REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED AUGUST 24, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated August 24, 1998, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10 and 12, be adopted.

Councillor Steek requested that Clause 6 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,7,8,9,10 and 12, was put and declared carried.

Boarded up Residential Buildings in the Inner City area File EX (Vol. 13)

972 - 1. Council at its meeting held on April 29, 1998, ruled automatic referral of the following motion to your Committee, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Silva,
Seconded by Councillor Steek,

WHEREAS there is a growing number of boarded up residential buildings within the inner city area;

AND WHEREAS these buildings have a negative impact on a community and are vandalized or broken into on a regular basis;

AND WHEREAS many of these buildings have been boarded up for more than six months without any attempt to have repairs done or any attempt at clean up of the property;

AND WHEREAS many of these buildings are also in arrears in taxes;

BE IT RESOLVED that the Council of the City of Winnipeg request the appropriate departments to develop the necessary changes to the City of Winnipeg by-laws and the City of Winnipeg Act if necessary to allow a more rapid response to the boarded up buildings in the City;

AND BE IT FURTHER RESOLVED that these changes take into consideration the need for mandatory clean up and rehabilitation of these properties within a specific time period of the property being boarded up.

On June 18, 1998, the Standing Policy Committee on Property and Development considered report dated June 11, 1998, from the Chief Administrative Officer, in this connection, and requested the Administration to provide additional information on the matter.

On June 24, 1998, Council granted the Standing Policy Committee on Property and Development an extension of time of 60 days to consider the matter.

On August 24, 1998, the Standing Policy Committee on Property and Development requested the Administration to report back to the September 8, 1998 meeting, on the pilot enforcement program on unsafe boarded up houses, incorporating recommendations where the City can improve its by-laws, or request the Province of Manitoba to amend legislation, ie. substitutional service on owners.

Inasmuch as the Administration has been requested to provide additional information, the Standing Policy Committee on Property and Development recommends that Council grant a further extension of time of 30 days to consider and report back on the matter.

Adopted by consent.

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Infill Development within the City of Winnipeg - Plan Winnipeg
File EP-1.1(P/W) (Vol. 13)

973 - 2. On September 24, 1997, Council ruled automatic referral of the following motion to the former Committee on Planning and Community Services, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Vandal,
Seconded by Councillor Thomas,

WHEREAS several older neighbourhoods in the City of Winnipeg contain significant parcels of former or declining industrial sites;

AND WHEREAS Clause 5A-15 of Plan Winnipeg states that "the City shall promote compact urban development by:

i) encouraging infilling of vacant lands and the revitalization of existing neighbourhoods";

AND WHEREAS Clause 5A-35 of Plan Winnipeg states that "the City shall approve the reuse or redevelopment of declining industrial areas where the long-term viability of such areas cannot be supported";

THEREFORE BE IT RESOLVED that the administration be directed to investigate the development of an incentive or tax abatement policy for the conversion of former or declining industrial sites in older neighbourhoods into residential use.

On May 4, 1998, the Standing Policy Committee on Property and Development considered report dated April 27, 1998, outlining that By-law No. 7076/97 establishes a program of property tax credits or refunds to encourage and to assist in the construction or purchase of new single-family detached dwellings. The Standing Policy Committee requested the Administration to further review and report back on the matter, with emphasis on establishing a front-end incentive for infill development within the City.

On May 27, 1998, Council granted an extension of time of 90 days in order to allow the Standing Policy Committee on Property and Development to further consider the matter.

Inasmuch as the Administration has been requested to provide additional information, the Standing Policy Committee on Property and Development recommends that Council grant a further extension of time of 60 days to consider and report back on the matter.

Adopted by consent.

Proposed Subdivision and Rezoning - land located on Elmhurst Road, east side, northerly extension of Donnington Road - Assiniboia Community File DAS 13/98

974 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from Elizabeth Pollard, 195 Mayfield Crescent, Winnipeg, for approval of a plan of subdivision on the subject lands to allow for residential development.

The following is the present site description:

Site Area: Approximately 72,300 square feet (1.16 acres), including proposed street right-of-way

Existing Land Use and Zoning: Vacant; zoned "R1-6A" Residential District

The following is the surrounding land use and zoning:

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North:	Vacant; zoned "R1-6A" Residential District
South:	Single-family dwellings; zoned "R1-6A"
East:	Single-family dwellings; zoned "R1-6A"
West:	Single-family dwellings; zoned "R1-6A"

The applicant proposes to extend Donnington Road from its terminus in a northerly direction, to accommodate development of three single-family lots. In order to do so, the applicant is required to subdivide existing lots and extend services. Two additional lots have also been accommodated for future subdivision. The "A" suffix in the zoning designation refers to the location of the subject property within Area II of the Airport Vicinity Protection Area.

The subject application was circulated to the usual administrative agencies and was considered by the Administrative Coordinating Group in June 1998. The proposed subdivision is consistent with the concept plan for the area prepared by the former Environmental Planning Department.

Support for subdivision development of this nature can be found in Plan Winnipeg (Section 5A-14), which promotes compact urban development by "encouraging infilling of vacant lands and the revitalization of existing neighbourhoods." The Strategic Planning Branch advises that the proposed development conforms to Airport Vicinity Protection Area policy, which allows new single-family dwellings within Area II up to a maximum density of 35 units per acre, provided they are constructed in accordance with the Acoustic Insulation performance standards. The Public Works Department recommends that the proposed extension of Donnington Road not be approved without provision of a secondary means of access, since the proposed street would exceed the maximum length of a cul-de-sac of 105 metres. If the plan of subdivision is recommended for approval, the Public Works Department recommends a vehicle turnaround be constructed at the terminus of Donnington Road.

It should be noted that the proposed Lots 4 and 5 will not have access to Donnington Road, until such time as the lots are subdivided back to front and the owners then contribute their share of service costs.

A Public Hearing was held before the Assiniboia Community Committee on July 14, 1998. Two persons were heard in support of the application, and no one registered in opposition thereto.

The Assiniboia Community Committee recommended that the proposed subdivision application under File DAS 13/98 be approved for the following reason:

1. The proposed subdivision will extend the existing street Donnington Road, and may encourage properties to the north to develop similar subdivisions further extending Donnington Road.

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

I. That the plan of subdivision proposed under File DAS 13/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 13/98 dated July 6, 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 thirteen conditions outlined in the report of the Administrative Coordinating Group dated July 3, 1998, and in the communication from the Land Development Engineer dated July 14, 1998.

   B. That the Developer be required to pay to the City 10% cash dedication in lieu of land dedication, to be based on the creation of additional building sites.

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

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 By-law in accordance with the above.

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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 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.

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

Adopted by consent.

(See Minute No. 1007 for attachment)

Proposed Subdivision and Rezoning - land located on the northeast corner of Waverley Street and Taylor Avenue - City Centre Community
File DASZ 10/98 [c/r DAV 390/98D]

975 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from 3346242 Manitoba Limited (John Pearson), 100-1 Evergreen Place, Winnipeg, to rezone the subject land from an "RM-1" Multiple-Family District to a "C2" Commercial District to allow for commercial development.

The following is the present site description:

Site Area:	Lot 1, 0.9 acres; Lot 2, 1.11 acres; total area, 2.01 acres
Existing Land Use:	Vacant, zoned for 15 single-family, condominium dwellings
Surrounding Land Use and Zoning:	North: "R1-4", Single-Family District (houses fronting Mathers Avenue); East: "RM-5A" Multiple-Family Residential District (apartment building); South: across Taylor Avenue, "M1" Industrial District (vacant, proposed for commercial development); West: across Waverley Street, "RM-1A" Multiple-Family Residential District (single-family, detached condominiums)

The proposal is to subdivide the lot into two parcels, and to construct an office building on each parcel. Lot 1, the westerly lot, would contain an 8,000 square foot, single-storey building, to house the head offices of Shindico Realty. Lot 1 would provide parking for about 63 vehicles, whereas the by-law requirement is 11. Lot 2, the easterly lot, would contain a 13,000 square foot, single-storey building to house a personal and corporate financial planning firm. Lot 2 would provide parking for about 73 vehicles, whereas the by-law requirement is 17. Lot 2 may be sold to the building occupant. Additional storeys could be added to the buildings at a later date, although such is not the applicant's intent at this time. It is anticipated that the offices will operate within normal, daytime office hours.

The two lots will function as one development from the standpoint of parking and access. It is proposed to provide a right-in/right-out from westbound Taylor Avenue over Lot 2 at the southeast corner of the property. Additionally, at the northwest corner of Lot 1, a right-in/right-out would be provided off northbound Waverley Street. This access would be augmented with a left-in from southbound Waverley Street, requiring a short storage lane taken from the median. With respect to this latter access point over Lot 1, discussions have occurred with the Public Works Department regarding lane access. The initial proposal called for a separate private approach to the development immediately south of, and adjacent to, the Mathers Avenue public lane. A fence would separate the lane from the approach aisle. More recent plans illustrate an access directly onto the lane, over which development traffic would travel to Waverley Street on the west or, possibly, Cambridge Street on the east. This would improve

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lane access for residents of Mathers Avenue, but would introduce development traffic to the lane. On a related note, the Department has been informed that the lane also allows commuters in morning rush-hour to circumvent the left-turn restrictions from Taylor Avenue onto Cambridge Street.

Development of this parcel of City-owned land, optioned by the applicant, has been of interest to area residents for some time, along with the similarly situated parcel on the west side of Waverley Street. Both parcels were rezoned to allow for construction of single-family condominiums. The project subsequently proceeded on the latter parcel, but was abandoned on the subject parcel. Before this, the westerly parcel was the subject of a rezoning to permit construction of a housing co-operative. Of concern to local residents were issues of housing density and allowing lane access to the development. At the time, representatives of the former Planning Department and the Area Councillor met with some residents to iron out development parameters for both parcels of land. Briefly, it was agreed that the Department would support lower density multiple-family housing and low-intensity commercial development, most likely office development. A height limit of two storeys was thought reasonable. It was also agreed that lane access to the development sites would be resisted.

