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 clause by clause.

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

Carried.

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

266 - ***Note: Clause 1 has been laid over by the Executive Policy Committee***.

Laid over by the Executive Policy Committee

Proposed opening of part of the east side of Waverley Street north of Wilkes Avenue - Assiniboia Community
File DAO 16/97

267 - 2. The Standing Policy Committee on Property and Development has been advised that the Land and Development Services Department is currently processing an offer to purchase the portion of the City-owned lands identified as "subject City property" on Misc. Plan No. 7774/7.

On November 19, 1997, Council adopted Clause 6 of the Report of the Committee on Planning and Community Services dated October 28, 1997, instructing the City Solicitor/Manager of Legal Services to prepare the necessary By-law for submission to Council to effect the closings of parts of Taylor Avenue, Oxford and Cambridge Streets, and the public lanes east of Waverley Street and north of Wilkes Avenue under File DAC 17/97.

The Administration originally intended to convey the property identified as "future widening of Waverley Street" on Misc. Plan No. 7774/7, to the purchasers of the "subject City property" on the condition that they include the property in a plan of subdivision that would dedicate those lands as Waverley Street. This would have eliminated the need for an opening by-law.

The purchasers will not be making an application to subdivide the land in the immediate future. The Administration advised that it is now necessary to separate the lands being sold from the lands required for the widening of Waverley Street. The most efficient means of accomplishing this is to open the street through the by-law process.

The proposed street opening has been circulated to all concerned City departments and public utilities, with no objections being received. Any costs involved in the relocation or removal of existing utilities in the area will be addressed prior to the street construction. There are no plans to physically widen the street in the immediate future.

A Public Hearing was held before the Assiniboia Community Committee on November 10, 1997. No one appeared in support or in opposition to the application. The Community Committee recommended approval of the proposed street opening as outlined below.

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

Report of the Standing Policy Committee on Property and Development dated January 5, 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, in accordance with Misc. Plan No. 7774/7, as outlined on Schedule "A".

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

Adopted by consent.

(See Minute No. 286 for attachment)

Proposed closing of parts of Sturgeon and Murray Park Roads - Proposed opening of part of Lot 20, Block 2, Plan 10634 and part of Block 4, Plan 10634 as Murray Park Road - Assiniboia Community
File DAOC 5/97

268 - 3. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Land and Development Services Department is processing the sale of the lands, identified as "subject City property" on Misc. Plan No. 10157/2.

The Administration advised that it will be necessary to legally close the portions of Sturgeon and Murray Park Roads in this area before the land may be sold. The portions of the streets proposed to be closed are unpaved and are not used as rights-of-way.

The portion of Lot 20, Block 2, Plan 10634 shown as "proposed street opening" on Misc. Plan No. 10157/2 is paved and used as part of the east/west Murray Park Road right-of-way. Legally opening this land as public street will regularize this situation.

The portion of Block 4, Plan 10634 shown as "proposed street opening" is required for a turnaround at the south end of the north/south portion of Murray Park Road that will remain open.

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

There is an Aboriginal burial mound in the south west corner of the "subject City property". The general location of the mound is outlined on a drawing (Schedule "B") provided by the Historic Resources Branch of the Province of Manitoba Department of Culture, Heritage and Citizenship.

The purchaser of the property has contacted the Historic Resources Branch seeking direction as to how to deal with this matter, and has been advised that although the mound was partially excavated in the 1930's, and again in the 1960's, the exact status of the mound is unknown. In addition, the Historic Resources Branch has undertaken to conduct a preliminary examination prior to any development of the site and to advise the purchaser of what will be required to accommodate the existence of this mound within the development area. It may therefore be assumed that both the purchaser and the Historic Resources Branch will ensure that this area is treated with the consideration due to an archeological site.

A Public Hearing was held before the Assiniboia Community Committee on December 9, 1997. One person appeared in support, and no one appeared 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 recommendation of the Assiniboia 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 opening and closing, in accordance with Misc. Plan No. 10157/2, as outlined on Schedule "A".

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

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. 287 for attachments)

Proposed Subdivision and Rezoning - land located on the southwest corner of Horrox Bay and Riverwest Road - Lord Selkirk-West Kildonan Community
File DASZ 15/97

269 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Novamet Development Corporation for the approval of a plan of subdivision on land shown as may be determined by Council and proposed zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from a "R1-20" Single-Family District to a "R1-3.5" Single-Family District to allow single-family housing.

The following is the present site description:

Site Area: Approximately 0.508 acres (22,131 square feet)

The Existing Land Use and Zoning: The site is currently vacant; zoned "R1-20" Residential District

The Surrounding Land Use and Zoning:

North: Single-family dwellings, zoned "R1-4" Residential District

South: Single-family dwellings, zoned "R1-20" and "R1-4" Residential District

East: Single-family dwellings, zoned "R1-20" and "R1-4" Residential District

West: Single-family dwellings, zoned "R1-4" and "R1-3" Residential District

The applicant requests permission to subdivide and rezone the subject property in order to develop building lots for single-family dwellings, consistent with adjacent properties. The property is currently zoned "R1-20" Residential District. Proposed Lots 1 to 4 are to be 38 feet wide (11.6 metres) and 106.4 feet deep (32.431 metres), for a lot area of 4,043.2 square feet. Proposed Lot 5 is slightly larger, with a depth of 106.4 feet (32.431 metres) and a width tapering from 40.8 feet (12.443 metres) at the front property line to 52.48 feet (15.993 metres) at the rear property line.

