REPORT "A" OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 16, 1998

On motion of Councillor Steek, Clause 2 of Report "A" of the Standing Policy Committee on Property and Development, dated November 16, 1998, was considered.

Proposed Expropriation - McPhillips Street Widening Project - Jefferson Avenue to Leila Avenue - Part 2211 and 2217 McPhillips Street - Lord Selkirk-West Kildonan Community
File FI-2(34) (Vol. 5)

276 - 2. The Standing Policy Committee on Property and Development has been advised that the subject property is requiredfor the proposed widening of the east side of McPhillips Street to a six lane divided roadway between Jefferson Avenue and Leila Avenue. Construction of this project which is tentatively scheduled to begin in the spring of 1999, cannot commence until lands required for the right-of-way widening are acquired. Authorization to expropriate is required immediately to ensure that the City has a legal interest in all property required in order to permit advertising of the construction tender in 1999 and to ensure possession of the right-of-way for the 1999 construction season.

McPhillips Street between Jefferson and Leila Avenues was included for widening and street renewal in the proposed 1996 Capital Estimates for engineering design and property acquisition. The engineering design for the project was completed in February of 1996.

On February 28, 1996, Council deferred the project from the proposed 1996 Capital Program to the 1997-2001 Five Year Forecast with engineering and property acquisition in 1997.

The former Streets and Transportation Department had recommended this project for construction in the 1997 Capital Estimates due to the high priority for street renewal based on the poor pavement condition index and the present severe pothole and rideability problem.

On March 21, 1996, the former Board of Commissioners considered a (former) Streets and Transportation Department report dated March 8, 1996, and authorized the Director of Property and Development Services to negotiate for the acquisition of the properties required for the proposed widening of the east side of McPhillips Street to a six lane divided roadway between Jefferson and Leila Avenues.

Since then, the Property and Development Services Department has successfully negotiated a settlement with the owner of the property situated immediately to the North of the subject property. However, a mutually acceptable settlement could not be reached with the owner of the property on the northeast corner of Kingsbury Avenue and McPhillips Street - Part 2211 McPhillips Street and Part 2217 McPhillips Street. The Property and Development Services Department is continuing its negotiations with this property owner in the interests of expediting a settlement.

On October 21, 1998, the Public Works Department advised the Property and Development Services Department of the following:

> "The Public Works Department proposes in its 1999 Capital Budget to proceed with the widening of McPhillips Street from Jefferson Avenue to Leila Avenue. In order for this project to proceed to construction early next spring, it is important that the property previously identified as being required for roadway widening be acquired from Fabricland. Traffic volumes on this section of McPhillips Street necessitate its widening from two to three lanes. The additional right-of-way is required to accommodate a relocated pedestrian sidewalk on the east side of McPhillips Street. This project cannot proceed without this acquisition as pedestrians must be accommodated on this major regional street. Since the Property and Development Services Department has negotiated with the owner of the property for a number of years without success, the Public Works Department hereby authorizes and requests that Property and Development Services Department to proceed to expropriation forthwith".

Report "A" of the Standing Policy Committee on Property and Development dated November 16, 1998.

The owner of the property situated immediately to the north and extending along the east side of McPhillips Street to Leila Avenue, as outlined on Misc. Plan No. 9641/4, entered into an agreement to sell to the City. This proposed settlement was approved by the Standing Policy Committee on Property and Development and was finalized by the Legal Services Division. Caveat No. 2222392 was registered against the owner's Title to reflect the City's interest in the subject property.

The property situated to the south and extending along the east side of McPhillips Street from Kingsbury Avenue to Jefferson Avenue is already owned by the City and is under the jurisdiction of the former Parks and Recreation Department. This property consists of a treed and grassed strip of land. There is only one tree that will be removed and replaced as part of this street widening project.

On November 20, 1996, Council concurred in the transfer of jurisdiction of the subject lands from the former Parks and Recreation Department to the former Streets and Transportation Department. In order to ensure possession of the subject property required for this project and to establish a date for evaluation purposes, thus fixing the circumstances under which compensation is to be determined, it is the consensus of the Property and Development Services Department and the Public Works Department that expropriation proceedings commence at the present time.

There is a leasehold owner of the most northerly portion of the subject property at 2217 McPhillips Street. These rights arising out of the lands that the City requires for this proposed widening project will also have to be expropriated, as will all other registered interests in the subject property.

Schedule "A" outlines an anticipated flow of events required in connection with this proposed expropriation.

In the event that an Expropriation Inquiry Hearing is deemed necessary on the proposed McPhillips Street Widening Project, such action will affect the City's ability to obtain possession of the subject property by spring of 1999. This in turn will have serious consequences on the timing of the award of the construction tender and ultimately, the commencement date for construction of May 1, 1999. The Public Works Department has advised that it requires an entire season to construct and complete this proposed widening project. This 1999 construction season will be cut short since all road construction is to cease for one month during the July/August, 1999 Pan Am Games.

Therefore, given the limited time frame for the City to obtain possession of the subject property by spring of 1999, the Public Works and Property and Development Services Departments are of the opinion that it would be in the best interests of the City to formally request the Province of Manitoba (Lieutenant Governor in Council) to dispense with the Expropriation Inquiry Hearing process.

A copy of the Financial Impact Sheet is on file in the City Clerk's Department, which reflects the estimated costs of this proposed expropriation. These costs would include the estimated market value of the subject property including an allowance for additional potential entitlements under The Expropriation Act of Manitoba, such as legal and real estate appraisal costs, statutory interest costs and administrative costs.

This proposed expropriation and its attendant costs are to be funded from Capital Account No. 01-118117-340199 WL 055.

The Standing Policy Committee on Property and Development submits the draft Expropriation By-law and recommends:

I. That the City of Winnipeg initiate expropriation proceedings for the acquisition of the subject properties as outlined on Misc. Plan No. 9641/4, and as required by the City for the McPhillips Street Widening Project between Jefferson Avenue to Leila Avenue.

II. That, in accordance with Section 9, Sub-section 8(a) of The Expropriation Act, the Lieutenant Governor in Council be requested to dispense with the need for an Expropriation Inquiry Hearing in connection with this proposed expropriation.

Report "A" of the Standing Policy Committee on Property and Development dated November 16, 1998.

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

Copies of Misc. Plan No. 9641/4, and Schedule "A" are on file in the Office of the City Clerk.

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

Carried.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JANUARY 5, 1999

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated January 5, 1999, was considered clause by clause.

Moved by Councillor Steek,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7 and 8 be adopted.

Carried.

Proposed opening of part of Waverley Street, north of Bishop Grandin Boulevard and of Kenaston Boulevard, south of Scurfield Boulevard - Assiniboia and Riel Communities File DAO 12/98

277 - 1. The Standing Policy Committee on Property and Development has been advised that the subject street opening is a capital works project approved by Council in September 1997. The construction of the roadway is now complete, and it is necessary to legally dedicate the lands as public street.

The "proposed street opening" as outlined on Schedule "A", Misc. Plan No. 10243/7, is contained within both the Assiniboia and Riel Communities. The portions of Kenaston Boulevard and of Waverley Street, north of Bishop Grandin Boulevard to be opened are located in the Assiniboia Community. The portions of Bishop Grandin Boulevard and of Waverley Street, south of Bishop Grandin Boulevard are located in the Riel Community Committee.

A Public Hearing was held before both the Assiniboia and Riel Community Committees on November 17, 1998. No one appeared in support or registered in opposition thereto. The Community Committees recommended approval of the proposed openings as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the opening, in accordance with Misc. Plan No. 10243/7, as outlined on Schedule "A".

