REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 16, 1998

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

Development Fees and Charges - Property and Development Services Department
File EP-1 (Vol. 19)

146 - 13. On January 22, 1992, Council adopted the recommendations of its Executive Policy Committee that all fees and charges for The City of Winnipeg be reviewed at least once every three years, and that the fees and charges increase automatically, annually, by the rate of inflation, unless a review indicates otherwise.

The Standing Policy Committee on Property and Development has been advised that each year in August the Taxation and Revenue Division of the Corporate Finance Department provides the yearly rate of inflation and requests Departments to submit proposed fee changes for incorporation into the Fees and Charges Manual. The guideline for 1999 is 1.7%.

In 1995, a comprehensive review of the Property and Development Services Department's Development Fees By-law was carried out and the resulting amendments were incorporated into Development Fees By-law No. 6655/95.

In 1996, a review of the by-law resulted in an administrative proposal that certain fees be increased to more accurately reflect costs and/or the annual inflation rate together with certain text amendments. The former Committee on Planning and Community Services submitted the matter to Council without recommendation. Council subsequently adopted the recommendation of the Executive Policy Committee that the text amendments be approved but that the matter relative to fees be referred to the Administration for further consideration and report back. The current Development Fees By-law No. 6965/97, with the approved text amendments, was passed on March 27, 1997.

Since the fall of 1996 the Property and Development Services Department has been aggressively evaluating its business processes associated with customer service, permit applications and inspections. In 1998, it changed the way it does business with the support of automated computer technology. This building inspection and land development system has been given the name "BUILD". One aim of the "BUILD" system is to develop a simplified and easily understood fee structure.

Pursuant to Council's 1992 policy, the Development Fees By-law should be subjected to another comprehensive review in 1998. However, the Administration recommended that this review be deferred until the Department's "BUILD" system is fully operational. As outlined above, one aim of the "BUILD" system is to develop a simplified fee structure. This cannot be done until all the permit application processes are analysed, and revised where appropriate. The "BUILD" system will result in major changes in how the Department conducts its business. Many employees are working on, or are involved with, process improvements as well as attempting to keep up with their regular duties. A full review of the Development Fees By-law is a major undertaking. It would be very difficult to attempt it while the "BUILD" system is being implemented since staff resources are currently stretched to the limit. In addition, it would be impractical since "BUILD" is expected to result in significant change to the structure and organization of the fees by-law. Therefore, the Administration recommended that the next comprehensive review of the fees be deferred until "BUILD" is fully operational. (The comprehensive review will include surveying other cities to determine their fee structures as well as soliciting feedback from various industry groups.)

In 1996, after giving due evaluation to a proposal to increase certain of the fees contained in the Development Fees By-law, Council determined that the matter should be given further consideration by the administration and the fees were not changed. As stated in the January 22, 1992 Council Minutes, it is "important to keep the fees and charges as current as possible" to avoid surprises and to allow for proper planning by those impacted by the fees. It is inadvisable not to adjust the fees for several years (if deemed necessary) and then implement a major increase in one year. It is for this reason the 1992 policy to allow for annual increases by the rate of inflation was adopted.

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

Therefore, the Administration recommended that the fees contained in Development Fees By-law No. 6965/97 and the Fees and Charges Manual be adjusted upwards by 1.7% rounded to the nearest dollar, which is the guideline suggested by the Local Improvements and Miscellaneous Revenue Branch of the Corporate Finance Department. By-Law No. 6965/97 contains approximately 250 fees which generate annual revenues of approximately $5.5 million. An inflationary increase of 1.7% equates to an approximate increase of $93,500.00.

On November 16, 1998, the Standing Policy Committee on Property and Development was requested to consider two alternatives with respect to this matter:

- Increase the fees in the Development Fees By-law and the Fees and Charges Manual by an inflation adjustment of 1.7% appropriately rounded and undertake a comprehensive review of the fees following full operation of the Department's "BUILD" system.

- Do not increase the fees until they have been subjected to a comprehensive review following full operation of the Department's "BUILD" system.

The Administration recommended the first alternative, as follows:

1. That the 1999 Fees and Charges administered by the Property and Development Services Department, and included in the City's Fees and Charges Manual, increase to a maximum of 1.7% appropriately rounded as determined by the Director of Property and Development Services or his delegate.

2. That the Development Fees By-law No. 6965/97 be amended accordingly by Council.

3. That a comprehensive review of the Development Fees By-law No. 6965/97 be deferred until the Property and Development Services Department's "BUILD" system is fully operational.

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

Due to a tie vote, the Standing Policy Committee on Property and Development submits this matter to Council without recommendation.

The Executive Policy Committee concurs in the Administration's recommendations, namely:

1. That the 1999 Fees and Charges administered by the Property and Development Services Department, and included in the City's Fees and Charges Manual, increase to a maximum of 1.7% appropriately rounded as determined by the Director of Property and Development Services or his delegate.

2. That the Development Fees By-law No. 6965/97 be amended accordingly by Council.

3. That a comprehensive review of the Development Fees By-law No. 6965/97 be deferred until the Property and Development Services Department's "BUILD" system is fully operational.

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

Moved by Councillor Steek,

That the recommendation of the Executive Policy Committee be adopted.

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

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

REPORT "A" OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 16, 1998

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

Proposed Expropriation - North Main Street Strategic Development Plan - East side of Main Street to Austin Street, South of Higgins Avenue to Henry Avenue - Lord Selkirk-West Kildonan Community
File FI-2(34) (Vol. 5)

147 - 1. The Standing Policy Committee on Property and Development has been advised that the subject properties located on the east side of Main Street to Austin Street, south of Higgins Avenue to Henry Avenue, as outlined on Misc. Plan 7929/14, are required for the proposed North Main Street Redevelopment project.

Construction of the North Main Street Redevelopment project which is tentatively scheduled to begin in the spring of 1999, cannot commence until all properties required for Phase I of the proposed Neeginan Aboriginal Campus Development are acquired. Properties numbered 1 through 4, as outlined on Misc. Plan No. 7929/14, are required for Phase I, while properties numbered 5 and 6 are required to ensure flexibility for Phase II development and implementation. 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 properties for the 1999 construction season.

As background history, on August 5, 1995, the Winnipeg Development Agreement - Program 1A: North Main Strategic Development - was approved by all three levels of government.

On December 17, 1997, Council considered the Report of the Executive Policy Committee, dated December 3, 1997, and accepted the proposed plan of the North Main Task Force; approved the allocation of Program 1A funds in accordance with the Winnipeg Development Agreement; instructed the North Main Task Force to proceed with implementation of the plan; and, authorized the Proper Officers of the City of Winnipeg to do all things necessary to implement the foregoing recommendation.

During the months of December 1997 to March 1998, the Property and Development Services Department established contact with the property owners in the North Main Street area (particularly certain properties within the block bounded by Higgins and Henry Avenues, Main and Austin Streets); inspected the subject properties; contracted out property appraisals; and, in turn, recommended offers for the proposed purchase of the subject properties.

Since then, the Property and Development Services Department has successfully negotiated settlements with the majority of property owners in the proposed Neeginan area. However, mutually acceptable settlements could not be reached with the owners of the properties as specified on Schedule "B". The Property and Development Services Department is continuing its negotiations with these property owners in the interests of expediting settlements.

On October 23, 1998, the Director of Economic Initiatives and the Manager of Planning and Land Use jointly requested the Property and Development Services Department to do all things necessary, including proceeding to expropriation to acquire all outstanding properties essential to the time implementation of the proposed North Main Street Strategic Development Plan. Both the Economic Initiatives Division of the CAO Secretariat Department and the Planning and Land Use Division of the Property and Development Services Department support the expropriation process, in addition to the support of individuals on the North Main Task Force, the Neeginan Development Corporation and the urban Aboriginal community.

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

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

The particulars of the "subject properties" numbered 1 to 6 as outlined on Misc. Plan No. 7929/14, are specified on Schedule "B".

The City has acquired via tax sale, those properties shown shaded on Misc. Plan No. 7929/14. The Property and Development Services Department has jurisdiction over these properties and has no objections to a proposed transfer of jurisdiction for this proposed Neeginan Aboriginal Campus Development.

Furthermore, the Property and Development Services Department has successfully negotiated settlements with the owners of the properties shown hatched on the said Misc. Plan. These proposed settlements have been approved by the Standing Policy Committee on Property and Development and are being finalized by the Legal Services Division. The City is in receipt of possession of all of these properties with demolition of buildings currently underway.

Property No. 3 is currently in the tax sale process. According to the Legal Services Division, the City should be in a position to apply for Title to this property in late November 1998, provided of course that the executors of the estate do not redeem the subject property during the interim.

In order to ensure possession of Property No. 3 and all outstanding properties shown as "subject properties (unsettled)" on the said Misc. Plan, and to establish one common date for evaluation purposes, thus fixing the circumstances under which value is to be determined for the properties yet to be acquired, it is the consensus of the Economic Initiatives Division of the CAO Secretariat Department and the Property and Development Services Department that expropriation proceedings commence at the present time.

Given the limited time frame for the City to obtain possession of all the required properties by spring of 1999, the Economic Initiatives Division of the CAO Secretariat Department and the Property and Development Services Department are of the opinion that it would be in the best interests of the City to formally request the Lieutenant Governor in Council to dispense with the Expropriation Inquiry Hearing process, in accordance with Section 9, Sub-section 8(a) of The Expropriation Act.

It is noted that the Property and Development Services Department is initiating a proposed closing of a portion of the public lane bounded by Main and Austin Streets, Higgins to Henry Avenues, for consolidation with the Citys current holdings for the implementation of the proposed Neeginan Aboriginal Campus Development. Since the two privately-owned properties situated to the north of Property No. 6 are not included in Phase I of the proposed Neeginan project and are therefore not being purchased at this time, provisions are being made to accommodate access to these businesses which are currently served by the subject lane. This closing proposal has been circulated to the various City Departments and utility companies for comments. Once these comments are received, a report dealing with the closing of a portion of the public lane will be submitted for approval of the City Centre Community Committee and, ultimately to Council for passage of the requisite closing By-law.