The proposed subdivision is consistent with adjacent properties and the overall area. Surrounding properties are predominantly zoned "R1-4", with several variances in effect for individual lots having substandard lot width and area. The proposed lots all exceed "R1-4" requirements for lot area (4,000 square feet). Lot 5 also exceeds "R1-4" requirements for lot width (40 feet). Lots 1-4, at 38 feet in width, are marginally smaller than the lot width requirement for "R1-4" zoning. No lot width or lot area variances will be required with the proposed "R1-3.5" zoning.

The properties to the south and north of the subject property are covered under the terms of Development Agreement AG 43/87 with Novamet Development Corporation. From a land use perspective, the proposed subdivision and rezoning are appropriate and are another step towards the completion of this residential community.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on November 18, 1997. One person was heard in support of the application, and no persons registered in opposition thereto.

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

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

1. The proposed subdivision and rezoning is consistent with adjacent properties and the overall area and an appropriate step towards the completion of this residential community.

On January 5, 1998, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning under File DASZ 15/97 and an additional verbal communication from the Manager of Land and Development Services and approved the following amendment which has been incorporated in the recommendations as set out below:

- That Recommendation VI. be amended by deleting the words "the Servicing and Subdivision Agreements" and replacing with the following "an addendum to the Development Agreement AG 43/87".

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

I. That the plan of subdivision proposed under File DASZ 15/97 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A", for File DASZ 15/97, dated November 12, 1997, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an Addendum to Development Agreement 43/87 as outlined in the report of the Administrative Coordinating Group dated October 17, 1997.

II. That the Director of Land 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 15/97, dated November 12, 1997, to an "R1-3.5" Single-Family District.

IV. That the Developer be required to pay to the City 10% cash dedication in lieu of land dedication, to be calculated on the basis of the creation of four additional lots.

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

VI. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of an addendum to the Development Agreement AG 43/87.

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

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

IX. 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.

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

Adopted by consent.

(See Minute No. 288 for attachment)

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

Proposed Subdivision and Rezoning - land located at 698 St. Anne's Road - Riel Community
File DASZ 16/97 [c/r DASZ 28/85 and DAZ 212/94]

270 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from L & A Loeppky for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a "C1" Commercial District to an "R1-4" Single Family District to allow for the construction of single-family dwellings.

The following is the present site description:

Site Area: approximately 43,928 square feet (1.01 acre)

Existing Land Use and Zoning: The land is currently occupied by a single family dwelling, zoned "C2".

Surrounding Land Use and Zoning:

North: auto-body shop and dwelling zoned "A5"

South: vacant land zoned "C2"

East: Multiple family housing zoned "RM2"

West: Single family housing zoned "R1-3.5"

The applicant wishes to maintain "C1" zoning on a portion of the lot fronting onto St. Anne's Road, and subdivide the rear portion of the lot into five single family building lots (each 40 feet by 136 feet) fronting onto Compark Road.

The applicant has in the past attempted to market this property as commercial and/or multiple family without success. This proposal is essentially a downzoning from the previous proposals and will not adversely affect the surrounding area.

The proposed lots will face commercially zoned land immediately to the south, however, this land is not yet developed. This commercial site is also required by zoning agreement to maintain signage advising the public of the "C2" zoning, in this way potential purchasers of the new lots will be aware of the current zoning on this site. In addition, any development on this commercial site is subject to plan approval by Riel Community Committee, some of adverse effects the adjacent commercial development may be mitigated through this process.

The subject site is also required by zoning agreement to have signage indicating "C1" zoning. This condition, as well as the condition of plan approval will continue to apply to the remaining "C1" parcel.

A Public Hearing was held before the Riel Community Committee on December 8, 1997. One person was heard in support of the application, and no one appeared in opposition thereto.

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

1. The proposal is essentially a downzoning from previous proposals made by the applicant and will not adversely affect the surrounding area.

2. There was no opposition to this application.

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

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

I. That the plan of subdivision proposed under File DASZ 16/97 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A", for File DASZ 16/97, dated November 28, 1997, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Coordinating Group dated November 26, 1997.

B. That the 10% cash dedication in lieu of land dedication be waived in this instance as dedication has already been received under DASZ 28/85.

II. That there be a partial discharge of the Zoning Agreement caveat registered under DASZ 28/85 against the subject lands being rezoned "R1-4" Single Family District.

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

IV. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File No. DASZ 16/97, dated November 28, 1997, to an "R1-4" Single Family District.

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

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

VII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and (if Zoning Agreements are required) when the Zoning Agreement(s) has been filed by caveat as a first charge in the Winnipeg Land Titles Office.