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. 302 for attachment)

Proposed opening and closing of parts of Niakwa Road East and Tascona Road - Riel Community File DAOC 3/98 [c/r DAZ 217/98]

278 - 2. The Standing Policy Committee on Property and Development has been advised that the Riel Community Committee instructed the City Administration to investigate the feasibility of closing all or a part of Niakwa Road East for incorporation into the site under File DAZ 217/98, an application by the Springs of Living Water Church to rezone lands to permit the establishment of a church and private school.

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

The Transportation Planning and Traffic Management Division of the Public Works Department and the Land Development Branch of the Property and Development Services Department have advised that, although the right-of-way is not in use today, Niakwa Road East may be required to accommodate future traffic needs in the area.

Both Departments are opposed to the closure of any portion of the street.

On September 16, 1998, the Administrative Coordinating Group (ACG) considered alternatives to their preference that the street remain open, as outlined on Schedule "D". In summary, the ACG made the following statements regarding the proposed street closure:

The closing of the portion of Niakwa Road East to the west of Tascona Road is the most preferred option. That closing should be subject to the following conditions:

1. The portion of the street required to service the existing businesses at Nos. 717 and 725 Lagimodiere Boulevard remains open.
2. A turnaround be established at the dead end of the street.
3. The Springs of Living Water Church pay the costs of constructing the turnaround.

This option is outlined on Schedule "A", Misc. Plan No. 10516/1.

The Administrating Coordinating Group recommends that the portion of Niakwa Road East between Tascona and Mazenod Roads remain open. This portion of the street is required to serve as a permanent secondary access point to the Winfield Business Park to the east. Should the Riel Community Committee recommend the closing of this portion of the street, the ACG recommends that:

1. Tascona Road also be closed.
2. Turnarounds be established at the dead ends of the street.
3. The Springs of Living Water Church pay the cost of constructing these turnarounds.
4. The Springs of Living Water Church provide permanent unrestricted paved access for the lands east of Mazenod Road through the Church property to Lagimodiere by way of an easement agreement requiring the Church to construct and perpetually maintain unrestricted paved access through the site to a standard adequate for the anticipated industrial traffic.
5. The Springs of Living Water Church be required to install and/or pay for or construct intersection improvements at and in the vicinity of the intersection of Lagimodiere Boulevard and Niakwa Road East, or other access as may be approved by the City, including but not necessarily limited to median opening, auxiliary traffic lanes, left and right turn storage lanes, and deceleration lanes.

This option is outlined on Schedule "B", Misc. Plan No. 10516.

If Tascona Road is to remain open, the Transportation Planning and Traffic Management Division recommended that, in addition to the above conditions:

1. A turnaround be established at the dead end of the street.
2. The Springs of Living Water Church install and/or pay for any improvements at and in the vicinity of the intersection of Tascona Road and Lagimodiere Boulevard, including but not limited to median opening, auxiliary traffic lanes, left and right turn storage lanes, and acceleration lanes.

This option is outlined on Schedule "C", Misc. Plan No. 10516/2. The second condition has already been incorporated into the Development Agreement being prepared under File DAZ 217/98.

The Transportation Planning and Traffic Management Division recommended that the proposed turnarounds are to be as determined by and to the satisfaction of the Director of Public Works. A standard design drawing for an industrial cul-de-sac is outlined on Schedule "E". This is the type of cul-de-sac represented as "proposed openings" as outlined on Schedules "A", "B", and "C". In order to allow some flexibility in the location of the turnarounds, the exact dimensions of the proposed street openings and closings have not been determined.

The City Administration recommends that Niakwa Road East remain open. The options outlined are offered in their order of preference in the event that the Riel Community Committee recommended the closing of all or a portion of Niakwa Road.

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

A Public Hearing was held before the Riel Community Committee on November 17, 1998. Twelve persons appeared in support of the application, one person in opposition thereto, and the Real Property Officer from the Property and Development Services Department was in attendance for the City. The Community Committee did not concur in the administrative recommendation, and recommended approval of the proposed openings and closings as outlined below.

The Riel Community Committee also recommended that following approval of the closure of Tascona Road by Council (as recommended by the Riel Community Committee under File DAOC 3/98), that a private approach off Lagimodiere Boulevard to serve the Springs of Living Water Church be approved, with all costs associated therewith to be borne by the Springs of Living Water Church.

On January 5, 1999, the Standing Policy Committee on Property and Development considered the recommendations of the Riel Community Committee that Niakwa Road East and Tascona Road be closed in accordance with Schedule "B" dated October 29, 1998, subject to terms and conditions, and approved the following amendment which has affected the recommendations as set out below.

· Recommendation I.(3) be amended by adding the words "to the satisfaction of the Director of Public Works" after the words "cross-access agreement",

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

I. That Niakwa Road East and Tascona Road be closed in accordance with Schedule "B" dated October 29, 1998, subject to the following conditions:

1. That the proposed turnaround at Mazenod Road outlined on Schedule "B" be deleted.

2. That the proposed turnaround at Niakwa Road East outlined on Schedule "B" be relocated to the west end of the site adjacent to 717 Lagimodiere Boulevard (Mister "B" Marineland), and be installed and/or paid for by the Springs of Living Water Church.

3. That the Springs of Living Water Church provide permanent unrestricted paved access for the lands east of Mazenod Road through the Church property to Lagimodiere Boulevard by way of a cross-access agreement to the satisfaction of the Director of Public Works, requiring the Church to construct and perpetually maintain unrestricted paved access through the site to a standard adequate for the anticipated industrial traffic.

4. That the Springs of Living Water Church be required to install and/or pay for or construct intersection improvements at and in the vicinity of the intersection of Lagimodiere Boulevard and Niakwa Road East, or other access as may be approved by the City, including but not necessarily limited to, median opening, auxiliary traffic lanes, left and right turn storage lanes, and deceleration lanes.

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

Copies of Schedules A, C, D and E are on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 303 for attachment)

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

Proposed Plan of Subdivision - east side of St. Anne's Road opposite Novavista Drive - Riel Community
Files DASSF 589/98 and DAZ 220/98

279 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been submitted by Irving Nacht, 950 Borebank Street, Winnipeg, to subdivide land located on the east side of St. Anne's Road opposite Novavista Drive, as outlined on Schedule "A".

Irving Nacht (the Developer) under a previous application, File DAZ 220/98, received Council's approval to rezone the land to an "RM-3" Multiple Family District and to construct three 24-unit buildings on the land. The Developer proposes to register a condominium corporation for each building and has therefore applied to subdivide the rezoned site into three separate lots. The establishment of proposed Lot 2 will require a variance as Lot 2 will not have frontage on a street.

Under the conditions of approval for File DAZ 220/98, the Developer was required to enter into a Servicing Agreement dealing with the payment of development costs totalling approximately $79,000.00 prior to the issuance of any building permit (superstructure) for construction on the land. The Developer has requested that the development costs be paid as each building is constructed. The Administration has reviewed the Developer's request and determined same to be reasonable and workable.

On January 5, 1999, the Standing Policy Committee on Property and Development approved the application under File DASSF 589/98, subject to the Developer entering into a Subdivision Agreement to provide for a cross-access easement agreement, to the satisfaction of the Director of Public Works, providing for access over proposed Lot 3 in favour of proposed Lots 1 and 2.

The Standing Policy Committee on Property and Development recommends:

I. That the Servicing Agreement entered into pursuant to the approval of File DAZ 220/98, be amended to allow payment of the development costs of approximately $79,000.00 on a prorated basis prior to the issuance of a building permit (superstructure) for construction on each of the three lots.

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

Copy of Schedule "A" is on file in the Office of the City Clerk.

Adopted by consent.

