REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 25, 1997

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development dated November 25, 1997, was considered.

Heritage Tax Credit Program
File G-3 (Vol. 8) [c/r G-3.1 (Vol. 6)]

328 - 1. The Standing Policy Committee on Property and Development has been advised that on December 12, 1996, Council adopted Clause 2 of the Report of the Committee on Planning and Community Services dated November 26, 1996, with respect to the City of Winnipeg Heritage Conservation Tax Credit.

The said Clause stipulated as follows:

I. That the Proposed City of Winnipeg Heritage Conservation Tax Credit, as outlined on Schedule "A", be approved.

II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council, in accordance with Schedule "A".

On September 2, 1997, the Committee on Planning and Community Services was advised by the Chairperson of the Historical Buildings Committee that Dr. Robert Fenton, Department of Economics, University of Winnipeg, was contracted by the City to undertake a five-phase study of the potential impacts of the City's Heritage Tax Credit Program.

On September 30, 1997, the Committee on Planning and Community Services considered Report No. 1 - Tax Revenue Impact Analysis and Reports No. 2 - Summary and Technical Reports on Investment Criteria for Heritage Building Renovation; laid the matter over to October 28, 1997, and requested the Administration to prepare a report clarifying the initial Council instructions, criteria, funding, time frames and recovery with respect to heritage tax credits, in consultation with the Commissioner of Planning and Community Services, a Solicitor of the Legal Services Division, the Heritage Planner and the Chairperson of the Historical Buildings Committee.

On October 28, 1997, the Committee on Planning and Community Services again laid over consideration of the matter.

Following consultation with the Administration, the Historical Buildings Committee at its meeting on November 20, 1997, recommended:

1. That Dr. Robert Fenton's Report Nos. 1 and 2 on the economic analysis of the Heritage Tax Credit Program be received as information.

2. That the evaluation criteria outlined in Dr. R. Fenton's Report No. 1 "Tax Revenue Impact Analysis" be utilized at the time of the review of the by-law, the first review to take place two years after the passing of the by-law.

3. That the Council directive of December 12, 1996, with respect to the by-law, be amended as follows:

   (a) That for the first 2 years, the by-law apply only to designated structures located in the Downtown area, as defined in By-law No. 4800/88;

   (b) That the minimum dollar value of eligible work be $10,000.00;

   (c) That, with respect to the retroactive portion of the by-law, the minimum dollar value of eligible work be $10,000.00, and that the structure must have been designated prior to the retroactive work being done; or that a written request to designate the structure must have been submitted by the owner of the building within 12 months of commencement of the eligible work.

Report of the Standing Policy Committee on Property and Development dated November 25, 1997

On November 25, 1997, the Standing Policy Committee on Property and Development considered and concurred in the above recommendations of the Historical Buildings Committee, with the exception of the following, namely: (a) that for the first 2 years, the by-law apply only to designated structures located in the Downtown area, as defined in By-law No. 4800/88.

The Standing Policy Committee on Property and Development therefore recommends:

I. That Dr. Robert Fenton's Report Nos. 1 and 2 on the economic analysis of the Heritage Tax Credit Program be received as information.

II. That the evaluation criteria outlined in Dr. R. Fenton's Report No. 1 "Tax Revenue Impact Analysis" be utilized at the time of the review of the by-law, the first review to take place two years after the passing of the by-law.

III. That the Council directive of December 12, 1996, with respect to the by-law, be amended as follows:

(a) That the minimum dollar value of eligible work be $10,000.00;

(b) That, with respect to the retroactive portion of the by-law, the minimum dollar value of eligible work be $10,000.00, and that the structure must have been designated prior to the retroactive work being done; or that a written request to designate the structure must have been submitted by the owner of the building within 12 months of commencement of the eligible work.

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

Copies of Schedule "A" and Report Nos. 1 and 2 on the economic analysis of the Heritage Tax Credit Program are on file in the Office of the City Clerk.

Inasmuch as the Executive Policy Committee has reconsidered the subject matter at its meeting on February 18, 1998 and has submitted its decision in Clause 4 of its Report dated February 18, 1998, the Executive Policy Committee recommends that Clause 1 of the Standing Policy Committee on Property and Development dated November 25, 1997 be filed.

Moved by Councillor O'Shaughnessy,
That the recommendation of the Executive Policy Committee, that the clause be filed, be adopted.

Carried

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JANUARY 5, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated January 5, 1998, was considered.

Proposed closing of Forks Market Road and of part of Pioneer Boulevard - City Centre Community File DAC 18/97

329 - 1. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Land and Development Services Department has requested that the subject streets, as outlined on Misc. Plan No. CC 9893/2, be closed in order to facilitate the lease of the land to the Forks North Portage Partnership. The streets will be closed in a legal sense only. Public access to the Forks will not be affected in any way.

