REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MARCH 2, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated March 2, 1998, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11 and 12 be adopted.

446 - Councillor Thomas asked to be recorded as having voted against Clause 9, in accordance with Rule 50.7 of the Procedure By-law.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11 and 12 was put and declared carried.

Proposed Zoning Text Amendment to By-law No. 6400/94 to make certain permitted uses in the "A" and "A5" Agricultural Districts to Conditional Uses File DAZ 202/98 [c/r DAZ 209/94 (Vol. 2)]

447 - 1. On March 2, 1998, the Standing Policy Committee on Property and Development was advised that the Unified Zoning By-law No. 6400/94 included two zoning categories within the Rural Districts. These two zoning categories are "A" Agricultural intended to conserve land for general agricultural activities in areas designated "Rural" in Plan Winnipeg, and "A5" Agricultural intended to accommodate rural and limited agricultural uses on smaller lots.

The majority of lands designated as "A" are located beyond the neighbourhoods identified for development with full City services within the time frame of Plan Winnipeg. The majority of lands zoned "A5" are located in neighbourhood areas designated for development with full City services in the nearer term. Together the "A" and "A5" zoning districts total several thousand acres of undeveloped land located between the City's developed suburbs and the City boundary.

The use Table 410(1) of By-Law No. 6400/94 presently lists a number of agricultural uses as either permitted or conditional within the "A" and "A5" zoning districts. The subject amendment is intended to change those uses, which are considered to be potentially incompatible with residential development, from permitted to conditional in both the "A" and "A5 " districts.

The proposed use changes are as follows:

Table 410(1) By-Law No. 6400/94
Change from Permitted to Conditional Use within "A" Agricultural Districts

- Animal Pound, Animal Training, Kennel
- Apiary
- Aviary
- Dairy, not less than 300 feet from the boundary of any "R" or "A5" district
- Fur Farm, not less than 300 feet from the boundary of any "R" or "A5" district
- Livestock Feedlot, Piggery, not less than 300 feet from the boundary of any "R" or "A5" district
- Livestock Pasturing, not less than 300 feet from the boundary of any "R" or "A5" district
- Poultry Hatchery, not less than 300 feet from the boundary of any "R" or "A5" district
- Poultry or Rabbits: Raising, not less than 300 feet from the boundary of any "R" or "A5" district
- Riding Stable or Academy, Boarding Stable

Change from Permitted to Conditional Use within the "A5" Agricultural district

- Aviary

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The above-noted uses are all associated with the keeping of animals and livestock, or the production of certain agricultural products. In most cases the potential incompatibility with existing or future residential development is related to noise, odour or production of animal waste. Communication with the Manitoba Environment Department has confirmed that such uses have resulted in significant environment concerns being registered by nearby residents in areas within their jurisdiction. Within the City of Winnipeg, the potential for conflict is greater due to the existing and proposed future residential development densities. Additionally, the ownership pattern of agricultural zoned land within the City of Winnipeg has resulted in many non-conforming sites. In such instances, the listed permitted agricultural uses can, at present, be established as of right on sites which do not even meet the minimum area requirements of the Zoning By-law. The listing of the above-noted agricultural uses as "conditional" within Table 410(1) of By-Law No. 6400/94 will ensure that a comprehensive review will be undertaken and a public hearing will be held before any of the uses can be established in the future.

A Public Hearing was held before the Standing Policy Committee on Property and Development on March 2, 1998.

The following exhibits were filed with the Committee, namely:

Exhibits Filed: 1. Report from the former Manager of Community Planning dated January 26, 1998.
2. Copy of Notice of Public Hearing.

The Senior Plan Co-ordinator of the Property and Development Services Department appeared in support of the application, and no one registered in opposition thereto.

The Standing Policy Committee on Property and Development recommends:

I. That the text of By-Law No. 6400/94, Part Four, Section 410, Table 410(1), be amended:

a) By changing the following "Permitted" uses in the "A" Agricultural District to "Conditional" uses:
- Animal Pound, Animal Training, Kennel
- Apiary
- Aviary
- Dairy, not less than 300 feet from the boundary of any "R" or "A5" district
- Fur Farm, not less than 300 feet from the boundary of any "R" or "A5" district
- Livestock Feedlot, Piggery, not less than 300 feet from the boundary of any "R" or "A5" district
- Livestock Pasturing, not less than 300 feet from the boundary of any "R" or "A5" district
- Poultry Hatchery, not less than 300 feet from the boundary of any "R" or "A5" district
- Poultry or Rabbits: Raising, not less than 300 feet from the boundary of any "R" or "A5" district
- Riding Stable or Academy, Boarding Stable

b) By changing the following "Permitted" use with the "A5" Agricultural District to "Conditional" use:
- Aviary

II. That the necessary development (zoning) by-law be forwarded to Council for all three readings.

III. 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.

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

Adopted by consent.