Request for Amendment to River Park South Development Agreement AG 53/86 and AG 8/94 - Qualico Developments (Winnipeg) Ltd. - Riel Community
Files DASZ 53/86 and DASZ 8/94

280 - 4. The Standing Policy Committee on Property and Development has been advised that under the terms of Development Agreement AG 53/86 (and amendment thereto AG 8/94), Qualico Developments (Winnipeg) Ltd. is required to construct sidewalks on Dakota Street, Warde Avenue, Ashworth Street, St. Anne's Road, Barlow Crescent and Lanyon Drive, all of which are collector or regional streets. In addition, the Development Agreements require Qualico to construct sidewalks on the following local streets:

i) North side Hochman Avenue from Lanyon Drive to Abbotsfield Drive;
ii) East side Abbotsfield Drive from Hochman Avenue to the south end of Abbotsfield Drive; and
iii) East side Baisinger Drive from Gaitwin Cove to John Forsyth Road.

By way of letter dated June 22, 1998, Qualico Developments (Winnipeg) Ltd. requested that the requirement for the sidewalk in Baisinger Drive from Gaitwin Cove to John Forsyth Road be deleted. The Public Works Department considered Qualico's request and has no objections thereto.

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

On September 22, 1998, the Riel Community Committee considered and concurred in the recommendation contained in the report dated September 3, 1998, from the Land Development Engineer, Property and Development Services Department, as outlined below.

On November 16, 1998, the Standing Policy Committee on Property and Development laid over the matter for thirty days, in order to allow the Administration an opportunity to meet with the Developer and the Residents with respect to the possible donation of recreation equipment for the community.

On January 5, 1999, the Standing Policy Committee on Property and Development heard representation from Eric Vogan, Qualico Developments (Winnipeg) Ltd., in support of the request for an amendment to River Park South Development Agreements AG 53/86 and AG 8/94 to delete the requirement that a sidewalk be constructed in Baisinger Drive from Gaitwin Cove to John Forysth Road.

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

I. That Development Agreements AG 53/86 and AG 8/94 be amended by deleting the requirement that a sidewalk be constructed in Baisinger Drive from Gaitwin Cove to John Forsyth Road.

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

Adopted by consent.

Proposed Subdivision and Rezoning - land located at 1085 McIvor Avenue, northwest corner of McIvor Avenue and DeVries Road - East Kildonan-Transcona Community
File DASZ 6/98 [c/r DAV 167/98D]

281 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Pollock and Wright (Les McLaughlin, John Wiebe) on behalf of Algonquin Park East Development Ltd. for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands outlined from an “R1-5.5" Single-Family District and “A.5” Agricultural District to an “R1-5" Residential District to permit the establishment of a new street and ten (10) lots for single-family dwellings.

The following is the present site description:

Site Area: 6860 ± square metres (1.7 acres ±)

Existing Land Use and Zoning: Land is presently vacant, zoned “R1-5.5” Residential and “A.5” Agricultural

The following is the surrounding land use and zoning:

North: Future single-family lots zoned “A5” and “R1-5”; presently one dwelling on large lot

South: Single-family dwelling zoned “R1-5.5” on south side of McIvor Avenue

East: Lagimodiere Boulevard

West: Single-family dwellings zoned “A5” and “R1-5.5”

The applicants intend to rezone the land to “R1-5" Single-Family Residential District to provide 10 new building lots located to the east and west of a proposed new street.

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

The proposed subdivision and rezoning is consistent with the development proposals and concept plans for the extension of the Algonquin Estates community. The proposed new north/south road will eventually connect with the existing portion of Strongberg Drive. The longer term proposal to disconnect McIvor Avenue from DeVries Road is provided for in the plan. The proposed zoning category is the same as that approved for the Drobot Subdivision under File DASZ 24/94 to the north. The remaining "infill" lands between the Drobot subdivision and the subject lands will provide the necessary street connection in the future. The Planning and Land Use Division recommends a zoning agreement be required in conjunction with any approval in order to require development set backs for habitable structures from DeVries Road for noise attenuation purposes, and to require the maintenance of a sound attenuation and screening fence for all lots abutting DeVries Road. A cash payment in lieu of land for parkland dedication is recommended.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on November 17, 1998. One person appeared in support of the application, and no one registered in opposition thereto.

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

1. The proposed subdivision and rezoning is consistent with the development proposals and concept plans for the extension of the Algonquin Estates community.

2. The proposed new north/south road will eventually connect with the existing portion of Strongberg Drive while the longer term proposal to disconnect McIvor Avenue from DeVries Road is provided for in the plan.

3. The proposed zoning category is the same as that approved for the Drobot Subdivision under File DASZ 24/94 to the north and the remaining "infill" lands between the Drobot subdivision and the subject lands will provide the necessary street connection in the future.

4. There is a requirement for a zoning agreement in order to provide setbacks for habitable structures from DeVries Road for noise attenuation purposes, and to require the maintenance of a sound attenuation and screening fence for all lots abutting DeVries Road.

On January 5, 1999, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning application under File DASZ 6/98, and approved the following amendment which has affected the recommendations as set out below:

· Recommendation VII. be amended by adding the words "provided the said effective date occurs within twenty-four (24) months that the said rezoning by-law is adopted by Council" after the words "against those lands",

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

I. That the plan of subdivision proposed under File DASZ 6/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/98, dated November 6, 1998, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the plan be amended to provide:

      1. A 21.5 metre bulb at the intersection of the proposed street and McIvor Avenue as illustrated in the Administrative Coordinating Group report dated November 2, 1998.

   B. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated November 2, 1998, amended as follows:

      That Condition No. 12 be deleted in its entirety and the following substituted therefor:

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

"12. The Developer shall, at no expense to the City, construct in the rear yards of all lots backing onto DeVries Avenue within the subdivision and along the south lot line of Lot 1, Block 2, except for the most westerly 20 feet, a uniform noise attenuation fence 2.0 metres in height, to the satisfaction of the Director of Public Works."

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 6/98, dated November 6, 1998, to an "R1-5" Residential 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 to include the following conditions:

A. That a minimum rear yard (set back) of 17.5 metres (57.4 feet) be required for all habitable structures on lots abutting DeVries Road.

B. The Developer shall permit the City to file a caveat against the title of each lot backing onto DeVries Avenue and Lot 1, Block 2, requiring the owner to maintain and/or repair or replace the sound attenuation fence as originally constructed, except that the fence flanking Lot 1, Block 2 may be removed at such time as the McIvor Avenue connection to DeVries Avenue is severed and the adjacent lands to the south are developed residentially all to the satisfaction of the Director of Public Works.

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

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

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

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands, provided the said effective date occurs within twenty-four (24) months that the said rezoning by-law is adopted by Council.

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

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

X. That the City Solicitor/Manager of Legal Services be requested to do all things necessary to implement the foregoing, including the execution of any documents related thereto.

Adopted by consent.

(See Minute No. 304 for attachment)

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

Proposed Rezoning - land located on the east side of Gateway Road, north of Antrim Road - East Kildonan-Transcona Community
File DAZ 234/98 [c/r DAV 717/98D]

282 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Barkman Concrete Ltd., 909 Gateway Road, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the subject land outlined from an "R1-5" Residential District to an "M1-B" Industrial District to allow for use of the land for outside storage; accessory to Barkman Concrete Ltd.

The following is the present site description:

Site Area: 4,200± square metres (1.037 ± acres)

Existing Land Use and Zoning: Land is zoned "R1-5" Single-Family District and is presently vacant

The following is the surrounding land use and zoning:

North: Church: zoned "R1-5" Single-Family District

South: Barkman Concrete: zoned "M1" Industrial

East: Hydro transmission lines and single-family dwellings: zoned "R1-5" Single-Family District

West: Gateway Road and Railroad tracks: zoned "M1" Industrial

The applicants propose to construct a concrete fence along the west and north limits of the land and a chain-link fence along the east limit. The land is to be used for outside product and material storage in conjunction with the existing Barkman Concrete plant to the south.