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

IX. 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.

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

Adopted by consent.

(See Minute No. 289 for attachment)

Proposed Rezoning - land located at 3900 Portage Avenue, south side, west of the Perimeter Highway - Assiniboia Community
File DAZ 224/97 [c/r DCU 254/97D]

271 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Aikins MacAulay and Thorvaldson, Barristers, to amend Zoning By-law No. 6400/94 by rezoning the land from a "C3-2" Commercial District to an "A-5" Agricultural District to allow for the establishment of a cemetery (subject to conditional use approval).

The following is the present site description:

Site Area: approximately 210,740 square feet (4.84 acres)

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Existing Land
Use and Zoning: vacant; zoned "C3-2" Commercial District

The following is the Surrounding Land Use and Zoning:

North: Assiniboia Downs racetrack and Red River Exhibition grounds; zoned "A" Agricultural District and "C3-2" Commercial District, respectively

South: Vacant; zoned "A" Agricultural District

East: Perimeter Highway

West: City-owned standpipe and Assumption Cemetery; zoned "A" Agricultural District

The applicant, on behalf of Assumption Cemetery, proposes to rezone the subject property to an "A-5" Agricultural District. Future plans are to develop and maintain the property as a cemetery, with burial space for traditional and cremation interments. Cemetery is defined as a Conditional Use under Zoning By-law No. 6400/94. This use is the subject of File DCU 254/97D.

The proposed rezoning and cemetery land use are consistent with the surrounding area and have no adverse impact on neighbouring properties. The property had previously been zoned and developed as a hotel, which was never completed. The building was later demolished and the site has been vacant since then.

According to the applicant, access to the site will be via Oxbow Bend Road and McCarthy Road, to Portage Avenue. This portion of Portage Avenue is under the jurisdiction of the Manitoba Department of Highways and Transportation. The applicant has entered into discussions with the Manitoba Department of Highways and Transportation regarding this matter.

A blanket rezoning of the property to "A-5" would permit some uses which may be undesirable at this location. The Community Planning Division therefore recommends the uses permitted onsite be restricted in accordance with the recommendation. Plans for future site development are preliminary, necessitating a recommendation that more detailed plans be submitted to Assiniboia Community Committee prior to the issuance of development permits.

A Public Hearing was held before the Assiniboia Community Committee on December 9, 1997. Two persons were heard in support of the application, and no one appeared in opposition thereto.

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

1. The application is compatible with the surrounding area.

On January 5, 1998, the Standing Policy Committee on Property and Development considered the proposed rezoning under File DAZ 224/97 and additional information from the Manager of Community Planning and approved the following amendment which has been incorporated in the recommendations as set out below:

- That Recommendation I. A. 1. be amended by adding the words "subject to conditional use approval as and if necessary" after the words "that the use of the land be restricted to the following".

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 224/97 dated December 1, 1997, to an "A-5" Agricultural 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, subject to conditional use approval as and if necessary:

    a) cemetery;
    b) church, synagogue, or similar place of religious worship;
    c) convent, monastery, or similar place of religious retreat;
    d) crematorium;
    e) parish hall, accessory to a place of religious worship;
    f) park;
    g) accessory uses to the above.

2. That the final detailed plans indicating the design and location of buildings or structures, accessory parking and loading areas, fencing, signs, landscaping, and garbage enclosures, be subject to the approval of the Assiniboia Community Committee prior to the issuance of development permits.

II. 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.

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

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

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

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

Adopted by consent.

(See Minute No. 290 for attachment)

Proposed Zoning Agreement Amendment - land located at 754, 758, 764, 766 and 770 McDermot Avenue - Lord Selkirk-West Kildonan Community
File ZAA 13/97 [c/r DAZ 256/90, DAZ 203/91 and DAZ 241/94]

272 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from the University of Manitoba, Unit 208, Central Administration Building, University of Manitoba, Winnipeg, to amend the three Zoning Agreements affecting the property shown by adding to the list of permitted uses Parking Area (Non-Accessory).

The following is the present site description:

Dimensions: Approximately 165 feet wide by 100 feet deep

Site Area: 16,500 square feet (.38)

Existing Land Use and Zoning: Vacant, zoned “C2” Commercial District and “R2” Residential District

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The property is located on the south side of McDermot Avenue, between Emily Street and Tecumseh Street. To the immediate east is a small, walk-up apartment block. To the immediate west is a small passive park (with bench seating, pathways, landscape elements, and parking located perpendicular to the public lane). Further west are a number of single-family dwellings, with all but the last three units near Tecumseh Street owned by the University of Manitoba. The University requests permission to establish a staff parking area (proposing 50 parking spaces) on the currently vacant lots. The parking area would be fenced and landscaped along the McDermot Avenue frontage. The parking area is to be gravel surfaced and accessed from the public lane which parallels McDermot Avenue.