Report of the Standing Policy Committee o Property and Development dated March 2, 1998

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

448 - 2. The Standing Policy Committee on Property and Development has been advised that the subject street closing, as outlined on Misc. Plan No. 9923/9, has been initiated by the Real Estate Division of the Property and Development Services Department. The Transportation Planning and Traffic Management Division of the Public Works Department has confirmed that the lands are surplus to the City's needs. The streets, once closed, will be offered for sale.

The Surveys Branch of the Property and Development Services Department has recommended that the responsibility for the acquisition and cost of the required survey services, together with the costs associated with the registration of documents necessary to give legal effect to the closing of the street be identified within the terms and conditions of its proposed sale.

Manitoba Hydro and MTS NetCom have advised that they will require an easement for the maintenance of their plants in the area.

A Public Hearing was held before the Riel Community Committee on February 17, 1998. No one appeared in support of the application, and no one registered in opposition thereto, and the Land Document Officer, Property and Development Services Department was in attendance for the City. The Community Committee recommended approval of the proposed street closing as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing, in accordance with Misc. Plan No. 9923/9, as outlined on Schedule "A".

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

Adopted by consent.

(See Minute No. 492 for attachment)

Proposed Closing of part of Brunswick Street, north of Burnett Avenue - East Kildonan-Transcona Community
File DAC 26/97

449 - 3. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department has been approached by Palliser Furniture Ltd. with an offer to purchase the portion of Brunswick Street adjacent to its property, as outlined on Misc. Plan No. 10172. The street must be legally closed before it may be sold. The street exists in a legal sense only. The land which it occupies is not paved or used as a travelled way.

The Transportation Planning and Traffic Management Division of the Public Works Department has advised that it has no objections to the proposed closing.

The Surveys Branch of the Property and Development Services Department has recommended that the responsibility for the acquisition and cost of the required survey services, together with the costs associated with the registration of documents necessary to give legal effect to the closing of the street be identified within the terms and conditions of its proposed sale.

Report of the Standing Policy Committee o Property and Development dated March 2, 1998

A Public Hearing was held before the East Kildonan-Transcona Community Committee on February 17, 1998. One person appeared in support of the application, no one registered in opposition thereto, and the Land Document Officer, Property and Development Services Department was in attendance for the City. The Community Committee recommended approval of the proposed street closing as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing, in accordance with Misc. Plan No. 10172, as outlined on Schedule "A"

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

Adopted by consent.

(See Minute No. 493 for attachment)

Proposed Widening of part of the north side of Springfield Road, west of Spring Valley Road - East Kildonan-Transcona Community
File DAO 17/97

450 - 4. The Standing Policy Committee on Property and Development has been advised that in 1996, Council approved DAC 13/95, a proposal to close the portion of Springfield Road, outlined as "proposed street closing" on Misc. Plan No. EKT 9429/2.

Clause 6 of the Report of the former Committee on Planning and Community Services dated January 15, 1996, and adopted by Council on January 24, 1996, outlined the acquisition of the land shown as "proposed street opening", outlined on Misc. Plan No. EKT 9429/2.

The owner of the property has agreed to the terms and conditions of its sale to the City, and it is now appropriate to open the land as public street.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on February 17, 1998. No one appeared in support of the application, no one registered in opposition thereto, and the Land Document Officer, Property and Development Services Department was in attendance for the City. The Community Committee recommended approval of the proposed street opening as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening, in accordance with Misc. Plan No. EKT 9429/2, as outlined on Schedule "A".

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

Adopted by consent.