The subject site is located within a "Neighbourhood" policy area in Plan Winnipeg. Under Policy 5A-12, industrial development may be permitted in "Neighbourhood" policy areas if it is of Industrial Park standards and if it serves as a buffer to residential uses. The rezoning and use of the land for industrial storage can be supported in this case since the proposed zoning of "M1-B" is equivalent to an industrial park standard, and use and site development is intended to be managed by design controls and zoning agreement. The land is located between railroad tracks to the west and hydro lines to the east.

The proposed use of the land is for outside storage accessory to Barkman Concrete Ltd. on the adjacent land to the south. In the opinion of the Development Management Branch, that the use can be supported providing it is regulated through a zoning agreement in addition to the "M1-B" zoning provisions. Use of the land for any industrial development in the future, other than accessory storage, will then be subject to a further application and a public hearing.

There is an existing zoning agreement which affects the land and which was required in conjunction with File DAZ 216/85 when the land, and the land to the north, was rezoned to permit the construction of a Church. The subject land is now in separate title and the rezoning to "M1-B" in conjunction with the recommended new zoning agreement makes the existing agreement redundant. It is recommended that the agreement under File DAZ 216/85 as it affects the subject land be terminated.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on November 17, 1998. One person appeared in support of the application, and no one registered in opposition thereto.

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

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

1. The subject site is located within a Neighbourhood policy area in Plan Winnipeg under Policy 5A-12, industrial development may be permitted in Neighbourhood policy areas if it is of Industrial Park standards and if it serves as a buffer to residential uses. The rezoning and use of the land for industrial storage can be supported in this case since the proposed zoning of "M1-B" is equivalent to an industrial park standard, and use and site development is intended to be managed by design controls and zoning agreement.

2. The proposed use of the land is for outside storage accessory to Barkman Concrete Ltd. on the adjacent land to the south and in the opinion of the Development Management Branch, the use can be supported providing it is regulated through a zoning agreement in addition to the "M1-B" zoning provisions. Use of the land for any industrial development in the future, other than accessory storage, will then be subject to a further application and a public hearing.

3. There is an existing Zoning Agreement which affects the land and which was required in conjunction with File DAZ 216/85 when the land, and the land to the north, was rezoned to permit the construction of a Church. The subject land is now in separate title and the rezoning to "M1-B" in conjunction with the recommended new zoning agreement makes the existing agreement redundant.

4. The subject site is very much isolated from residential development and is located between railroad tracks to the west and hydro lines to the east.

5. The majority of Gateway Road has been developed with this type of use, and the application is not for an expansion of the use but rather for storage.

6. The applicant is a good corporate citizen, and the redevelopment of the site will go a long way to dressing up the area and will be a welcome addition to the community.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 234/98, dated October 22, 1998, to an "M1-B" Industrial District, subject to the following:

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

      1. That the land shall be used only for outside storage, accessory to Barkman Concrete Ltd.

      2. That no structures except perimeter fencing shall be permitted on the land and the height, location, materials, color and design of said fencing, as well as landscaping plans, shall be subject to approval of the East Kildonan-Transcona Community Committee.

      3. That products and materials stored on the land shall not exceed the height of the perimeter fence.

      4. That no private approaches shall be permitted onto Gateway Road from the land. (vehicular access to the site must be via the adjacent Barkman Concrete Ltd. property)

II. That the existing Zoning Agreement DAZ 216/85 as it affects the subject land, be terminated and the caveat withdrawn.

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

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

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

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

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

VIII. That the City Solicitor/Manger 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. 305 for attachment)

Proposed Rezoning - land located at 598 Corydon Avenue - City Centre Community File DAZ 237/98 [c/r DAV 898/98D]

283 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Colliers International, 2nd Floor, 140 Bannatyne Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject lands outlined from an “RM-4” Multiple-Family District to a “C1.5” Commercial District to allow for commercial development.

The following is the present site description:

Dimensions:	34 feet by 120 feet
Site Area:	4,080 square feet
Existing Land Use: and Zoning	Architectural office, artist studio “RM-4” Multiple-family District, “R2” Two-family District

The building is a century home which was converted in the mid 1980's to office/studio use. The proposal is to establish a beauty salon in about 2000 square feet of floor area (excluding basement). The business, called C-Bops Hair Studio, is currently located at 1431 Corydon Avenue.

This section of Corydon Avenue between Nassau and Daly Streets is a mixture of residential and commercial land use. The Property and Development Services Department supports the application as a continuation of the trend towards the conversion of residential properties to commercial use on Corydon Avenue.

A Public Hearing was held before the City Centre Community Committee on December 1, 1998. One person appeared in support of the application, and no one registered in opposition thereto.

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

1. This section of Corydon Avenue between Nassau and Daly Streets is a mixture of residential and commercial land use.

2. The Planning and Land Use Division of the Property and Development Services Department supports the application as a continuation of the trend towards the conversion of residential properties to commercial use on Corydon Avenue.

On January 5, 1999, the Standing Policy Committee on Property and Development considered the proposed rezoning application under File DAZ 237/98, and approved the following amendments which have affected the recommendations as set out below:

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

· Recommendation III. be amended by adding the words "provided the said effective date occurs within twenty-four (24) months that the said rezoning by-law is adopted by Council" after the words "Winnipeg Land Titles Office".

· Recommendation I.(3) be renumbered to Recommendation II., and the balance of the recommendations be renumbered.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 237/98, dated November 26, 1998, to a "C1.5" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 600(1) of The City of Winnipeg Act to provide for the following:

1) That the use of the property be limited to the following uses:

a) a beauty salon/barber shop and accessory uses;
b) art/antique sales;
c) artisan;
d) clothing: alteration, repair, sales;
e) florist;
f) gift shop;
g) jeweller/watchmaker;
h) tanning salon or similar facility;
i) toy sales;
j) professional offices;
k) aesthetician;
l) art/crafts/hobby: instruction and supplies;
m) book sales;
n) personal services;
o) studio.

2) That a plan showing exterior signs be approved by the Director of Property and Development Services prior to the issuance of a sign permit.

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

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

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

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. 306 for attachment)

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

Proposed Joint Use Development Agreement with The St. Boniface School Division in Island Lakes - Riel Community File PR-2.3 (Vol. 14)

284 - 8. The Standing Policy Committee on Property and Development has been advised that the current form of the Master Joint Use Agreement adopted by Council on July 21, 1976, provides for the City of Winnipeg and School Divisions to enter into joint use agreements for the sharing of facilities and development costs at school and recreation sites.

The Procedure for Joint Use Development Projects and Joint Use Projects, adopted by Council in 1987, requires a report describing the concept and preliminary cost estimates, identifying the need for the project, and proposing a source of funds.

On July 14, 1998, the Riel Community Committee considered a communication from the St. Boniface School Division No. 4, advising of plans to construct a new school in the Island Lakes community, and inviting the City to participate in enhancing the proposed facility and grounds. The Riel Community Committee directed that in consultation with the Ward Councillor and any other member of the Administration deemed necessary, the Joint Use Development Officer of the Community Services Department, be instructed to conduct a needs assessment, identify the issues and discuss the full range of possibilities for the subject land and school facility.

Lindsey Wilson Park, in the south area of Island Lakes is a 16-acre (6.5 hectare) site that is partially developed according to the approved layout plan for the area. It is the last of four planned parks in the area to be developed. The master plan for the park was originally developed in conjunction with the Island Lakes Residents' Association, and reflects the results of an area survey done in 1993.

Designed primarily to accommodate youth and adult interests, the plan includes a ball diamond, soccer pitch, tennis courts, basketball court, and parking lot. There are pathways through the park, some fencing and tree planting planned, and a number of areas will be returned to a natural state. Total cost to complete the park is estimated at $250,000.00. There is no provision or budget for a play structure in Lindsey Wilson Park, reflecting the residents' opinions at that time that the three other parks in the Island Lakes area were adequate to accommodate the needs of the children.