The Forks North Portage Partnership is the owner of all of the lands contiguous to the streets proposed to be closed. The Partnership currently undertakes the maintenance of the roadways, including street and sidewalk sweeping and snow removal, boulevard maintenance, tree pruning, and replacement of bulbs in lamp standards, without any formal agreement with the City. The Forks North Portage Partnership has requested that the City enter into a lease agreement in which the Partnership will formally assume the responsibility for the maintenance of the streets and control over the access of street vendors in the area. Street vendors cannot be denied access to public streets. It will be necessary to legally close the streets to accomplish this.

The proposed closing has been circulated to all concerned City departments and public utilities with no objections having been received.

The Streets and Transportation Department provided the following comments:

1. Once the streets have been legally closed, laws and regulations pertaining to public streets (ie. The Highway Traffic Act, parking regulations, streets by-law) will no longer apply. This will affect the approval of plans, work by utilities, and other approvals and permits normally required for work within a public street.

2. The Streets and Transportation Department would not normally be able to fund any maintenance including street rehabilitation and street reconstruction once these streets lose their legal status as public right-of-way.

3. The Provincial/City Cost Sharing Agreement to dual Pioneer Boulevard may not apply to the portion of Pioneer Boulevard to be closed.

These concerns will be addressed to the satisfaction of the Streets and Transportation Department.

Conditions relating to the continued maintenance of the Winnipeg Hydro and Water and Waste Department utilities will be addressed in the terms of the lease, as will conditions relating to Fire Department and Winnipeg Transit access requirements.

Centra Gas, MTS NetCom, and Videon Cable have indicated that easements for their facilities will be required.

A report outlining the terms of the lease of the closed streets will be submitted for the approval of the Standing Policy Committee on Property and Development directly. A street closing by-law will not be submitted to Council until the Forks North Portage Partnership has agreed to the terms of the lease.

A Public Hearing was held before the City Centre Community Committee on December 9, 1997. The Supervisor of Property Management, Land and Development Services Department appeared in support of the application, and no one appeared in opposition thereto. The Community Committee recommended approval of the proposed street closing as outlined below.

Report of the Standing Policy Committee on Property and Development dated January 5, 1998

For the information of Council, on December 9, 1997, the City Centre Community Committee recommended that the Land and Development Services Department review the non-commercial park space adjacent to the subject site in order to exempt same from taxation. On January 5, 1998, the Standing Policy Committee on Property and Development concurred in the aforementioned recommendation.

The Standing Policy Committee on Property and Development concurred in the recommendations of the City Centre Community Committee, and therefore 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. CC 9893/2, 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.

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

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

Carried.

Councillors Angus and Murray asked to be recorded as having voted against the referral motion, in accordance with Rule 50.7 of the Procedure By-law.

(See Minute No. 367 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 2, 1998

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

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

Councillor O'Shaughnessy requested that Clause 6 be pulled from the Consent Agenda.

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

Proposed closing of part of Silver Avenue, west of Moray Street - Assiniboia Community File DAC 23/97

330 - 1. The Standing Policy Committee on Property and Development has been advised that the subject street closing, as outlined on Misc. Plan No. 10135/1, has been initiated by the Real Estate Division of the former Land and Development Services Department. The Real Estate Division intends to offer the property for sale. The street must be legally closed before it may be sold.

The proposed closing has been circulated to all concerned City departments and public utilities with no objections having been received. The former Streets and Transportation Department has confirmed that the land is no longer required for street purposes. The Water and Waste Department and MTS NetCom have advised that easements will be required for their plants within the portion of Silver Avenue adjacent to Cree Crescent.

A Public Hearing was held before the Assiniboia Community Committee on January 20, 1998. The Land Document Officer, Property and Development Services Department appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed street closing as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing, in accordance with Misc. Plan No. 10135/1, 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. 368 for attachment)

Report of the Standing Policy Committee on Property and Development dated February 2, 1998

Proposed closing of Estella Street and the Public Lane west of St. James Street and north of Portage Avenue - Assiniboia Community File DAC 24/97

331 - 2. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the former Land and Development Services Department has received offers to purchase the portions of Estella Street and the public lane outlined as "Proposed Closing No. 1" on Misc. Plan No. 10162. The Real Estate Division is also considering selling the balance of street and lane, outlined as "Proposed Closing No. 2" on Misc. Plan No. 10162. The street and lane must be legally closed before they may be sold.

The street and lane are used exclusively by the properties adjacent to them. They are not required as public thoroughfares.

The proposed closing has been circulated to all concerned City departments and public utilities with no objections having been received. The Water and Waste Department and MTS NetCom have identified easement requirements.

The City may not deprive property owners adjacent to public rights-of-way of access to their lands from those rights-of-way. The closure of Estella Street and the public lane is therefore contingent upon their sale to the adjacent property owners. While the Real Estate Division is confident that negotiations for the sale of all of the land will be successful, the sale of the "Proposed Closing No. 1" will likely precede the sale of "Proposed Closing No. 2". The Administration may therefore be required to exercise the authority being sought to close this street and lane in two stages.