The current proposal essentially meets the parameters agreed to at the time. However, allowing direct access to the lane is a departure from the understanding. The Property and Development Services Department would like to see the current access proposal consented to by affected residents. One suggestion might be to widen the westerly portion of the lane and bring it up to commercial standards to avoid a bottleneck at Waverley Street.

Also, given that both buildings are proposed for long-term, office occupancies, the Property and Development Services Department questions the need for "C2" zoning. Offices are a permitted use in "C1.5", and if the zoning agreement were ever amended to broaden the range of allowed commercial uses, a "C1.5" rezoning would provide area residents with a greater level of protection against incompatible commercial activity.

Finally, it is noted that the development, in its entirety, provides parking well in excess of the by-law requirement. There is an opportunity to increase the amount of landscaping on the site by eliminating some parking stalls, and the Property and Development Services Department will be seeking this improvement over the course of the plan approval process.

A Public Hearing was held by the City Centre Community Committee on June 30, 1998. One person was heard in support of the application, no one registered in opposition thereto, and two persons registered for information thereon.

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

1. This parcel of City-owned land was previously rezoned to allow for construction of single-family condominiums and prior thereto a housing co-operative, both of which concerned local residents with respect to housing density and allowing lane access to the development.

2. The Planning Division supports the proposed low density commercial development (offices) given that a height limit of two stories has been imposed, as well as restrictions limiting the height of signs, installation of on-site directional signage, prohibition of mobile signs and imposition of a maximum amount of square footage development to be permitted.

3. Provision has been made, in the Servicing Agreement, for a lane widening, to the satisfaction of the Director of Public Works, to accommodate appropriate lane access should the amount of traffic warrant it.

4. The development provides parking well in excess of the by-law requirement and there will be an opportunity to increase the amount of landscaping on the site by eliminating some parking stalls.

On August 24, 1998, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning application under File DASZ 10/98, and approved the following amendments which has affected the recommendations as set out below:

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

· IX. That the zoning section of the By-law shall come into force and effect when the plan of subdivision and Zoning Agreement have been registered in the Winnipeg Land Titles Office.

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

I. That the plan of subdivision proposed for File DASZ 10/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 10/98, dated June 23, 1998, for registration in the Winnipeg Land Titles Office, subject to the Developer entering into a Servicing Agreement with the City containing all the conditions outlined in the report from the Administrative Coordinating Group dated June 16, 1998, amended as follows:

1. That Paragraph 1 with respect to Sidewalks be deleted in its entirety.

2. That the following be added as Paragraph 6 to the Administrative Coordinating Group report:

"6. Lane Widening
That a lane widening, to the satisfaction of the Director of Public Works, be provided to accommodate appropriate lane access."

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 10/98, dated June 23, 1998, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to provide for the following:

1. That the use of the property be limited to business and professional offices, including banking financial planning offices, and medical, dental, optical, counselling or other health or therapeutic clinic, and accessory uses.

2. That, prior to the issuance of a development permit, final construction plans indicating the design and layout of the development, including access, parking, fencing, garbage enclosures, landscaping, lighting, and signage, including on site directional signage, be subject to the approval of the Director of Property and Development Services and the City Centre Community Committee.

3. That the owners of Lots 1 and 2 enter into a permanent cross-access agreement to the satisfaction of the Director of Property and Development Services.

4. That the height of any buildings not exceed two (2) storeys.

5. That the height of any free standing sign not exceed twenty-five (25) feet.

6. That mobile signs be prohibited.

7. That the building area be thirty-five thousand (35,000) square feet in total between the two buildings.

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

V. That Caveat No. 1849180, registered against Blocks 1 and 2, Plan 316256, be completely discharged.

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

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

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

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IX. That the zoning section of the By-law shall come into force and effect when the plan of subdivision and Zoning Agreement have been registered in the Winnipeg Land Titles Office.

X. 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.

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

In amendment,

The Executive Policy Committee recommends that Recommendation IV. namely:

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

be deleted inasmuch as the required 10% land dedication has been included in the final sale of the land.

Adopted by consent.

(See Minute No. 1008 for attachment)

Extension of Time - Proposed Rezoning - land on the northwest corner of Inkster Boulevard and King Edward Street - Lord Selkirk-West Kildonan Community
File DAZ 216/96 [c/r DASSF 507/97]

976 - 5. The Standing Policy Committee on Property and Development has been advised that the applicant, Westfair Properties, 3189 Grandview Highway, Vancouver, British Columbia, has advised the Administration that due to internal approvals the project was delayed, but the applicant has now indicated that it has been budgeted for 1999. The applicant has requested a further one year extension in order to complete the subject rezoning application.

On October 23, 1996, Council adopted Clause 5 of the Report of the former Committee on Planning and Community Services dated October 1, 1996, which Clause recommended approval of the subject rezoning to a "C2" Commercial District, as outlined on Schedule "A", to allow for commercial development including a food store and a gas kiosk, subject to the execution of a zoning agreement.

Recommendation III. contained in the said Clause stipulates:

"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."

Recommendation V. further stipulates the following:

"V. That the rezoning By-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within twelve (12) months from the date that the said Rezoning By-law is adopted by Council."

The Rezoning By-law No. 6978/97 was passed by Council on February 27, 1997. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles office by February 26, 1998, failing which the By-law would expire unless that date was extended by a resolution of City Council and that registration was completed before any such extended date.

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The Administration has reviewed the applicant's request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interests remain secured and circumstances leading to the original approval remain unchanged.

The Standing Policy Committee on Property and Development recommends:

I. That the time limit to provide for the enactment of the Rezoning By-law No. 6978/97 be extended to June 30, 1999.

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

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

Adopted by consent.

Proposed Rezoning - land located at 327 Aubrey Street - City Centre Community
File DAZ 207/98 [c/r DAV 82/98D]

977 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Grant Stevenson, Ash Management, on behalf of the Ronald Cymbalisty, 109 Hopwood Drive, Winnipeg, to rezone the subject land from an "R2A" Two-Family Residential District to a "C2" Commercial District to allow for the establishment of a non-accessory parking area.

The following is the present site description:

Dimensions:	Approximately 25 feet by 91 feet
Site Area:	Approximately 2,275 square feet
Existing Land Use:	Bungalow
Surrounding Land Use and Zoning:	North of public lane, "C2" Commercial District; south of public lane, "R2-A" Two-Family Residential District

The Planning and Land Use Division of the Property and Development Services Department rarely supports the removal of housing for commercial parking lots. Factors taken into consideration include the condition of the property, the state of traffic and parking congestion in the area, the nature of adjacent land uses, and the ability of the neighbourhood to absorb the loss of the dwelling. Of equal importance is the receptivity of the neighbourhood and adjacent residents and tenants.

The current proposal involves demolishing the house at 327 Aubrey Street and installing parking for eight vehicles with lane access. The parking would be for tenants at 960 Portage Avenue, a three-storey office building containing about 12,000 square feet of floor area. Tenants include Foundations Learning Centre, Winserve, a law firm, an accounting firm, a satellite television business, the R.M. of Victoria Beach, and a counselling service. Three of the units are vacant, amounting to about 1,800 square feet of floor area.

The applicant had been renting stalls under a sub-lease, from Olliveti Canada Limited, located behind the Olliveti building south of the lane on the east side of Lipton Street. This contract was cancelled, and the parking lot is currently being sub-let to Deluca's. This has caused the applicant to seek a permanent solution to his parking shortage.

The applicant held an open house on March 26, 1998, to discuss his proposal with area residents.

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About twelve people attended the meeting, with about one half strongly opposed for various reasons. The Wolseley Residents' Association Housing and Zoning Committee held a community meeting on the application on April 1, 1998. The Community Committee had asked the applicant to consider parking alternatives. At time of writing the report to the Community Committee, the outcome of the applicant's investigations were not known.

Opposition to the concept of developing limited parking south of the lane stems in part from the existing condition of parking facilities in the area, notably the parking lots owned or leased by Deluca's south of the lane between Lipton and Ruby Streets. These lots, and other older parking lots in the neighbourhood, are gravel surfaced with poor drainage, no lighting, no landscaping, and poor maintenance in relation to litter control and snow clearance. For the most part, they are eyesores which detract from the neighbourhood. It is no surprise that residents would fear new lots if they were developed and maintained to the same low standard.

Commercial parking already occurs south of the lane. Some area residents rent stalls to Portage Avenue businesses and tenants. Deluca's owns several houses on Ruby and Lipton Streets, and uses the rear yards for employee parking. In fact, the rear yard of the subject property is completely paved and used for commercial parking. The Property and Development Services Department is of the opinion that both the neighbourhood and Portage Avenue businesses would benefit from the establishment, within strict guidelines, of parking lots developed, landscaped and maintained to a high standard. The practice of purchasing housing for parking, while allowing the homes to deteriorate, poses a greater threat to neighbourhood stability.

The applicant indicates that, without the ability to provide prime tenants with convenient parking, he risks loosing his prime tenants. There is a tendency on the part of some residents to dismiss such claims as either immaterial to the well-being of the neighbourhood or, worse, veiled threats. The Property and Development Services Department believes that, in successful neighbourhoods, residents and business owners realize their interdependency, and the fact that their co-operation is key to the overall health and sustainability of the neighbourhood. There is a need for the West End Business Improvement Zone to connect with Residents' Groups on both sides of Portage Avenue on this issue. The Wolseley Residents' Association Housing and Zoning Committee has asked the Department to help conduct a survey Portage Avenue businesses to identify their current parking needs and to what degree and by what means those needs are being met.

The Wolseley community is examining the strategic, site specific development of non-accessory, commercial parking lots in order to protect the neighbourhood while accommodating commercial parking requirements on a case-by-case basis. In borrowing from the report of the Wolseley Residents' Association Housing and Zoning Committee, the basic development parameters would include a consultative process with adjacent residents and the Wolseley Residents' Association; consensus support for the proposed development; extent of encroachment limited to one property south of the public lane; high quality, uniform design, landscaping, fencing, lighting, signage, etc.; provision of front yard and side yard setbacks and buffers; high level of maintenance including litter and snow removal; shared parking where feasible.