The University of Manitoba has acquired the majority of the properties on the south side of this block of McDermot Avenue with the long term objective of developing facilities for the University of Manitoba Bannatyne Campus. The subject properties have been rezoned to "C2" to accommodate these long range plans (with the exception of 764 McDermot Avenue, which remains "R2" pending registration of zoning). Although accessory parking areas and structures are permitted under the zoning agreements, non-accessory parking areas are not. Traditionally, this exclusion in a zoning agreement is for purposes of discouraging wholesale conversion of residential properties to parking areas. A representative of the university met with Community Planning Division staff on a number of occasions to discuss the future of these and other university holdings in the vicinity. As a result of these discussions, the Community Planning Division agreed to recommend approval of non-accessory parking areas along this one block section of McDermot Avenue. The provision of gravel surfacing, instead of asphalt or concrete (to be dealt with under DAV 745/97C) is requested in anticipation of site redevelopment in the near future.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on November 18, 1997. One person was heard in support of the application, and no persons registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning agreement amendment be approved for the following reason:

1. This is a temporary measure until the site is redeveloped in the future.

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

I. That Zoning Agreements DAZ 256/90 (By-law No. 5664/91) dated March 27, 1991, DAZ 203/91 (By-law No. 5736/91) dated May 8, 1991, and DAZ 241/94 (By-law No. 6697/94) dated September 27, 1995, be amended by adding to the list of permitted uses "Parking Area (Non-Accessory)".

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreements DAZ 256/90 (By-law No. 5664/91) dated March 27, 1991, DAZ 203/91 (By-law No. 5736/91) dated May 8, 1991, and DAZ 241/94 (By-law No. 6697/94) dated September 27, as approved in aforesaid Recommendation I.

III. That the Proper Officers of the City be 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.

Proposed Zoning Agreement Amendment - land located at 2150 McPhillips Street, west side between Stardust Street and Kingsbury Avenue - Lord Selkirk-West Kildonan Community
File ZAA 14/97 [c/r DASZ 11/79, ZAA 1/97, DAV 5/97C and DAV 751/97C]

273 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Connelly Signs, 61 Heaton Avenue, Winnipeg, on behalf of 3088279 Manitoba Ltd., to amend the Zoning Agreement affecting the property shown to permit a third free-standing identification sign instead of one per lot as permitted.

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

The following is the present site description:

Dimensions: Approximately 300 feet wide by 610 feet deep

Site Area: Approximately 4.2 acres

Existing Land Use and Zoning: Automobile Sales and Service; zoned "C2" Commercial District

The applicant proposes to establish a third free-standing identification sign along the McPhillips Street frontage. The sign is a typical General Motors pylon sign, consistent in height (37 feet) and sign surface area (square feet) with the sign approved under ZAA 1/97 (and DAV 5/97C). The sign is to be located 13 feet from the south property line.

The subject of the application, to amend the Zoning Agreement to permit a third free-standing identification sign onsite, is supportable. The Community Planning Division typically encourages, however, concentration of signage on one pylon structure, even where a sign surface area variance is required.

In this case, the applicant is requesting permission to establish another pylon and vary the maximum sign surface area. The sign surface area variance is the more substantive portion of the applicants proposal. However, given the length of frontage along McPhillips Street and similar signage for automotive dealerships (ie. 1400 McPhillips Street) both the sign surface area variance and establishment of the third pylon can be recommended for approval. It should be noted the administrative report accompanying DAV 751/97C will recommend mobile signs and A-frames not be permitted onsite, to accommodate this excess signage.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on December 9, 1997. One person was heard in support of the application, and no one was heard in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed Zoning Agreement Amendment be approved for the following reason:

1. There are a number of similar signs along McPhillips Street.

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

I. That Zoning Agreement DASZ 11/79 (By-Law No. 2440/79), dated October 4, 1979, be amended as follows:

   A. That Clause 2 (ii) under DASZ 11/79 be amended to permit a third free-standing sign.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 11/79 (By-Law No. 2440/79), dated October 4, 1979, 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 January 5, 1998

Proposed Zoning Agreement Amendment - land located at 681/683 St. Mary's Road - Riel Community
File ZAA 15/97 [c/r DAZ 222/87 and DAZ 228/88]

274 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from Campbell, Marr, Barristers, 10 Donald Street, Winnipeg, on behalf of the owner, to amend Clause 2 of the Zoning Agreement affecting the subject property by including in the list of permitted uses: a business office, a medical and optical clinic, beauty salon, and barber shop.

The following is the present site description:

Dimensions: Approximately 57 feet wide by 120 feet deep

Site Area: 6,872 square feet

Existing Land Use and Zoning: The site is currently zoned "C2" and under the zoning agreement for DAZ 228/88 the only permitted uses on the site are as follows:

a) real estate offices;
b) three dwelling units;
c) printing, lithographing or publishing; and
d) accessory uses.

Currently situated on the site is a two-storey building with two residential suites on the second floor and office space on the main floor. Also on the site is a garage used as a screen printing shop.

The following is the Surrounding Land Use and Zoning:

The site is located at the corner of St. Mary's Road and Sherwood Place.