A Public Hearing was held before the Assiniboia Community Committee on January 20, 1998. The Land Document Officer, Property and Development Services Department appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed street closing as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing, in accordance with Misc. Plan No. 10162, 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. 369 for attachment)

Proposed closing of Shore Street, Chateau Avenue and the Public Lane north of Bison Drive - Riel Community File DAC 25/97

332 - 3. The Standing Policy Committee on Property and Development has been advised that the subject proposal, as outlined on Misc. Plan No. 10145/2 (Schedule "A"), has been initiated by the Real Estate Division of the former Land and Development Services Department.

The street and lane closing was considered in 1979 as part of a transaction with Qualico Developments Ltd. in which Qualico would acquire the portion of Murchison Drive, as outlined on Misc. Plan No. RIEL 4908/4 (Schedule "B"), and part of the lane north of Bison Drive in exchange for the land outlined as "Proposed Transfer from Qualico to City" on Misc. Plan No. APFG 4909/a (Schedule "C").

Report of the Standing Policy Committee on Property and Development dated February 2, 1998

Negotiations for the exchange were unsuccessful and the matter was filed until 1996, when Qualico Developments Ltd. again approached the City seeking to acquire Murchison Drive. Approval to close the street was received under DAC 10/96. The sale of Murchison Drive has been held in abeyance while the Real Estate Division conducted preliminary discussions with Qualico to determine whether or not Qualico is still interested in the land exchange contemplated in 1979.

The Real Estate Division has now advised that the City's interests would be best served if the sale of Murchison Street was not dependent on the land exchange. The Real Estate Division has recommended that the subject streets and lane be incorporated into the adjacent City property and the lands be offered to the highest bidder.

The proposed closing has been circulated to all concerned City departments and public utilities with no objections having been received. The Water and Waste Department, MTS NetCom, and Videon CableSystems have identified easement requirements.

A Public Hearing was held before the Riel Community Committee on January 20, 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 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. 10145/2, 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. 370 for attachments)

Proposed closing of part of Mill Street - Proposed opening of parts of Westbrook Street and Pioneer Avenue - City Centre Community File DAOC 6/97

333 - 4. The Standing Policy Committee on Property and Development has been advised that the subject street openings and closing, as outlined on Misc. Plan No. 9985/12, have been identified by the former Streets and Transportation Department in connection with the lease of the City property in this area for use as a multi-purpose sports and recreation centre. The openings are required for the realignment of Westbrook Street and Pioneer Avenue. The closing will facilitate the incorporation of a portion of Mill Street into the site.

This proposal has been circulated to all concerned City departments and public utilities with no objections having been received.

Winnipeg Hydro, MTS NetCom, and Videon CableSystems have advised that the realignment of Westbrook Street and Pioneer Avenue may necessitate the relocation of their plants.

The Water and Waste Department has recommended abandoning two facilities within the portion of Mill Street to be closed. The costs of abandoning the facilities range from $4,220.00 if the pipes are left in the ground to $18,600.00 if the pipes are removed.

A Public Hearing was held before the City Centre Community Committee on January 13, 1998. The Land Document Officer of the former Land and Development Services Department appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed street closing and openings as outlined below.

Report of the Standing Policy Committee on Property and Development dated February 2, 1998

The Standing Policy Committee on Property and Development concurred in the recommendations of the City Centre 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 and openings, in accordance with Misc. Plan No. 9985/12, 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. 371 for attachment)

Request for Amendment to Development Agreement AG 228/89 - land located at the southwest corner of McGillivray Boulevard at Waverley Street - Assiniboia Community
File DAZ 228/89

334 - 5. Council, on March 27, 1991, adopted Clause 9 of the Report of the former Committee on Planning and Community Services dated March 11, 1991, and approved the development application for the property on the southwest corner of McGillivary Boulevard at Waverley Street, subject to, among other conditions, the following:

"1. The Developer shall at no expense to the City, construct a portland cement concrete pavement to a width of 7.5m and a thickness of 200mm in the service road serving the proposed development from the access point at McGillivray Boulevard to Waverley Street including boulevard improvements and land drainage sewers, all as determined by and to the satisfaction of the Commissioner of Works and Operations. The City shall advertise the work as a Local Improvement and if successful shall reimburse the Developer for the privately-owned property owners’ and the City’s share of the cost thereof as determined by the Commissioner of Works and Operations and the City Treasurer."

The application was not acted upon following Council’s approval but extensions were approved by Council on July 22, 1993, and on December 17, 1997, to allow the applicant to finalize the matter.

The applicant has retained the services of a Consulting Engineer to prepare a cost estimate of the required concrete pavement and associated work. Due to the significant cost of the work, i.e. $178,000.00 and the uncertainty as to whether a Local Improvement By-law will be enacted to enable the applicant to recover part of his costs, the applicant has requested that the City reduce the required road upgrading from a total reconstruction down to asphalting the existing roadway. The Consulting Engineer in a report dated December 10, 1997, recommended that the following work be carried out: seal the pavement cracks, widen the pavement to 24 feet, add a 4 inch lift of asphalt, and widen the shoulders to 3 feet.