Pending a final assessment of the public consultation process conducted by the applicant and the Wolseley Residents' Association, the Property and Development Services Department is inclined to support this application and, with design changes, the accompanying variance application under File DAV 74/98D which would permit a reduced south side yard and direct access to the lane from parking stalls. The Department believes that the neighbourhood is able to sustain the loss of this particular dwelling. The adjoining property to the south on Aubrey Street is a rental property owned by the vendor of 327 Aubrey Street. The parking lots will be shielded from the adjacent Lipton Street properties, to the rear, by ornamental fencing installed by the applicant, and by existing garages in the rear yards of these properties. From a visual perspective, the properties most impacted by the proposal are those on the west side of Aubrey Street. Their concerns, if any, must be given foremost standing at the public hearing, and the Department would defer to the judgement of the Community Committee if either the Wolseley Residents' Association or residents overlooking the parking lot are strongly opposed to its establishment. Fears that this will trigger a rash of parking lot development south of the lane are, however, unfounded and detract from the issue at hand.

Public Hearings were held by the City Centre Community Committee on April 7, June 2, June 30 and August 11, 1998. One person was heard in support, no one registered in opposition thereto, and one person registered for information thereon.

The City Centre Community Committee recommended approval of the rezoning application for the following reasons:

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1. The revised proposal to construct a parking structure has the concurrence of the Wolseley Residents' Association.

2. The proposed parking structure has been designed in a manner to make it compatible with the area.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 207/98, dated March 27, 1998, to a "C2" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 600(1) of The City of Winnipeg Act to provide for the following:

   1. That the use of the property be limited to a non-accessory parking lot/and or structure for eight (8) vehicles.

   2. That, prior to the issuance of a development permit, final construction plans indicating the design and layout of the parking lot and/or structure, including pavement, drainage, fencing, landscaping, lighting, furnishings, and signage, be subject to the endorsement of the Wolseley Residents' Association and the approval of the Director of Property and Development.

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

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

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

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

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

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

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

In amendment,

Moved by Councillor Steek,
Seconded by Councillor O'Shaughnessy,

WHEREAS the owner of the property known as 327 Aubrey Street acquired the property for parking for its tenants at 960 Portage Avenue;

AND WHEREAS the owner as a result of discussions with the Wolseley Residents Association agreed to erect an eight car parking garage at an additional expense of $52,000 as opposed to building a self contained parking lot;

AND WHEREAS City Centre Community Committee meeting of September 8, 1998 agreed that a 10 per cent dedication up and above the purchase price and additional costs to build a garage was an undue burden;

THEREFORE BE IT RESOLVED that Recommendation No. 3 of Clause 6 of the Report of the Standing Committee on Property and Development dated August 24, 1998 be deleted.

The amendment was put and declared carried.

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

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

(See Minute No. 1009 for attachment)

Proposed Rezoning - land located at 1297 Henderson Highway, east side, between McKay and Edison Avenues - East Kildonan-Transcona Community
File DAZ 218/98 [DAV 297/98D]

978 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Homelife Properties to amend Zoning By-law No. 6400/94 by rezoning the subject land from an "R1-5.5" Single Family District to a "C2" Commercial District to allow for the establishment of an accessory parking area.

The following is the present site description:

Site Area: Approximately 6420 square feet (596 square metres), 53 feet (16.3 metres) by 120 feet (36.576 metres)

Existing Land Use and Zoning: Land is currently zoned "R1-5.5" Single Family District, existing one-family dwelling to be removed from site

The following is the present surrounding land use and zoning:

North: A muffler repair shop north of McKay Avenue, zoned "C2" Commercial District

South: Commercial development zoned "C2", including a restaurant, commercial rental units and second floor offices

East: Detached single family dwelling east of public lane, fronting on McKay Avenue, zoned "R2" Two-Family District

West: Detached single family dwellings on west side of Henderson Highway at Irving Place, zoned "R1-5.5" Single Family District, and a church also zoned "R1-5.5"

The applicants have submitted plans to expand the accessory parking of the commercial development to the south with an additional 24 stalls. Access to the site is proposed to be from the existing accessory parking with an additional approach from McKay Avenue.

The subject lands are located within the boundaries of the Henderson Highway Corridor Action Area Plan. This Secondary Plan was adopted by Council in February 1983, and provides policy and development guidelines with respect to land use along Henderson Highway.

The Planning and Land Use Division is of the opinion that the proposal to rezone the subject lands is consistent with this Secondary Plan. There is a policy in the plan that states "sensitive development proposals may be entertained for the remaining single-family properties on the east side of Henderson Highway between Edison Avenue and McKay Avenue". The majority of the lands between Edison and McKay were the subject of a rezoning in 1994 under File DAZ 202/94, and were subsequently developed. At the time it was felt that, although the rezoning did not include all properties on the block, the two residual parcels at the north and south ends of the block could be integrated with the commercial development in the future. One of those properties is now the subject of this current rezoning application.

The Planning and Land Use Division finds the proposed development to be compatible with the adjacent developments, provided that this development be subject to the same zoning agreement conditions that apply to the adjacent development under File DAZ 202/94.

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

A Public Hearing was held by the East Kildonan-Transcona Community Committee on June 16, 1998. Two persons were heard in support of the application, and no one registered in opposition thereto.

The East Kildonan-Transcona Community Committee recommended approval of the rezoning application for the following reasons:

1. The proposal to rezone the subject lands is consistent with the Henderson Highway Corridor Action Area Plan adopted by Council in February, 1983, which provides policy and development guidelines with respect to land use along Henderson Highway.

2. The majority of the lands between Edison and McKay Avenues were rezoned in 1994, at which time is was felt that the two residual parcels at the north and south ends of the block, one of which is the subject of the current rezoning application, could be integrated with the commercial development in the future.

3. The proposed development is compatible with the adjacent developments.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 218/98 dated June 4, 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:

      i) That the following uses shall not be permitted on the subject lands, namely:

         convenience store
         drive-in restaurant
         drive-through restaurant
         gas kiosk
         service station
         public garage
         automobile sales and rental
         beverage room
         beer and liquor store
         drive-through vendor
         and any other drive-in or drive-through establishment.

      ii) That no building, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed building, the type and colour of all exterior materials, the location and design of accessory parking areas, loading areas, private approaches, driveways, fencing, garbage enclosures, and landscaping are submitted to and approved by the East Kildonan-Transcona Community Committee, and thereafter identified by the signature of the Chief Administrative Officer or designate under the designations as Schedule "A" to Zoning Agreement DAZ 218/98, 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 (10) percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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

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

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

V. That the rezoning By-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twelve (12) 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. 1010 for attachment)

Proposed Rezoning - land located at 5 Bank Avenue - Riel Community
File DAZ 219/98 [c/r DAV 377/98D]

979 - 8. An application has been received from Klaus Fischer, Re/Max Real Estate Inc., 395 Stafford Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land from an "RM-2" Multiple-Family District to a "C2" Commercial District to allow for a theatre and dance studio.

The following is the present site description:

Site Area: 5,500 square feet

Existing Land Use and Zoning: The land is currently zoned "RM-2" but occupied with a church

The following is the surrounding land use and zoning:

North: A mix of residential properties zoned "RM-2" Multiple-Family

South: A small commercial mall zoned "C2" Commercial

East: Residential Single-Family housing zoned "R1-5" Residential

West: Drive-in/Drive-through commercial outlets zoned "C2" Commercial

The owners, The Baptist Union of Western Canada, propose to convert the existing two-storey structure (church) into a dance studio and theatre.

The proposal rezoning is regarded as a straight forward conversion for an appropriate use of the subject building. The church building has operated at the subject location for a significant period of time. Parking (six stalls) is provided at the rear of the building and along the adjacent side street. The proposed conversion will create a new floor lay-out accommodating a maximum 170 seats and an expanded stage area. The proposed use will be primarily a dance studio. The Planning and Land Use Division regards the proposed new use of the existing structure as appropriate at the subject location. Parking may not be entirely adequate but there is parking along St. Anne's Road.

A Public Hearing was held by the Riel Community Committee on July 14, 1998. One person appeared in support of the application, no one registered in opposition thereto, and five persons registered for information thereon.

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

1. The Riel Community Committee is of the opinion that a dance school for children will not be any more obtrusive on the neighbourhood than the Church was on the surrounding neighbourhood.

2. There was no opposition to the application.

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 219/98, dated July 7, 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 final construction plans indicating the design and location of the proposed buildings, including elevations and details of exterior finishing materials, accessory parking and loading areas, fencing, landscaping, free-standing signage, and garbage enclosures be subject to the approval of the Chief Administrative Officer or designate and the Riel Community Committee prior to the issuance of a building permit.

2. That the only "C2" use to be permitted on the site be a non-professional dance school having no more than 170 students under the age of 16, and no more than 20 adults attending classes at the dance school at any given time, and only recitals of the dance school shall be permitted on the premises.

II. That a ten (10) percent 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 twelve (12) 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. 1011 for attachment)

Proposed Rezoning - land located at 677 St. Anne's Road - Riel Community
File DAZ 220/98 [c/r DAV 359/98D]

980 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from Irving Nacht, 950 Borebank Street, Winnipeg, to amend Zoning By-law No. 6400/94 to rezone the subject land from an "A-5" Agricultural District to an "RM-3" Multiple-Family District to allow for a multiple-family complex (approximately 72 units).

