased area. Based on current and projected market conditions as at February 1999, the proposed leases are estimated to produce accommodation cost savings over the following five year period. There are no additional Capital Budget funds required.

The costs/benefits of indirect factors such as negotiations, project management, etc. are not material or not traceable and, therefore, not contained in this analysis. As such, cost allocations for the purposes of portfolio assessment and associated charge back are subject to Departmental adjustment and may differ from the costs identified in this analysis.

The Standing Policy Committee on Property and Development recommends:

I. That 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, be approved, for a five year term as outlined in Schedules A and B, dated February 2, 1999.

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

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

Moved by Councillor Steek,
Adoption of the clause.

Carried.

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

Proposed Property Acquisition required for Road Opening - southeast corner of Cumberland Avenue and Carlton Street - City Centre Community
File FI-2(32) (Vol. 5)

505 - 2. The Standing Policy Committee on Property and Development has been advised that the Public Works Department determined that the subject property, located on the southeast corner of Cumberland Avenue and Carlton Street, as outlined on Misc. Plan No. 10573/1, is required for corner rounding purposes in conjunction with the Cumberland Avenue-Maryland Street to Hargrave Street resurfacing project, which has been postponed.

On January 6, 1999, the Public Works Department requested the Real Estate Division of the Property and Development Services Department to prepare a Capital Cost Estimate for the acquisition of the subject property. During the compilation of information required for the Capital Cost Estimate it was discovered that the current public walkway is encroaching onto the privately-owned subject property. The Public Works Department was advised of the encroachment and determined that separate from the Cumberland Avenue resurfacing project the subject property should be acquired to accommodate the encroaching public walkway.

The Streets Planning Engineer, with the consent of the Director of Public Works, requested the Real Estate Division of the Property and Development Services Department to negotiate the acquisition of the subject property. The Real Estate Division contacted the owner of the subject property with a purchase proposal at a price of $6,000.00. This proposed price was based on the $12.00 per square foot rate used to calculate the parent parcel's land assessment. The owner of the subject property responded that based on the advice of a real estate appraiser, the acceptable per square foot sale price for land in this area is $15.00 per square foot, therefore, is prepared to sell the subject property for $7,500.00 in accordance of the terms and conditions contained in Schedule "A".

Although the Cumberland Avenue resurfacing project has been postponed, the matter of the City's walkway encroaching onto privately owned land remains to be resolved. At this time, the most effective way to resolve this situation is for the City to purchase the subject property in order to accommodate the City's walkway. Additionally, this land is ultimately required for the resurfacing project and the current property owner is prepared to sell the required land at this time.

An internal review of comparable land sales in the area by the Real Estate Division has indicated that the owner's asking price of $7,500.00, which is at a rate of $15.00 per square foot, is reasonable.

The Real Estate Division of the Property and Development Services Department, and the Public Works Department both advise that it is in the City's best interest to acquire the subject property at the negotiated price of $7,500.00 at this time.

The Public Works Department has advised funding for the acquisition of the subject property and related survey works required by the Winnipeg Land Titles Office for the conveyance of the subject property, has been made available from the Land Acquisition for Future Transportation Purposes Account, Certificate No. FT 99-02.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of land, outlined as "subject property" on Misc. Plan No. 10573/1, be approved, at the negotiated price of $7,500.00, in accordance with terms and conditions identified and outlined on Schedule "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.

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

Adopted by consent.

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

Proposed Sale of Surplus Right of Way - land located at the northeast corner of McGillivray Boulevard and Waverley Street - Assiniboia Community
File FI-2.4(31) (Vol. 7) [c/r DAC 21/97]

506 - 3. The Standing Policy Committee on Property and Development Services has been advised that the Property and Development Services Department received an Offer to Purchase Parcel "C", as outlined on Misc. Plan 8091/4.