The Consulting Engineer further recommended that the existing pavement and granular course thickness be confirmed by a qualified geotechnical engineer. The Consulting Engineer also advised that the present land drainage system for McDonald Road appears to be functioning very well and should not have to be improved.

The applicant’s request and the Consulting Engineer’s report in the matter have been considered by the Administration and there is no disagreement with the reasonableness of the proposal. However, Section 5A-34 of Plan Winnipeg requires "a full range of municipal services and infrastructure for new development in industrial areas". The Administration must therefore recommend that the original condition for concrete pavement and associated work not be amended.

The Administration advised that if the Assiniboia Community Committee was of the view that the McDonald Road situation warranted special consideration, it could recommend that the condition contained in Council’s approval of March 27, 1991, dealing with the construction of a concrete pavement and associated work in McDonald Road be deleted, and that a new Condition No. 1 be inserted as follows:

Report of the Standing Policy Committee on Property and Development dated February 2, 1998

"1. The Developer shall at no expense to the City improve the existing roadway within McDonald Road from the McGillivray Boulevard concrete pavement easterly to the Waverley Street pavement as proposed by Manengco Engineering in a report dated December 10, 1997, to the satisfaction of the Director of Public Works."

On January 20, 1998, the Assiniboia Community Committee recommended that Condition No. 1 of the Administrative Co-ordinating Group, dated June 23, 1989, adopted by Council on March 27, 1991, be deleted and replaced as outlined.

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

I. That Condition No. 1 of Development Agreement AG 228/89, dated June 23, 1989, adopted by Council on March 27, 1991, dealing with the construction of a concrete pavement and associated work in McDonald Road, be deleted and replaced with the following new Condition No. 1:

"1. The Developer shall at no expense to the City improve the existing roadway within McDonald Road from the McGillivray Boulevard concrete pavement easterly to the Waverley Street pavement as proposed by Manengco Engineering in a report dated December 10, 1997, to the satisfaction of the Director of Public Works."

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

Adopted by consent.

Proposed Rezoning - land located at the north west corner of Wilkes Avenue and Waverley Street - Assiniboia Community File DAZ 227/97 [c/r DCU 2/98D]

335 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from I.L.S. Care Communities Inc., to amend By-Law No. 6400/94 by rezoning the land from an "M1" Industrial District and an "M2" Industrial District to a "C2" Commercial District to allow for the construction of multiple-family development (subject to Conditional Use approval).

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.

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 "C2" 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.

Report of the Standing Policy Committee on Property and Development dated February 2, 1998

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

Multiple-Family Dwelling is defined as a Conditional Use under Zoning By-Law No. 6400/94. This use is the subject of File No. DCU 2/98D.

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.

Due to access issues and the proximity of undeveloped "C2" zoned property, the Community Planning Division advises the uses permitted onsite be restricted in accordance with the recommendation.

A Public Hearing was held before the Assiniboia Community Committee on January 20, 1998. Nine 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 reasons:

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.

2. That the intent of rezoning the subject land is to allow the applicant to move forward and acquire a foundation permit, as well as to reapply for rezoning to a Residential District, which is a more appropriate zoning than a Commercial District and suits the intent of the long term plan for the area.

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 227/97, dated January 13, 1998, to a "C2" Commercial District, subject to the following:

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

      1. That the use of the land be restricted to the following, all subject to Conditional Use approval:

         a) Multiple-Family Dwelling;
         b) Accessory Uses to the above for in-house 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 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 February 2, 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 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.

VIII. That the applicant reapply for rezoning of the subject land to an appropriate residential zoning deemed reasonable by the Property and Development Services Department.

Moved by Councillor O'Shaughnessy,

THAT inasmuch as the Applicant, by way of letter dated February 24, 1998, which is on file in the Office of the City Clerk, withdrew the rezoning application DAZ 227/97, the clause be filed;

AND THAT for the information of Council, on February 23, 1998, the Assiniboia Community Committee held a public hearing on a new rezoning application DAZ 204/98 for the subject property, and recommended approval subject to conditions.

The motion that the clause be filed was put and declared carried.

Proposed Zoning Agreement Amendment - land located at 7 Empress Street East - City Centre Community File ZAA 16/97 [c/r DAZ 289/85, ZAA 6/90]

336 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Fillmore and Riley, Barristers and Solicitors, 1700-360 Main Street, Winnipeg, to amend the Zoning Agreement affecting the property located at 7 Empress Street East.

The subject property lies to the south of the St. James Presbyterian Church at 1476 Portage Avenue, in the island created by the Empress/Doreen Streets ramp to Portage Avenue. The island also contains the St. John's Ambulance complex, "Blinds are Beautiful", and the Donwood personal care home. The site is 31,586 square feet.

In 1985, the property was part of a larger site rezoned to permit multiple-family development, with approval received for construction of the Donwood West personal care home. Plans submitted at the time showed the larger site divided into three individual development pads. The most northerly pad contains the Donwood West. The middle pad to the south received approval for a second seniors' tower which was never constructed, and remains vacant. The most southerly parcel, the subject site, was initially intended for apartment development but was subsequently subdivided and is currently vacant.