The following is the present site description:

Site Area: Overall area five to six acres; 234 feet of frontage on St. Anne's Road

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

Existing Land Use and Zoning: Old residential and accessory buildings occupy the property; zoned "A-5" Agricultural

The following is the surrounding land use and zoning:

North: Properties to the north are occupied with one 2-storey multiple-family buildings zoned "RM-L"

South: Properties to the south are occupied with two 2-storey multiple-family buildings zoned "RM-2"

East: Lands to the east remain undeveloped and all zoned generally "A-5" Agricultural

West: Properties west of St. Anne's Road are a mix of developed "C2" Commercial and residences zoned either "A-5" or "R1-3.5"

The subject property is relatively narrow but has over 700 feet of depth extending back to the Seine River. In keeping with the current trend of developing the lands south of Bishop Grandin Boulevard between the Seine River and St. Anne's Road for multiple-family condominium housing, the applicant proposes to construct three detached 24 unit condo buildings on the subject site. Each building has three floors and a loft area. The buildings have underground parking for tenants with several central exterior visitors parking areas accommodating a total of 32 stalls. A significant portion of the riverside area is to be dedicated for parks and recreation purposes, consistent with previous procedure both north and south of the subject location. Primary access to the site is at the northwest corner of the property very close to the Nova Vista Avenue intersection.

The Planning and Land Use Division strongly supports the proposed change in land use. The proposed densities are relatively low and are consistent with similar condominium developments already in place as far south as Southglen Boulevard.

The site plan is innovative, making efficient use of the lot with much in the way of new landscaping while preserving some of the significant natural vegetation already in place along the periphery of the property.

The exact location of the limits of the dedicated Public Reserve area is not known at this time. However, that will presumably be a subject of discussion at the time of the public hearing. What is apparent is that the "PR" area will be generally equivalent in size to existing "PR1" Reserve areas immediately to the north and south.

A Public Hearing was held by the Riel Community Committee on July 14, 1998. Two persons appeared in support of the application, no one registered in opposition thereto, and one person registered for information thereon.

The Riel Community Committee recommended approval of the application for the following reasons:

1. Approval of the rezoning is considered to be compatible with the surrounding area.

2. The proposed densities are consistent with similar condominium developments in the immediate area.

3. There was no opposition to the application.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 220/98, dated July 7, 1998, to an "RM-3" Multiple-Family 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:

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

1. That construction plans indicating the design and location of the proposed buildings, including elevations and details of exterior finishing materials, accessory parking and loading areas, fencing, landscaping, free-standing signage, and garbage enclosures be subject to the approval of the Chief Administrative Officer or designate and the Riel Community Committee prior to the issuance of a building permit; and that said plans be forwarded to the Save Our Seine Group for comment back to the Riel Community Committee prior to its consideration of the said plans.

2. That the maximum number of residential units be limited to seventy-two (72).

B. That the Developer be required to enter into a Development Agreement with the City containing therein all the conditions outlined in the report of the Administrative Coordinating Group dated July 6, 1998, including the amended Clause 5 as contained in Exhibit 15.

II. That a ten (10) percent 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 applicable.

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. 1012 for attachment)

Proposed Rezoning - land located at 1120 McPhillips Street, Southwest Corner of McPhillips Street and Huron Avenue- Lord Selkirk-West Kildonan Community
File DAZ 221/98

981 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Magnus Child Care Inc., c/o Mathew Chand, 1493 Magnus Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land from an “PR1” Parks and Recreation District to a “C1” Commercial District or a “C2” Commercial District to allow for a Day Care Centre and other commercial uses.

The following is the present site description:

Site Area:	Approximately 13,520 square feet (.31 acres)
Existing Land Use and Zoning:	Vacant one-storey masonry building, former library; zoned “PR1”

The following is the surrounding land use and zoning:

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

North:	Across Huron Avenue, single-family dwellings and duplexes; zoned "R1-4" and "R2", respectively
South and West:	Andrew Mynarski School and school yard; zoned "PR1"
East:	Across McPhillips Street, single-family dwellings; zoned "R1-4"

The applicant proposes to rezone the property in order to accommodate a day care centre in the building previously utilized as a public library. The day care operator has requested "C2" Commercial District zoning, though Day Care Centre is a permitted use in "C1" (and "PR1", for that matter). The main floor dimension is approximately 4,160 square feet. The basement is approximately 3,770 square feet. Site parking is located to the rear (west) of the building, with access to the parking spaces via a private approach from Huron Avenue. The parking area is paved with asphalt and is fenced with a six foot high chainlink. Approximately eight parking spaces are provided.

The proposed day care centre appears to be an ideal use for the former library building. Impacts on adjacent residential properties will likely be similar to those produced by the former use. A representative of Magnus Child Care Inc. indicates commercial zoning is a condition of financing. Most "C1" uses are appropriate at this location, if their focus is local or they do not typically generate excessive traffic and parking demands. Due to the immediate residential context and the site configuration, particularly regarding the existing private approach at Huron Avenue, "C2" zoning is not appropriate at this location.

The Planning and Land Use Division recommends the subject property be rezoned to "C1" Commercial District, so as to harmonize past site use, current site amenities, and a local focus.

A Public Hearing was held by the Lord Selkirk-West Kildonan Community Committee held a public hearing on July 7, 1998. Three persons appeared in support of the application, and no one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended approval of the application 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 221/98, dated June 25, 1998, to a "C1" 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 on the land:

         a) Audio/Video Recordings: Rental, Sales;
         b) Drug Store;
         c) Grocery, Confectionery;
         d) Restaurant.

II. That a ten (10) percent 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 twelve (24) months from the date that the said rezoning By-law is adopted by Council.

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

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. 1013 for attachment)

982 - Pursuant to the Municipal Council Conflict of Interest Act, The Speaker advised that he would refrain from entering the discussion and from voting on the following clause, due to the employment of a family member.

The Speaker called the Deputy Speaker to the Chair and left the Chamber.

Proposed Rezoning - land located at 529 Wellington Crescent - City Centre Community

File DAZ 224/98
(c/r DCU 140/98D and DAV 422/98D)

983 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from WOW Hospitality Concepts Inc. (Doug Stephen), 200-283 Bannatyne Avenue, Winnipeg, to rezone the subject land from an "R1-4" Single-Family District to a "C2" Commercial District for the establishment of a restaurant, a cocktail lounge, professional offices, and medical, dental, optical, counselling or other health or therapeutic clinic.

The following is the present site description:

Dimensions:	150 feet (Wellington Crescent frontage) by 345 feet (approximately)
Site Area:	1.2 acres (approximately)
Existing Land Use:	Private club (fraternal organization), banquet facility
Surrounding Land Use and Zoning:	Bordering on north west, Shaarey Zedek Synagogue zoned "R1-4"; north east, across Assiniboine River, single-family residential zoned "R1-6"; bordering on south east, Hampton Park condominiums zoned "R1-4"; south west across Wellington Crescent, St. Mary's Academy and single-family residential housing zoned "R1-4"

This application follows a previous rezoning application on the property under File DAZ 216/98. The former application and related conditional use and zoning variance applications were withdrawn by the applicant and filed by the City Centre Community Committee at a special meeting on June 9, 1998.

The current application differs from the former application insofar as the existing banquet facility is now proposed for conversion to office and clinic space.

The proposal involves converting the Khartum Shrine Temple into an up-scale restaurant, cocktail lounge, professional offices and/or medical clinic. The development is comprised of a 2.5 storey heritage mansion (Ashtown House) with a building footprint of about 3,200 square feet, and a 1957 banquet hall addition with about 1,520 square feet of reception area and 4,220 square feet of banquet area.

Gross restaurant/lounge area is 6,400 square feet on 2 floors. The associated parking requirement is 64 stalls at 1 per 100 square feet gross floor area (GFA). In addition, the third floor of the mansion is shown as 2,116 square feet of restaurant-related office space. The associated office parking requirement is 4 stalls at 1 stall per 750 square feet GFA. The banquet/reception area, proposed for conversion to professional offices and medical offices and clinics, has a gross floor area of 5,740 square feet. The related parking requirement is 23 stalls based on a parking ratio of 1 stall per 250 feet of GFA.

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The total parking requirement for the development is 91 stalls (64 restaurant/lounge; 4 restaurant-related office; 23 professional office/medical offices and clinics). The site plan indicates parking for 48 vehicles, leaving a shortfall of 43 stalls. An accompanying zoning variance seeks relief from the provision of these stalls.

Patron seating is shown on plans as 154 in the restaurant/lounge area. The lounge is to be located on the first floor of the mansion to the right of the main entry. Two adjoining rooms will contain table seating for about 24 people. If deemed necessary, the location and seating for the lounge could be regulated under the zoning agreement or conditional use order.

Restaurants up to 2,500 square feet of gross area are a permitted use in "C2" zones. Cocktail lounges are a conditional use in "C2" zones. The accompanying conditional use application would permit the restaurant to exceed 2,500 square feet, and would permit the establishment of the cocktail lounge. Offices and clinics are a permitted use in "C2" zones. For zoning purposes, medical clinics are distinguished from regular doctors' offices where ancillary services, involving laboratories or X-ray for example, are available within the establishment. Medical clinics are deemed to require greater parking; one space per 250 feet of GFA, as opposed to one space per 750 square feet of GFA for professional and medical offices. In the current case, the higher ratio of parking was applied for purposes of determining the theoretical parking requirement for the development.

The applicants intend to operate the restaurant/lounge with the following hours:
- Monday through Thursday, 11:30 a.m. to 10:00 p.m.;
- Friday, 11:30 a.m. to 12:00 Midnight;
- Saturday, 4:30 p.m. to 12:00 Midnight;
- Sunday, 10:00 a.m. to 2:30 p.m., and 4:30 p.m. to 9:30 p.m.

It is anticipated that the office component would operate within normal, daytime office hours.

The Property and Development Services Department continues to support the proposed restoration and redevelopment of the Khartum Shrine Temple. The decision to convert the banquet facility to office/clinic space is welcomed in that the overall parking requirement is reduced while the parking demand is distributed more evenly throughout the day. As well, without the banquet facility, concerns regarding the anticipated weekend traffic and parking congestion are alleviated.