The lands outlined as "surplus street available for sale" have been under study by the Property and Development Services Department as part of the Land Enhancement Program. During 1998 it was determined that these approximately 12.3 acres of existing right-of-way was surplus to the needs of the Public Works Department and would not be required by any other Department. It was further determined that existing services within the surplus lands will require protection by easement, as outlined on Misc. Plan 8091/4. The only servicing upgrade necessary to provide a full range of services to all three sites will be a small easterly extension of the waste water sewer in Hennessey Drive to the west side of Waverley Street in order to provide waste water sewer service connection to Parcels "A" and "B". The cost of this small extension will be about $60,000.00.

On April 29, 1998, City Council approved the legal closing of the right of way in order to develop and market the subject lands (File DAC 21/97). On January 21, 1999, an offer was received by the City from Khartum Shrine Temple in the amount of $165,000.00 for Parcel "C", as outlined on Misc. Plan 8091/4. The Offer was returned by the Property and Development Services Department because the investigation of the lands was not yet complete and it was the opinion of the Department that the lands were considerably more valuable. Nevertheless Khartum Shrine Temple requested that the Standing Policy Committee on Property and Development consider their proposed purchase.

On March 1, 1999, a draft appraisal of the property was completed. The Property and Development Services Department supports the conclusions of the draft appraisal, however, the ultimate listing price was to be determined in consultation with Shindico Realty Inc., the selected broker for this property.

The multi-family use of the subject property is opposed by the Planning and Land Use Division as these lands are surrounded on all sides but the west side with office/business/light industrial uses. The lands would be sold subject to zoning and development approval of the offer to purchase proposal. The listing information would identify that the subject lands are sensitive because they are adjacent to the Lindenwoods Community. As such the proposed development would have to address concerns about noise and visual appearance. The Ward Councillor advised that he is concerned about establishing intensive commercial uses involving a high traffic component at this location.

The closing of portions of the McGillivray Boulevard-Waverley Street intersection created three new building lots. With respect to right-of-way closings, The City of Winnipeg Act does not include any mention of dedication, but under subdivision applications where new lots are created, the requirement is that a 10% dedication be taken in land or cash. Since the result of this closing (i.e. new building lots) is the same as a subdivision, the Land Development Branch recommends that 10% cash-in-lieu of dedication be provided from the proceeds when these lands are sold.

The Standing Policy Committee on Property and Development recommends:

I. That the "surplus street available for sale" as outlined on Misc. Plan 8091/4 be declared surplus to the City's requirements.

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

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

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED APRIL 20, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated April 20, 1999, was considered.

The Public Markets Site - Request for Proposals - Riel Community
File FI-2(35) (Vol. 7)

507 - 1. The Standing Policy Committee on Property and Development has been advised that on September 15, 1997, the former Committee on Finance and Administration requested proposals for the Public Markets Site. Further consultation with the former Task Force on the Public Market Site and the Ward Councillor led to the preparation of a Request For Proposals PD 98-148.

The Request For Proposals identified a 170 acre (69 hectare) site on the south side of Marion Street, east of rue Archibald, with contained the former Canada Packers and Swifts plants and former stockyards. The uniqueness of the circumstances surrounding this site suggested that a conventional tender call was not appropriate because of the number of variables affecting the site, and the possible range of options with respect to redevelopment scenarios.

In 1996, DS-Lea Consultants Ltd. prepared an overall review of the subject area, which information was made available to proponents as part of the Request For Proposals. Advertisements for the Request For Proposals appeared in the Winnipeg Free Press on September 26 and October 3, 1998. In addition, the same advertisement appeared in the Globe and Mail on September 28, 1998.

Four submissions were received by the Materials Management Division, Corporate Department, by the stated deadline of December 22, 1998, one of which was withdrawn in February 1999.

On March 22, 1999, the Standing Policy Committee on Property and Development heard presentations from the three proponents, and requested the Administration to provide a report on the Request for Proposals for the Public Markets Site, taking into consideration the information presented on that day by the proponents.

On April 20, 1999, the Standing Policy Committee on Property and Development considered a report dated March 30, 1999, from the Manager of Real Estate, Property and Development Services Department, which outlined a summary of the three presentations.