The St. James Presbyterian Church wishes to purchase the property (Lot 1, Plan 21151) for parking lot development. The site is subject to Zoning Agreement DAZ 289/85, as amended by ZAA 6/90, which restricts the use of the land to elderly persons' housing. The current application would enable use of the property for church and parking purposes. Related applications have been made for conditional use approval, to enable expansion of the church use in an "RM-4A" zone, and for zoning variances to permit substandard parking lot development.

Access to the parking area is via easement over Lot 3, Plan 21151, from Portage Avenue. The parking layout shows spaces for 89 vehicles, in addition to the 17 or so existing church stalls. The parking area is needed as the location of the church encourages congregates to drive.

The Administration supports the application as an appropriate use of the land.

A Public Hearing was held before the City Centre Community Committee on January 13, 1998. One person was heard in support of the application, and no one registered in opposition thereto.

The City Centre Community Committee recommended that the proposed Zoning Agreement Amendment be approved for the following reasons:

1. The Community Planning Division supports the application as an appropriate use of the land.

2. The subject site, under a rezoning application in 1985, was initially intended for apartment development but was subsequently subdivided and is currently vacant.

3. The St. James Presbyterian Church wishes to purchase the property for parking lot development, access to which is via easement over Lot 3, Plan 21151 from Portage Avenue and the parking layout shows spaces for 89 vehicles, which parking area is needed as the location of the church encourages congregates to drive.

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

I. That Zoning Agreement DAZ 289/85 dated February 26, 1985, as amended, be further amended by adding the following uses to the list of permitted uses contained in Article No. 2:

- church and accessory uses.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 289/85 as approved in aforesaid Recommendation I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

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

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 3, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated February 3, 1998, was considered clause by clause.

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

Carried.

Proposal to Declare City-owned lands located at 120 Eugenie Street as Surplus - Riel Community File FI-2.4(35) (Vol. 4)

337 - 1. The Standing Policy Committee on Property and Development has been advised that the facility at 120 Eugenie Street is a former library branch vacated by the Libraries Department upon amalgamation of two St. Boniface libraries to Provencher Boulevard. Subsequently, the Community Services Department occupied the facility but has since vacated upon space more appropriate for its needs becoming available at 219 Provencher Boulevard.

A report prepared by the former Civic Buildings Department, entitled "Potentially Surplus City Buildings" dated October 16, 1996, was forwarded to the former Committee on Finance and Administration suggesting that while the former Civic Buildings Department was surveying other Departments to determine potential alternative civic uses, in all likelihood, this building should be declared surplus and made available for sale.

In considering the October 16, 1996 report, the Riel Community Committee, at its meeting held September 15, 1997, recommended that the matter of 120 Eugenie Street be laid over to December 8, 1997, to afford the Ward Councillor D. Vandal the opportunity of formulating with the Administration appropriate terms of reference for a Request for Proposal to determine what interest exists in the community for the use of the subject property. At the Community Committee meeting on December 8, 1997, the matter was further laid over to January 20, 1998.

On January 20, 1998, the Riel Community Committee recommended that 120 Eugenie Street be declared surplus to the City's requirements, and that the Property and Development Services Department be authorized to prepare Requests for Proposals for the lease of the subject property to a third party and for the sale of the subject property. The Community Committee also recommended that the eventual use of the subject property be compatible with the surrounding park.

The subject facility is located at the northeast corner of Coronation Park at the intersection of Eugenie Street and Tache Avenue, as outlined on Plan No. 28-97 (Schedule "A").

Coronation Park is a passive park dating back to the 1930's with mature trees, shrubs and plants, a pathway system, and War memorial. The park is the largest park serving the Norwood area with the exception of the Norwood Community Centre.

The former Civic Buildings Department identified four potential courses of action with respect to the subject facility:

1. Re-use for Civic needs,
2. Demolition,
3. Lease to a third party, or
4. Sale.

Report of the Standing Policy Committee on Property and Development dated February 3, 1998

RE-USE FOR CIVIC NEEDS

The former Civic Buildings Department reviewed the subject facility and concluded that relative to other facilities in the portfolio, it is not a cost effective/efficient facility nor a strategic location for civic purposes, and therefore should be considered surplus to civic needs.

DEMOLITION

Coronation Park is an integral part of the Norwood Community. In addition, Coronation Park's continued existence and any potential expansion into the site area currently occupied by the subject facility would likely be considered favourable in the community. However, the building is only thirty six years old and in relative good condition. As such, it is considered to have a remaining economic life such that it will remain useful for light commercial purposes for many years to come. As such, demolition is considered premature at this time.