(See Minute No. 494 for attachment)

Report of the Standing Policy Committee o Property and Development dated March 2, 1998

Proposed Widening of Court Avenue west of McPhillips Street - Lord Selkirk-West Kildonan Community File DAO 18/97

451 - 5. The Standing Policy Committee on Property and Development has been advised that in 1994, the former Board of Commissioners directed the former Land and Development Services Department to negotiate for the acquisition of the lands outlined as "proposed street widening" on Misc. Plan No. LSWK 8541/1. The property owner, Manitoba Hydro, has agreed to transfer the land to the City. This transaction will be effected by legally opening these lands as public street.

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

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening, in accordance with Misc. Plan No. LSWK 8541/1, as outlined on Schedule "A".

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

Adopted by consent.

(See Minute No. 495 for attachment)

Proposed Widening of part of Barnes Street between Bison Drive and Lee Boulevard - Proposed Widening of part of Bison Drive, west of Shore Street - Proposed Closing of the streets and lanes in the block bounded by Bison Drive, Barnes Street, Lee Boulevard and Shore Street - Riel Community File DAOC 1/98

452 - 6. The Standing Policy Committee on Property and Development has been advised that the subject proposal, outlined on Misc. Plan No. 9572/3, has been initiated by the Real Estate Division of the Property and Development Services Department.

The streets and lanes proposed to be closed have been declared surplus to the City's needs. Once closed, the lands will be incorporated into the adjoining City property and sold to Westfair Properties Ltd., in accordance with the terms and conditions approved by the Standing Policy Committee on Property and Development on January 6, 1998.

The proposed widening of Barnes Street and Bison Drive will accommodate additional traffic lanes to carry future traffic volumes and to provide for improvements to the existing drainage ditches.

A Public Hearing was held before the Riel Community Committee on February 17, 1998. Three persons appeared in support of the application, no one registered in opposition thereto, and the Land Document Officer, Property and Development Services Department was in attendance for the City. The Community Committee recommended approval of the proposed opening and street closing as outlined below.

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

Report of the Standing Policy Committee o Property and Development dated March 2, 1998

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening (street widening) and closing, in accordance with Misc. Plan No. 9572/3, as outlined on Schedule "A".

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

Adopted by consent.

(See Minute No. 496 for attachment)

Assignment of Development Agreement between the City and Whyte Ridge Industrial Development Ltd. - AG 44/79
File DASZ 44/79

453 - 7. The Standing Policy Committee on Property and Development has been advised that a request has been received for the City's consent to an assignment of Development Agreement AG 44/79 dated April 16, 1980, and addenda thereto, between the City of Winnipeg and Whyte Ridge Industrial Development Ltd. to Sun-X Properties Ltd. The addenda to the agreement are dated July 16, 1980, November 30, 1983, April 18, 1990, May 11, 1992 and March 31, 1997. The above agreement contains a paragraph to the effect that the consent of the City is required in order for Whyte Ridge Industrial Development Ltd. to assign the agreement to a third party. The subject agreement covers all the land commonly referred to as the West Fort Garry Business Park.

The Land Development Division of the Property and Development Services Department has reviewed Whyte Ridge Industrial Development Ltd.'s request and hereby advise that it would be in order to assign Development Agreement AG 44/79 and addenda thereto to Sun-X Properties Ltd.

The Standing Policy Committee on Property and Development recommends:

I. That the City of Winnipeg consent to the assignment of Development Agreement AG 44/79 and addenda thereto, dated July 16, 1980, November 30, 1983, April 18, 1990, May 11, 1992 and March 31, 1997, to Sun-X Properties Ltd.

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 in connection with the assignment.

Adopted by consent.

Proposed Subdivision and Rezoning - land located on the north side of Kingsbury Avenue, east of Sinclair Street - Lord Selkirk-West Kildonan Community
File DASZ 17/97 [c/r DAV 862/97D and DCU 277/97D]

454 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Marshall Haid Associates Limited for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "RM-1" Multiple Family District to an "RM-2" Multiple Family District to permit the construction of a multiple-family dwelling.