3215580 MANITOBA LTD. OPERATING AS HEARTLAND COLONY

Walter Bartel, a realtor with Re/Max Real Estate Inc. appeared as authorized agent for the Heartland Colony, and reiterated their original proposal which is to demolish the structures and to clean up the site at which time the City will transfer the lands to the Colony. The Heartland Colony then intends privately to joint venture the development of a sportsplex arena on the site.

The Standing Policy Committee on Property and Development requested Heartland Colony to provide it with the cost to the City of the demolition of the structures, should the City wish to retain ownership of the lands. Heartland Colony responded by saying they prefer to retain the lands after demolition, however, have indicated they are prepared to grant the City an option to buy the land back, at an undisclosed price, after the demolition which they estimate would cost $2,000,000.00 (outlined in a communication designated Appendix 1).

TERRACON DEVELOPMENT LTD.

Norbert Hansch, P. Eng., President, Terracon Development Ltd. provided two proposals, as follows:

Proposal A contemplates Terracon Development Ltd. demolishing the structures within the first year. The City to pay Terracon Development Ltd. $1,850,000.00 one year from the date of the sale agreement and transfer of title to the site. Terracon Development Ltd. would apply for zoning and development of the site to retail, commercial and light industrial lands.

Report of the Standing Policy Committee on Property and Development dated April 20, 1999

Proposal B contemplates the creation of a golf course on the public market lands and the transformation of the Windsor Park Golf Course into a park and residential area. The City and other levels of government would form a public/private partnership with Terracon Development Ltd. to share costs and incomes. The cost of demolition is estimated at $1,950,000.00. Terracon Development Ltd. would provide $1,000,000.00 as its cash equity into the partnership. The balance would come from the public partners and debt financing. A gross profit is projected at $7,300.00.00 which includes interest, financing, taxes, and management fees.

GABOURY PREFONTAINE PERRY ARCHITECTS AND A & S BUILDERS LIMITED

Appearing on behalf of the proponents were Guy Prefontaine, Etienne J. Gaboury and David J. Perry for Gaboury Prefontaine Perry Architects, Frank Bueti and Frank Spezzano for A & S Builders Limited, David P. Krahn representing Dillon Consulting and Engineering, and Richard Stephanchew, representing Welham, Haasbeek and Thomas Inc. The delegates reiterated their proposal to form a public/private joint venture partnership to demolish the existing non viable structures, and develop a nine (9) hole golf course with a residential community consisting of 275 single family condominium sites and a 200 unit full amenities seniors complex. In addition, the proposal calls for redevelopment of reusable viable components of the existing structures to create 230,000 square feet of mixed use retail, commercial and office space. Although estimates of construction costs were provided and estimates of annual tax revenues were projected, there was no specific data provided regarding cost sharing nor incomes generated or shared.

A & S Builders Limited did submit an alternative financing option to its proposal should the City not wish to participate in the joint venture partnership within its original proposal. A & S Builders Limited offered to commit $1,000,000.00 toward the estimated $2,500,000.00 cost for demolition and clean up of the site. Upon completion of the demolition, the City would transfer title of the site to A & S Builders Limited which would then proceed with its development proposal as the sole developer. In discussion, A & S Builders Limited indicated that it might consider front-ending the entire cost of demolition with the City paying its share (in excess of $1,000,000.00) in the Year 2000 (outlined in communications designated Appendix 2).

COMMENTS BY THE PROPERTY AND DEVELOPMENT SERVICES DEPARTMENT

The Property and Development Services Department has taken the submissions of the delegates under advisement and is of the following opinions.

Verbal communications with the Legal Services Division established that the modifications as requested of Heartland Colony or as presented by A & S Builders Limited are not in themselves new proposals, but rather normal negotiations between the City and the Proponents to establish acceptable terms of reference for the City to best determine which proposal or modification thereto is the most beneficial to the City's interest. These negotiations and potential modifications have been deemed not to jeopardize the legal status nor to prejudice the consideration of each individual response to the "Request For Proposals".