The subdivision's developer is responsible for "surface landscaping" of Lindsey Wilson Park, which includes all grading and sodding/seeding, and a first phase is already complete. There is also $112,000.00 allocated in the agreement for park improvements, and to date approximately $10,000.00 worth of improvements have been constructed in the park.

Adjacent to this site are two school reserves (9.3 acres in total). The K - 8 school is currently planned for construction, and a High School is to be developed if and when needed in future.

The St. Boniface School Division No. 4 has identified a pressing need for this school, precipitated by the rapid development of the Island Lakes area, and has invited the City to be a funding partner, as provided for in the Master Joint Use Agreement. It is projected that the school will be near its 500-student capacity when it opens in September 2000. Time is of the essence, with design planning to be completed early in 1999, and construction starting in mid 1999.

In order to meet the planning schedule of the St. Boniface School Division No. 4, and to obtain all the necessary approvals through to City Council, it is necessary that the matter be considered by Riel Community Committee in December 1998, with consideration by the appropriate Standing Policy Committees and Executive Policy Committee in January 1999, which would advance the matter to Council for its January 1999 meeting.

PROJECT DESCRIPTION

The Administration recommends that the Joint Use Development Agreement with the St. Boniface School Division No. 4 be proceeded with. If adopted, the City would invest in improvements to the park and school, in exchange for community access to the joint use facilities for the term of the agreement. It is proposed that the City invest up to $326,000.00 into this joint use site, as well as a portion of the approximate $100,000.00 that has not been used

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

from the development agreement, subject to the School Division signing a Joint Use Agreement. All funds would be directed into the following priority areas, as determined by representatives of the community in conjunction with elected representatives:

- Raising the height of the school gymnasium by 4 feet, from 20 to 24 feet, which will make the gym more usable for adult and youth sports, and cost approximately $30,000.00.

- Expansion of the gymnasium floor area from 4,800 square feet to 5,400 square feet, increasing it from a junior-size to senior-sized gym, is estimated to cost $70,000.00.

- Addition of a multi-purpose community use room, could cost up to $200,000.00 if built to the recommended size of 2,000 square feet. This facility would greatly enhance the residents' ability to conduct leisure programs, both during the school day as well as in the evenings and weekends.

- Expansion of a shared parking lot to better accommodate the School needs during the day, and to minimize on-street congestion by users of the facilities during evenings, estimated at approximately $15,000.00.

- Contingencies, taxes and fees, at approximately 18%, would bring the total investment to $371,700.00.

FUNDING SOURCES

Funds in the amount of $371,700.00 are available from the following accounts:

- 1996 Capital Account 03-118xxx-5496700804 in the amount of $126,000.00 was set aside for developer payback during the construction of Smuggler's Cove Park in the Island Lakes Development. The funding was not required, and it has been confirmed by representatives of the Property and Development Services Department that the funds will not be required for the originally intended purpose.

- Land Dedication Reserves in the Riel Community currently (October 31, 1998) stand at $305,319.00 in non-committed funds. It is recommended that a minimum of $200,000.00 be committed towards this joint use project, for use in late 1999 or the year 2000.

- Committed development Funds for Lindsey Wilson Park remain in the approximate amount of $100,000.00 and it is projected that some of this funding will be required to complete the obligation to add to the School, to develop a shared parking lot with the School Division on the site, and other priorities for the park as determined by the residents. It is anticipated that $45,700.00 will be utilized for park amenities.

COMMUNITY CONSULTATION

As requested by the Riel Community Committee, consultations were held with elected officials of the City and the St. Boniface School Division No. 4, together with representatives of the Southdale community, the Island Lakes Residents' Association and Parent Council, as well as the St. Boniface School Division No. 4 and the City Administration:

- Meetings with the Property and Development Services Department have further defined funds available to the developer and the City to complete Lindsey Wilson Park.

- Meetings with the St. Boniface School Division No. 4 and area residents have been refining the Lindsey Wilson Park Master Plan to better accommodate the school children's needs.

- Discussions also served to determine the residents' priorities for development of the joint use site, and it was agreed that improvement to the school facilities for community benefit would take priority over development of the park at this time.

PROGRAM AND NEEDS

The St. Boniface School Division No. 4, the Community Services Department, and the area residents (Island Lakes Residents Association, Southdale Community Centre, and the Island Lakes School Parents Group) agree that there is an urgent need for this project. The residential development has grown to over 4,000 people and almost 1,400 homes in the area.

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There is no community centre located within the Island Lakes development, which will continue to be served by Southdale Community Centre located approximately one mile from the proposed school. Further, each of the St. Boniface School Division's five schools in the Southdale area are fully used for community recreation and leisure activities. Gymnasiums, classroom and library space, food labs and multi-purpose rooms are used each weekday evening for a range of activities. The Community Services Department, the Southdale Community Centre, the Island Lakes Residents' Association and the Island Lakes School Parents Group are in agreement that additional facilities for growing recreation and leisure pursuits are required in the area, and specifically in the Island Lakes sub-division. Therefore, it is appropriate for the City of Winnipeg to enter into a Joint Use Development Agreement in pursuit of a community facility.

An expanded gymnasium will provide the Island Lakes community with a large enough facility for a full range of sport activity. The gym will accommodate some of the growing demand for youth and adult basketball and supply much needed space for activities such as badminton, volleyball and floor hockey. A multi-purpose room will provide the community with meeting and recreation and leisure space. It is expected that this space will quickly be filled by groups such as those already mentioned above as well as groups such as the Boy Scouts, Girl Guides, youth groups and service providers. It is anticipated that an emphasis will be placed upon pre-school activities and programming for the residents of this primarily young community.

It is envisioned, and confirmed in discussions with the residents groups, that programming of this Joint Use facility would be financially "self-sustaining", with no additional funding required to initiate the new community services. It is anticipated that all costs to operate programs would be recovered through user fees within the existing fees and charges policy. Use of the facility would also be turned over largely to the community, and involvement of the Community Services Department, either financially or in a resource capacity, would be minimal.

FUNDING SUMMARY AND ALTERNATIVES

The total cost to undertake improvements are estimated at $600,000.00 ($350,000.00 for the school and $250,000.00 for park development). The Administration recommended that at this time only $371,700.00 be committed for school and parking lot expansion.

In the event that funding is decreased, improvements would be limited to gymnasium expansion only, or to reducing the size of the multi-purpose room accordingly.

The financial impact statement is on file in the Office of the City Clerk.

Approval of the recommendations in this project will not impact on the operating budgets of the City, though there are considerations for both the Public Works Department and the Community Services Department.

The Public Works Department, Parks and Open Space Division, will assume responsibility for maintenance of Lindsey Wilson Park as it develops. However, regardless of the City's Capital expenditures or the outcome of this matter, most surface landscaping of Lindsey Wilson Park will be completed over the next two years by the developer, and park mowing costs will be incurred. These costs would represent the majority of maintenance costs at this site, with the parking lot, other asphalt surfaces, and athletic facilities following. Total maintenance costs for the site, once complete, could range from $20,000.00 to $25,000.00 annually.

There will be no maintenance costs associated with the School building itself, as the Joint Use Agreement specifies that the St. Boniface School Division No. 4 will assume responsibility for building maintenance as well as playground maintenance.

There will be no rental costs associated with use of the new School, as the Agreement will specify that the School will be available to the Department at no cost, except for a minimal permit fee. It is anticipated that all recreation programming will be self-sustaining, with revenues off-setting costs of operating programs.

The Community Services Department will be responsible for scheduling of the baseball diamond and the soccer pitch, and the Parks and Open Space Division of the Public Works Department will realize some permit revenue as a result.