The following is the present site description:

Site Area: Proposed Lot 2, approximately 1.18 acres (51,500 square feet)

Existing Land Use and Zoning: Proposed Lot 2 is currently vacant; zoned "RM-1" Multiple Family District

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The following is the surrounding land use and zoning:

North: Beth Israel Synagogue, zoned "RM-1"; across Hillhouse Road are single-family dwellings, zoned "R1-6"

South: Across Kingsbury Avenue are single-family dwellings, zoned "R1-5"

East: Single-family dwellings fronting on Laurel Bay, zoned "R1-5.5"

West: Three-storey apartment building, zoned "RM-1"; across Sinclair Street is an apartment building, zoned "RM-2"

The applicant, on behalf of the property owner (Hebrew Sick Benefit Association of Winnipeg Synagogue), requests permission to subdivide and rezone the subject property (proposed Lot 2) in order to establish a three-storey, 39 unit life lease seniors housing development. The synagogue (proposed Lot 1) will remain zoned "RM-1". The related variance application (DAV 862/97D) is required in order to accommodate the siting of the proposed multiple-family dwelling. The panhandle portion of proposed Lot 2 is required in order to provide access to water and waste water sewer services along Hillhouse Road. No vehicular access to Hillhouse Road is proposed. Fifty underground parking spaces will be provided for residents, with an additional nine surface parking spaces being required to comply with Zoning By-Law No. 6400/94 (six of which are to be designated as unassigned visitor spaces).

The proposed life lease seniors housing development appears to be appropriate at this location. Scale and density are consistent with neighbouring properties. The applicant has deliberately located the L-shaped building as far away from the neighbouring single-family dwellings as possible (approximately 50 feet from the east property line). The three-storey height (35 feet from grade to top of roof peak) is also consistent with its context. Life lease developments, though typically marketed towards a 55 plus clientele, still must provide a parking allotment in accordance with traditional multiple-family dwellings (1.5 parking spaces per dwelling unit). Proximity to local retail services, recreation facilities, and cultural amenities tend to lessen vehicular trip generation and, therefore, parking and traffic related impacts of this development. Community Planning Division does not anticipate any adverse impact on adjacent properties or the surrounding area. The proposed development is for a nonprofit senior citizens home and, pursuant to Council Policy, the standard 10% cash dedication in lieu of land is not to be assessed.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on February 10, 1998. Sixteen persons registered in support of the application, six registered in opposition, and six registered for information thereto.

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

1. The development does not adversely impact on adjacent properties or the surrounding area, and its scale and density are consistent with neighbouring properties.

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

I. That the plan of subdivision proposed under File DASZ 17/97 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor, in accordance with Schedule "A" for File DASZ 17/97 dated February 2, 1998, for registration in the Winnipeg Land Titles Office.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 17/97, dated February 2, 1998, to an "RM-2" Multiple Family District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to provide for the following:

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A. That final construction plans indicating the design and location of the proposed buildings, including elevations and details of exterior finishing materials, 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.

i) That screening along the easterly fence separating the development from Laurel Bay be in whole, or in part, comprised of deciduous, fast growing trees, a minimum of ten feet in height, and be planted as close together as feasibly possible.

ii) That the applicant be required to meet with the residents of Laurel Bay backing onto the development in order to solicit input into the type of trees and other screening that may be planted, and that the results of the meeting be made available to the Chief Administrative Officer or designate for their consideration.

B. That not more than 39 (thirty nine) dwelling units be erected or located on the land.

C. That no vehicular approach for ingress to or egress from the lands be constructed on Hillhouse Road and that primary access be provided via Kingsbury Avenue.

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

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

VI. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, except that the "RM-2" District, applying to proposed Lot 2, shall come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands.

VII. 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.

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

Adopted by consent.

(See Minute No. 497 for attachment)

Proposed Rezoning - land located at 11 Pioneer Boulevard, east of Westbrook Street - City Centre Community

File DAZ 226/97A

455 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from DS Lea Consultants Ltd. on behalf of the Forks North Portage Partnership, to amend By-Law No. 4800/88 by rezoning the land:

i)	from: "Nrf"- Non-Residential Use Group F	to: "Nrg" - Non-residential Use Group G
ii)	from: "BR-8"- Bulk Range Eight	to: "BR-5"- Bulk Range Five
iii)	from: "P/L2"-Parking Loading Range Two	to: "P/L1"- Parking Loading Range One
iv)	from: "S-1"- Sign Range One	to: "S-3" - Sign Range Three
v)	from: "RB"- Riverbank Design Review	to: "PL"- Pedestrian-Level Review

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to accommodate a small portion of the proposed baseball stadium development and to allow for future expansion of The Forks development in the area north of Pioneer Avenue.