According to the Citys Historic Buildings Planner, the property at 705/701 Main Street (Property No. 1) is identified on the Inventory of Buildings under the Historical Buildings By-law No. 1474/77 which means that it cannot be demolished without the Historic Buildings Committee reviewing the building to determine if it has any historic merit.

The Financial Impact Sheet is on file in the Office of the City Clerk, and which document reflects the estimated costs associated with this proposed expropriation. These costs would include the estimated market values of the subject properties including additional entitlements under The Expropriation Act of Manitoba, such as legal and real estate appraisal costs, statutory interest costs and administrative costs.

This proposed expropriation is to be fully funded by Winnipeg Development Agreement funds which must be committed by March 31, 2000, and expended within eighteen months of the expiry date of the agreement. This proposed expropriation and its attendant costs are to be funded from Capital Account No. 03-118112-6595010701.

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

I. That the City initiate expropriation proceedings for the acquisition of the properties identified as Properties numbered 1 to 6 as outlined on Misc. Plan No. 7929/14, and as required by the City for the proposed North Main Street Strategic Development Plan.

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

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.

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. 7929/14, Schedules "A" and "B" 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 DECEMBER 1, 1998

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated December 1, 1998, was considered clause by clause.

Moved by Councillor Steek,

That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,15 and 16 be adopted.

Carried.

Heritage Conservation Tax Credit for Adaptive Re-use of Marshall-Wells Hardware Warehouse, 136 Market Avenue
File G-3.1.5 (Vol. 1)

148 - 1. On February 25, 1998, Council passed the Heritage Conservation Tax Credit By-law No. 7155/98, and in doing so, established a program of property tax credits to encourage and assist in the renovation and improvement of designated structures in the City of Winnipeg.

In June 1998, Shelter Canadian Properties Ltd. applied for a Heritage Conservation Tax Credit of $5 Million relating to the renovation of the Marshall-Wells Warehouse, 136 Market Avenue.

The building is presently 25% occupied. The previous owner had tax arrears and the property was listed for tax sale. With the recent purchase by Shelter Canadian Properties Ltd., all taxes due have been paid.

PROPOSED RENOVATION

Shelter Canadian Properties Ltd. purchased 136 Market Avenue and have a possession date of November 30, 1998. Shelter Canadian Properties Ltd. intends to renovate the former Marshall-Wells Hardware Warehouse into call centre and office space. The eight floor building will have in total 162,000 square feet of leasable floor space. Shelter Canadian Properties Ltd. presently has a signed tenant for the first and second floors (office space) with an occupancy of July 1, 1999.

The renovation of the Marshall-Wells building would occur in three phases. The first phase includes the first and second floors (47,000 square feet) being renovated into office space with a completion date of July 1, 1999. The renovation of the remaining six floors (third to eighth floors) would occur later on as tenants become available. It is expected that the second phase (third and fourth floors, 47,000 square feet) would be completed in early 2000. The third and final phase (fifth to eighth floors, 68,000 square feet) is expected to be completed in early 2001. Total renovation costs are approximately $10 Million.

There is also a possibility of constructing an addition that would add an additional 68,000 square feet for a total leasable floor space of 230,000 square feet.

CONFORMITY WITH PLAN WINNIPEG AND CENTREPLAN

Plan Winnipeg's statement of principle regarding the Downtown:

> "The City seeks to make the Downtown an attractive, distinctive and vibrant place for Winnipeggers and visitors alike."

Plan Winnipeg states that the City shall:

> "...give priority to the Downtown in the development of major commercial, office, entertainment, and cultural facilities." (5B-02)

> "...pursue options in cooperation with other levels of government and the private sector for the adaptive reuse of vacant heritage buildings" (6C-07);

Report of the Standing Policy Committee on Property and Development dated December 1, 1998

CentrePlan calls for the City to ensure that the Downtown maintains its status as the centre of business and employment. In terms of office development and related employment, CentrePlan outlines strategies of maintaining a healthy and viable Downtown office market, as well as fostering a positive climate for new investments and redevelopment in the Downtown.

CITY SUPPORT

It is proposed that the City of Winnipeg provide financial support over a ten year period in the form of a tax credit under the Heritage Conservation Tax Credit By-law. The tax credit amount would be the incremental municipal property tax and business tax over and above the existing taxes based on the present assessed value of land and building and the present assessed annual rental value. Once the building is fully renovated, the tax credit amount available per year is estimated to be approximately $311,000.00. The total tax credit over ten years (2000 to 2009 inclusive) is estimated to be approximately $2,739,000.00. This assumes the proposed three phase construction with completion in early 2001 and constant municipal property tax mill rate and business tax rate at 1998 level.

If the mill rate and/or the business tax rate were to decrease, then the tax credit amount would be less. If the mill rate and/or the business tax rate were to increase, then the tax credit amount would be more. The basis for the tax credit is forgiving the incremental amount of municipal property tax and business tax due to the renovations for a ten year period.

Shelter Canadian Properties Ltd. has indicated that it is not receiving any other financial support for this project from the City nor from the Provincial and Federal Governments.

It should also be noted that Shelter Canadian Properties Ltd. is entitled to apply for a realty tax exemption under The Municipal Act for the period during which renovations to the designated building occur.

BENEFITS OF THE PROPOSAL

1. This re-use project will add up to 162,000 square feet of office floor space in the Downtown area. It provides a much needed inventory of large floor plate office space suitable for call centres at a time when such space is becoming increasingly scarce in the Downtown.

2. It demonstrates the re-use of what is currently a heritage eye-sore that has been mostly vacant for many years.

3. The project will have a significant positive impact on the Exchange District and may encourage further developments.

4. If approved, this project would be the second building under the Heritage Tax Credit Program - the first being the former Free Press building at 300 Carlton Street.

FINANCIAL DETAILS

Presently, the land and building are assessed at $290,000.00 and $285,000.00 respectively, for a total assessment of $575,000.00. The 1998 property taxes amounted to $33,187.00 of which $17,065.00 is the City's component. The 1998 business tax amounted to $9,875.00 and the Business Improvement Zone levy amounted to $1,055.00. Thus, currently the property generates a revenue of $26,940.00 (municipal and business taxes) to the City.

The proposed $10 Million renovation would have three phases and is expected to be completed in 2001. Once completed, the property would generate an additional incremental revenue estimated at approximately $311,000.00 per year (municipal and business taxes) to the City. This was calculated using a constant municipal property tax mill rate and business tax rate at 1998 level as well as an estimated assessed value and annual rental value based on the information provided by Shelter Canadian Properties Ltd.

The tax credit amount is based on forgiving any incremental tax revenue due to the renovations for the next ten years. Thus the tax credit amount would be the incremental taxes (City municipal and business taxes) over and above the present municipal property tax and business tax which are based on the present assessment of land and building of $575,000.00 as well as the present assessed annual rental value of $101,280.00.

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Once the building is fully renovated, the tax credit amount available per year is estimated to be approximately $311,000.00. The total tax credit over ten years (2000 to 2009 inclusive) is estimated to be approximately $2,739,000.00. This assumes the proposed three phase construction with completion in early 2001 and constant municipal property tax mill rate and business tax rate at 1998 level.

The tax credit amount for the first few years during the phased construction would be a lesser amount but would still be based on the incremental taxes over and above the present level.

The necessary funds will be budgeted annually in the Current Budget as a line item to cover for this support. The budgeted amount will be an estimate of the tax credit.

In total over ten years, the heritage conservation tax credit amount is estimated to total $2,739,000.00 taking into account the phased renovation and a constant mill rate and business tax rate. The present value of this amount, calculated using 6% cost of capital and the proposed timing of the phased renovation, is $1,946,556.00.

CONFORMITY TO THE HERITAGE CONSERVATION TAX CREDIT BY-LAW

The estimated $2,739,000.00 tax credit over ten years is less than the 50% maximum of net private investment in eligible work noted in the By-law. It is estimated that the eligible work amounts to approximately $9.5 Million for the entire project. Thus the tax credit is approximately 29% of the eligible work.

The Marshall-Wells Building is listed as a Grade III heritage building as per the Buildings Conservation List.

This project would be the second of three or four major projects initially contemplated in order to evaluate the impact and effectiveness of the program.

DRAFT TERMS AND CONDITIONS FOR SUPPORT

Essential terms and conditions for agreement between the City of Winnipeg and Shelter Canadian Properties Ltd. for purposes of renovating the Marshall-Wells Building at 136 Market Avenue are as follows:

1. That Shelter Canadian Properties Ltd. complete the acquisition of the property commonly known as 136 Market Avenue.

2. That Shelter Canadian Properties Ltd. renovate 136 Market Avenue as proposed.

3. That a heritage conservation tax credit be provided for a ten (10) year period (2000 to 2009) by the City of Winnipeg for use against the municipal portion of the property tax and the business tax. The tax credit amount would be the incremental taxes (City municipal and business taxes) over and above the present municipal property tax and business tax which are based on the present assessment of land and building of $575,000.00 as well as the present assessed annual rental value of $101,280.00.

4. That property taxes are paid in full (or the equivalent) when due for each taxation year.

5. That Shelter Canadian Properties Ltd. comply with the terms and conditions of the Heritage Conservation Tax Credit By-law.

6. That the Council of the City of Winnipeg, at its sole discretion, duly appropriate the funding in each year required.

7. Any such other terms and conditions as deemed necessary by the City Solicitor/Manager of Legal Services for the purposes of implementing the intent of Council.

In accordance with the Heritage Conservation Tax Credit By-law, Council approval would be required to enter into an agreement with Shelter Canadian Properties Ltd. regarding a tax credit relating to the renovation of the Marshall-Wells building at 136 Market Avenue.

Report of the Standing Policy Committee on Property and Development dated December 1, 1998

The Standing Policy Committee on Property and Development recommends:

I. That pursuant to the City of Winnipeg Heritage Conservation Tax Credit By-law, an agreement be entered into between the City of Winnipeg and Shelter Canadian Properties Ltd. regarding the proposal of Shelter Canadian Properties Ltd. for the adaptive re-use of the Marshall-Wells Hardware Warehouse at 136 Market Avenue, as follows:

A. That a heritage conservation tax credit be provided to Shelter Canadian Properties Ltd. for a ten (10) year period (2000 to 2009) by the City of Winnipeg for use against the municipal portion of the property tax and the business tax. The tax credit amount would be the incremental taxes (City municipal and business taxes) over and above the present municipal property tax and business tax which are based on the present assessment of land and building of $575,000.00 as well as the present assessed annual rental value of $101,280.00, to a maximum of 50% of the approved eligible cost.