LEASE TO A THIRD PARTY

The former Civic Buildings Department communicated with the former Parks and Recreation Department regarding disposition of the subject facility. Comments of the former Parks and Recreation Department are as follows:

"The former use of the City-owned building as a library was compatible with the adjoining passive park. The Department has no objection to the continued use of the building provided that its use is complementary with Coronation Park. Accordingly, the Department is supportive of using the building for alternative purposes provided that it meets the following conditions:

1. That the building be offered to an external user under a lease basis only whereby the City can directly control its use;
2. That the leased use of the building be compatible with Coronation Park;
3. That preference be given to a Lessee of the building which provides a public service; such as a Daycare or Senior's Centre on a full chargeback recovery cost basis; and
4. That the lease of the building be limited exclusively to that of the existing building, without encroaching further into the treed area south of the existing building.

Provided that the above referenced conditions are met, the Department is supportive of the previous direction to Community Committee of declaring the property as surplus to civic requirements and of leasing the building for an alternative use."

While the mandate of the former Civic Buildings Department does not include leasing of civic buildings to third parties, the City through the former Land and Development Services Department, has on occasion entered into such arrangements. Made available on a "strict lease" basis, that is, a lease at Market Value with any prospective tenant responsible for all occupancy costs, i.e. base rent, operating costs, and portfolio costs of the Civic Buildings Utility, there would likely be no negative budgetary impact.

In the case of a Request for Proposal to identify social and community needs, the City would likely require that in addition to responsibility for rent, any potential tenant be reviewed with respect to other considerations, for example, those outlined by the former Parks and Recreation Department (use control, compatible with Coronation Park, social service delivery). However, a tenant meeting such criteria would likely be unable/unwilling to fund all occupancy costs.

A shortfall in any cost items, i.e. base rent, operating cost, portfolio cost, would require Committees of Council either waive the "strict lease" requirement that all tenants be responsible for such occupancy costs or require the sponsoring Department to budget for the shortfall, if any.

SALE

Given the surplus nature of the facility for civic purposes, special conditions for continued use of the subject facility as outlined by the former Parks and Recreation Department can be imposed either in a sale agreement or perhaps by way of the required re-zoning of the subject property.

Report of the Standing Policy Committee on Property and Development dated February 3, 1998

FINANCIAL IMPACT: MARKET LEASE VERSUS SELL ANALYSIS

A Market Lease versus Sell Analysis for a five-year period with respect to the subject facility has been prepared (Schedule "B") . A Financial Impact Analysis for a five year period has also been prepared. (Schedule "C").

The Administration recommends that 120 Eugenie Street be declared surplus, and the Director of Property and Development Services be authorized to sell the subject facility.

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

The Standing Policy Committee on Property and Development recommends:

I. That the City-owned property located at 120 Eugenie Street, as outlined on Plan No. 28-97, not be declared surplus to the City's requirements.

II. That the Director of Property and Development Services be authorized to prepare a Request for Proposals on the lease of the subject property to a third party, taking into consideration that the eventual use of the subject property is to be compatible with the surrounding park.

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

Copies of Schedules "A", "B" and "C" are on file in the Office of the City Clerk.

Adopted by consent.

Proposed Sale of southeast corner of Waverley Street and Taylor Avenue to Mondo Foods Company Ltd.
File FI-2.4(32) (Vol. 5)

338 - 2. Council, on September 26, 1996, in adopting the recommendations of the former Committee on Finance and Administration, declared the City-owned property located at the southeast corner of Waverley Street and Taylor Avenue as surplus to the City's requirements.

Council, on December 11, 1996, in adopting the recommendations of the former Committee on Finance and Administration approved the sale of the subject City-owned property, as outlined on Misc. Plan No. CC 8123/4, be approved to Mondo Foods Company Ltd. for the price of $310,000.00 in accordance with the terms and conditions outlined and subject to all the necessary easements required by the City and other utilities, subject to:

a) the deletion of the requirement for the City to effect the removal of the referenced Mediacom sign other than by mutual arrangement with the parties concerned; and

b) the responsibility for the maintenance of the land to be retained by the City to be assumed by the Mondo Foods Company Ltd. as part of the rental to be negotiated with the City for sign placement and vehicular approach rights.

On January 6, 1998, the Standing Policy Committee on Property and Development considered report dated December 19, 1997, from the former Land and Development Services Department, and directed that Mondo Foods Company Ltd. be given until February 15, 1998, to confirm the original sale agreement, or to accept the proposed changes subject to the purchaser paying all of the costs of the retaining wall and appurtenant costs.

In response to the above, Mondo Foods Company Ltd. has redesigned the layout of its project on the site so as to eliminate the need to construct its facility on the land being retained by the City for the future grade separation project (Site Plan Option Two).