The notion that the approval of this development would set a precedent for existing residential properties along Wellington Crescent, or elsewhere in Crescentwood, is unfounded. The unique circumstances surrounding the Temple are a matter of fact. The current building contains a high-intensity commercial operation which has been a part of the neighbourhood since about 1952, before which the building housed the Scottish Rite Cathedral. The proposed uses are, collectively, less intense than the present use. The Shriners desire more suitable accommodations, and have been trying to dispose of the property for a reported five years. The original building is a heritage structure, and is in need of refurbishing and improved maintenance. The parking is insufficient for the current operation, and the lot itself detracts from the physical appearance of the neighbourhood. The prospects for the residential reuse of the property are limited. The site is located on a busy street near a busy intersection with institutional uses on all four corners. While the current residential zoning gives area residents and institutions a measure of control over what occurs on the site, it is inappropriate given the nature, location and history of the building.

If precedence is to be argued, then reference should be made to the Jewish Community Campus (JCC) on the grounds of the historic Agricultural College in the Old Tuxedo neighbourhood. The many uses in this fine facility include: private school (day care to Grade 12), seniors' drop-in centre, library, gymnasium, swimming pool, museum, racquet courts, fitness studio, massage clinic, accessory offices, pro shop, delicatessen, gift shop, and theatre. Four of the assembly rooms are designated as banquet halls with a capacity restricted under conditional use approval to 900 people. The previous use of the complex was for government offices. The approval of the JCC intensified the activity on the property several fold. In addition to conditional use approval, the facility has been granted zoning variances for parking and signage. The JCC development was approved in its entirety without going through a rezoning process. The public open house staged by the applicant was held at the Ramah Hebrew School on Grant Avenue in South River Heights. The planners report for the JCC noted that residential redevelopment of the heritage property had proven financially inviable.

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The current WOW Hospitality Concepts Inc. application proposes a restaurant and lounge with a total seating capacity of 154 spread across 6,400 square feet of building area requiring 64 parking stalls under the Zoning By-law. This amount of seating is normally accommodated in a restaurant in the order of 2,500 square feet GFA, which would only require 25 parking stalls. Therefore, considering the scale of the restaurant rather than the floor area, the existing parking is considered more than adequate for the restaurant/lounge component.

The office/clinic use would be demised from the existing banquet building. With a gross floor area (GFA) of 5,740 square feet, the parking requirement is 8 stalls for professional/medical offices (at 1 stall per 750 square feet GFA) and 23 stalls for a medical clinic (at 1 stall per 250 square feet). For purposes of zoning approval, in calculating the parking requirement for the converted banquet facility the worst case scenario, i.e. clinic use, was assumed. Considering the limited floor space, the actual parking demand may fall somewhere between the low number of 8 stalls and the high number of 23 stalls.

In its previous report, the Property and Development Services Department indicated it would not support the continued operation of a commercial banquet facility on the property unless off-site parking arrangements were made; arrangements which would which would run for the life of the operation and would not disrupt the peace and property enjoyment of adjacent residents. Baring this, the Department indicated it would consider alternate uses for the banquet facility. The office uses proposed are regarded as appropriate for the building and the location and, in conjunction with the restaurant and lounge operation, would not be detrimental to the neighbourhood.

This rezoning application is accompanied by a conditional use application, to permit a cocktail lounge and a restaurant over 2,500 square feet, and a zoning variance application to permit no additional parking stalls instead of 43 additional parking stalls. The site plan shows that all proposed activities will be confined to the existing building(s). Any expansion of the proposed uses, or a change of use, would trigger new development applications involving one or more of the following: conditional use approval, variance approval, plan approval, zoning agreement amendment.

The Administration advised that it is within the jurisdiction of the Community Committee to apply whatever restrictions are deemed necessary in order to ensure that the nature and scale of the development are appropriate to the location. For instance, hours and seating could be regulated, as could the type of professional offices allowed within the converted banquet facility.

The Property and Development Services Department recommended as follows:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule “A” for File DAZ 224/98, dated June 16, 1998, to a “C2” Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to provide for the following:

1. That the use of the property be limited to a restaurant, cocktail lounge, professional offices excluding real estate and insurance offices, and medical, dental, optical, counselling or other health or therapeutic clinic, and accessory uses.

2. That, prior to the issuance of a development permit, final construction plans indicating the design and layout of the development, including access, parking, fencing, garbage enclosures, landscaping, lighting, and signage, be subject to the approval of the City Centre Community Committee.

3. That any signs be indirectly illuminated (no neon or back-lighting) and turned off between the hours of 12:00 Midnight and 7:00 a.m., and that any free-standing sign be limited to a height of 8 feet and a surface area of 48 square feet.

4. That the zoning shall revert to an “R1-4” Single-Family Residential District should the property be sold or leased, or should WOW Hospitality Concepts Inc. cease operating the facility.

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

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

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

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

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

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

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

Public Hearings were held by the City Centre Community Committee on June 29, 1998, and July 7, 1998. Eight persons were heard in support of the application, 152 persons registered in opposition thereto.

The City Centre Community Committee recommended that the proposed rezoning not be approved for the following reasons:

1. Zoning Variance Order No. 51/54 is restricted to the Shriners and there are no non-conforming rights which can be transferred to any subsequent owner.

2. Parking problems will occur inasmuch as it appears no reciprocal agreement between the proprietors of the restaurant and the synagogue can be reached.

3. Approval of the application could set a precedent whereby in the future, in years to come, some of the large homes down the way would become available, people would come before a different Committee and as a result of this application a precedent for commercial uses would have been established.

4. Should the current applicant vacate the premises for any reason any other group would not have the same kind of controls as the current applicant.

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

I. That Zoning By-law No. 6400/94 be amended by temporarily rezoning the subject land in accordance with Section 593(1) of The City of Winnipeg Act, as outlined on Schedule “A” for File DAZ 224/98, dated June 16, 1998, to a “C2” Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to provide for the following:

    1. That the use of the property be limited to a restaurant, cocktail lounge, professional offices (excluding real estate and insurance offices) and medical, dental, optical, counselling or other health or therapeutic clinic, and accessory uses.

    2. That the “C2” zoning shall revert to “R1-4” Single-Family Residential District should the property be sold, or leased by WOW Hospitality Concepts Inc., other than for office or clinic uses as contemplated in Recommendation 1, or should WOW Hospitality Concepts Inc. cease operating the restaurant.

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

    4. That third floor office space shall be limited to accessory use to the restaurant.

    5. That the seating capacity of the restaurant be limited to 130 persons.

    6. That seating capacity in the lounge be limited to 24 persons.

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

7. That the hours of operation of the restaurant and lounge shall be restricted to:

   - Monday to Thursday (inclusive), 11:30 a.m. to 10:00 p.m.
   - Friday, 11:30 a.m. to 12:00 Midnight
   - Saturday, 4:30 p.m. to 12:00 Midnight
   - Sunday, 10:00 a.m. to 2:30 p.m., 4:30 p.m. to 9:30 p.m.

8. That, prior to the issuance of a development permit, final construction plans indicating the design and layout of the development, including access, parking, fencing, garbage enclosures, landscaping, lighting, and signage, be subject to the approval of the City Centre Community Committee.

9. That any approved signs be indirectly illuminated (no neon or back-lighting) and turned off between the hours of 12:00 Midnight and 7:00 a.m., and that any free-standing sign be limited to a height of 8 feet and a surface area of 48 square feet.

10. That all special event, temporary and mobile signs of any kind including A-frames, banners, bunting, streamers, and balloon signs shall be prohibited on the site or upon any building or structure thereon.

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

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

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

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

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

The Executive Policy Committee submits the recommendation of the Standing Policy Committee on Property and Development to Council without recommendation due to a tie vote.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

The Deputy Speaker called Deputy Mayor Eadie to the Chair in order to participate in the debate and, after speaking, resumed the Chair.

The motion for the adoption of the clause was put.

Councillor O'Shaughnessy called for the yeas and nays, which were as follows:-

Yea: Councillors Angus, Golden, Lazarenko, O'Shaughnessy, Phillips, Timm-Rudolph, Vandal and Prystanski. 8

Nay: Councillors Lubosch, Murray, Silva, Steek, Thomas, Deputy Mayor Eadie and Her Worship Mayor Thompson. 7

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

The Speaker here returned to the Chamber.

(See Minute No. 982 for disclosure of conflict by Councillor Clement)

(See Minute No. 1014 for attachment)

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

Proposed Rezoning - land located at 5920 Roblin Boulevard, southside, between Municipal and Hunterspoint Roads - Assiniboia Community Committee
File DAZ 225/98 [c/r DAV 383/98D]

984 - 12. The Standing Policy Committee on Property and Development has been advised that an application has been received from Ron Porath, 2 Jasmine Close, Winnipeg, to amend Zoning By-law No. 6400/94 to rezone the subject land from an "R1-20" Residential District to a "C2" Commercial District to allow for commercial development.

The following is the present site description:

Site Area:	Approximately 13,512 square feet
Existing Land Use and Zoning:	Single-family dwelling; zoned "R1-20" Residential District

The following is the surrounding land use and zoning:

North:	Across Roblin Boulevard, a strip commercial development, 6-storey apartment, Royal Canadian Legion; zoned "C2" Commercial District
South:	Single-family dwellings; zoned "R1-5.5" Residential District
East:	Single-family dwellings; zoned "R1-20" Residential District
West:	Credit union; zoned "C2" Commercial District

The applicant proposes to rezone the subject property to "C2" Commercial District to accommodate a martial arts studio and accessory dwelling unit. Plans submitted in conjunction with the application indicate a one-story, 2025 square foot studio and a two-storey, 1120 square foot dwelling with attached garage. Access to the residential garage is to be via the east-west public lane which parallels Roblin Boulevard. Twelve customer parking spaces are indicated in the front yard, with access via private approach from Roblin Boulevard. The related variance application includes a use variance to establish a studio and to permit parking in the required front yard, under the existing "R1-20" Residential District zoning.

The subject property (5920 Roblin Boulevard), and the abutting property to the east (5914 Roblin Boulevard), are the only remaining residential properties between Municipal Road and Hunterspoint Road which have not been subdivided. Unlike those properties to the east, these lots cannot be subdivided front to back to participate in the Bridle Path development to the south. Due to the configuration of the lots to the south (as approved under File DAZ 307/79) and the proximity of the credit union to the west, this property has limited viability as a single-family property.