B. That the necessary funds be budgeted for in the 2000 to 2009 Current Budgets as a line item to cover this support.

II. That the Proper Officers of the City be authorized to do all things necessary to accommodate and implement the foregoing recommendations, including finalizing and arranging for the execution of any documents and agreements related thereto.

Adopted by consent.

Proposed closing of part of Gateside Street between Murray Avenue and Red River Boulevard West - Lord Selkirk-West Kildonan Community
File DAC 18/98 [c/r DASZ 19/98]

149 - 2. The Standing Policy Committee on Property and Development has been advised that the proposed street closing as outlined on Schedule "A", Misc. Plan No. 10505/2, is being proposed in conjunction with File DASZ 19/98, an application to subdivide and rezone the lands as illustrated on the drawing. The City Administration has no objection to the street closure.

The area of the streets being created by File DASZ 19/98 exceeds the area of the street proposed to be closed. City Policy in such matters is to transfer the closed street to the developer for $1.00.

The closing of this street is contingent on the approval of File DASZ 19/98. Should that application be denied, the street will remain open.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on November 10, 1998. No one appeared in support of the application, and two persons registered in opposition thereto. The Community Committee recommended approval of the proposed street closing as outlined below.

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

I. That, subject to Council approval of the subdivision application submitted under File DASZ 19/98, the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 10505/2, 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. 182 for attachment)

Report of the Standing Policy Committee on Property and Development dated December 1, 1998

Proposed street corner widening at the northwest corner of Kenaston and McGillivray Boulevards - Assiniboia Community File DAO 15/98

150 - 3. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Property and Development Services Department has recently completed negotiations for the sale of the lands identified as "subject City property" on Misc. Plan No. ASBA 8563/1, as outlined on Schedule "A". Prior to the sale of the property, it will be necessary to dedicate the lands outlined as "proposed street opening" on Misc. Plan No. ASBA 8563/1 as public street.

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

The Standing Policy Committee on Property and Development concurred in the recommendations of the Assiniboia Community Committee 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 street opening in accordance with Misc. Plan No. ASBA 8563/1, 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. 183 for attachment)

Proposed extension of Saskatchewan Avenue, east of Moray Street - Assiniboia Community File DAO 18/98

151 - 4. The Standing Policy Committee on Property and Development has been advised that the lands identified as "proposed street opening" on Misc. Plan No. 10488, as outlined on Schedule "A", were acquired as part of an exchange of lands between the City of Winnipeg and the Federal Government in 1994. One of the conditions of the acquisition of the land was that the Federal Government undertake the responsibility for constructing a roadway to City standards. This roadway has been constructed. The property adjacent to the lands is now being developed and it is necessary to dedicate the lands as public street.

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

The Standing Policy Committee on Property and Development concurred in the recommendations of the Assiniboia Community Committee 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. 10488, 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. 184 for attachment)

Report of the Standing Policy Committee on Property and Development dated December 1, 1998

Proposed Amendment to Development Agreement AG 57/86 - land located on Orum Drive and on Shauna Way - East Kildonan-Transcona Community
File DASSF 578/98 [c/r DASZ 57/86]

152 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been submitted on behalf of North Grassie Properties Inc. to subdivide land located on Orum Drive and on Shauna Way, as outlined on Schedule "A". The land is covered under Development Agreement AG 57/86 between the City of Winnipeg and North Grassie Properties Inc. Under the terms of Development Agreement AG 57/86 the Developer is required to pay its share of the cost of certain off-site traffic improvements, land dedication, and land drainage trunk charges attributable to the land covered under File DASSF 578/98. The Developer is also required to pay 50% of the cost of installing traffic control signals at the intersection of Grassie Boulevard and McLellan Drive. The cost of the above has been estimated as follows:

i)	Off-site traffic improvements		$21,500.00
ii)	Land drainage trunk charges		40,700.00
iii)	Land dedication		10,500.00
iv)	Administration		6,200.00
		Sub-total	$78,900.00
v)	Traffic control signals		50,000.00
		Total	$128,900.00

During 1998, the Developer has constructed the concrete pavement in Orum Drive westerly to the west limit of Lot 11 in Block 1 as outlined on Schedule "A" complete with a temporary turnaround. The Developer would then normally be entitled to construct houses on 13 lots within File DASSF 578/98.

The Developer has proposed to pay the costs attributable to the 13 buildable lots now and to defer the balance attributable to the other 19 lots when the concrete pavement is constructed in the remainder of Orum Drive and in Shauna Way. The Developer has advised that it is his intent to construct the outstanding concrete pavement in the spring of 1999. The Developer has also requested that a letter of credit in the amount of $50,000.00 be posted to secure his share of the cost of the traffic signals when the pavement has been constructed and building permits can be issued on the 19 lots.

The Developer's request has been reviewed by the Administration and is deemed to be workable and will not jeopardize the City's interests.

On November 17, 1998, the East Kildonan-Transcona Community Committee considered the foregoing, and concurred in the administrative recommendation as outlined below.

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

I. That Development Agreement AG 57/86 be amended as follows:

1. The Developer shall pay to the City, prior to the release of the subdivision mylars under File DASSF 578/98, its proportionate share of the cost of the following items attributable to Lots 11 to 17, both inclusive, in Block 1 and Lots 1 to 6, both inclusive, in Block 2.

   i) Off-site traffic improvements
   ii) Land drainage trunk charges
   iii) Land dedication
   iv) Administration

II. The Developer shall pay to the City, prior to the issuance of a building permit on any of Lots 1 to 10, both inclusive, in Block 1 and Lots 7 to 14, both inclusive, in Block 2, its proportionate share of the cost of the items identified in i) to iv) above attributable to Lots 1 to 10, both inclusive, in Block 1 and Lots 7 to 14, both inclusive, in Block 2.

Report of the Standing Policy Committee on Property and Development dated December 1, 1998

III. The Developer shall post a standby letter of credit in the amount of $50,000.00 to secure payment of the Developer's share (50%) of the cost of installing traffic control signals at the intersection of Grassie Boulevard and McLellan Drive prior to the issuance of a building permit on any of Lots 1 to 10, both inclusive, in Block 1 and Lots 7 to 14, both inclusive, in Block 2.

IV. That the City file the appropriate caveat(s) to register this restriction on the issuance of building permits.

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

Adopted by consent.

Proposed Subdivision and Rezoning - land located at the northeast corner of Inkster and Brookside Boulevards - Lord Selkirk-West Kildonan Community
File DASZ 18/98 [c/r DASZ 56/85, DAZ 224/95 and DAZ 206/98]

153 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Scatliff and Associates (Wes Paetkau), 44 Princess Street, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands outlined from an "M2" Industrial District to an "M1-B" Industrial District to allow for industrial development and to consider deletion of the clause in the Zoning Agreement affecting the subject lands which stipulates that no buildings or structures shall be permitted within the easterly 50 feet of lands outlined.

The following is the present site description:

Site Area: Approximately 96 acres

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

The following is the surrounding land use and zoning:

North: Vacant; zoned "M3" Industrial District

South: Vacant; zoned "A-5" Agricultural District

East: Vacant; zoned "A-5" Agricultural District

West: Truck related commercial establishments; zoned "C3-1" Commercial District and "M1" Industrial District

The applicant, on behalf of the owner, is proposing to rezone the subject property and subdivide the portion referred to as Phase 3 on Schedule "A" for File DASZ 18/98. The property is currently zoned "M2" Industrial District, which permits a mix of light and heavy industrial development. The proposed "M1-B" Industrial District permits light industrial development subject to industrial park development and performance standards.

The proposed rezoning and subdivision is appropriate at this location and represents phasing of development in a northerly direction from Inkster Boulevard. The proposed "M1-B" zoning category will limit uses and ensure a more attractive industrial development. When these lands were zoned for industrial purposes (under File DAZ 224/95), measures were taken to adequately buffer future residential development to the east of the subject property. As a result, a condition of the Zoning Agreement prohibited buildings or structures within the easterly 50 feet of the subject lands. Subsequently, the lands to the east were designated Industrial Policy Area under a Plan Winnipeg Amendment (File PW 3/96). Thus, the condition prohibiting development within the easterly 50 feet of the subject property no longer serves its intended purpose and is redundant. The Planning and Land Use Division

Report of the Standing Policy Committee on Property and Development dated December 1, 1998

recommends the proposed rezoning and subdivision and deletion of the Zoning Agreement clause regarding development within the easterly 50 feet of the subject property (Clause No. 3, By-Law No. 6895/96) be approved.

Public Hearings were held before the Lord Selkirk-West Kildonan Community Committee on September 15 and November 10, 1998. Three persons appeared in support of the application and no one registered in opposition thereto.

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

1. The cash dedication for Phases 1 and 2 are sufficient to cover the dedication for all 4 Phases.

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

I. That the plan of subdivision proposed under File DASZ 18/98 for Phase 3 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/98 for Phase 3, dated September 9, 1998, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 9, 1998, after incorporating the following amendments:

      1. That Condition No. 21 be deleted in its entirety, and Condition No. 22 be renumbered to Condition No. 21.

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 18/98, dated September 9, 1998, to an "M1-B" Industrial District.

IV. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above, including that Clause 3 of the Zoning Agreement for File DAZ 224/95 be deleted (Caveat 2162962, By-Law No. 6895/96).

V. 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.

VI. That the zoning section of the by-law shall come into force and effect when the relevant Plans of Subdivision have been registered in the Winnipeg Land Titles Office.

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

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

IX. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 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, 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.

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

Adopted by consent.

(See Minute No. 185 for attachment)

Proposed Subdivision and Rezoning - land located at the southeast corner of McGillivray Boulevard and Dovercourt Drive - Assiniboia Community
File DASZ 21/98 [c/r DASZ 6/97 and DCU 210/98D]

154 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Sharon Home Inc., 146 Magnus Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands as outlined from an "A" Agricultural District to an "RM-5" Residential District to allow for the construction of a residential institution (personal care home), nursing home, or multiple family development (seniors or handicapped persons).