North: Hair Salon zoned "C1"

East: Single family housing zoned "R1-5"

South: Two-storey building and accessory garage zoned "C2" for offices and printing shop but not currently occupied by those uses

The building is currently vacant and the applicant wishes to expand the list of permitted uses on the site to provide for the following: all types of business/professional offices, medical optical clinic, and beauty salon/barber shop. The owner wishes to establish financial offices on the premises, but would also like the opportunity to have the range of uses identified in the Zoning Agreement broadened to increase the marketability of the space in the future.

The property was rezoned in 1988 to allow for three dwelling units, a print shop and a real estate office to establish on the premises. Since this time, one of the dwelling units has been eliminated.

The expansion of uses to include all types of business/professional offices is consistent with the "C2" zoning immediately to the south of the property and will not have an adverse affect on the surrounding area. The limitation of office uses to real estate only is too restrictive, and there is little difference in the nature of other office uses when compared to real estate offices.

The other proposed uses, Barber Shop/Beauty Salon and Medical/Optical clinic are permitted uses in the lesser "C1.5" Commercial zoning category. Both these uses are neighbourhood based and should not have an adverse impact on the surrounding area. These uses already exist in several locations along St. Mary's Road in this immediate area. However these uses have different parking requirements.

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The site has sufficient parking to support both the office uses and the printshop as established under the existing zoning agreement. Site plans indicate sufficient lot width for five parking spaces. If the other proposed uses are established in the future(barber shop/beauty salon and medical/optical clinic), they may require a zoning variance for parking. This will, however, depend upon the amount of space these uses will occupy in the building. The inclusion of these uses in the Zoning Agreement cannot be supported until such time as there is sufficient parking for both the tenants and the retail space (a minimum of seven spaces).

A Public Hearing was held before the Riel Community Committee on December 8, 1997. Two persons were heard in support of the application, no one in opposition, and one person registered for information.

The Riel Community Committee recommended that the proposed Zoning Agreement amendment be approved for the following reasons:

1. The proposal is compatible with the surrounding area.

2. A business office will not generate a high amount of traffic and will not put additional stress on the residential community.

3. There is no opposition to this application.

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

I. That Zoning Agreement DAZ 228/88, dated September 15, 1988, be amended as follows: to add to the list of permitted uses a business office.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 222/87, dated May 27, 1987, as approved in aforesaid Recommendation I.

III. That the Proper Officers of the City be 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.

Proposed Renaming of Bower Boulevard, south of Park Place West - Assiniboia Community File SC-3.14(31) (Vol. 1)

275 - 10. The Standing Policy Committee has been advised that on November 10, 1997, the Assiniboia Community Committee recommended that Bower Boulevard, south of Park Place West, as outlined on Schedule “A”, be renamed as a continuation of Litchfield Boulevard.

The Standing Policy Committee concurred in the recommendations of the Assiniboia Community Committee, and therefore recommends:

I. That the Director of Land and Development Services be requested to provide the necessary legal description to the City Solicitor/Manager of Legal Services for the purpose of preparing a by-law.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law for approval by Council for registration in the Winnipeg Land Titles Office, and that the street name change become effective upon third reading.

III. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the by-law by Council, be authorized to publish the street name change in two daily newspapers having a general circulation throughout the City of Winnipeg.

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

IV. That the City Clerk be requested, upon passage of the by-law, to provide the relevant Community Clerk with a copy of the by-law and this Clause for the purpose of changing all pertinent records and notifying all persons affected by the by-law.

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

Adopted by consent.

(See Minute No. 291 for attachment)

Proposed Naming of a private right-of-way as Strauss Drive - Assiniboia Community File SC-3.14(31) (Vol. 1)

276 - 11. The Standing Policy Committee on Property and Development has been advised that on September 26, 1996, Council adopted Clause 18 of the Report of the former Committee on Planning and Community Services dated September 17, 1996, directing the private roadway identified as a segment of Strauss Drive, as outlined on Schedule "A", be legally confirmed as "Strauss Drive".

Strauss Drive connecting Silver Avenue to Moray Street was created in 1973 by a subdivision registered in the Winnipeg Land Titles Office by way of Plan No. 11442. In 1974, the private right-of-way identified on Misc. Plan No. ASBA 9799/1 (Schedule "B") was constructed. Street signs identifying the private road as Strauss Drive are located at both ends of the road.

This road passes through private property and City property and is used as an extension of Strauss Drive. The developer of the land built the road on his own initiative on the assumption that it would be required by the City. In 1979, the Committee on Environment rejected the developer's application (DAO 20/77) to open this private road as public street because it was not constructed to City standards.

In 1996, the Land Development Branch initiated a proposal to have the private road designated a street name other than Strauss Drive. The property owners on both sides of the private road, the Shindico Company and the Dynasty Group, were advised of the proposal. Shindico had no objections, while the Dynasty Group expressed a concern that a street name change would result in their having to change the address of their leasing office at 24 Strauss Drive.