The following is the present site description:

The site in question ranges in width from 88 feet to 150 feet, and is approximately 1,365 feet in length between the CNR High Line Bridge to the north and the Provencher Bridge to the south. The current zoning designation with respect to use is a "Ra" Residential Use Group A and "NRf" Non-Residential Use Group F wherein the only permitted use of the land is park, however, dwelling units may be permitted by conditional use. The existing primary flood control dike runs the length of the parcel and divides it into two strips, one top of bank and the other river edge. It is the portion west of the dike, as outlined on Schedule "A", that the applicant is looking to rezone. The parcel has no existing street access, but the City will be constructing an extension to Pioneer Boulevard from Pioneer Avenue to Lombard Avenue as part of the Fork's access strategy. The parcel is bordered by the City lands under lease to the baseball proponent on the west side of the proposed road and City lands (triangular parcel) on the east side of the proposed road adjacent the Provencher Bridge. The flood plain and the Red River run the length of the proposed rezoning on the east side of the dike.

The subject lands are basically comprised of three development areas:

1. Land required to accommodate the proposed baseball stadium.

2. Land required for the extension of Pioneer Boulevard north from The Forks to connect to Lombard Avenue.

3. Residual lands which may have potential for development in conjunction with adjacent City-owned lands. Uses contemplated for these lands resulting from a Request For Proposals tendered by the Forks North Portage Partnership are a 125 unit eco-village housing development or a marina/restaurant/brew pub.

The existing and requested zoning designations are summarized as follows:

USE
Existing: Non-Residential Group F -- the only permitted principal use is park.
Requested: Non-Residential Group G -- a broad range of principal and secondary uses are permitted. The majority of the Forks site and the adjoining City-owned lands are presently designated "Nrg"

BULK
Existing: Bulk Range Eight -- all buildings or structures require a conditional use approval
Requested: Bulk Range Five -- permits a maximum floor area ratio of 6:00 with bonus provisions if connected to the weather-protected pedestrian system (adjoining lands to the west are designated "BR-5")

PARKING AND LOADING
Existing: Parking and Loading Range Two -- accessory parking and loading may be provided only subject to a conditional use approval (this designation applies generally to riverbank and Exchange district lands)
Requested: Parking and Loading Range One -- requires parking for residential, hotel and office uses and loading spaces for most uses (the adjoining lands to the west are designated "P/L 1")

SIGNS
Existing: Sign Range One -- permits small non-illuminated facia identification, canopy or podium and directional signs (the riverbank lands and residential areas around Central park and South of Broadway carry this designation)
Requested: Sign Range Three -- allows illuminated facia and free-standing signs (the adjoining lands to the west are designated "S-3")

URBAN DESIGN
Existing: Riverbank Design Review -- the intent of the Riverbank Design provisions are to require and assist property owners to protect and enhance the natural setting (this designation affects lands south of Assiniboine Avenue and abutting the Assiniboine River and lands west of the Red River)
Requested: Pedestrian-Level Design Review -- the intent of the "PL" provisions are to maintain architectural and other details of existing buildings and to create such details of new buildings which protect and enhance the pedestrian environment (the adjoining lands to the west are designated "PL")

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Zoning By-Law No. 4800/88 established a strip of land adjacent to the Red and Assiniboine Rivers as "NRf" wherein the only listed permitted use outright is a park. The intent of this was to protect public access to the rivers.

The Community Planning Division supports the requested rezoning as it applies to that small portion of the subject lands as required to accommodate the baseball stadium. These lands are outlined as Parcel 2B on Schedule "B". This portion of the rezoning constitutes a minor adjustment to the zoning mapping and would not alter the intent of the zoning by-law.

The rezoning and redevelopment of the remaining subject lands is a more complex issue. Clearly Forks Phase II Plan proposes development of the lands north of Pioneer Avenue. This plan has been endorsed by Council.

However, there are a number of issues yet unresolved which will impact how development of these lands might occur and at what cost. These unresolved issues are:

- The design of the Pioneer Blvd. Extension northward to Lombard Avenue
- Flood protection -- will the primary dike be integrated into the new Pioneer Blvd. and what portion of the timber dike will be retained if any?
- If it does not remain how will the subject lands be protected, since those lands outside the dike are restricted to seasonal uses only?
- The location of the riverwalk extension in this area has not yet been finalized
- Negotiations for inclusion of the adjoining City-owned lands required for access to Pioneer Blvd. have not commenced.
- What uses the Forks development will consist of and how their character, scale and interface with the riverbank lands will have to be addressed.