The following is the present site description:

Site Area: Approximately 16.25 acres

Existing Land Use and Zoning: Vacant; zoned "A" Agricultural District

The following is the surrounding land use and zoning:

North: Across McGillivray Boulevard, single family dwellings; zoned "R1-5.5" Residential District

South: Vacant; zoned "A" Agricultural District

East: Single family and vacant lands; zoned "A" Agricultural District

West: Across Dovercourt Drive, vacant; zoned "A" Agricultural District

The applicant proposes to rezone the subject property to accommodate an integrated personal care and multiple family development. Surrounding properties are largely vacant, with single family and neighbourhood oriented commercial development anticipated.

As at September 21, 1998, conceptual plans for the proposed development had not been submitted. Discussions with the applicant indicate the development will be phased from west to east, due in part to servicing requirements. The Planning and Land Use Division is generally supportive of the proposed land uses. Demographically, seniors oriented and personal care facilities are required at a faster rate than single family dwellings in the Winnipeg market. The most immediately impacted neighbours are current residents of Linden Woods and future residents of Linden Ridge.

Linden Woods is separated from the proposed development by a regional transportation route. In addition, noise attenuation measures have been provided in Linden Woods and will be required for this development. Linden Ridge has yet to develop south of the subject site. Future residents will the benefit of seeing the seniors/care facility underway prior to purchasing their property.

The proposed "RM-5" zoning appears incongruous. Similar, recent facilities of this nature have been accommodated under "RM-2" or "RM-3" zoning categories. The applicant prefers the more dense "RM-5" category, anticipating building heights in excess of the 35 foot and 45 foot maximum building heights in "RM-2" and "RM-3", respectively. The "RM-5" height maximum is 70 feet, which will accommodate 6 to 7 storey

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buildings. In discussion, the applicant indicated the property will not maximize "RM-5" density and has agreed to restrict development to "RM-3" density requirements (minimum lot area per dwelling unit of 1000 square feet), with "RM-5" maximum height (70 feet).

The Planning and Land Use Division of the Property and Development Services Department recommends approval of the application, subject to density restrictions and plan approval.

A Public Hearing was held before the Assiniboia Community Committee on September 22, 1998.

Seven persons appeared in support of the application and no one registered in opposition thereto.

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

1. That the project will be utilizing land that is not being used.

2. The project will be enhancing the tax base.

3. With the construction of the Asper Campus, and the expansion in the south end of the City the project is appropriate.

On December 1, 1998, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning application under File DASZ 21/98, and approved the addition of the following which have been incorporated in the recommendations as set out below:

- 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. 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.

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

I. That the plan of subdivision proposed under File DASZ 21/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A", for File DASZ 21/98, dated September 18, 1998, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 10, 1998.

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 21/98, dated September 18, 1998, to an "RM-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, to include the following conditions:

   A. That site density not exceed the "RM-3" Residential District maximum of 1 dwelling unit per 1000 square feet of lot area.

   B. That sound attenuation measures shall be incorporated into the construction plans and approved by the Director of Public Works or designate prior to the issuance of building permits.

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C. That detailed construction plans indicating the design and location of the proposed buildings and signs, including elevations and details of exterior finishing materials, accessory parking and loading areas, fencing, landscaping, and garbage enclosures be subject to the approval of the Chief Administrative Officer or designate and Assiniboia Community Committee prior to the issuance of building permits.

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 with respect to Lot 1 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 Lot 1.

VIII. That the zoning section of the by-law with respect to Lot 2 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 with respect to Lot 2 has been filed by caveat as a first charge in the Winnipeg Land Titles Office against Lot 2, and when the municipal services have been installed to provide service to Lot 2 in accordance with the provisions of the Development Agreement pursuant to the approval of File DASZ 6/97.

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

Adopted by consent.

(See Minute No. 186 for attachment)

Proposed Subdivision and Rezoning - land located at the southeast corner of Kenaston and McGillivray Boulevards - Assiniboia Community File DASZ 22/98 [c/r EP-1.1(PW 7/98) (Vol. 1)]

155 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from DS-Lea Consultants Ltd., 111 - 93 Lombard Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to amend Zoning By-Law No. 6400/94 by rezoning the subject lands outlined from an "M1" Industrial District and "A" and "A-5" Agricultural Districts to a "C2" or "C4" Commercial District, as determined by Council, to allow for commercial development.

The following is the present site description:

Site Area: Approximately 54.5 acres

Existing Land Use and Zoning: Truck-related distribution and accessory office; zoned "M1" Industrial District vacant; zoned "A" and "A-5" Agricultural District

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The following is the surrounding land use and zoning:

North: Across McGillivray Boulevard, proposed 48 acre commercial site; zoned "C2" Commercial District

South: Strip commercial development; zoned "M1" Industrial District

East: Proposed Linden Ridge commercial and multiple-family; to be zoned "C2" Commercial District and "RM-3" Residential District, respectively

West: Across Kenaston Boulevard, Whyte Ridge proposed commercial area and existing single-family dwellings; zoned "C2" Commercial District and "R1-4" Residential District

The applicant, on behalf of the owner, is requesting permission to subdivide and rezone the subject property to either "C2" or "C4" Commercial District to accommodate commercial development. Since the property is designated Industrial Policy Area under Plan Winnipeg, the applicant has filed a related Plan Winnipeg amendment application to redesignate the property to Neighbourhood Policy Area. (The Administration advised that the Plan Winnipeg amendment must be in effect prior to Council approving the subject rezoning. On November 19, 1998, the Executive Policy Committee held the public hearing for the Plan Winnipeg amendment.) Concept plans submitted in conjunction with the application indicate the site is to be developed with a number of large, big box outlets, along with several smaller structures. The site is currently accessed via private approach on McGillivray Boulevard. Additional access is indicated from McGillivray Boulevard and from Kenaston Boulevard.

The majority of the subject property has been utilized as a truck terminal operation for a number of years. When originally developed, it was part of a larger industrially designated area which included the West Fort Garry Industrial Area and Linden Ridge to the east. In addition, City-owned lands on the north side of McGillivray Boulevard were zoned "MP-2" Industrial Park District. More recently, lands to the immediate south have been developed with commercial uses; the Whyte Ridge residential area to the west has developed; properties to the east have been designated Neighbourhood Policy Area to accommodate the future Linden Ridge residential area; and 48 acres north of McGillivray Boulevard have been rezoned in order to accommodate commercial development.

The subject property has been gradually surrounded by commercial and residential uses or zoning. It is now surrounded on three sides by Neighbourhood Policy Area properties. The existing use is now something of an anomaly. From a Plan Winnipeg perspective, with the current operation relocating, it is appropriate to consider a redesignation to Neighbourhood Policy Area though the Planning and Land Use Division remains concerned about the impacts of the potential loss of additional industrial lands in south west Winnipeg. In addition to the immediate context, another large (approximately 40 acre) commercial area has been recently redesignated and rezoned (to "C4") to accommodate commercial development. This site (at the northwest corner of Waverley Street and Bishop Grandin Boulevard), the subject site (at the southeast corner of Kenaston and McGillivray Boulevards), and the adjacent site (at the northeast corner of Kenaston and McGillivray Boulevards) represent a significant quantity of new commercial lands in he south west quadrant of the City. Interest to redevelop lands at the northwest corner of Kenaston and McGillivray Boulevards can also be anticipated in the near future.

The Administration has requested direction from Standing Policy Committee on Property and Development to investigate issues regarding: substantial conversion of lands for commercial purposes, in a slow growth jurisdiction; big box retail and power centre configurations and their contexts; and regional shopping centre policy.

Results of this proposed study are not expected for several months. Redesignation of the subject property could lead to residential, commercial, or mixed development at this location. As such, the Planning and Land Use Division is supportive of the Plan Winnipeg amendment. Consideration of the rezoning of an additional 54.5 acres of property to commercial in this context must include a brief review of the Division's recommendations on recent, nearby commercial development activity.

The Linden Woods property at the northeast corner of Kenaston and McGillivray Boulevards was rezoned from "MP-2" to "C2" in an effort to market City-owned property. The request for proposals followed a study of potential land use options, which was reviewed by the Administration, the Ward Councillor, interested property owners, and residents of the Linden Woods neighbourhood. Within this context, with no strong demarcation between potential commercial and future residential lands, the Planning and Land Use Division recommended a maximum Gross Leasable Area of 250,000 square feet and restrictions on uses. The public hearing on the rezoning application occurred prior to the proposal call. At that time, anticipated uses also included office and industrial research and development, on total land area of approximately 36 acres.

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The property at the northwest corner of Waverley Street and Bishop Grandin Boulevard had been designated Industrial Policy Area and was separated from existing industrial and other uses by strong barriers, including rail lines, land drainage ditches, and regional transportation routes. The Planning and Land Use Division's opinion of this property focused less on the impacts on commercial development on the immediately adjacent properties and more on the affects of an additional approximately 40 acres of commercial development from a regional and City-wide perspective. This focus must also be applied to the subject property. With potentially up to 200 acres of property available for commercial development in this quadrant of the City, there must be impacts on the regional street system, existing commercial properties, and potentially on the downtown (as a commercial and entertainment destination). Concern must also be expressed about the time frame for the absorption of this quantity of commercial property.

Without the benefit of the proposed commercial lands study, it is difficult for the Planning and Land Use Division to recommend approval of the rezoning application. The Administration advised that if the Community Committee is so inclined as to recommend approval, the Planning and Land Use Division suggests the appropriate category for a property of this size and dimension is "C4" Commercial District. This category provides for adequate setbacks and accommodates most potential uses. It also has the benefit of a general one (1) parking space per 200 square feet of Gross Leasable Area parking ratio, rather than requiring calculation of parking requirements based on each proposed use. The Planning and Land Use Division also recommends limitations on free-standing signage, certain uses, and that site development be in accordance with plans reviewed and approved by Community Committee. The Division also recommends the portion of the property which fronts on Dovercourt Drive (approximately 2.85 acres) not be included in this application. By not including it, due consideration can be paid to the "RM-3" and "C2" lands in the adjacent Linden Ridge development.

A Public Hearing was held before the Assiniboia Community Committee on September 22, 1998.

Five persons appeared in support of the application, and no one registered in opposition thereto.