3215580 MANITOBA LTD. OPERATING AS HEARTLAND COLONY

Proposal	Demolish buildings at no cost to the City. Transfer lands to Heartland Colony for $1.00. Heartland Colony proposes a private joint venture to build a Sportsplex.	
Advantages	1.	The City saves all demolition costs.
	2.	The City has lands on the tax roll within one year of sale.
	3.	The City has no further liabilities/commitments.
Disadvantages	1.	The City does not have an active participation in the development of the lands.
	2.	The City may be required to acquire the site in tax sale should the proponent be unsuccessful in building the sportsplex, or if it built and were unable to sustain itself.
Questions:	1.	Does the City want or need a Sportsplex at this location?
	2.	Does the City want an active participation in development?
	3.	What is the City's position should Heartland Colony complete the transaction but not build the Sportsplex as proposed.

Report of the Standing Policy Committee on Property and Development dated April 20, 1999

Modified Proposal — Heartland Colony will grant the City an option to buy the land back after the demolition of the structures. Heartland Colony estimated the cost of demolition at $2,000,000.00, however, they have not indicated any dollar value for the buy back.

Advantages
1. The City may be able to buy back the land for less than the $2,500,000.00 currently budgeted for the demolition of the existing structures and the clean-up of these lands.
2. The City retains the ability to own the lands for further development, keeping land use options open.

Disadvantages
1. If the City wishes to re-acquire the property the City must budget for suitable funds which are presently undetermined.
2. The City must now actively pursue development for the site.
3. The City must incur costs to promote the site.

Questions
1. Does the City want an exclusive role in the development of the site?

TERRACON DEVELOPMENT LTD.

Proposal A — The City pays $1,850,000.00 to demolish the buildings and then transfers the land to Terracon Development Ltd. after one year.

Advantages
1. The City has the lands on the tax roll within one year of sale.
2. The development of the site with internal lakes as proposed, would alleviate, if not solve, the lack of land drainage facilities within the adjacent community.

Disadvantages:
1. The immediate cost to the City is $1,850,000.00.
2. The City has no active participation in the redevelopment of the site.

Questions
1. Does the City want an active roll in the development of the site?
2. Is there a belief that the best use of this land is for light to medium industrial uses?

Proposal B — The City with other levels of government enters into a joint venture with Terracon Development Ltd. Terracon Development Ltd.'s equity share to joint venture is $1,000,000.00. The balance to come from the public partners and debt financing.

Advantages
1. The City with other levels of government retains a financial interest in the project and shares costs and profits.
2. The City has inputs into the development proposal.

Disadvantages
1. There is an immediate cost to the City for its share of the demolition costs of $1,950,000.00 plus its share of the costs to build a golf course.
2. The lands remain in public domain as development takes place. There are no tax revenues until the lands are sold off.
3. There are questionable returns on the overall investment.
4. The City and other levels of government - if they are willing to participate - are 50% partners to the financial risks of the current market-place.
5. The City gives up the existing Windsor Park Golf Course.

Questions
1. Does the City want to relinquish the Windsor Park Golf Course?
2. Will the residents of the community find the closure and redevelopment of the Windsor Park Golf Course acceptable?
3. Are the City and other levels of government prepared to expend unknown dollars for an immediate development of a golf course on these lands?

Report of the Standing Policy Committee on Property and Development dated April 20, 1999

GABOURY, PREFONTAINE, PERRY ARCHITECTS AND A & S BUILDERS LIMITED

Proposal

The City enters into a public private joint venture partnership to demolish the non-viable structures and to re-furbish the viable components of structures within a 230,000 square foot retail/commercial office complex; develop a nine (9) hole golf course and build out 475 mixed use residential dwellings around the course.

This proposal estimates initial infrastructure costs at $13,000,000.00 and the development of the golf course with its amenities at $2,500,000.00, totaling $15,500,000.00 of which the City would fund $7,750,000.00 over the construction period, estimated at three (3) to four (4) years.