With all of these issues yet to be resolved, the Community Planning Division considers this rezoning to be premature excepting the minor adjustment required for the baseball stadium. The Forks North Portage Partnership has suggested that without the rezoning it will be difficult for them to proceed with further negotiations with development proponents, however the necessary rezoning can be accomplished in a short time as negotiations and more detailed plans evolve. Options such as amending the non-residential use designation only and leaving all other zoning designations unchanged whereas as any structures and parking could be established as a conditional use and/or proceeding with some zoning change subject to the applicant entering into a Zoning Agreement with the City have been discussed with the applicant. The Community Planning Division remains of the view that additional information respecting the outstanding issues noted above is required for the Community Committee to determine whether the requested zoning changes to the entire parcel are appropriate at this time.

The Administration advised that if the Community Committee concurred with this position, then the Community Committee recommendation could be to proceed only with rezoning of Parcel 2B and in effect not approve the application as it pertains to the remaining lands or the application could be split into two parts proceeding with the rezoning of Parcel 2B and laying over the remaining portion of the rezoning.

A Public Hearing was held before the City Centre Community Committee on January 13, 1998. Four persons were heard in support of the application, four persons were heard in opposition thereto, and the Senior Planner Co-ordinator and the Senior Urban Planner, from the Community Services Department, were in attendance for the City.

The City Centre Community Committee recommended the rezoning application under File DAZ 226/97 be divided into two parcels: Parcel "A" under File DAZ 226/97A to be comprised of the land shown as Parcel 2B on Schedule "B" dated January 9, 1998; and, Parcel "B" under File No. DAZ 226/97B to be comprised of all remaining lands.

The City Centre Community Committee recommended that the proposed rezoning of Parcel "A" under File DAZ 226/97A (comprised of the land shown as Parcel 2B on Schedule "B" dated January 9, 1998) be approved for the following reasons:

1. The Community Planning Division supports the requested rezoning as it applies to that small portion of the subject lands as required to accommodate the baseball stadium as this portion of the rezoning constitutes a minor adjustment to the zoning mapping and would not alter the intent of the zoning by-law.

2. Although rezoning and development of the remaining subject lands under Forks Phase II Plan which proposes development of the lands north of Pioneer Avenue has been endorsed by City Council, there are a number of issues yet unresolved which will impact how development of these lands might occur and at what cost.

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3. With all of the issues yet to be resolved, the rezoning is considered to be premature excepting the minor adjustment required for the baseball stadium and additional information is required to determine whether the requested zoning changes to the entire parcel are appropriate at this time.

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

I. That By-law No. 4800/88 be amended by rezoning the land comprising Parcel "A" under File DAZ 226/97A, outlined as Parcel 2B on Schedule "B", dated January 9, 1998, to an "NRg" Non-Residential Group G, "BR-5" Bulk Range Five, "P/L1" Parking Loading Range One, "S3" Sign Range Three, and "PL" Pedestrian-Level Review.

II. That the 10 per cent dedication requirement 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 be waived.

III. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four 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.

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.

For the information of Council, the City Centre Community Committee adjourned the Public Hearing with respect to Parcel "B" under File DAZ 226/97B, being all the remaining lands, to a Special Meeting of the Community Committee on March 10, 1998, to allow an opportunity to arrive at a resolution of unresolved issues.

Adopted by consent.

(See Minute No. 446 for opposition recorded by Councillor Thomas)

(See Minute No. 498 for attachments)

Proposed Rezoning - land located at the northwest corner of Wilkes Avenue and Waverley Street - Assiniboia Community
File DAZ 204/98 [c/r DAV 61/98D and DAZ 227/97]

456 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from I.L.S. Care Communities, to amend By-Law No. 6400/94 by rezoning the land shown below from an "M1" Industrial District and an "M2" Industrial District to an "RM-3" Multiple-Family District to allow for the construction of multiple family development.