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

1. Kleysen Transport Ltd. is being relocated.

2. On October 5, 1998, the extension of Bishop Grandin Boulevard and Kenaston Boulevard will be opened.

On December 1, 1998, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning application under File DASZ 22/98, and approved the following amendments which have been incorporated in the recommendations as set out below:

- Recommendation I.A.(2) that mobile signs be prohibited, be deleted in its entirety, and the remaining conditions be renumbered.

- Recommendation V. be amended by replacing the word "execution" to "registration" in the following phrase, "that the Zoning Agreement be discharged upon registration of the new Zoning Agreement".

The Standing Policy Committee on Property and Development concurred in the recommendations of the Assiniboia 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 DASZ 22/98, not including the most easterly 93.641 metres of Plan 20865 / Lot 2 (referred to as Lot 5), dated September 18, 1998, to a "C4" Commercial District, subject to the following, as amended:

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

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2. That free standing use identification pylons be allowed for each Big Box retailer to a size approved by the Assiniboia Community Committee, and that other future free standing identification pylons be considered by the Community Committee.

3. That the following uses not be permitted on the land:

   a) Amusement Enterprise, Outdoor;
   b) Dating and Escort Service;
   c) Pawnshop.

B. That the Developer be required to enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Coordinating Group, dated September 10, 1998; amended as follows:

That the second Paragraph 1 of the Administrative Coordinating Group report be replaced with:

1. Notwithstanding that a signalized intersection be permitted on Kenaston Boulevard between Scurfield Boulevard and McGillivray Boulevard, and the configuration of the intersection reflect the submission from Fairweather Properties Inc. (Tab 3, Figure 7), with the exception that the southbound stacking lane south of McGillivray Boulevard be twinned; and that an access on the east side, north of Scurfield Boulevard, northbound be installed, as per Figure 7; and that on McGillivray Boulevard approximately where the Kleysen Transport driveway exists that an access/egress be installed.

2. Paragraph 3 be deleted.

3. Paragraph 12 be amended.

   The Developer shall pay the land drainage trunk service rate (TSR) applicable to the proposed development as determined by the Director of Water and Waste. The 1998 rate is $5,838 per acre. (That the TSR charge shall not be applicable to 32.54 acres which were previously charged.)

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 and additional building lots, if any.

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; that the existing Zoning Agreement be discharged upon registration of the new Zoning Agreement.

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

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

Adopted by consent.

(See Minute No. 187 for attachment)

Report of the Standing Policy Committee on Property and Development dated December 1, 1998

Proposed Rezoning - land located at Unicity Mall, northwest corner of Portage Avenue and David Street - Assiniboia Community
File DAZ 230/98 [c/r DAV 873/98D]

156 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from DS-Lea Consultants Ltd., 111 - 93 Lombard Avenue, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the subject land as outlined from "R1-5.5" and "R2" Residential Districts and a "CR" Commercial District to a "C4" Commercial District to allow for commercial development.

The following is the present site description:

Site Area: Approximately 41.35 acres

Existing Land Use and Zoning: Regional shopping centre; zoned "CR" Commercial District and single-family dwellings, duplexes; zoned "R1-5.5" and "R2" Residential District, respectively.

The following is the surrounding land use and zoning:

North: Across Fairlane Avenue, single-family dwellings and schools; zoned "R1-5.5" Residential District and "PR-1" Parks and Recreation District, respectively

South: Across Portage Avenue, various commercial operations; zoned "C2" Commercial District

East: Across David Street, single-family dwellings, duplexes, and multiple-family dwellings; zoned "R1-5.5," "R2," and "RM-4" Residential District, respectively

West: Single-family dwellings; zoned "R1-5.5" Residential District

The applicant, on behalf of the owner, is requesting permission to rezone the existing Unicity Mall site and recently acquired residential properties to "C4" Commercial District, in order to accommodate the redevelopment of the property. Recently submitted conceptual plans confirm earlier discussions which indicated the site is to be developed with a number of large (big box) retailers, some smaller commercial rental units, as well as a number of free-standing retail buildings.

It is understood the existing mall building will be demolished gradually, as the new commercial buildings are constructed around it. The resulting development will be arranged closer to the periphery of the site, whereas the existing mall is more centred (though oriented towards the north end of the property).

The Plan Winnipeg designation of this site as one of six Regional Shopping Centre sites can accommodate the proposed commercial uses and configuration. There has been debate recently as to the most appropriate zoning category for big box retail and power centres. This form of development differs from more traditional regional or community shopping centres by the lesser number of tenants, on a comparable sized site; larger individual store units; typical tenant mixes; and the absence of interior-oriented, enclosed mall space. Although Winnipeg has seen the entrance of several big box retail outlets on independent land holdings, large-scale development or redevelopment of sites for collections of big box outlets, known as power centres, are a more recent phenomenon in Winnipeg.

In terms of potential commercial uses onsite, the existing "CR" and the proposed "C4" categories include virtually identical permitted and conditional uses. The categories possess identical bulk and setback regulations, except that "C4" has a maximum lot coverage of 25% while "CR" has a maximum of 30%. Parking must be provided at the same one parking space per 200 square feet of Gross Leasable Area ratio.

The subject rezoning application, from a pure land use and zoning standpoint, will have little impact on the immediate area. In fact, without the acquisition of the residential properties on the west side of David Street (between Livinia Avenue and Portage Avenue) and the desire to rezone these and the bermed areas along David Street and Knox Street, a development application and public hearing would not have been required. In other words, demolition and redevelopment of the existing "CR" Unicity Mall site could have occurred without any input from neighbouring property owners and residents.

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When the site was originally developed as a regional shopping centre, care was exercised to minimize the impacts of commercial development of adjacent residential properties. Although under the ownership of the mall owners, strips of "R1-5.5" zoned property were created along David Street and Knox Street, echoing adjacent residential development. These strips, and a comparable strip along Fairlane Avenue (zoned "CR"), were developed with grassed and treed berms (of varying height and depth), which provide visual separation and noise attenuation. Commercial traffic (including customer vehicles, staff vehicles, and truck delivery vehicles) was separated from the residential traffic by confined access to (and egress from) the site via two signalized entrances at Portage Avenue and one entrance of David Street, near Portage Avenue. Although this makes accessing the mall from the immediately adjacent area somewhat cumbersome, it has been successful in maintaining David Street, Knox Street, and Fairlane Avenue as local residential streets.

The "C4" zoning requested will not have significant impact on adjacent properties or on the surrounding area. Elimination of the berms along David Street, Knox Street, and Fairlane Avenue, without providing other means of visual separation and noise attenuation, could have a negative impact on neighbouring properties. The concept plans indicate several additional approaches to the property, via Portage Avenue, Knox Street, David Street, and Fairlane Avenue. The additional entrance on Portage Avenue will not negatively affect Knox Street, David Street, and Fairlane Avenue properties, but will be reviewed from the standpoint of the regional transportation system. The number and location of the other proposed approaches could substantially alter traffic patterns in the immediate vicinity of the site. Not only will vehicles destined to or from the mall increasingly utilize David Street, Knox Street, and Fairlane Avenue, two additional impact may occur.

The proposed relocated entrance from David Street and the proposed entrance from Knox Street, create an east-west aisle way which aligns with Livinia Avenue. This not only provides access to the mall via local streets, it may also encourage the use of Livinia as a by-pass for vehicles which are currently forced to utilize Portage Avenue. The absence of a direct onsite route from Portage Avenue to the loading areas for the proposed buildings arranged along Fairlane Avenue suggests the use of David Street, Knox Street, and Fairlane Avenue for delivery and service trucks destined for the mall. Although use of local streets by trucks is prohibited, this configuration could promote a future enforcement problem.

Residents and local property owners were to have met prior to the public hearing held by the Assiniboia Community Committee. Additional concerns will likely have been expressed at this forum. Nonetheless, the Planning and Land Use Division is supportive of the rezoning application. Primarily, this support is from the perspective of encouraging the adaptive reuse of existing serviced commercial lands. Care must, however, be exercised to ensure this redevelopment is not at the expense of neighbouring residents and property owners. Conditions of approval, as part of a zoning agreement between the owner and the City, can address most development related problems. In addition, continuing liaison between the owners and neighbours will be necessary to ensure development is sensitive to the property's context as the property evolves.

Public Hearings were held before the Assiniboia Community Committee on September 22, 1998 and November 17 and 24, 1998. Twelve persons were heard in support of the application, seventy-three persons registered in opposition thereto and six persons registered for information purposes.

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

1. The proposal represents an opportunity to adaptively reuse an existing serviced commercial site.

2. Although a difficult site, approval is subject to conditions intended to accommodate neighbourhood concerns while encouraging thoughtful commercial redevelopment.

3. The acknowledgement of the primacy of local streets for residents may inform future shopping centre developments at other locations.

Report of the Standing Policy Committee on Property and Development dated December 1, 1998

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 to a "C4" Commercial District, except for the most easterly and most westerly 50 feet which shall retain their "R1-5.5" and "R2" Residential District zoning designations, in accordance with Schedule "A" for File DAZ 230/98, and dated November 24, 1998, 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 detailed construction plans indicating the design and location of the proposed buildings, including elevations and details of exterior finishing materials, accessory parking and loading areas, vehicular access to the site and onsite traffic circulation, fencing, garbage enclosures, free standing signs, building HVAC (heating ventilation and air conditioning) and refrigeration services, landscaping, and lighting, be subject to the approval of the Chief Administrative Officer or designate and the Assiniboia Community Committee prior to the issuance of building permits in accordance with Schedule "A," for File DAZ 230/98, dated November 24, 1998.

2. That mobile signs be prohibited except for a period of fourteen (14) days upon issuance of a new occupancy permit.

3. That free standing use identification pylons be prohibited along the David Street, Knox Street and Fairlane Avenue frontages.

4. That existing berms along David Street, Knox Street and Fairlane Avenue be maintained and enhanced and additional berming, comparable to that existing along Knox Street, be provided along David Street, including where the single-family dwellings and duplexes were located and to the west and south of the multiple-family dwellings at David Street / Fairlane Avenue.

5. That no additional private approaches providing access to or egress from the site will be permitted along David Street, Knox Street or Fairlane Avenue. Existing private approaches serving the single-family dwellings and duplexes along the west side of David Street will be abandoned once the dwellings are demolished and the existing commercial private approach along David Street will be maintained in its current location or abandoned.