Report of the Standing Policy Committee on Property and Development dated February 3, 1998

The redesign of the project has resulted in the Phase One portion of the project being moved eastward on the site and physically separated from Phase Two in order to satisfy the requirements of the Manitoba Hydro easement. Mondo Foods Company Ltd. has proposed that it be permitted to establish additional parking for its development within the grade separation land. The proposed parking area would be located on the grade separation lands that Mondo Foods Company Ltd. had agreed to lease from the City for the purposes of installing a sign and landscaping. The former Streets and Transportation Department orally advised that a retaining wall will not be required under the Mondo Foods Company Ltd.'s Option Two. The Department is not opposed to the construction of the parking area on these lands and has indicated that the lands will be needed for a road detour should the grade separation be required. The Department indicated that there will be no additional cost to Mondo Foods Company Ltd. as a result of the City's use of the lands and restoration of the parking area upon completion of the grade separation project.

Mondo Foods Company Ltd. advised that the change in design and additional costs of construction arising out of soil conditions has resulted in additional development costs, and requested a reduction of $100,000.00 in the price. That is, the proposed sale price would be $210,000.00.

The Property and Development Services Department has carried out a review of the pricing structure for the site in view of the current information. The Department has indicated to Mondo Foods Company Ltd. that it is sensitive to Mondo's sense of frustration and the additional unforeseen development costs and that it is therefore prepared to recommend a reduced sale price in the amount of $270,000.00. The Department's proposed revised terms and conditions of sale are outlined on letter dated January 23, 1998, to Mondo Foods Company Ltd.

On February 3, 1998, the Standing Policy Committee on Property and Development heard representation from Tom De Nardi and Maria De Nardi, Mondo Foods Company Ltd. and Ralph Schilling, Architect, in this connection.

On February 3, 1998, the Standing Policy Committee on Property and Development directed the Administration to renegotiate with Mondo Foods Company Ltd., and advise that the final price for the sale of the subject City-owned property is $250,000.00, and that the Standing Policy Committee did not concur in Mondo's request to delete the "covenant to construct" provision; and failing acceptance from Mondo Foods Company Ltd. on the two issues, negotiations for the sale of the subject property terminate.

The Standing Policy Committee on Property and Development recommends:

I. That the following recommendation as outlined in Clause 15 of the Report of the former Committee on Finance and Administration dated November 25, 1996, and adopted by Council on December 11, 1996, be rescinded, namely:

> "I. That the sale of the subject City property, as shown on Misc. Plan CC 8123/4, be approved to Mondo Foods Company Limited for the price of $310,000.00 in accordance with the terms and conditions outlined and subject to all the necessary easements required by the City and other utilities, subject to:
>
> a) the deletion of the requirement for the City to effect the removal of the referenced Mediacom sign other than by mutual arrangement with the parties concerned; and
>
> b) the responsibility for the maintenance of the land to be retained by the City to be assumed by the Mondo Foods Company Ltd. as part of the rental to be negotiated with the City for sign placement and vehicular approach rights."

II. That the sale of the subject City-owned property, as outlined on Misc. Plan No. CC 8123/4, be approved to Mondo Foods Company Ltd. for the price of $250,000.00 with the terms and conditions of the sale to be as outlined, subject to the purchaser entering into a lease agreement with the City on the lands outlined as "lands required for street purposes" on Misc. Plan No. CC 8123/4.

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. CC 8123/4 and Site Plan Option Two are on file in the Office of the City Clerk.

Report of the Standing Policy Committee on Property and Development dated February 3, 1998

For the information of Council, on February 3, 1998, Mondo Foods Company Ltd. advised the Property and Development Services Department of its acceptance of the aforesaid two conditions.

Adopted by consent.

Proposed Acquisition of Land - Part of 248 Bonner Avenue for future local street purposes - East Kildonan-Transcona Community File FI-2(33) (Vol. 2)

339 - 3. The Standing Policy Committee on Property and Development has been advised that the former Land and Development Services Department has negotiated the price, as well as terms and conditions of a proposed purchase/sale agreement for the westerly 18.0m of Lot 2, Plan 33530, located on the south side of Bonner Avenue east of Henderson Highway, and outlined as "proposed acquisition" on Misc. Plan No. 10052.

The subject land was originally included as part of a short form subdivision application made by the present owners in 1996. The former Streets and Transportation Department, in conjunction with the Community Services Department, recommended that the land be acquired to provide future street access to a potential future subdivision. On May 22, 1997, the former Board of Commissioners adopted a recommendation that the former Land and Development Services Department be authorized to negotiate the purchase of the land subject to the former Committee on Planning and Community Services approving the acquisition as to "need". On June 3, 1997, the former Committee on Planning and Community Services approved the proposed acquisition as to "need".

The owners modified their original subdivision plans to accommodate the City's request and subsequently offered for sale those lands in which the City had expressed an interest. Ongoing negotiations recently resulted in the proposed purchase/sale agreement as outlined on Schedule "A".

The former Streets and Transportation Department and the Community Services Department had recommended acquisition of the land to protect future access to a potential 26 plus lot subdivision to the south, as outlined on Concept Plans, Schedules "B" and "C". If the land could be acquired at market value prior to being developed with a residential building, the City would be facilitating creation of a new infill subdivision in accordance with the City's concept plan at minimal cost and the City could recover its cost through the future subdivision and development agreements, as well as an increased property tax base. The potential subdivision lands are held by various land owners and no applications for development in the immediate future have yet been presented.