It is presumed that the balance of funding for the construction of the commercial/industrial space and the 475 residential units would come from borrowing and/or debt financing. This totals $69,900,000.00 of which the City would be responsible for half.

Advantages

1. The City retains an active presence by participating in the rejuvenation of a problematic piece of land.

Disadvantages

1. The City, as an active development partner throughout the project, must budget for and provide its share of funding for all of the phased development costs.
2. The City must take its chances with the financial risk of the market to possibly realize any long term profits from the development scheme.
3. It is unclear if the City would realize any annual tax recoveries from this scheme, particularly in the initial stages.
4. There is a concern by the Administration that any form of residential housing at this location will be negatively impacted by odours emanating from existing adjacent animal processing industries.
5. Sales of residential units may be impacted by discriminating buyers concerned with odour emissions.
6. There is a concern that the existing adjacent industries will oppose residential development fearing future opposition to their ongoing animal processing activities.

Questions

1. Is there a belief that the best use of this land is for residential/recreational uses?
2. Who owns the lands while development takes place? Is it the City or the joint venture?
3. Management of the partnership is unclear. Who will manage it, and at what fee?
4. How can the City deal with potential future conflicts arising from concerns/complaints between residential units and malodorous industrial uses being in such close proximity to one another?

Modified Proposal

A & S Builders Limited commits $1,000,000.00 of the estimated $2,500,000.00 cost of demolitions and clean up. The City absorbs the balance of the costs.

The City transfers title for the lands to A & S Builders Limited upon demolition of the non-viable structures.

A & S Builders Limited proceeds independently with the development of the site.

Advantages

1. The City reduces its cost for demolition and clean up.
2. The lands go on the tax roll at the time of transfer.
3. The City has no further liability for funding or participating in the development venture.

Disadvantages

1. The City must allocate $1,500,000.00 more or less for its share of demolition costs.
2. The City does not have an active participation in the development of these lands.
3. All of the previous foregoing concerns regarding malodorous emanations from the surrounding existing animal processing industries apply equally to this proposal.

Questions

1. Does the City want an active role in the development of the site?

Report of the Standing Policy Committee on Property and Development dated April 20, 1999

OBSERVATIONS BY OTHERS

The Standing Policy Committee on Property and Development requested representatives of DS-Lea Consultants Ltd. to attend and monitor the presentations before Committee of the three remaining proponents. The observations and comments by Peter Washchyshyn and Paul McNeil are outlined on Appendix 3. It appears that DS-Lea Consultants Ltd. concludes that the initial Heartland Colony proposal is still the "cleanest" proposal on the table.

Comments solicited from the Planning and Land Use Division have been submitted by Kevin Lalor, Senior Planner, and are outlined on Appendix 4. These comments tend to express concerns of odour and noise emissions from adjacent land uses.

CONCLUSION

The proposals that involve no ongoing joint venture involvement by the City and expose the City to the least additional cost are, the proposal from 3215580 Manitoba Ltd. operating as Heartland Colony and the modified proposal from Gaboury, Prefontaine, Perry Architects / A & S Builders Limited.

If the City does not want to contribute toward any demolition costs, it is the recommendation of the Property and Development Services Department that the City accept 3215580 Manitoba Ltd's. (Heartland Colony) initial proposal, i.e. Heartland Colony demolishes the structures at no cost to the City and the City transfers title of the land to Heartland Colony.

The Heartland Colony proposal involves no further financial commitment from the City at this time and for that reason it is attractive. However, with the lack of a detailed business plan, the viability of a multiplex development for this site is questionable. If a private multiplex development fails, the probability that the property would be returned to the City with substantial tax sale costs is high. Consideration could be given to eliminating the need to construct a Sportsplex as a condition of sale.

The other attractive proposal is the modified Gaboury Prefontaine Perry Architects / A & S Builders Limited project. The land usage proposed would likely be well received by the community. Also, the retention pond system would provide the first stage of a needed drainage system between the Seine River eastward to the St. Boniface Industrial Park and South Transcona. This proposal requires a further financial commitment from the City of up to $1,500,000.00. To provide more assurance to the City that the residential commitment occurs, the City could require that its share of the demolition costs at the Canada Packers site be the balance above the initial share of $1,000,000.00 paid by the proponent with the City share not to exceed $1,500,000.00. The City share could be conditional and payable after the proponent has demonstrated that it has spent at least $1,500,000.00 (not including demolition) towards the development of its project.