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

On December 8, 1998, the Riel Community Committee considered report dated December 2, 1998, from the Chief Administrative Officer, and concurred in the recommendations outlined therein, with the exception of Recommendation IV. which was to be deleted and replaced with the following, which has been incorporated in the recommendations as set out below:

- IV. That funding in the amount of $200,000.00 be allocated for the proposed joint use development project as follows:
  - $150,000.00 from the Riel Community Committee Land Dedication Reserve Account.
  - $25,000.00 from the Riel Community Committee's allocation of the Community Incentive Grant Program each in 1999 and 2000, on the proviso that Council approves funding for such program in each of those years.

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

I. That a Joint Use Development Agreement be entered into with the St. Boniface School Division No. 4 for the development of Lindsey Wilson Park and an elementary school in the Island Lakes area, in accordance with the terms and conditions as outlined on Appendix "A".

II. That the Master Plan for Lindsey Wilson Park, as outlined on Appendix "B", be revised, in consultation with the Island Lakes Residents' Association and the St. Boniface School Division No. 4 to better accommodate the needs of an adjacent K - 8 school.

III. That funds in the amount of $126,000.00 be transferred from the 1996 Capital program (03-118xxx-5496700804 - Smuggler's Cove Park) for the proposed joint use development project.

IV. That funding in the amount of $200,000.00 be allocated for the proposed joint use development project as follows:

- $150,000.00 from the Riel Community Committee Land Dedication Reserve Account.
- $25,000.00 from the Riel Community Committee's allocation of the Community Incentive Grant Program each in 1999 and 2000, on the proviso that Council approves funding for such program in each of those years.

V. That the developer for Lindsay Wilson Park commit $45,700.00 for this project.

VI. 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.

Copy of Appendix "B" is on file in the Office of the City Clerk.

Adopted by consent.

(See Minute No. 307 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JANUARY 8, 1999

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

Moved by Councillor Steek,
That the Consent Agenda, Clauses 1,2,3,4 and 6 be adopted.

Carried.

Proposal to Declare City-owned property at 1750 Sargent Avenue as Surplus to the Water and Waste Department requirements - Assiniboia Community
File FI-2.4(31) (Vol. 6)
[c/r GP-1.34 (Vol. 1)]

285 - 1. On December 16, 1998, Council referred back to the Standing Policy Committee on Property and Development, Clause 14 of its Report dated December 1, 1998, as outlined on Appendix "A".

The Standing Policy Committee on Property and Development recommended therein that the City-owned property at 1750 Sargent Avenue be declared surplus to Water and Waste Department requirements, and available for sale/disposal.

The Standing Policy Committee on Property and Development has further considered the foregoing, and recommends:

I. That the City-owned property at 1750 Sargent Avenue be declared surplus to Water and Waste Department requirements, and listed for sale, with the sale proceeds being allocated to the Land Operating Reserve Fund.

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

Adopted by consent.

(See Minute No. 308 for attachment)

Proposed Closing and Sale of Public Lane located at the rear of 674 Portage Avenue - Carter Holdings Inc. - City Centre Community File FI-2.4(32) (Vol. 7)

286 - 2. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department is in receipt of an Offer to Purchase part of the public lane to the rear of 674 Portage Avenue.

Pratt McGarry Development Inc. has been retained by Carter Holdings Inc. to redevelop the property shown as "Carter Holdings Inc. Property" on Misc. Plan No. 10535/1. The site was occupied by Murray Chev-Olds who have moved their car dealership to the auto mall at Bishop Grandin Boulevard and Waverley Street.

Pratt McGarry Development Inc. has made an application to have the lane closed and a turnaround installed on their property (File DAOC 4/98) in anticipation that they will be able to acquire the closed portion of the lane. Carter Holdings Inc. offered to pay $10,000.00 for the subject closed lane in addition to providing the land for a turnaround for vehicular traffic. The purchaser is agreeable to having the title to the subject lane consolidated with the title to its adjacent property.

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

All affected City departments and public utilities have been canvassed with regard to the closing and sale and there have been no objections to the proposal. The requirement for a turnaround to accommodate the servicing of the area businesses has been identified as "proposed opening" on Misc. Plan No. 10535/1.

Carter Holdings Inc. propose to redevelop the site with a 23,177 square foot retail grocery store called "Price Chopper" which is a discount IGA store, as well as, a McDonalds Restaurant and another 2,500 square foot drive-thru restaurant facing Maryland Street.

It is anticipated that the proposed redevelopment of the former Carter Motors property will be viewed as providing a positive new service for the people within the community. On January 15, 1999, the City Centre Community Committee is scheduled to consider the issue of the proposed closing. (File DAOC 4/98).

Carter Holdings Ltd. has offered to purchase the subject lands outlined on Misc. Plan No. 10535/1 (4327 square feet) at a purchase price of $10,000.00 ($2.31 per square foot). The Property and Development Services Department advised the proponent that it was not prepared to recommend approval of the sale at the offered price. Pursuant to further negotiations, Colliers Pratt McGarry advised that its client was prepared to pay $5.00 per square foot and to be responsible for all plan and by-law costs**.**

The Department is of the opinion that the proposed price of $5.00 per square foot is acceptable having regard for the following: the fact that the purchaser will be responsible for all plan preparation and other costs; the fact that the title to the subject City property will be encumbered with utility easements; and, the requirement for the consolidation of titles.

In the opinion of the Department, the sale would appear to be in the City's best interests by virtue of enhancing services to the Community, revitalizing the core area, and enlarging the realty tax base.

The Administration recommended that any approval given for the sale should be subject to:

a) the purchaser providing the lands shown as proposed opening on Misc. Plan No. 10535/1 for a turnaround;
b) the purchaser consolidating the Certificate of Title to the subject property with the Certificate of Title to the adjacent lands owned by Carter Holdings Inc.;
c) any easements required for existing utilities located within the subject property;
d) the purchaser being responsible for providing all plans (inclusive of street openings and closings, easements, etc) at the purchaser's expense;
e) the City's standard terms as they apply to the sale of this type of property;
f) final Council approval of the opening and closing application (File DAOC 4/98).

The Standing Policy Committee on Property and Development recommends:

I. That the subject property, outlined as "proposed closing and subject property" on Misc. Plan No. 10535/1, be declared surplus to City requirements.

II. That the sale of the lands, outlined as "proposed closing and subject property" on Misc. Plan No. 10535/1, to Carter Holdings Inc. at a price of $21,637.00 ($5.00 per square foot), be approved, subject to the following:

1. The purchaser providing the lands shown as proposed opening on Misc. Plan No. 10535/1 for a turnaround.

2. The purchaser consolidating the Certificate of Title to the subject property with the Certificate of Title to the adjacent lands owned by Carter Holdings Inc.

3. Any easements required for existing utilities located within the subject property.

4. The purchaser being responsible for providing all plans (inclusive of street openings and closings, easements, etc) at the purchaser's expense.

5. The City's standard terms as they apply to the sale of this type of property.

6. Final Council approval of the opening and closing application (File DAOC 4/98).

Report of the Standing Policy Committee on Property and Development dated January 5, 1999

III. 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.

Adopted by consent.

Proposed Lease Agreement between the Lord Roberts Pre-School Child Care Centre and the City of Winnipeg - Lord Roberts Community Centre, 725 Kylemore Avenue - City Centre Community
File FI-2.2(32) (Vol. 6)

287 - 3. The Standing Policy Committee on Property and Development has been advised that in the late 1980's, plans were finalized for the renovation and expansion of the Lord Roberts Community Centre building located at 725 Kylemore Avenue. The project was completed and officially opened in May 1990.

The Lord Roberts Community Centre entered into an agreement (dated February 1, 1990) with the Lord Roberts Pre-School Child Care Centre Inc. which expired on December 31, 1995. In October 1997, representatives of the Lord Roberts Community Centre requested the assistance of the Civic Administration to resolve several operating and agreement matters at the Community Centre involving the use of the Centre by the Daycare.