The former Land and Development Services Department recommends acquisition of the subject land for the following reasons:

1. The Community Planning Division advised that the subject lands constitute the only remaining vacant land parcel on the Bonner Avenue frontage suitable for the creation of a public street to facilitate creation of a 26 more or less lot subdivision.

2. The former Streets and Transportation Department advised that the acquisition would be in the City's best interest.

3. The former Land and Development Services Department estimated the acquisition costs to be fair, reasonable and within the estimated market value range.

4. The proposed acquisition costs could be recovered through future subdivision and development agreements when the area is developed.

On January 21, 1997, the East Kildonan-Transcona Community Committee recommended acquisition of the subject lands.

The Controller's Division Certificate No. GU 97-08 indicates that adequate funding for the proposed acquisition has been committed against the "Land Acquisition for the General Unspecified Purposes" Account.

Report of the Standing Policy Committee on Property and Development dated February 3, 1998

The Standing Policy Committee on Property and Development recommends:

I. That the acquisition of the westerly 18.0m of Lot 2, Plan 33530, located on the south side of Bonner Avenue east of Henderson Highway, outlined as "proposed acquisition" on Misc. Plan No. 10052, be approved at a price of $59,000.00, in accordance with the terms and conditions on Schedule "A".

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

Copy of Misc. Plan 10052, Schedules "A", "B" and "C" are on file in the Office of the City Clerk.

Adopted by consent.

Proposed Acceptance of Donation of Land - 1160 rue des Trappistes - Riel Community
File FI-2(35) (Vol. 6)
[c/r G-7 (Vol. 3)]

340 - 4. The Standing Policy Committee on Property and Development has been advised that the former Land and Development Services Department has negotiated the acquisition of 1160 rue des Trappistes, outlined as the "subject property" on Misc. Plan 10152.

In the spring of 1997, the subject property was damaged by flooding, and the house that was on the property was subsequently demolished. During the negotiations with the Province of Manitoba for compensation, the owner had discussions with the M.L.A. and the Ward Councillor. As a result of the discussions, the owner on September 30, 1997, offered to donate the property to the City in exchange for a charitable donation receipt. On November 12, 1997, the former Land and Development Services Department indicated to the owner the conditions under which it would be prepared to recommend acceptance of the donation. The owner indicated acceptance of these conditions on November 20, 1997.

On January 6, 1998, the Standing Policy Committee on Property and Development considered and concurred in the following recommendations contained in the report dated December 11, 1997, from the Chief Administrative Officer, as follows:

1. That the proposed donation of privately-owned property located at 1160 rue des Trappistes be approved in accordance with City Policy regarding the acceptance of donations.

2. That the Director of the (former) Land and Development Services Department be authorized to enter into negotiations with the owner of property located at 1160 rue des Trappistes for the purpose of acquiring it by donation for Lineal Creek - Waterway purposes.

3. That funding in the amount of $3,000.00 be allocated for the acquisition of the property from the Land Acquisition for Riverbank Purposes Account to cover closing and overhead costs associated with the proposed donation.

Acceptance of the proposed donation will limit the City's future liability with regard to future flood protection costs and will give the City ownership of valuable property. The Administration is of the view it is necessary to specify terms for the acceptance of a donation so as to limit any liability the City may incur, and hence the proposed terms and conditions are outlined on Schedule "A".

The owner wanted to complete the transaction prior to December 31, 1997, so as to not be responsible for any portion of the 1998 taxes. In order to accommodate the owner's wish, the proposed terms and conditions include backdating the adjustment date to January 1, 1998. The actual possession date is to be mutually agreed upon and shall be within sixty days of Council's approval.

The owner has an appraisal by an independent appraiser which estimates the value of the vacant property at $45,000.00.

Report of the Standing Policy Committee on Property and Development dated February 3, 1998

Acceptance of the proposed donation will provide additional land needed for Linear Creek - Waterway purposes at this location and will eliminate the placing of substantial fill next to the waterway if the owner were to rebuild, while allowing the current owner to rebuild in a more suitable location.

The report dated December 11, 1997, from the Chief Administrator Officer outlined the financial impact summary, and funding in the amount of $3,000.00 (for closing and overhead costs) is to be allocated from the Land Acquisition for Riverbanks Account.

The Standing Policy Committee on Property and Development recommends:

I. That the acquisition of the property at 1160 rue des Trappistes by donation, as outlined on Misc. Plan No. 10152, be approved, in accordance with the terms and conditions specified on Schedule “A”.

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

Copy of Misc. Plan 10151 and Schedule “A” are on file in the Office of the City Clerk.

Adopted by consent.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

341 - 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. 7160/98, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(32) (Vol. 1)

By-law No. 7161/98 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 3900 Portage Avenue in the Assiniboia Community. File DAZ 224/97

By-law No. 7162/98, 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 southwest corner of Horrox Bay and Riverwest Road in the Lord Selkirk West Kildonan Community. File DASZ 15/97