Despite the existing strip commercial development to the north, the credit union to the west, and the strip commercial development further west, any commercial endeavour at this location must respect the residential context. The most immediately impacted residential properties are those to the east and south. An unrestricted rezoning to "C2" Commercial District at this location could have negative impacts on these properties. Commercial development here should provide a reasonable transition between the commercial uses to the north and west, and the residential uses to the east and south.

The Planning and Land Use Division recommends the rezoning be approved, with a Zoning Agreement restricting uses onsite to the martial arts studio, accessory dwelling, and similarly non-intrusive uses.

The Administration advised that the variance application (DAV 383/98D) would not be necessary if Community Committee recommends approval of the rezoning application. It becomes necessary if Community Committee wishes to impose a trial period, in order to assess impacts of the studio. It should be noted that a use variance of this nature can only be granted for a five year maximum, in other words, after the five-year period expires, the use must be terminated or the property must then be rezoned. No extension of the use variance beyond five years is permitted.

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

The Public Works Department advised they have no objections to the application, but that approval should be conditional upon the applicant dedicating a legal opening, at no cost to the City, property which is required for a 15 foot (4.572 metre) widening to the Roblin Boulevard right-of-way. Such widening is consistent with widenings previously obtained along both sides of Roblin Boulevard to the east and west of the subject property.

A Public Hearing was held by the Assiniboia Community Committee on July 14, 1998. Two persons were heard in support of the application, and no one registered in opposition thereto.

The Assiniboia Community Committee recommended approval of the application for the following reasons:

1. The application does not appear to adversely affect the adjoining properties.
2. There does not appear to be any opposition by the local community to the application.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 225/98, dated July 6, 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 only the following uses be permitted on the land:
   a) Dwelling Unit;
   b) Studio; Martial Arts.

2. That commercial operations not exceed 2025 square feet of floor space.

3. That final construction plans indicating the design and location of the proposed buildings, accessory parking and loading areas, fencing, landscaping, and garbage enclosures, be subject to the approval of the Chief Administrative Officer or designate prior to the issuance of a building permit.

II. That the applicant dedicate and legally open, at no cost to the City, property for a 15 foot (4.572 metre) widening to Roblin Boulevard.

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

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

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

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

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

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

Adopted by consent.

(See Minute No. 1015 for attachment)

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

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

985 - 13. The Standing Policy Committee on Property and Development has been advised that the City of Winnipeg License By-law No. 6551/95 contains special provisions to regulate the hours of operation for a billiard parlour, namely:

"No person who has or keeps a billiard parlour shall cause or permit his billiard parlour to be open for business between the hours of 12:00 Midnight and 8:00 a.m. on the following day excepting on Saturdays when the trade shall not be carried on from 12:00 Midnight until 1:30 p.m. on the following Sunday."

In May 1996, amendments were enacted to The Liquor Control Policies by the Manitoba Liquor Control Commission related to the licensing of billiard parlours under a Sports Facility License. Included under this license is a billiard halls category, which has conditions pertaining to the hours of operation as follows:

Sports Facility License - Billiard Halls may operate from 11:00 a.m. to 2:00 a.m., seven (7) days a week provided there are no other restrictions by municipalities, towns or cities.

A review of license by-laws of seven major Canadian Cities indicated:

Calgary, Edmonton Saskatoon, Victoria	have no limitation on the hours of operation
Ottawa	legislation makes specific reference to licensed billiard parlours being permitted to operate 24 hours a day
Toronto	hours of operation are 6:00 a.m. to 1:00 a.m. Monday through Saturday and 6:00 a.m. to 12 midnight Sundays
Vancouver	hours of operation are 6:00 a.m. to 1:00 a.m. daily

Billiards is one of the fastest growing sports in North America and is making a large scale comeback in Winnipeg. Once shunned as dens of iniquity, the old pool halls and their seedy images have given way to upscale looks that are more attractive to a large segment of the population. In addition, billiard tables have become a fixture in many restaurants that are frequented by business clientele during the day and family clientele in the evening.

The questionable activities occurring in or around some establishments in the City have been linked to the existence of a billiard table, however, the billiard table does not in itself contribute to the activities. Simply licensing, de-licensing, exempting or de-exempting a billiard table or facility will not remove the elements that create problems in the community. Efforts to control these and other devices may contribute to the suppression of legitimate good business.

The main reason this category (Sports Facility Licence - Billiard Halls) was established was to provide for a facility to play billiards and not for the consumption of alcohol. To date, thirteen sports facilities have been approved in Winnipeg including seven that were previously licensed as dining rooms or cocktail lounges and there are also 59 facilities which continue to be licensed by the Manitoba Liquor Control Commission as dining rooms, cocktail lounges, etc., and also contain billiard tables.

At the time of writing the report to the Standing Policy Committee, 83 licensed billiard parlours were canvassed to establish the hours of operation of the various facilities. In addition, records were researched to determine if any license orders, conditional use orders or variance orders were applicable. Below are the results of the survey:

Report of the Standing Policy Committee on Property and Development dated August 24, 1998

Currently operating past midnight	42
Currently open before 8:00 a.m.	None
Licensed by Manitoba Liquor Control Commission as Sports Facility	13
Licensed by Manitoba Liquor Control Commission other	59
Restricted number of billiard tables	42
Restricted hours of operation	1
Approved for specific period only	9
Age restriction	1

In situations where certain conditions have been placed on a business establishment either through a conditional use order or a license order, those orders will take precedence over this change in the License By-law. For example, if the license order from Community Committee established that the hours of operation were to be from 6:00 p.m. to 10:00 p.m. for a certain establishment, that order would stand despite the proposed By-law amendment. In order to change that condition, the business would have to re-apply for a licence and, request through the Community Committee public hearing process, that the Community Committee change or remove the condition restricting the hours of operation.

The change in the hours of operation in the by-law will not interfere with the Community Committees opportunity to establish conditions on any new application, however, conditions cannot now be added to businesses that had their license granted unconditionally. There is no financial impact as a result of the administrative recommendation.

The Standing Policy Committee on Property and Development recommends:

I. That the provisions of The City of Winnipeg License By-law No. 6551/95 with respect to billiard parlours 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.

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

The Executive Policy Committee recommends that Recommendation I. be amended by adding the following words at the end thereof, namely:

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

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

In amendment,

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

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

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

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

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED AUGUST 27, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated August 27, 1998, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2,3,4 and 5, be adopted.

Carried.

Proposed Property Acquisition - southwest corner of Dugald Road and Denver Avenue - East Kildonan-Transcona Community
File FI-2(33) (Vol. 2)

986 - 1. The Standing Policy Committee on Property and Development has been advised that in November 1997, the owner offered the subject property for sale to the City. The subject property is located on the southwest corner Dugald Road at Denver Avenue, is legally described as Lots 48/54, Block 3, Plan 1254, as outlined on Misc. Plan No. 10247/1.

On June 2, 1998, the Standing Policy Committee on Property and Development authorized the Director of Property and Development Services to negotiate the acquisition of the subject property.

On July 10, 1998, the owner's solicitor indicated agreement with the City's proposed terms and conditions of purchase.

The Planning and Land Use Division recommends that the City acquire any remaining privately-owned properties in this area which would support more efficient development in the future. The Planning and Land Use Division observes that whereas the City owns a very large amount of land in the area (outlined on Misc. Plan No. 10247/1) practically all of the City-owned land has been acquired by tax sale, and therefore, the dollar cost average of any actual purchases in the area could be very small compared to the future benefits of consolidation.

The reason for this acquisition, therefore, is for interim holding purposes in consolidation with the existing City-owned property pending future resale/redevelopment. In the event there should be a need for future road improvements or regrading of the ditch (which is very steep at this location), the acquisition of the subject property could facilitate same.

According to the Zoning and Permits Branch, the property is considered to be a "lot of record". Despite the fact there is presently no City sewer or water available along the frontage, the property has the potential to be sold and developed, as is. The Planning and Land Use Division advises there have been enquiries about the potential to rezone property in the vicinity for commercial purposes.

The proposed purchase price is in accordance with an appraisal report as prepared by the Real Estate Division. The balance of the terms and conditions are standard for transactions of this type.

The required funding in the amount of $17,000.00 is available from the Land Operating Reserve Account. This amount includes the purchase price, demolition costs, contingency allowance, GST and finance/administrative charges.

The Director of Property and Development Services has the authority to approve the terms of purchase for those acquisitions where the price is $25,000.00 or less and which form part of a Council approved project. The subject property, however, does not form part of any Council approved land acquisition program and therefore this matter must be forwarded to Council for its consideration. A secondary purpose is to secure the approval of the Standing Policy Committee on Property and Development as to the proposed demolition of the building on the subject property.

Report of the Standing Policy Committee on Property and Development dated August 27, 1998

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the "subject property" outlined on Misc. Plan No. 10247/1, be approved, at a price of $11,000.00 and in accordance with the terms and conditions as specified on Schedule "A".

II. That the demolition of the building on the "subject property" outlined on Misc. Plan No. 10247/1 be approved; the demolition to proceed immediately following receipt of possession and title by the City.

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

Copy of Misc. Plan No. 10247/1 and Schedule "A" are on file in the Office of the City Clerk.

Adopted by consent.

Proposed Changes to the Industrial Commercial Investment Listing Program - Proposed Extension of Current Listings File FI-2.1 (Vol. 11)

987 - 2. The Standing Policy Committee on Property and Development has been advised that the current listings of commercial properties with Shindico Realty, Colliers Pratt McGarry and Stevenson Real Estate expired on July 19, 1998. The Property and Development Services Department will soon be seeking proposals from independent brokers on the listing for sale of surplus City-owned industrial, commercial and investment properties. The Administration is seeking the authority to expand the range of brokers to be canvassed and to extend the existing Listing Agreements for the intervening period.