In June of 1996, the Assiniboia Community Committee considered report dated May 9, 1996, from the Subdivision Officer, which recommended that the private road commonly known as Strauss Drive be assigned a different name. The Community Committee tabled the matter to its July 16, 1997, meeting to allow the Ward Councillor (J. Eadie) an opportunity to investigate the Dynasty Group's objection to the proposal. After considering Councillor Eadie's observations, the Community Committee recommended that the private right-of-way be legally confirmed as Strauss Drive. This recommendation was concurred in by the Committee on Planning and Community Services on September 17, 1996, and adopted by Council on September 26, 1996.

The Legal Services Division has recently reviewed Section 500(c) of the City of Winnipeg Act and has advised that the City of Winnipeg is not legally entitled to name private roads. The Administration is therefore unable to comply with the instructions given to it by Council to prepare a by-law to effect the naming of this private right-of-way as Strauss Drive.

The Administration is also unable to name the portion of the road that passes through the City property. A by-law to change a street name only comes into effect when it is registered in the Winnipeg Land Titles Office. That Office will not register a by-law to effect a street name change unless the by-law refers to the registered plan that opened the street. This road has never been legally opened.

The Council instructions of September 25, 1996, to legally designate this private road as Strauss Drive may only be implemented by the City acquiring the land and dedicating it as public street. As previously outlined, the request to open this private road as public street was rejected in 1979. The Streets and Transportation Department continues to maintain its position that the road not be opened.

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

In order to indicate the status of this road to the public, the Streets and Transportation Department installed two signs stating “Public Street Ends” at each end of the road in January of 1997.

The Administration is therefore of the view that the interests of the City may be best served in this case by allowing the private road to remain to be commonly, but not legally, known as Strauss Drive.

On November 10, 1997, the Assiniboia Community Committee rescinded its motion of July 16, 1996, which recommended to the then Committee on Planning and Community Services that the referenced private roadway be legally confirmed as Strauss Drive. (Note that the former Committee on Planning and Community Services subsequently concurred in the recommendation, and forwarded same to Council as Clause 18 of its Report dated September 17, 1996, which was adopted by Council on September 26, 1996.)

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

I. That the Council directive of September 26, 1996, that the private roadway currently identified as a segment of Strauss Drive, as outlined on Schedule “A”, be legally confirmed as “Strauss Drive”, be rescinded.

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. 292 for attachment)

Proposed Street Name Change - Maralbo Avenue to Maralbo Avenue “East” and “West” - Riel Community
File SC-3.14(35) (Vol. 1)

277 - 12. The Standing Policy Committee on Property and Development has been advised that it has been brought to the attention of the Land and Development Services Department that several problems have arisen with the street signing of Maralbo Avenue, resulting in numerous deliveries and events to occur at the wrong residences. This has initiated the request for the elimination of this confusion.

Further and of greater concern is the potential for delay in response time for emergency vehicles. This confusion has been brought about by the present duplication of Maralbo Avenue, as outlined on Schedule "A". The right-of-way appears to have been established as two street segments, namely, that portion of Maralbo Avenue west of St. Mary’s Road being registered as Plan 2205 in 1914, while the second segment on the east side of St. Mary’s Road was registered as Plan No. 17395 in 1983.

Further investigation has revealed that Canada Post has assigned postal codes with the designation as Maralbo Avenue East and Maralbo Avenue West. As well, as far back as 1991, the Henderson Directory has been following the same pattern as Canada Post.

Under the present policy, duplication of street names is not permitted. The problem can be a serious inconvenience for the street system users such as delivery vehicles, visitors and taxies, but more particularly in emergency situations. If an emergency vehicle happens to go to the wrong segment of a street considerable delay in response time can result.

To eliminate the subject duplication in street names, the Land and Development Services Department recommended that portion of Maralbo Avenue west of St. Mary’s Road be designated as Maralbo Avenue West, while the segment east of St. Mary’s Road be designated as Maralbo Avenue East.

The Administration also advised should the decision be made to designate Maralbo Avenue "East and West", that a by-law must be passed by Council as the street is registered by plan in the Winnipeg Land Titles Office.

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

On December 8, 1997, the Riel Community Committee considered and concurred in the recommendations contained in the report dated November 19, 1997, from the Land and Development Services Department, that the portion of Maralbo Avenue west of St. Mary's Road be designated as Maralbo Avenue West, while the segment east of St. Mary's Road be designated as Maralbo Avenue East.

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

I. That the Director of Land and Development Services Department be requested to provide the necessary legal description to the City Solicitor/Manager of Legal Services for the purpose of preparing a by-law.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law for approval by Council for registration in the Winnipeg Land Titles Office, and the street name change become effective upon third reading.

III. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the by-law by Council, be authorized to publish the street name change in two daily newspapers having a general circulation throughout the City of Winnipeg.

IV. That the City Clerk be requested, upon passage of the by-law, to provide the relevant Community Clerk with a copy of the by-law and the report for the purpose of changing all pertinent records and notifying all persons affected by the by-law.

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

Adopted by consent.

(See Minute No. 293 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JANUARY 6, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated January 6, 1998, was considered clause by clause.

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

Carried.