6. That any subsequent proposed alteration to the berms or private approaches shall be submitted to Assiniboia Community Committee for review and approval prior to work commencing or the issuance of permits (in accordance with Condition No. 1).

7. That no building or structure shall exceed the heights indicated on the Typical Cross-Sections diagram, in accordance with Schedule "B," for File DAZ 230/98, dated November 24, 1998.

8. That no loading area activities, garbage receptacles, or exterior storage shall be permitted within 125 feet of the north, east or west property lines (i.e. from the property lines abutting the Fairlane Avenue, David Street or Knox Street rights-of-way), without appropriate noise attenuation measures undertaken (in accordance with Condition No. 1). These setbacks shall include the berms located along David Street, Knox Street and Fairlane Avenue.

9. That all buildings will be designed so as to incorporate design details/features around all exposed facades, in order to enhance the visual appearance of each building from all angles (in accordance with Condition No. 1).

10. That where a building exceeds 100 feet in length, design details/features shall be undertaken to lessen perceived bulk impacts (in accordance with Condition No. 1).

11. The following uses shall not be permitted within 125 feet of the north, east or west property lines (i.e. from the property lines abutting the Fairlane Avenue, David Street or Knox Street rights-of-way), without appropriate noise attenuation measures undertaken (in accordance with Condition No. 1).

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1) Any use which includes outside operations, extended business hours or other activity which may interfere with the otherwise quiet enjoyment of adjacent residential properties, including:

a) Amusement Enterprise, licensed as a sports facility;
b) Automobile, including motorcycle: Repair, Service, Installation of Supplies/Parts;
c) Automobile Washing: drive-through or self-service;
d) Banquet Hall, Dance Hall;
e) Beer: Sales;
f) Billiard Parlour;
g) Bingo Parlour;
h) Bowling Alley;
i) Cabaret;
j) Club, including licensed premised;
k) Cocktail Lounge;
l) Convenience Store (except in conjunction with a Gas Kiosk);
m) Hotel, including Motel;
n) Outside Display (accessory to other uses);
o) Pawnshop;
p) Recycling Depot for Collection of Materials;
q) Restaurant (and Restaurant, drive-through);
r) Tire: Sales, Service;

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, if any.

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 be 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.

In amendment,

The Executive Policy Committee recommends that Recommendation I. A. 5 be deleted in its entirety and substituted with the following:

I. A. 5. That no private approaches providing access to or egress from the site will be permitted along David Street, Knox Street, or Fairlane Avenue. Existing private approaches serving the single-family dwellings and duplexes along the west side of David Street will be abandoned once the dwellings are demolished. The existing commercial private approach along David Street will be abandoned prior to the issuance of building permits.

Adopted by consent.

(See Minute No. 188 for attachment)

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Proposed Rezoning - land located at 1 Hallonquist Drive, north side of Setter Street and Sturgeon Road - Assiniboia Community
File DAZ 233/98 [c/r DAZ 221/96, DAZ 232/98 and DAV 708/96]

157 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from David Watkin Architect Ltd., to amend Zoning By-Law No. 6400/94 by rezoning the subject land outlined from an "R1-5.5" Residential District to an "RM-5" Residential District to allow for multiple-family development.

The following is the present site description:

Site Area: Approximately 2.3 acres

Existing Land Use and Zoning: Largely vacant, with small playground located in the north west corner of the site (Kirby Setter Playground); zoned "R1-5.5" Residential District

The following is the surrounding land use and zoning:

North: Single-family dwellings; zoned "R1-5.5" Residential District

South: Across Hallonquist Drive, vacant; zoned "R1-5.5" Residential District

East: Across Sturgeon Road, Grace General Hospital; zoned "R1-5.5" Residential District

West: Across Setter Street, 14-storey multiple-family building; zoned "RM-6" Residential District the applicant is proposing to develop multiple-family dwellings at this location. In order to accommodate multiple-family development, rezoning from the current single-family ("R1-5.5") zoning category to an appropriate multiple-family zoning category is required. Plans submitted in conjunction with the application indicate a four-storey, 144 unit seniors facility. Units include a range from bachelor to two bedroom, some with kitchenette eating areas. A commercial kitchen and communal dining area are provided. Forty-five (45) parking spaces are provided for visitors and staff, with access from Sturgeon Road which exceeds the twenty-nine (29) parking spaces required for this use ("multiple-family dwellings for senior citizens or handicapped persons," one per five dwelling units). The playground (and equipment) located in the north west corner of the site is to be retained and improved.

On December 10, 1996, the Assiniboia Community Committee considered a previous application to rezone the subject property to "RM-2" in order to accommodate a three-storey, 61 unit seniors oriented multiple-family development (File DAZ 221/96, with File DAV 708/96 accompanying). The development, though marketed towards seniors, included features found in any multiple-family dwelling, such as full kitchen in each unit and no common dining facilities. As such, that proposal did not qualify for the provincial definition of elderly persons housing and was required to provide 1.5 parking spaces per dwelling unit.

The Assiniboia Community Committee recommended approval of the subject application in appreciation of its low density, providing a reasonable transition between single-family dwellings and higher density multiple-family buildings, and the proposed site plan providing ample separation from properties to the north. The approval was also subject to the applicant entering into a Zoning Agreement, which included conditions relating to a maximum number of units (61), maximum building height (three-storeys), detailed plan approval (fencing, landscaping, garbage enclosures, screening along north property line), and designation of a minimum number of visitor parking spaces.

The "RM-5" Residential District zoning category permits considerably denser development than does the "RM-2" zoning considered under File DAZ 221/96. Without the elderly persons housing designation, this property could accommodate approximately 167 dwelling units under "RM-5" zoning, provided the majority of parking was located underground, based on 1 dwelling unit per 600 square feet of lot area. This zoning category also permits a maximum building height of 70 feet, which represents 6 to 7-storey development. Presumably, Community

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Committee's concerns regarding this property have not changed since File DAZ 221/96 was considered in December 1996. Although not a quantum increase, a four-storey multiple-family development certainly has more of an impact on adjacent single-family dwellings than does three-storey development. In appreciation of the immediately abutting single-family properties to the north of the subject property, the building is located a minimum of 120 feet from the north property line (while the three-storey building approved under File DAZ 221/96 was located approximately 43 feet from the north property line). Additional efforts to reduce impacts on adjacent residential properties include retention of existing foliage, buffer plantings, and site access via Sturgeon Road.

The proposed four-storey, 144 unit development is consistent with adjacent properties and the surrounding area. Subject to conditions relating to site density, height, building location, and site development, the Planning and Land Use Division can support the proposed development.

A Public Hearing was held before the Assiniboia Community Committee on November 17, 1998.

Three persons appeared in support of the application, and no one registered in opposition thereto.

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

1. The proposed development is consistent with adjacent properties and the surrounding area.

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 outlined on Schedule “A” for File DAZ 233/98, dated November 23, 1998, to an “RM-5” Residential 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 no more than 144 dwelling units shall be permitted on the lands.

      2. That no building shall exceed four storeys in height.

      3. That no buildings, structures, or works shall be erected on the land and no building permits issued for construction on the land unless and until plans showing the location and design of the proposed building, accessory parking areas, private approaches, driveways, fencing, garbage enclosures, and landscaping are submitted to and approved by Assiniboia Community Committee and by the Chief Administrative Officer or designate, as identified under the designation as Schedule “A” to Zoning Agreement DAZ 233/98 and no buildings, structures, or works shall be constructed or placed on the land except in accordance with Schedule “A” to the Agreement.

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

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.

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

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

Adopted by consent.

(See Minute No. 189 for attachment)

Proposed Rezoning - land located at 700 McPhillips Street, west side, between Manitoba and Pritchard Avenues - Lord Selkirk-West Kildonan Community
File DAZ 236/98

158 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from Arnold Asham Enterprises Ltd., 700 McPhillips Street, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the subject lands outlined from a "C1" Commercial District to a "C2" Commercial District to allow for future commercial development.

The following is the present site description:

Site Area: Approximately 7,815 square feet

Existing Land Use and Zoning: Two-storey commercial building, with accessory parking to the rear (west) of the building; zoned "C1"

The following is the surrounding land use and zoning:

North: Restaurant; zoned "C1"

South: Single-family dwellings and hair salon; zoned "C1"

East: Across McPhillips Street, single-family dwellings and commercial establishments; zoned "C1"

West: Across public lane, single-family dwellings; zoned "R2.5"

The applicant is proposing to rezone the subject property to accommodate future commercial uses. The property is currently developed with a two-storey commercial building which houses a seasonal (curling) sporting goods operation. A representative of the applicant indicates future uses could include a summer-oriented sporting goods operation, as well as other compatible uses. No substantial building expansion is anticipated, though interior and exterior renovations may transpire.

The proposed rezoning is somewhat speculative in nature. Besides expanding product line beyond the current seasonal sporting goods, which is permitted under the existing "C1" zoning, the applicant has not indicated other prospective uses. The subject property is located mid-block amongst a variety of uses, commercial and residential. Generally, the Planning and Land Use Division is reluctant to recommend approval of what amounts to a spot zoning. In this instance, however, the surrounding commercial area is experiencing a degree of transition from offering more locally oriented services to services catering to a more widespread clientele. The current use certainly caters to a more community or regional market. If community committee is so inclined as to recommend approval of the subject application, the division suggests uses be restricted somewhat, in recognition of the immediate context.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on November 10, 1998. One person appeared in support of the application, and no one registered in opposition thereto.

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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 236/98, dated November 2, 1998, to a "C2" Commercial District, subject to the following:

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

      1. That the following uses not be permitted onsite:

         a. Amusement Enterprise, Indoor;
         b. Amusement Enterprise, Licensed as a Sports Facility;
         c. Automobile, including motorcycle: Repair, Service, Installation of Supplies/Parts;
         d. Automobile Washing, including motorcycle;
         e. Beer: Sales;
         f. Boat: Sales, Service;
         g. Club, including licensed premises;
         h. Contractors' Establishment;
         i. Flea Market;
         j. Hotel, including Motel limited to guest rooms;
         k. Hotel, including a beverage room;
         l. Landscape/Garden Supplies/Sales;
         m. Liquor: Sales;
         n. Pawnshop;
         o. Sign, Advertising;
         p. Tattoo Parlour;
         q. Terminal for Courier/Delivery/Express Service, Cleaning Service, Key and Lock Service, Security Service, Taxi, or similar service.