On June 22, 1993, Council endorsed the recommendation of the former Committee on Finance and Administration that proposals to list City-owned commercial properties would only be accepted from Industrial Commercial and Industrial (ICI) members of the Winnipeg Real Estate Board (WREB).

On November 25, 1996, the former Committee on Finance and Administration in response to a report from the former Land and Development Services Department provided in part the following direction:

> "The Land and Development Services Department to seek proposals for service from selected ICI Division broker members of the WREB in connection with the next listing program."

The initial listing program approved in 1993 cited that proposals will only be accepted from Industrial Commercial and Investment (ICI) members of the Winnipeg Real Estate Board.

Based on the Department's experience with the program and involvement with the Real Estate brokerage community-at-large, the Property and Development Services Department recommends that the listing process be extended to also include real estate companies that are not members of the ICI Division of the Winnipeg Real Estate Board.

The City has benefited from the involvement of non-WREB real estate broker(s) who have demonstrated that they have comparable ability to bring potential purchasers to City-owned surplus sites (i.e. the sale of the northeast corner of Kenaston and McGillivray Boulevards in which Chartier and Associates submitted a proposal on behalf of First Professional Management and worked on behalf of First Professional Management to negotiate the terms and conditions of the sale.)

The Property and Development Services Department believes that it would be in the City's best financial interests to extend the opportunity to submit proposals to list surplus City-owned ICI properties to the non-WREB brokers as well as the WREB brokers to take advantage of the total brokerage communities expertise and industry contacts.

The Property and Development Services Department recommends that the existing listings with Shindico Realty, Colliers Pratt McGarry and Stevenson Real Estate be extended an additional 120 days to allow the Department to review the status of current listings, evaluate the inventory of properties and to initiate the re-listing process.

Report of the Standing Policy Committee on Property and Development dated August 27, 1998

It should be noted that at the time of the writing of the report to the Standing Policy Committee, ten of the twenty-eight properties listed are conditionally sold with offers being currently negotiated on several other properties.

There is no direct financial impact with regard to this matter at this time.

The Standing Policy Committee on Property and Development recommends:

I. That the opportunity to list surplus City property be extended to include real estate brokers who are not members of the Industrial Commercial and Industrial Division of the Winnipeg Real Estate Board.

II. That the current listing agreements with Shindico Realty, Colliers Pratt McGarry and Stevenson Real Estate be extended an additional 120 days.

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

Adopted by consent.

Proposed Property Acquisition - 561, 563, 565 and 569 Sherbrook Street - City Centre Community File FI-2(32) (Vol. 5)

988 - 3. The Standing Policy Committee on Property and Development has been advised that on April 7, 1998, the City Centre Community Committee laid over Demolition Applications for the properties located at 563, 565 and 569 Sherbrook Street and forwarded the matter of acquiring the subject properties to the Standing Policy Committee on Protection and Community Services.

On April 9, 1998, the Standing Policy Committee on Protection and Community Services considered and referred the matter to the Standing Policy Committee on Property and Development, recommending that the properties be acquired for green space/park purposes following a determination for need for same in accordance with the standing Council Order regarding green space deficiencies in the City Centre Community.

On May 5, 1998, the Ward Councillor appeared as a delegation before the Standing Policy Committee on Property and Development and advised that the acquisition of the four subject properties complied with Council's decision of July 24, 1996, as follows: "That the (former) Committee on Protection, Parks and Culture be requested to examine options to accommodate recreational requirements in the Community to replace the Alexander Park site."

On May 5, 1998, the Standing Policy Committee on Property and Development referred the matter to the Administration for consultation with the Ward Councillor and to identify funding and initiate negotiations to acquire the properties located at 563, 565 and 569 Sherbrook Street for green space/park purposes. Although the property at 561 Sherbrook Avenue was not included in the Committee motion or as a Demolition Application, it was deemed to be the intent of Committee to include this property as part of the acquisitions for the green space/park.

On February 25, 1998, Council adopted a recommendation from Executive Policy Committee (which was initiated by the Spence Neighbourhood Revitalization Strategy Committee) to allocate funding for "Housing", "Safety" and "Health", "Employment", "Image" and "Reserve" under the Winnipeg Development Agreement (WDA). Given this allocation of funding, the Neighbourhood Planner has advised that some resident groups may be interested in developing this property either through Habitat for Humanity or into green space. If WDA funding is used to develop the subject property, there may be an opportunity to recover the acquisition costs and reimburse the Cash in Lieu of Land Dedication Reserve Fund.

The owner had not identified an alternative use for the property once the residential buildings were to be demolished, however, he originally advised that he was prepared to sell the four properties for $100,000.00 in an "as is" condition. After several meetings, the owners have now advised that they are prepared to sell the four subject properties to the City of Winnipeg for $50,000.00 and in accordance with the terms and conditions outlined on Schedule "A".

Report of the Standing Policy Committee on Property and Development dated August 27, 1998

A very brief review of the market indicates that the proposed purchase price of $50,000.00 appears to be at the high end of the market value range. Three of the properties were considered to be land value only, while the property at 561 Sherbrook Street constitutes approximately 60% of the total purchase price. No formal appraisal had been completed due to the lack of funding and the tight time restraints.

Please note that notwithstanding Term 5 on Schedule "A" the City will be acquiring the property and buildings in their "as is" condition with the intention being to demolish all buildings on receipt of possession and certificate of title.

In order to complete this transaction, funding in the amount of $87,000.00 is required. This amount includes the proposed purchase price, demolition costs, WLTO costs, a small contingency and finance and administration charges. This figure does not include an allowance for any development of green space/park of the cleared site.

The Budget and Audit Coordinator has advised that there are available funds in the Cash in Lieu of Land Dedication Reserve Fund for these acquisitions.

The Standing Policy Committee on Property and Development recommends:

I. That funding in the amount of $87,000.00 be committed against the City Centre Cash in Lieu of Land Dedication Reserve Fund.

II. That the proposed acquisition of the properties outlined as "subject property" on Misc. Plan No. 10416, be approved at a purchase price of $50,000.00 and in accordance with the terms and conditions specified on Schedule "A" and as outlined above.

III. That the Director of Property and Development Services be authorized to demolish 561, 563, 565 and 569 Sherbrook Street upon receipt of title and possession.

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

Copy of Misc. Plan No. 10416 and Schedule "A" are on file in the Office of the City Clerk.

Adopted by consent.

Proposed Property Acquisition - land between 1046 rue des Trappistes and the C.N.R. Lettelier Rail Line along the Left Bank of the La Salle River - Riel Community File FI-2(35) (Vol. 6)

989 - 4. On May 27, 1998, Council requested the Director of Property and Development Services to bring forward to the Standing Policy Committee on Property and Development, proposals for acquisitions of all riverbank properties, as they become available.

The Standing Policy Committee on Property and Development has been advised that in February 1998, the owners of the property outlined as the "Reeve Property" on Misc. Plan No. 10394/1, advised that part thereof, i.e. Lot 1, Block 1, Plan 10669, was available for sale at a price of $17,000.00, being the estimated amount of the owner's outstanding realty tax arrears on the entire "Reeve Property".

The owners were advised that the City would consider the acquisition of that part of the owner's property identified as "subject property" for the proposed price of $15,000.00. The owners have agreed to the proposed purchase price of $15,000.00 for the "subject property", on the condition that the City attend to the related survey work and costs required to convey title of the "subject property" to the City. The related survey costs have been estimated at approximately $3,500.00.

The subject property is located on the south side of rue des Trappistes, west of the C.N.R. Lettelier Line, east of 1046 rue des Trappistes, and is legally described as Lot 1 and the Easterly 7.62 metres of Lot 2, Block 1, Plan 10669, D.G.S. 82/83 St. Norbert, as outlined on Misc. Plan No. 10394/1.

Report of the Standing Policy Committee on Property and Development dated August 27, 1998

The "subject property" is located within the La Salle River Corridor/Watershed area which extends from the Red River in the East to La Barriere Park in the West. A review of aerial photographs taken during the peak levels of the Flood of 1997 revealed that Lot 1 was entirely inundated by flood waters as well as the approximate eastern half of Lot 2, Block 1, Plan 10669. A site inspection of the "Reeve Property" further confirmed that the topography of Lot 1 and approximately the east half of Lot 2, Block 1, Plan 10669 would be susceptible to future flooding.

In addition to reviewing the particulars of the subject property, representatives of the Water and Waste Department and former Parks and Recreation Department completed a review of need for the property relative to the La Salle River corridor and connection to the recently acquired Genstar lands situated immediately south and across the La Salle River.

From the Corridor perspective, the subject property provides the opportunity to protect and preserve the existing vegetation situated on Lot 1 and the east one-half of Lot 2. The vegetation is comprised of under storey and mature trees which are located between the rue des Trappistes right-of-way and water's edge. In addition, the subject property will provide access to the west side of the C.N.R. Letellier subdivision bridge structure which may be utilized as part of a connector between rue des Trappistes and the former Genstar lands via the attachment of a catwalk to the existing bridge structure.

Accordingly, the acquisition of the subject property would provide the following benefits to the City's waterway/parkway system as follows:

1. The protection of natural vegetation along the river bank corridor, as well as preservation of the river bank itself.

2. The protection of a future connection option for the La Salle River corridor via the C.N.R. / Letellier Bridge structure.

3. The elimination of the need to flood proof Lot 1 and one-half of Lot 2 in the future from possible flooding (in 1997, this property required over 18,000 sandbags at a cost of $27,000.00).

Other properties in the area having similar attributes to the "subject property" were appraised for the Pembina Highway Widening Project. The range of value for these properties was estimated at $0.50 to $1.00 per square foot. The proposed acquisition price of $15,000.00 for the "subject property" is based on a rate of $0.76 per square foot. The Assessment Department has calculated the assessed value of the "subject property", if registered as a single parcel of land, to be $24,400.00.

The Real Estate Division and the Planning and Land Use Division of the Land and Development Services Department, along with the Water and Waste Department, are of the opinion that the proposed acquisition of the "subject property" for the negotiated price of $15,000.00 is in the City's best interest.