Proposed Subdivision and Rezoning - land located on the west side of Willowood Road, between Simkin Drive and Monty Hall Avenue - Lord Selkirk-West Kildonan Community
File DASZ 6/95 [c/r DAV 831/97D]

278 - 1. The Standing Policy Committee on Property and Development has been advised that an application has been received from the City of Winnipeg Land and Development Services Department for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a "PR1" Parks and Recreation District to a "R1-5.5" Single-Family District to allow for the creation of single-family building sites.

The following is the present site description:

Site Area: irregular

Existing Land Use and Zoning:
vacant; zoned PR1 Parks and Recreation District

Surrounding Land Use and Zoning:

North: single-family dwellings; zoned "R1-5.5" Single-Family District
South: single-family dwellings; zoned "R1-5.5" Single-Family District
East: single-family dwellings; zoned "R1-5.5" Single-Family District
West: across Pipeline Road, duplexes and multi-family dwellings; zoned "R2" Two-Family District and "RM-3" Multi-Family District, respectively.

The applicant proposes to subdivide the currently vacant site to establish nine single-family dwelling building lots, zoned "R1-5.5".

Previously, this site had been considered for the development of a fire station. There was strong resident opposition to that use. Subsequently, a proposal to subdivide three single-family building lots along the Willowood Road frontage was explored, with the support of neighbouring property owners. The leftover property would have remained vacant, zoned "PR1".

The Parks and Recreation Department has maintained their position that the local area is adequately served with park space and recreation amenities. Council has declared the property surplus.

In an effort to determine the most appropriate proposal for developing the subject property, a representative of the Land and Development Services Department and the Ward Councillor met with area residents in September 1997. According to correspondence accompanying the application, the overwhelming majority of those residents in attendance chose to support the full development of the site into nine single family lots. The subject application is consistent with the plan supported by residents at the September 1997 meeting.

Report of the Standing Policy Committee on Property and Development dated January 6, 1998

The Community Planning Division is of the opinion the proposed use and zoning are consistent with the surrounding area and recommends approval of the application. Lot sizes and area correspond with adjacent lots. Proposed Lots 1 and 2, however, may not be acceptable to the owner of number 14 Willowood Road, which abuts the proposed subdivision to the south. If this is the case, the Community Planning Division recommends an alternate plan of subdivision, providing for eight lots. This plan (Schedule B) more closely approximates the existing character along Willowood Road and the earlier three lot subdivision.

With respect to a street name, the developer has not indicated a preference. The Lord Selkirk-West Kildonan Community Committee may wish to utilize the name "Jack Kolt", inasmuch as on September 17, 1996, the Community Committee agreed to consider it when naming the next street within its community. This is not a duplication of any existing or reserved street name and is currently on the street name reserve list.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on December 9, 1997. One person was heard in support of the application, and no one appeared in opposition thereto.

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

1. The proposed subdivision and rezoning are consistent with adjacent properties.

2. The majority of residents support the development of the site into nine single family lots.

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

I. That the plan of subdivision proposed under File DASZ 6/95 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 6/95 dated December 1, 1997, for registration in the Winnipeg Land Titles Office, subject to the conditions contained in the Administrative Coordinating Group report dated November 17, 1997, and amended as follows:

   1. That Condition Number 6 be amended to read as follows:

      "6. Construct within the rear yard of all lots backing onto Pipeline Road within the proposed subdivision, a uniform fence 1.8 m in height, consistent with the existing developer installed fence partly surrounding the Seven Oaks Crossings Subdivision, to the satisfaction of the Director of Land and Development Services."

   2. That Condition Number 7 be amended by replacing the words "Commissioner of Works and Operations" with "Director of Land and Development Services".

   3. That the last paragraph of the report be amended by replacing the words "Commissioner of Works and Operations" with "Director of Land and Development Services".

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 6/95 dated December 1, 1997, to a "R1-5.5" Single-Family District.

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

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

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

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

Report of the Standing Policy Committee on Property and Development dated January 6, 1998

VIII. 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.

IX. That the net proceeds of the sale be used to upgrade existing publicly owned lands in the Seven Oaks Crossings Subdivision and that the projects be approved by the Ward Councillor.

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

Adopted by consent.

(See Minute No. 294 for attachment)

Proposal to Declare City-owned lands located at the southeast corner of Dakota Street and Bishop Grandin Boulevard as Surplus - Riel Community
File FI-2.4(35)(Vol. 4)

279 - 2. The Standing Policy Committee on Property and Development has been advised that the Land and Development Services Department is attempting to identify marketing opportunities respecting the sale of surplus land assets, and with the concurrence of the Streets and Transportation Department, have identified the land located on the southeast corner of Dakota Street and Bishop Grandin Boulevard, as outlined on Misc. Plan No. 9923/7, as being one such opportunity.

The deemed surplus lands were acquired by expropriation from individual property owners in September 1978 by Order of Council at the request of the Streets and Transportation Department for the anticipated future roadway requirements at this location.

On December 2, 1996, the Streets and Transportation Department advised that it undertook a review of its future transportation requirements for this intersection and, as a result of that review, concluded that it had more than sufficient land to accommodate the future needs of roadway traffic at this location. The Streets and Transportation Department subsequently advised the Land and Development Services Department that the subject lands, as outlined on Misc. Plan No. 9923/7, were surplus to its needs.