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 190 for attachment)

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Proposed Amendment to License By-law No. 6551/95 - Billiard Parlours - Hours of Operation File EL-1.4 (Vol. 5)

159 - 12. On August 24, 1998, the Standing Policy Committee on Property and Development recommended that the provisions of the City of Winnipeg License By-law No. 6551/95, with respect to billiard parlous, be amended as follows:

> The hours of operation for a billiard parlour be restricted to between 8:00 a.m. and 2:00 a.m., seven (7) days per week.

On September 9, 1998, Executive Policy Committee amended the recommendation of the Standing Policy Committee on Property and Development, by the addition of the words:

> for all premises licensed by the Manitoba Liquor Control Commission.

On September 9, 1998, Council adopted Clause 13 of the Report of the Standing Policy Committee on Property and Development dated August 24, 1998, as amended by Executive Policy Committee recommendation, in this connection.

On November 16, 1998, the Standing Policy Committee on Property and Development was advised by the Legal Services Division that the initial (administrative) recommendation providing for a uniform extension of hours of operation for all billiard parlours is within the City's authority to implement. However, if the License By-law is amended so that the extended hours applied only to premises licensed by the Manitoba Liquor Control Commission, it is likely that the By-law may be challenged as being discriminatory.

The Administration advised that it should be noted that, in previous litigation, the Manitoba Court of Appeal determined that a distinction in the License By-law based on liquor licensing was invalid.

On November 16, 1998, the Standing Policy Committee on Property and Development considered the foregoing, and referred the matter back to the Administration for further review and report back on the aspect of billiard parlous operating 24 hours a day, subject to control by the appropriate Community Committee.

Due to the controversial nature of billiard parlours in various areas within the City of Winnipeg, the Administration's recommendation to amend the hours of operation was intended to strike a balance between current business practices and community concerns. The change likely to be most palatable was deemed to be an amendment that coincided with current senior legislation which affected the majority of the same facilities, namely, The Manitoba Liquor Control Act. An amendment to provide for 24 hour operation of billiard parlours under the License By-law was not considered at the time. The majority of billiard parlours licensed by the City are also licensed by the Manitoba Liquor Control Commission and are required to cease serving liquor at 2:00 a.m. and vacate by 2:30 a.m. with the exception of private clubs that are not required to vacate.

The City of Winnipeg is granted the power to license and regulate under Section 524(1) of The City of Winnipeg Act. With specific reference to billiard parlous, Section 524(1)(t) states in part:

524(1) The power to license or to regulate shall be deemed to include the power

(t) to provide that any billiard, pool or bagatelle table ... had or kept in a house of entertainment or resort, whether used or not, shall be deemed to be kept for gain, and to provide that any such table ..., had or kept for use of its members by any club, whether incorporated or not, or any corporation created under The Corporations Act, shall be deemed to be kept for gain; provided that the council may by by-law exempt any club from the operation of a by-law enacted under subsection 523(1) and this clause.

Furthermore, Section 3(13) of the City of Winnipeg License By-law No. 6551/95 states in part:

3(13) Pursuant to paragraphs 524(1)(t) of the Act, the provisions of this by-law do not apply to any billiard table or pool table ... had or kept for the use of the members of the following clubs at the locations designated.

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There are 37 clubs identified in the License By-law that are exempt from the license requirements pursuant to section 3(13) of the License By-law. Included in this list are 2 locations that during normal business hours are operated by persons subject to licensing under the License By-law. After normal working hours (currently 12:00 Midnight) these two facilities are operated by recognized clubs and are exempt from the provisions of the License By-law including an exemption from the restricted hours of operation. The proposed amendment to the hours of operation in the License By-law will not affect those clubs which currently enjoy an exemption under Section 3(13) of the City of Winnipeg License By-law No. 6551/85.

There is no financial impact as a result of the Administration's recommendations.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the Council Order of September 9, 1998, amending License By-law No. 6551/95, with respect to the hours of operation for billiard parlours, be rescinded.

II. That the License By-law not be amended to allow for 24 hour operation of billiard parlours at this time.

III. That the provisions of the License By-law, with respect to billiard parlours (as recommended by the Standing Policy Committee on Property and Development on August 24, 1998), be amended as follows:

The hours of operation for a billiard parlour be restricted to between 8:00 a.m. and 2:00 a.m., seven (7) days per week.

IV. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the preparation of the necessary amending by-law.

Adopted by consent.

Proposed Amendment to License By-law No. 6551/95 - Deletion of Hypnotist from Trade to be Licensed
File EL-1 (Vol. 31)

160 - 13. On December 1, 1998, the Standing Policy Committee on Property and Development passed the following motion, namely:

That the category of "hypnotist" be removed from the trades to be licensed as outlined in the License By-law No. 6551/95;

And That the City Solicitor/Manager of Legal Services be requested to prepare and submit the necessary amending by-law to Council for its meeting on December 16, 1998,

and submits same to Council for approval.

Adopted by consent.

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)]

161 - 14. The Standing Policy Committee on Property and Development has been advised that on November 18, 1998, the Standing Policy Committee on Public Works considered and concurred in the recommendations contained in the report dated September 10, 1998, from the Chief Administrative Officer, with respect to the consolidation of Local Water and Sewer Operations from three area offices to a central location at 552 Plinguet Street, namely:

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1. That the proposed consolidation of Local Water and Sewer operations from three area offices to a central location at 552 Plinguet be approved.

2. That 1750 Sargent be declared surplus to Water and Waste Department requirements.

3. That the report be referred to the Standing Policy Committee on Property and Development for consideration relative to sale of 1750 Sargent.

As background history, from 1974 to 1995, local water and sewer services were delivered by the former Operations Department through six districts until 1993, and through five districts from 1993 to 1995.

From 1995 to the present, local water and sewer services were delivered by the former Water and Waste Department through three area offices.

From 1997 to the present, a compressed work week in combination with delivery of local water and sewer services from a central location was identified as having potential to reduce costs with no detrimental service impacts. Workplace meetings and analysis were undertaken to develop this plan.

On September 2 and 3, 1998, at the request of the Water and Waste Department, the Canadian Union of Public Employees, Local 500, conducted a workplace vote to establish whether field staff were prepared to participate in a compressed work week to support delivery of services from a central location and reduce costs - 85% voted in favour of the compressed work week.

The Water and Waste Department is responsible through the Local Water and Sewer Division for the operation, maintenance and upgrading of Winnipeg's water distribution system, wastewater collection system and piped land drainage system, as well as emergency services on a 24-hour per day, seven-day per week basis.

CURRENT OPERATION

Field services are presently provided by the Local Water and Sewer Division through three area offices located at 1750 Sargent Avenue, 552 Plinguet Street and 1539 Waverley Street. These offices provide support for field operations. No direct service to the public is provided at these locations. Emergency Services is located at 1155 Pacific Avenue. The Water and Waste Department is responsible for operation and maintenance of the facilities at 1750 Sargent Avenue and 552 Plinguet Street and leases space at 1539 Waverley Street and 1155 Pacific Avenue.

PROPOSED CHANGES

The Water and Waste Department has reviewed service delivery options for Local Water and Sewer functions and concluded that service delivery can be undertaken more effectively from a central location at 552 Plinguet Street. Field services would be provided through two "back-to-back" compressed work weeks resulting in seven-day per week, eleven-hour per day coverage. One half of the total field staff compliment would be assigned to each shift. Emergency Services would continue to be provided on an around-the-clock basis.

A workplace vote was undertaken to obtain staff support for the compressed work week so that the shift could be registered with the Labour Relations Board. Staff voted 85% in favour of the proposal, demonstrating a strong commitment to improving service and reducing costs.

In order to facilitate this initiative, it will be necessary to construct a new facility at 552 Plinguet Street at a cost of $2 million dollars. It should be noted that if the initiative is not undertaken a similar investment will be necessary to replace the existing facility which is currently in use and does not meet current Building Code and workplace standards. Funds have been included in the 1999 Capital Estimates to undertake this work. Full implementation could be undertaken as early as September 1999.

BENEFITS

One of the Water and Waste Department's major goals is to be competitive and to reduce costs. This is important to existing rate payers and for economic development in the City of Winnipeg. This initiative will help the Department to become more competitive by utilizing equipment and facilities more efficiently. The Department would be able to downsize its fleet and vacate premises at 1539 Waverley Street and 1750 Sargent Avenue, as well as portions of 1155 Pacific Avenue. As a result, premises at 1750 Sargent Avenue could be offered for sale and other space vacated could be used for other civic purposes.

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The initiative results in an overall benefit of approximately of $1.3 Million per year. The calculation of benefits assumes that the proceeds of the sale of 1750 Sargent Avenue will be used to partially fund the new facility at Plinguet Street. However, even if these proceeds are not available, the initiative is financially attractive. The net present value of the projected savings resulting from this initiative is $5.3 Million over a five year period.

In addition, it is projected that the initiative will reduce the future liability of the equipment replacement reserve by approximately $3.5 Million. This is the estimated value of the Water and Waste Department's contribution for equipment which will not be replaced as a result of fleet downsizing as well as the estimated value of surplus equipment which can be offered for sale in September of 1999. Discussions will be undertaken at an administrative level with respect to the accounting for this reduction in liability.

SERVICE IMPLICATIONS

Consolidation at a central location will result in longer travel time to some locations. Accordingly, careful planning will be required to eliminate wasted travel time by field staff. However, the initiative would also result in improved coverage and responsiveness on weekends, better access to repairs in business areas during non-critical times, and better access in the evenings and weekends for meter changeouts.

IMPLEMENTATION

The steps required to implement the proposal include:

- Declaring 1750 Sargent Avenue surplus to Water and Waste Department requirements
- Approval of the capital budget for the new facility at 552 Plinguet Street ($2 Million)
- Development of the business processes necessary to support the new centralized operation
- Design and construction of the new facility at 552 Plinguet Street

Subject to approval of the report, the Water and Waste Department intends to commence work relative to this initiative in anticipation of approval of funding included in the Capital Estimates for the new facility, with a view to full implementation by September of 1999. This will result in some savings and transition costs in 1999 with full savings of $1.3 Million per year occurring in the year 2000. These savings will be reflected in the current estimates for 1999 and 2000. A financial impact statement for the initiative is on file in the Office of the City Clerk.