The following is the present site description:

Site Area: Approximately 416,040 square feet (9.55 acres)

Existing Land Use and Zoning: Vacant; zoned "M1" and "M2" Industrial Districts

The following is the surrounding land use and zoning:

North: Canadian National Railway mainline; zoned "M2" Industrial District, and short-course golf training facility and rehabilitation/fitness centre; zoned "MP-S" Industrial District

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South: Vacant, across Wilkes Avenue; zoned "C2" Commercial District

East: Vacant, across Waverley Street; zoned "M1" Industrial District

West: Church, school and auditorium; zoned "C2" Commercial District

The applicant proposes to rezone the subject property to "RM-3" Commercial District, in order to establish 264 units of Supportive Housing and Assisted (Independent) Living Housing. The assisted living component (three-storey, 120 units) is composed of studio, one-bedroom, and two-bedroom suites, with kitchenette eating areas. A commercial kitchen and communal dining area are also provided. The supportive component (two-storey, 144 units) clusters twelve bedroom/bathroom units around communal kitchen, dining, living, and activity areas.

Approximately 70 parking spaces are provided for visitors and staff. This total exceeds the 53 parking spaces required for this use ("multiple-family dwellings for senior citizens or handicapped persons", one per five dwelling units). Plans indicate two loading areas. Access is provided from Wilkes Avenue, at the south west corner of the site.

Multiple-Family Dwelling is not a permitted use in "M1" or "M2" Industrial District under Zoning By-Law No. 6400/94. The applicant, in an effort to expedite construction, has submitted the accompanying application for a temporary variance in use (DAV 61/98D).

The applicant reapplied to rezone the land to "RM-3" in accordance with Recommendation VIII of File DAZ 227/97. The Administration anticipates a letter from the applicant requesting that File DAZ 227/97 be filed, should Assiniboia Community Committee recommend approval of File DAZ 204/98. (As information, on February 25, 1998, Council filed Clause 1 of the Report of the Standing Policy Committee on Property and Development, with respect to File DAZ 227/97, inasmuch as the applicant withdrew the application.)

The proposed rezoning and multiple-family development are consistent with the immediate and surrounding areas. Proposed development should not adversely impact neighbouring properties. This housing concept is somewhat unique in its approach to seniors housing, from the standpoint of operation and layout. The applicant has consulted with provincial health officials, who are supportive of the development. In addition, Grant Memorial Baptist Church (neighbour to the immediate west) has been informed of the development, and they too are supportive. Plans submitted indicate the nearest residential unit is located a minimum of 280 feet from the railway right-of-way to the north.

The proposed use conforms to neighbouring development and the Residential/Institutional/Cultural uses anticipated in the Wilkes Area Planning Study (1988). Included in the purchase price are the Trunk Sewer Rate, Sterling Lyon Parkway, and any other City of Winnipeg dedication fees. Private approaches are subject to the approval of the Director of Public Works (in accordance with terms of the Sales Agreement). As well, the applicant has agreed not to claim compensation in the event of a grade separation at the CNR crossing of Waverley Street and not to oppose such grade separation.

A Public Hearing was held before the Assiniboia Community Committee on February 23, 1998. Two persons appeared in support of the application, and no one registered in opposition thereto.

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

1. The application is unique and the first of its kind in Winnipeg which considers our aging population and allows cohabitation of people wishing to remain together.

The Standing Policy Committee on Property and Development recommends:

I. That By-law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule "A", for File DAZ 204/98 dated February 12, 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:

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1. That the use of the land be restricted to the following:

   a) Multiple-Family Dwelling;
   b) Accessory Uses.

II. That the 10 per cent dedication in lieu of land dedication be paid to the Parks and Recreation Property Acquisition Fund, from the purchase price, in accordance with the terms of the Sales Agreement.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four 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 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. 499 for attachment)

Proposed Sale/Lease of a Portion of Lindsay Wilson Park situated south of Boisselle Bay - Riel Community
Files FI-2.3(35) and PR-7(35) (Vol. 3)

457 - 11. The Standing Policy Committee on Property and Development has been advised that as part of the preparation of working drawings for the development of Lindsay Wilson Park, situated in the Island Lakes residential area of the Riel Community, the Consultant determined that encroachments existed along the northern boundary of Lindsay Wilson Park.

On September 23, 1997, the Ward Councillor and representatives of the former Parks and Recreation Department met with the residents of Boisselle Bay to discuss the issue of encroachments.

On October 8, 1997, a follow-up meeting was held with the residents of Boisselle Bay to discuss options for resolving the encroachment issues.

During the period between October and December 1997, the Boisselle Bay residents and representatives from the former Parks and Recreation Department corresponded regarding options and preferences for resolving this matter.