The Corporate Finance Department has provided Certificate No. GU 98-04 indicating that adequate funding is available for the acquisition of the "subject property" and related survey works required by the Winnipeg Land Titles Office for the conveyance of the "subject property", can be made available from the Land Acquisition for General Unspecified Purposes Account.

The proposed acquisition of any property not forming a part of an approved Capital project requires Council approval.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the "subject property", outlined on Misc. Plan No. 10394/1, be approved at the negotiated price of $15,000.00, and in accordance with the terms and conditions identified on Schedule "A"; and that the purchase monies resulting from this transaction be credited to the Vendors' outstanding realty tax accounts.

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

Copy of Schedule "A" and Misc. Plan No. 10394/1 are on file in the Office of the City Clerk.

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated August 27, 1998

Proposal to Declare 380 Osborne Street and the northeast corner of Don Avenue and Osborne Street as Surplus Property - City Centre Community
File FI-2.4(32) (Vol. 6)

990 - 5. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department has determined that the "subject City property", located at 380 Osborne Street and the northeast corner Don Avenue and Osborne Street can be declared surplus.

The "subject City property", legally described as Parcel D and a portion of Parcel E, Plan 20010 and as outlined on Misc. Plan No. 10250/1, was acquired by the Metropolitan Corporation of Greater Winnipeg for a proposed South Eastern Expressway.

On October 16, 1979, the property was declared as surplus to the requirements of the former Streets and Transportation Department. However, Parcel "J" along Osborne Street was identified as being required for a future street widening.

In the intervening years the property has been included in the Property and Development Services Department rental program and is currently leased for building and parking purposes to separate lessees.

At its meetings held on May 25, 1995, and December 4, 1995, the former Committee on Finance and Administration laid over the matter with respect to the lease renewal respecting the tenancy of the Fort Rouge Plate and Auto Glass pending the determination of whether the property was required as part of the Churchill Riverbank Parkway.

During the fall of 1997, the first phase of the Churchill Riverbank Parkway was completed. These works included the installation of a pathway between the Norwood Bridge and Don Avenue along the left bank of the Red River. At that time, representatives of the formers Parks and Recreation, Civic Buildings and Land and Development Services Departments reviewed the need for the subject land and building.

380 OSBORNE STREET - PARCEL D, PLAN 20010

As part of the riverbank parkway planning process in 1995 and 1996, the former Parks and Recreation Department indicated a strong interest in potentially utilizing the property as part of the Churchill Riverbank Parkway project. The property is situated halfway between the Norwood Bridge and the Riverview Health Center and represented an opportunity to create a "window" of access to the Red River. During the planning process, it was determined that an access entry point to the Parkway could be established within the Don Avenue right-of-way and as such, this property is not required for riverbank parkway purposes.

The former Civic Buildings Department has reviewed the need for the building from its perspective and determined that the City did not require the subject building for civic purposes. As well, the former Land and Development Services Department also reviewed the need by other Civic Departments and which indicated no interest in the subject building or lands.

Part of the property, together with the existing building, is currently leased to Fort Rouge Plate and Auto Glass Ltd. This lease expired on December 31, 1994, and has a cancellation clause of 180 days. Since December 31, 1994, the lessee has been in an over holding position. The balance of the property is currently under lease to the Osborne on the Red Apartments Ltd. for visitor parking purposes. The lease expired on December 31, 1997, and has a cancellation clause of 90 days.

PART PARCEL E, PLAN 20010

In addition to Parcel D, the Property and Development Services Department also examined the potential for declaring a portion of Parcel E as outlined on Misc. Plan No. 10250/2 as surplus to City of Winnipeg requirements. Currently, this part of Parcel E located above the top of bank, is developed as a small passive park area with a park bench and sodding. Prior to the completion of the Churchill Drive Parkway, this site provided access for local residents to view the Red River and to enjoy a passive park experience. With the completion of the parkway, local residents now have an opportunity to enjoy a passive park experience along the entire stretch of parkway from the Norwood Bridge to Don Avenue and as such, the requirement to maintain the subject property for passive park experience has been significantly reduced. As well, being as the City has an easement agreement over the most northerly 2.5 metres of

Report of the Standing Policy Committee on Property and Development dated August 27, 1998

Parcel A, Plan 32872 and Parcel A, Plan 32873, for public access/walkway purposes, it does require any portion of Part Parcel E for access purposes. Given that this portion of Parcel E is not required for passive park experience, and that its addition to Parcel D will create a significant redevelopment opportunity for medium density housing, the Department is supportive of declaring that portion of Parcel E as surplus to open space requirements.

The Property and Development Services Departments believes that the addition of that part of the parkland (Part Parcel E, Plan 20010) situated adjacent to 380 Osborne Street (Parcel D, Plan 20010) will enhance the marketability of the surplus City property at this location.

PROPOSED PROCESS

The process to be followed in declaring this property as surplus is as follows:

1. That the proposal to declare as surplus to the City's needs the "subject City property" as outlined on Misc. Plan No. 10250/1 be circulated to the City Centre Community Committee for review and for submission of its comments thereon to the Standing Policy Committee on Property and Development.

2. The decision of the Standing Policy Committee on Property and Development be forwarded to Council for final approval. (Note: In this instance, that part of Parcel E, Plan 20010, as outlined on Misc. Plan No, 10250/2 requires approval of at least two-thirds majority of the Members of Council, pursuant to Section 156(2) of the City of Winnipeg Act, to be declared surplus.)

3. That subject to Council and the Committee's approval respecting the above, the Director of the Property and Development Services be instructed to arrange for its disposal.

The proposed sale of this City-owned property will not require the City to incur any new capital debt as the sale represents a divestiture of physical assets. Moreover, all administrative costs associated with implementing the proposal are provided for in the City's Current Budget and as such, no additional funding will be required. Any cost to be incurred (i.e. subdivision, etc.) in creating and marketing the property would in the interim be charged to the Land Operating Reserve Account with those costs being recovered by that Account upon sale of the property.

In accordance with Council Policy of January 17, 1979, the net sale proceeds of this eventual sale will be credited to the Community Committee Land Dedication Reserve Account.

Future realty tax revenue will flow to the City upon the sale and subsequent development of the aforementioned property. At this time, it is unknown as to how the "subject City property" would be redeveloped and as such, an estimate of future realty tax flows has not been provided.

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

The Standing Policy Committee on Property and Development recommends, subject to concurrence by the City Centre Community Committee, as follows:

I. That the "subject City property" outlined as Parcel "D", Plan 20010 on Misc. Plan No. 10250/2, be declared as surplus to the City's needs.

II. That the "subject City property" outlined as Part Parcel "E", Plan 20010 on Misc. Plan No. 10250/2, be declared as surplus to the City's needs.

III. That the Property and Development Services Department be requested to arrange for the disposal of the properties by tender or by listing with an independent broker.

IV. That the Director of Property and Development Services be authorized to terminate the existing leases to the Fort Rouge Plate and Glass Company and Osborne on the Red at the appropriate time to facilitate the proposed sale.

V. That Parcel J, Plan 22010 be legally opened as a Public Right-of-Way.

Report of the Standing Policy Committee on Property and Development dated August 27, 1998

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

Copies of Misc. Plan Nos. 10250/1 and 10250/2 are on file in the Office of the City Clerk.

Adopted by consent.

REPORT "A" OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED AUGUST 27, 1998

On motion of Councillor O'Shaughnessy, Report "A" of the Standing Policy Committee on Property and Development, dated August 27, 1998, was considered.

City of Winnipeg Strategic Facilities Plan
File FI-2.3(32) (Vol. 4)

991 - *Clause 1 has been referred back by Executive Policy Committee to the Standing Policy Committee on Property and Development.*

Referred back by Executive Policy Committee to the Standing Policy Committee on Property and Development

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

992 - On motion of Councillor O'Shaughnessy, 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. 7275/98, a by-law of The City of Winnipeg to open the northeast corner of Waverley Street and Bishop Grandin Boulevard File DAO 19/97

By-law No. 7276/98, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg File SC-3.14(31)(Vol. 2)

By-law No. 7277/98, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg File SC-3.14(34)(Vol. 1)

By-law No. 7278/98, 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 Niakwa Road East and Tascona Road in the Riel Community File DAZ 217/98

By-law No. 7279/98, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg File SC-3.14(35)(Vol. 1)

By-law No. 7280/98, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg File SC-3.14(35)(Vol. 1)

By-law No. 7281/98, 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 at Leila Avenue northeast corner of Pipeline Road in the Lord Selkirk-West Kildonan Community File DASZ 8/97

By-law No. 7283/98, a by-law of The City of Winnipeg to approve a Plan of Subdivision on land located between Elmhurst Road and Cathcart Street north of Beiko Avenue at the north limit of Donnington Road in the Assiniboia Community File DAS 13/98

By-law No. 7284/98, 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 at 1297 Henderson Highway in the East Kildonan-Transcona Community File DAZ 218/98

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

By-law No. 7285/98, 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 at 5 Bank Avenue in the Riel Community File DAZ 219/98

By-law No. 7286/98, 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 at 677 St. Anne's Road, east side south of John Bruce Road in the Riel Community File DAZ 220/98

By-law No. 7287/98, a by-law of The City of Winnipeg to widen the southwest corner of Arlington Street and Sargent Avenue File DAO 27/93

By-law No. 7288/98, a by-law of The City of Winnipeg to partially close the northwest and northeast corners of Moray Avenue and Silver Avenue Files DAC 23/97 and DAC 27/97

By-law No. 7289/98, 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 at 1120 McPhillips Street in the Lord Selkirk - West Kildonan Community File DAZ 221/98

By-law No. 7291/98, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change to land located at 894 St. Mary's Road in the Riel Community File DAZ 225/96

On motion of Councillor O'Shaughnessy, the rule was suspended and By-law No. 7293/98, 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 east side of Brookside Boulevard between Inkster Boulevard and Jefferson Avenue in the Lord Selkirk - West Kildonan Community, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed.
File DASZ 56/85