On December 1, 1998, the Standing Policy Committee on Property and Development considered the proposal to declare 1750 Sargent Avenue as surplus to the Water and Waste Department requirements, as well as the sale of 1750 Sargent Avenue.

The Standing Policy Committee on Property and Development recommends:

I. That the City-owned property at 1750 Sargent Avenue be declared surplus to Water and Waste Department requirements, and available for sale/disposal.

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

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

Carried.

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Closing of parts of Bishop Grandin Boulevard and Sterling Avenue, east of Dakota Street - Riel Community
File DAC 14/97

162 - 15. Council, at its reconvened meeting on March 26, 1998, adopted Clause 2 of the Report of the Standing Policy Committee on Property and Development dated March 2, 1998, which instructed the City Solicitor/Manager of Legal Services to prepare the necessary by-law for submission to Council to effect the closing, in accordance with Misc. Plan No. 9923/9, as outlined on Schedule A.

On December 1, 1998, the Standing Policy Committee on Property and Development recommended that Recommendation I. of Clause 2 of its Report dated March 2, 1998, be rescinded, and submits the matter to Council for adoption.

Adopted by consent.

(See Minute No. 191 for attachment)

Proposed Cash Donation for Acquisition of Lots 11/14 in part of the former Woodhaven School Site - Assiniboia Community
File FI-2(31) (Vol. 3) [c/r DASZ 20/94]

163 - 16. The Standing Policy Committee on Property and Development has been advised that the City of Winnipeg is in receipt of an offer by Hartley T. Richardson who wishes to make a cash donation to the City, to be used in the acquisition of four lots within a plan of subdivision to be used for a public park, and which requires Council's consideration.

In 1994, Greentree Homes submitted a development application under File DASZ 20/94 to subdivide the former Woodhaven School site located at the northeast corner of Glendale Boulevard and Assiniboine Avenue (formerly Ashcroft Point).

During 1994 and 1995 the development application was considered by the Administrative Coordinating Group, the Assiniboia Community Committee, the former Committee on Planning and Community Services, and by Council on April 19, 1995. The approved subdivision is outlined on Misc. Plan No. 10534.

The former Woodhaven School was demolished (reportedly in autumn of 1998) and the plan of subdivision is currently in the registration process at the Winnipeg Land Titles Office.

On October 14, 1998, the solicitor for Hartley T. Richardson advised the Property and Development Services Department that his client is considering the possibility of making a gift to the City of Winnipeg to enable the City to acquire the "subject property", outlined on Misc. Plan No. 10534. The proposed terms and conditions associated with this matter have been negotiated as outlined on Schedule "A".

The Planning and Land Use Division of the Property and Development Services Department has investigated the proposal from the parks and open space perspective. That Division advised that the Woodhaven neighbourhood is bounded on the north by Portage Avenue, on the east by Sturgeon Creek, on the south by the Assiniboine River, and on the west by Harris Boulevard and the west side of Armour Crescent. This neighbourhood is currently in a surplus situation regarding open space. The total population is approximately 904 residents, as of 1996. In accordance with the open space standard of 3.86 acres per 1,000 people, the neighbourhood should have 3.5 acres of open space for parks and recreation purposes. Currently the neighbourhood includes 19.8 acres of open space, which does not include 1.808 acres being dedicated under the Plan of Subdivision DASZ 20/94 (the subdivision of the former Woodhaven School site). This represents an open space inventory 16.3 acres greater than the minimum standard.

Report of the Standing Policy Committee on Property and Development dated December 1, 1998

The Planning and Land Use Division further advises that the Plan of Subdivision DASZ 20/94, outlined on Misc. Plan No. 10534, has been the subject of much controversy within the neighbourhood. Neighbourhood residents, formed into the Woodhaven Residents Association, have felt very strongly that these lots should be retained for parks and recreation purposes.

The site is physically connected to the Sturgeon Creek Waterway and forms a "visual" linkage to the Creek from Ashcroft Point (now Assiniboine Avenue). The Planning and Land Use Division has received reports that the Woodhaven Community Club, situated to the north of the subject property, has a need for a mini soccer field on the land which constitutes the subject property. An acquisition of the subject property by the City would add slightly to maintenance costs and would reduce the residential tax base by four single family residences.

The Real Estate Division has not appraised the market value of the subject property, however, at $210,000.00 (the price proposed under the Option to Purchase, to be obtained by Hartley J. Richardson) the average price for each of the four single-family, residential building lots would be $52,500.00. This price would be expected in the subject neighbourhood. An informal in-house analysis further suggests the range in aggregate selling price for these four lots would be $199,000.00 to $237,000.00.

The solicitor to Hartley T. Richardson has advised that Mr. Richardson has been outside of the Province, however, it would appear that the proposed terms and conditions numbered 1 through 13 of Schedule "A" would be acceptable.

The Administration also recommends that the Director of Property and Development Services be requested to initiate a rezoning application for the subject property to a parks and recreation district. The proposed rezoning could be achieved in approximately four months time and if for any reason is not achieved, the Restrictive Covenant referred to in Clause 11 of Schedule "A", would apply in any case.

The Citys Financial Services Division advises that it would be appropriate to issue a charitable tax receipt for cash in an instance such as this. Due to the fact that the acquisition costs are being funded by a proposed donation, there are no financial implications in the transaction proposed. A copy of the Financial Impact Sheet in on file in the Office of the City Clerk.

The Standing Policy Committee on Property and Development recommends:

I. That a cash donation be accepted, in accordance with the terms and conditions contained in Schedule "A" (and such other terms and conditions as the City Solicitor/Manager of Legal Services may consider necessary to carry out the intent of Council), to be used for the purpose of acquiring the subject property outlined on Misc. Plan No. 10534, subject to the terms of the Option to Purchase Agreement being satisfactory to the Director of Property and Development Services in his sole discretion, and subject to the donor including the cost of the intended rezoning application.

II. That subject to Recommendation I. above, the Director of Property and Development Services be authorized to initiate a rezoning application for the subject property to a parks and recreation district.

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

Copy of Schedule "A" and Misc. Plan No. 10534 are on file in the Office of the City Clerk.

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED DECEMBER 10, 1998

On motion of Councillor Steek, the Report of the Standing Policy Committee on Property and Development, dated December 10, 1998, was considered.

Lot 16 Drain Right-of-Way - Assiniboia Community File FI-2(31) (Vol. 3)

164 - 1. The Standing Policy Committee on Property and Development, at its Special Meeting on December 10, 1998, passed the following motion:

That the North American Life's interest in the Drain Plan lease be assigned to 3177719 Manitoba Ltd. and 3177727 Manitoba Ltd.,

And That the said assignment is being made with the confirmation of the City's advice to the 3177719 Manitoba Ltd. and 3177727 Manitoba Ltd. that there is a current dispute with respect to the current interest in the Drain Plan lease which has been raised by Banquet Barons Inc., the said Banquet Barons Inc. claiming that it has the prior rights to the said Lease;

And That Council be requested to approve the signing of an agreement between the City of Winnipeg and 3177719 Manitoba Ltd. and 3177727 Manitoba Ltd., wherein the City undertakes to dedicate the subject Drain Plan lands as a public street, or alternatively upon expiry of the existing lease, the City will execute and deliver a new lease to the 3177719 Manitoba Ltd. and 3177727 Manitoba Ltd. in a form outlined on Appendix "A";

And That the Chairperson of the Standing Policy Committee be authorized to confirm that the proposed agreement conforms to the terms and conditions approved by the Standing Policy Committee, prior to the matter proceeding to Executive Policy Committee, and Council on December 16, 1998,

and submits same to Council for approval.

The Executive Policy Committee concurs with the motion outlined above from the Standing Policy Committee on Property and Development, with the following amendment, namely:

That the additional lands required on the north and south boundaries of the Drain Plan Lands required for the opening of the public street be dedicated to the City at a cost of $1.00.

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

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

165 - 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. 7332/98, 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 Kenaston Boulevard at McGillivray Boulevard in the Assiniboia Community.
File DASZ 1/98

By-law No. 7333/98, a by-law of The City of Winnipeg to widen the north side of Ottawa Avenue, west of Watt Street. File DAO 14/97

By-law No. 7341/98, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on the west side of McPhillips Street between Manitoba and Pritchard Avenues in the Lord Selkirk - West Kildonan Community.
File DAZ 236/98

By-law No. 7342/98, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the northwest corner of Portage Avenue and David Street in the Assiniboia Community. File DAZ 230/98

By-law No. 7343/98, 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 south side of McGillivray Boulevard east of Dovercourt Drive in the Assiniboia Community.
File DASZ 21/98

By-law No. 7344/98, a by-law of The City of Winnipeg to close part of Scurfield Boulevard, north of Vanderbilt Drive. File DAC 4/97

By-law No. 7345/98, a by-law of The City of Winnipeg to amend By-law No. 6551/95 being The City of Winnipeg License By-law. File EL-1 (Vol. 31)

By-law No. 7346/98, a by-law of The City of Winnipeg to amend By-law No. 6551/95 being a by-law to regulate, control and license the carrying on of certain trades.
File EL-1.4 (Vol. 5)

On motion of Councillor Steek, the rule was suspended and By-law No. 7331/98, a by-law of the City of Winnipeg to acquire land in the Lord Selkirk-West Kildonan Community, namely the East side of Main Street to Austin Street, South of Higgins Avenue to Henry Avenue, for the public purposes of assembly for residential, park, and recreational, commercial or industrial development or redevelopment; and more specifically, without limiting the generality of the foregoing, the following uses: the spiritual Round House; Medicine Wheel and Neeginan Park; Aboriginal Youth Complex; Commercial uses including possibly an art gallery; fish market; grocery store; bakery and/or pharmacy; Aboriginal Hall of Justice; seniors, students and family housing developments; health care facilities; and educational campus facilities, in the City of Winnipeg, in Manitoba, 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 FI-2(34) (Vol. 5)