The subject property, as outlined on Plan No. 1-98, is situated south of Boisselle Bay and adjacent to John Bruce Road. The property is commonly known as Lindsay Wilson Park and is approximately 16 acres and is currently undeveloped.

During the summer of 1997, a landscape contractor was engaged to begin the construction of the first 100 feet of Lindsay Wilson Park, south of Boisselle Bay, in accordance with Plan No. 2-98. As part of the construction process, a site survey was completed. The survey indicated that encroachments existed along the northern boundary of the Park and that same needed to be resolved prior to commencing with any improvements.

Various encroachments, as outlined on Plan No. 3-98 A and B, exist at the rear of residences along Boisselle Bay. The encroachments consist of permanent structures such as fences and storage sheds and non-permanent structures such as swing sets and bird feeders.

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During the fall of 1997, various options were provided to the residents to resolve these matters. As of January 28, 1998, responses have been received from nine owners along Boisselle Bay. Based on the responses to either lease or purchase a portion of the public reserve, the Administration has identified the portions of the public reserve which may be offered to each resident along Boisselle Bay (Plan No. 3-98A). By disposing or leasing various portions of the public reserve, the matter of existing encroachments number between 22 and 54 Boisselle Bay will be resolved.

Although the option of a lease or sale of a portion of public reserve was also offered to the residents between 58 and 74 Boisselle Bay, as outlined on Plan No. 3-98B, only two of the five owners responded. As a result, the lease or sale of any portion of this public reserve would create irregular "jogs" in the property boundary, and as such, issues of park safety and park maintenance would arise. Therefore, the Administration is not supportive of declaring this portion of the public reserve as surplus for the purpose of regularizing the encroachments. As such, the owners of number 58, 66 and 70 Boisselle Bay will be asked to remove the subject encroachments.

Being as the sale or lease of a portion of the public reserve between 22 and 54 Boisselle Bay will enable a resolution of the encroachments and that the residents will be more satisfied with larger rear yards to accommodate backyard amenities, the Administration is supportive of declaring a portion of Lindsay Wilson Park as surplus as outlined on Plan No. 3-98A.

There are no Current or Capital Budget implications associated with this matter. The proposed sale, lease and realty tax revenues will be identified in a separate report.

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

On February 17, 1998, the Riel Community Committee considered and concurred in the recommendations contained in the report dated January 28, 1998, from the Director of Public Works, as outlined below.

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

I. That the subject property located south of Boisselle Bay, and adjacent to John Bruce Road, as outlined on Plan No. 3-98A, be declared surplus to parks and recreation purposes.

II. That the Director of Property and Development Services be requested to initiate negotiation with the Boisselle Bay property owners to finalize either a lease or sale of the subject property, as outlined on Plan No. 3-98A.

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

Copies of Plan Nos. 1-98, 2-98, 3-98A and 3-98B are on file in the Office of the City Clerk.

Adopted by consent.

Proposed Amendment to the Development Procedures By-law No. 5893/92
File GL-5.6 (Vol. 9)

458 - 12. The Standing Policy Committee on Property and Development has been advised that amendments to The City of Winnipeg Act, which received Royal Assent on November 3, 1995, enacted subsections 608.1(1) and 612.1(1). Subsection 608.1(1) authorizes a designated City Administrator to terminate orders of variance and 612.1(1) authorizes a designated City Administrator to terminate approved conditional use orders.

Numerous approved orders of variance and conditional use remain active in the files of the Property and Development Services Department, but have never been acted upon by the owner/applicant, and do not have an automatic expiry date. The owners of such properties have found these orders to be seen as an encumbrance on their properties as they have not been acted upon and may contain restrictive conditions unrelated to the actual development of the site.

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The proposed amendment will allow a designated City Administrator to terminate such orders in accordance with subsections 608.1(2) and 612.1(2), i.e., with the written consent of every person who is an owner of the subject property as defined in The Real Property Act.

The Standing Policy Committee on Property and Development recommends:

I. That the Development Procedures By-law No. 5893/92 be amended to give a designated City Administrator the authority to repeal an order of variance or conditional use, upon the request and consent in writing, from the owner of the property.

II. That the City Solicitor/Manager of Legal Services be requested to do all things necessary to effect the intent of the foregoing.

Adopted by consent.