During the period between November 1997 and December 1998, the Administration has assisted the Lord Roberts Community Centre and the Lord Roberts Pre-School Child Care Centre Inc. to resolve these use and agreement matters.

The Lord Roberts Community Centre is located in proximity of the intersection of Kylemore Avenue and Cockburn Street South, as outlined on Misc. Plan No. 10560. The Community Centre is comprised of a multi-purpose recreation building and several open space amenities including hockey pens and athletic fields.

During 1989, the old Lord Roberts Community Centre building was extensively renovated and expanded to serve the requirements of the Centre. As part of the process, the Lord Roberts Pre-School Child Care Centre Inc. received approximately $350,000.00 in funding from the M/WCRP for the development of a daycare centre. The Community Centre and Daycare Centre building requirements were merged and the plans for a renovated multi-purpose building were completed.

Coincident with the building project, the Lord Roberts Community Centre entered into a Facility/Joint Use Agreement with the Lord Roberts Pre-School Child Care Inc. which provided for a term of five years ending December 31, 1995.

During October of 1997, representatives of the Community Centre requested the assistance of the Civic Administration to assist them with various problems they were having with the Daycare and the agreement. These problems were related to: current user fees, renewal of the agreement (terms and conditions) and use of space and user fee arrears.

Original Agreement and Current Problems:

a) Current User Fee For 1998:

The Original Agreement provided amongst other things for the payment of a user fee to the Community Centre. The user fee for the first three years of the agreement was set at $525.00 per month and the fee was to be updated in January 1994, to reflect the actual costs for the use of the exclusive and joint use areas of the building. To initiate this requirement, the Community Centre was to notify the Daycare Centre at the beginning of each year to inform them of the user fee which was to be determined using formulas in the agreement and supported by invoices if requested.

During the period between January 1994 and October 1997, the Daycare indicated that it did not receive any notification of new user fees. As a result of several meetings with representatives of the Community Centre and the Daycare, it was determined that no formal notification had occurred. As such, a dispute arose as to the user fee for 1998 and the amount of money owed to the Community Centre for the period between January 1994 and December 1997.

In order to resolve the matter of a user fee for 1998, representatives of the Administration met with representatives of the Community Centre and the Daycare. After several meetings and an exhaustive review of documentation, the user fee was recalculated to be $1,108.00 per month for 1998. The Daycare has agreed to pay this increased rental rate to the Community Centre for each month in 1998. Notwithstanding this agreement, the Daycare continues to be in arrears in the amount of $700.00; the Daycare has agreed to pay these arrears.

b) Renewal of Agreement: Terms and Conditions / Space Allocation

The Original Agreement signed by the Community Centre is not in a form acceptable to the City and the format is not appropriate for its intended use. Moreover, Community Centres do not currently have the legal standing to execute such agreements, and as such this issue will be addressed in a separate report dealing with the need to enter into Operating Agreements with all of the Community Centres in the City.

To assist the Community Centre and the Daycare, the Administration provided a set of terms and conditions as a basis for creating an agreement at this location. The Administration is working with the Daycare and Community Centre to resolve same.

The terms and documentation have also been updated to include changes to use areas at the Lord Roberts Community Centre building. These changes included the conversion of the nap room in the basement into a youth centre area and reduced use of the gymnasium by the Daycare.

c) Arrears Prior to 1998:

In accordance with the terms and conditions of the Original Agreement signed between the Community Centre and the Daycare, the Daycare owes the Community Centre between $28,000.00 and $32,000.00 in arrears for the period prior to 1998.

A review of the Agreement and background facts indicates that the Community Centre was to have notified the Daycare of the annual user fees beginning in January 1994, and to supply same via a written notification supported by invoices as may be required by the Daycare.

This did not occur and was not brought to the attention of the City until October 1997. In addition to providing the new annual fees, the Community Centre had to provide same within a reasonable timeframe.

In order to assist the Daycare and Community Centre in resolving the matter, the Civic Administration facilitated a discussion thru various meetings. The City assisted the parties by establishing the background facts, defining obligations under the agreement and reviewing possible options for solving this matter.

The following facts and opinions were discussed and agreed upon by both the Community Centre and Daycare:

1. The act of sending invoices four years after the first notification period might not be considered as reasonable and as such, the ability to collect the user fee beginning in January 1994 is not certain.

2. The Community Centre did not send invoices or provide written notice of any new user fees, and as such, the Centre assumes part of the responsibility for creating this situation and this had to be considered.

3. The Daycare is to pay $10,000.00 representing a recovery of 30% of the Arrears without incurring any further costs is a significant financial advantage to the Community Centre.

As a result of exhaustive discussions and negotiations, the Daycare has offered to pay $10,000.00 in arrears to the Lord Roberts Community Centre to resolve the issue of arrears. The proposal involves two payments: $5,000.00 upon signing a new agreement and $5,000.00 in the form of five $1,000.00 payments over the last five months of the first year of the Agreement. Currently, there is agreement between the Community Centre and the Daycare regarding the amount of the arrears settlement, however, the exact timing of the payments and wording of the settlement is outstanding. The Community Centre has expressed the need to obtain a written guarantee of payment.

Accordingly, this proposal needs to be finalized and completed with an appropriate exchange of documentation between the Daycare and the Community Centre and notification of same to the City. As such, prior to signing the lease agreement, the City will ensure that same has occurred.

Lease Agreements and Realty Taxes:

Currently, Non-Profit Daycares are specifically exempted in The Manitoba Municipal Assessment Act. To qualify for this exemption, the Lord Roberts Daycare will have to provide appropriate documentation to the Assessment Department to obtain same. As such, the Daycare will be advised accordingly.

The financial impact sheet is on file in the office of the City Clerk.

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

The Standing Policy Committee on Property and Development recommends:

I. That the lease agreement between the City of Winnipeg and the Lord Roberts Pre-School Child Care Centre Inc. with respect to use of the Lord Roberts Community Centre at 725 Kylemore Avenue, be approved, subject to terms and conditions as outlined in Schedule "A", and subject to receiving documentation of the settlement of the arrears issue between the Lord Roberts Pre-School Child Centre Inc. and the Lord Roberts Community Centre.

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

Adopted by consent.

Proposed Facility Use Agreement - Winnipeg Soccer Complex
File PR-2 (Vol. 84)

288 - 4. The Standing Policy Committee on Property and Development has been advised that by Agreement dated March 18, 1987, the City of Winnipeg entered into a lease with the Alexander Park Corporation - Manitoba Soccer Association Inc. for the use of the Winnipeg Soccer Complex at 900 Waverley Street.

By Agreement dated December 7, 1990, the City of Winnipeg entered into an amending agreement with the Alexander Park Corporation Manitoba Soccer Association Inc. for the use of the Winnipeg Soccer Complex.

On February 10, 1997, the former Committee on Protection, Parks and Culture considered an administrative report regarding the Winnipeg Soccer Complex and recommended that a proposal call be implemented for the operation of the complex.

On June 13, 1997, the former Committee on Protection, Parks and Culture approved an extension of the Lease Agreement till October 31, 1997.

The Request for Proposal Call (PD 97-177) was implemented and two separate proposals were received on February 26, 1998. During the period between March 1998 and October 1998, the Request for Proposals and form of agreement were discussed with representatives of the Assessment and Community Services Departments and the Legal Services Division.

By facsimile dated October 27, 1998, the draft terms and conditions for a Facility Use Agreement were provided to the Manitoba Soccer Association for review and approval. By facsimile dated November 23, 1998, the Manitoba Soccer Association confirmed acceptance of the draft terms and conditions.

The Winnipeg Soccer Complex is located at the southeast corner of Waverley Street and Wilkes Avenue, as outlined on Misc. Plan 10561. The Complex is comprised of three soccer pitches, one practice field, a clubhouse and gravelled parking lot area.