The Property and Development Services Department recommended that upon selection of a proponent that the Department be instructed to negotiate the final terms of an agreement for report back to the Standing Policy Committee on Property and Development. The said agreement would clarify the property boundaries as they relate to the potential future Public Works Yard and the Consolidated Agricultural lease.

The Standing Policy Committee on Property and Development recommends:

I. That Council approve in principle an agreement with Gaboury Prefontaine Perry Architects and A & S Builders Limited for the development of the Public Markets Site; said agreement to include that the Administration be directed to bring back a final agreement to Council that would incorporate the following:

   A. Immediate demolition of the Canada Packers buildings, with the first $1,000,000.00 in costs being paid by Gaboury Prefontaine Perry Architects / A & S Builders Limited.

   B. The City's maximum overall contribution to the development be $1,500,000.00.

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

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

Report of the Standing Policy Committee on Property and Development dated April 20, 1999

The Executive Policy Committee recommends that Recommendation I. B. be amended to read as follows:

I. B. The City's maximum overall contribution to the demolition be $1,500,000.00, said monies to be a first charge against the 2000 Capital Budget

and that Recommendation II. be renumbered to III. and that the following be included as Recommendation II. namely:

II. That the Administration be directed to negotiate an acceptable phasing schedule for the entire project.

Moved by Councillor Steek,
Adoption of the clause.

In amendment,

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

The recommendation of the Executive Policy Committee was put and declared carried.

The motion to adopt the clause, as amended, was put and declared carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

508 - 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. 7423/99, 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 837 Sherbrook Street East side between William and Bannatyne Avenues in the City Centre Community. File DAZ 201/99

By-law No. 7424/99, 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 871-873 Hector Avenue at Stafford Street in the City Centre Community. File DAZ 202/99

By-law No. 7425/99, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the north side of Ashcroft Point east of Glendale Boulevard in the Assiniboia Community. File DAZ 205/99

By-law No. 7426/99, a by-law of The City of Winnipeg to widen the intersection of the first public lane east of St. Mary's Road with the first public lane south of Hull Avenue. File DAO 3/97

By-law No. 7427/99, 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. 7428/99, a by-law of The City of Winnipeg to close part of the public lane north of Hastings Boulevard, west of Dunkirk Drive and to open an alternate part of the public lane north of Hastings Boulevard, west of Dunkirk Drive. File DAOC 1/97

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

By-law No. 7436/99, a by-law of The City of Winnipeg to authorize City personnel to carry out electrical inspections of one or two family dwellings, row housing and related structures and equipment. File EB-2.1 (Vol 5)

By-law No. 7437/99, 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 east and west sides of Chadwick Crescent south of Kildare Avenue in the East Kildonan-Transcona Community. File DASZ 42/87 Phase 1 (C)

By-law No. 7438/99, 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 east side of Redonda Street north of Rothshire Drive in the East Kildonan-Transcona Community. File DASZ 42/87 Phase 1 (D)

By-law No. 7439/99, 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 Harbinger Bay, north of Shorehill Drive in the Riel Community
File DASZ 5/90 F

By-law No. 7440/99, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the north and south sides of Georgetown Drive east of Scurfield Boulevard in the Assiniboia Community. File DASZ 58/85 Phase 14 (D)

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

509 - Councillor Timm-Rudolph requested assurance that the agreement with the proponents for the public market site in St. Boniface would be inclusive of caveat warnings or at least advising of the potential for noise and odour emissions from the site.

Councillor Steek advised that he would draw the request to the attention of the Administration.

Councillor Timm-Rudolph questioned if the actual agreement would be coming back to Council.

Councillor Steek advised that the agreement would in fact be brought to Council.