The particulars of the subject property are as follows:
Owner: City of Winnipeg
Address: 900 Waverley Street

Legal Description: Parcels B & C, Plan 30576
Zoning: M2, M1, MP2
Size: 52.45 acres

The Winnipeg Soccer Complex facility was constructed in 1986 as part of the Western Canada Games to host the Soccer Venue. Following the Games, the Facility was to serve the regional sport requirements for soccer in the City of Winnipeg and the surrounding catchment area. In addition, the Facility was designed to accommodate International, National, Provincial and Local Championship Events.

In 1987, the City of Winnipeg signed a lease agreement with the Alexander Park Corporation - Manitoba Soccer Association for the operation of the Facility for a period of ten years. In 1997, the City did not enter into negotiations to renew the lease in response to concerns expressed within the "Soccer Community" regarding the operation of the Facility. Instead, the former Committee on Protection, Parks and Culture requested that a Request for Proposals to operate the Facility be issued.

The Proposal Call was implemented and closed on February 26, 1998. Following the review of the submissions, it was determined that the Proposal received from the Manitoba Soccer Association was the successful bid, however, the City did not formally accept the Proposal due to concerns expressed over the use of Management Agreements.

Currently, the City is examining the utilization of various types of agreements for the use of City-owned parks and recreation facilities, and as such, the Manitoba Soccer Association has been advised that a seasonal facility use agreement would be used in this case. During the period between September 1998 and November 1998, representatives from the Manitoba Soccer Association and the Property and Development Services Department met to discuss the terms and conditions of an agreement. The Association has subsequently agreed to the proposed terms as outlined on Schedule "A".

Coincident with the Association's review of the aforementioned terms and conditions, representatives of the Property and Development Services and Assessment Departments met to review the tax parameters related to same and are satisfied that the terms and conditions will ensure that the City will remain the occupier of the subject site the result of which eliminates the need for the Manitoba Soccer Association (the Provincial Sport Body under Sport Manitoba) to pay realty taxes.

In addition to considering the realty tax implications of the Agreement, representatives of the Property and Development Services and Community Services Departments met to ensure that the Community Services Department was in agreement with the proposed agreement structure and terms and conditions of the facility use agreement. The Community Services Department has reviewed the terms and conditions and is in agreement with same.

The subject proposal provides for the operation of the Winnipeg Soccer Complex by the Manitoba Soccer Association. The agreement provides for the programming, operation and maintenance of the Facility by the Association at no cost to the City. As such, the proposal does not require the expenditure of funding from the City's Capital or Current Budgets. The financial impact sheet is on file in the office of the City Clerk.

Council approval and designation of the Winnipeg Soccer Complex as a Community Services Department Facility is required in order to issue a facility use agreement.

The Standing Policy Committee on Property and Development recommends:

I. That the Proposal from the Manitoba Soccer Association in response to RFP PD 97-177 be rejected.

II. That the Winnipeg Soccer Complex, as defined on Misc. Plan No. 10561, be designated as a Community Services Department Facility for programming purposes and therefore be permittable via a seasonal facility use agreement.

III. That a Facility Use Agreement between the City of Winnipeg and the Manitoba Soccer Association be executed in accordance with the terms and conditions as outlined on Schedule "A", on the understanding that the costs/benefits to the City of Winnipeg are the same as the previous Management Agreement.

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

Adopted by consent.

Proposal to Declare City-owned lands located on the south side of Almey Avenue at Ravelston Avenue West as surplus - East Kildonan-Transcona Community
File FI-2.4(33) (Vol. 2)

289 - ***Note: Clause 5 has been laid over by the Executive Policy Committee***

Laid over by the Executive Policy Committee

Proposal to Declare the former Ashdown Warehouse Store (former Big 4 Sales building) at 476/480 Main Street as surplus to the City's requirements - City Centre Community
Files FI-2.4(32) (Vol. 7) and G-3.1.1 (Vol. 1)

290 - 6. On February 21, 1996, Council adopted the recommendations of the former Committee on Finance and Administration and approved the Campus Plan Strategy, in principle, which included the acquisition of the Septimus Properties (476/480 Main Street - Big Four Sales building for the sum of $350,000.00).

The subject property has been leased to non-profit organizations on numerous occasions on short term leases over the last two years. The leases were at no cost to the users.

On June 24, 1998, Council exercised its authority to not list 476 Main Street as an historic building.

On July 22, 1998, Council adopted the recommendation of the Standing Policy Committee on Property and Development that the City not sell the Leland Hotel, Ashdown Hardware Store and the Royal Bank Tower, and that should a bona fide offer come forward relative to the aforesaid buildings, the proposal be examined as to its merits.

On September 10, 1998, the Standing Policy Committee on Property and Development considered and rejected a proposal from Dennis Boyko to exchange a building he owns at 92 Arthur Street for the property at 476 Main Street, and then have the City donate 92 Arthur Street to Artspace for the Arts Community.

The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department would like to see that a Request for Proposals (RFP) be prepared to ensure disposition of the property is in the best interests of the City and since the subject property is under the jurisdiction of Civic Accommodations, the Division would like to assist with any preparation of an RFP and subsequent evaluation.

The Civic Accommodations Division is currently using the subject building for storage purposes. It is considering an alternative location for consolidation of this location along with other buildings that it is currently using.

On January 8, 1999, the Standing Policy Committee on Property and Development considered proposals/offers to purchase the subject property, and instructed the Property and Development Services Department to prepare a Request for Proposals for the former Ashdown Warehouse Store (former Big 4 Sales building) at 476/480 Main Street, and report back with the terms of reference for the RFP to the Standing Policy Committee.

The Standing Policy Committee on Property and Development recommends:

I. That the former Ashdown Warehouse Store (the former Big 4 Sales building) at 476/480 Main Street 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.

Adopted by consent.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

291 - 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. 7362/99, 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 Hallonquist Drive between Setter Street and Sturgeon Road in the Assiniboia Community. File DAZ 233/98

By-law No. 7363/99, 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 909 Gateway Road in the East Kildonan-Transcona Community. File DAZ 234/98

By-law No. 7364/99, 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 598 Corydon Avenue in the City Centre Community. File DAZ 237/98

By-law No. 7365/99, a by-law of The City of Winnipeg to close Estabrook Bay. File DAC 11/98

By-law No. 7366/99, a by-law of The City of Winnipeg for the enactment of an increase in fees to By-law No. 6965/97, being the Property and Development Services Department, Development Fees By-law. File EP-1 (Vol. 19)

On motion of Councillor Steek, the rule was suspended and By-law No. 7371/99, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located at the southeast corner of Kenaston and McGillivray Boulevards in the Assiniboia Community, was read a first, second and third time, the rule being suspended for the third reading and was passed and ordered to be signed and sealed. File DASZ 22/98

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

292 - Councillor Clement noted that Council had recently approved a lease agreement for the purpose of moving the Assessment Department into the historical Confederation Life Building and questioned the status of that lease inasmuch as a recent newspaper article stated that the lease agreement would not proceed.

Councillor Steek advised that he was unaware of any delay on moving forward with the lease, noting that the Assessment Department was scheduled to move into the Confederation Life Building on the target date of April 1, 1999. His Worship indicated that he also was not aware of any delay in moving into the building but would look into the matter. He further noted that there was an administrative process in place whereby the Chief Administrative Officer and the Chief Financial Officer review all leases prior to signing. He also advised that although concerns have been raised about the cost of the leases that the City has entered into, any concern about a particular lease would have to be referred back to Council.

Councillor Lazarenko requested that a pre and post fire status report on the Leland Hotel, which would include reference to monitoring devices, be provided to all Members of Council.

Councillor Steek advised that the question relative to monitoring devices could easily be ascertained through the Administration. With reference to the specifics of the fire and how it started, Councillor Steek noted that the report would be forthcoming from the Emergency Response Service Department.