Early in 1997, the Land and Development Services Department undertook the task of evaluating these lands for potential land uses and marketability. As a result of that review, the Department recommended these lands be developed for commercial uses utilizing the Dakota Street frontage, and for single family uses utilizing the Sterling Avenue right-of-way for access to those lands.

To this end, two options for the partitioning and development of these lands have presented themselves. Both Options will require a rezoning from the fragmented “C2”, “R1-5” and “RA” zonings currently controlling the land uses on the subject lands. A plan of subdivision will also be required to establish the single family lotting.

In either of the options, it is the recommendation of the Land and Development Services Department that any future Purchase/Sale Agreement regarding the commercial lands require that the development be subject to the review of the Riel Community Committee. It is anticipated that site layout, building locations, separation spaces, landscaping, buffering, fencing, and any environmentally sensitive issues will be of concern to the Community Committee.

Utility services to facilitate the development of both the commercial and the single family uses of the site are readily available and are of sufficient capacities to accommodate the contemplated uses.

The Streets and Transportation Department has indicated they are prepared to approve right-in and right-out ingress/egress to the commercial site at the intersection of its southern most boundary and Dakota Street.

Report of the Standing Policy Committee on Property and Development dated January 6, 1998

The Land and Development Services Department proposes that the entire property be sold as a consolidated package with the purchaser/developer being fully responsible for any and all development applications relating to subdivision, re-zoning, servicing and the like.

In order to further pursue this initiative, it will be necessary to have this property declared surplus. Any potential sale of the property will require the legal closure of this portion of the existing right-of-way. The Land and Development Services Department will commence this process immediately in the interests of expediting a sale.

On December 8, 1997, the Riel Community Committee considered report dated July 24, 1997, from the former Commissioner of Planning and Community Services, and recommended approval of declaring the subject property as surplus to the City's requirements, as well as indicated no preference for Development Options but requested that any development option be subject to conditions, as outlined below.

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

I. That the subject property comprising of approximately 6.87 more or less acres (2.78 more or less hectares) located at the southeast corner of Dakota Street and Bishop Grandin Boulevard, as outlined on Misc. Plan No. 9923/7, be declared surplus to the City's requirements.

II. That, after the land has been declared surplus by Council, the Administration be requested to solicit Requests for Proposals for development of the subject property.

III. That any development option be subject to the following:

a) Pedestrian access from Sterling Avenue to Dakota Street be maintained;
b) Appropriate mitigation measures such as fencing, landscaping and buffering be included in any and all proposals so as to afford additional protection to the existing and future residents/businesses;
c) Any residential development be consistent with the present residential component; and
d) Proposals be submitted to the Riel Community Committee for information and consultation.

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

Copy of Misc. Plan Nos. 9923/5, 9923/6 and 9923/7 are on file in the Office of the City Clerk.

Adopted by consent.

Proposed Increase in Sales Price Rates for the St. Boniface Industrial Park
File FI-2.1 (Vol. 11)

280 - 3. By Order of Council dated July 16th, 1990, the selling price of the City's Industrial Park lands is to be reviewed once a year in January.

The current price of lands in the St. Boniface Industrial Park on a per acre basis is a) $52,000.00 without trackage and b) $56,000.00 with trackage. The Land and Development Services Department has done an extensive industrial vacant land sales review. The review identified sales of vacant industrial lands throughout Winnipeg since 1988.

The review has suggested that pricing in the St. Boniface Industrial Park should be as follows:

Less than 2.5 acres	$67,000.00/acre
2.5 to 5 acres	$65,000.00/acre
Greater than 5.0 acres	$63,000.00/acre

The Land and Development Services Department is of the opinion that the price for sites in the St. Boniface Industrial Park should be $57,500.00 per acre (10.6% increase) and $61,600.00 per acre (10.0% increase) (with trackage) for 1998 because the suggested prices as proposed in the review amounts to a 19% to 29% increase over

Report of the Standing Policy Committee on Property and Development dated January 6, 1998

the existing prices and it is felt that this increase in price is too significant to apply at one time. The Department suggests that the price schedule can be increased at regular intervals until it is equivalent to full market rates.

The Department observes that the volume in sales in this industrial park has exceeded industrial sales in other parts of the City and furthermore, there are ongoing discussions with industrial users which will result in multiple sales in the near future.

The Standing Policy Committee on Property and Development recommends:

I. That the sale of sites in the St. Boniface Industrial Park be at a price of $57,500.00/acre and $61,600.00/acre (with trackage) for 1998.

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

Adopted by consent.

Proposed Sale of City lands south side of Taylor Avenue between Wilton Street and Poseidon Bay File FI-2.4(32) (Vol. 5)

281 - 4. On October 22, 1997, Council adopted the following recommendation of the former Committee on Finance and Administration dated October 20, 1997 and reconvened on October 21, 1997, (as outlined on Schedule "A"):

I. That the City-owned property located south of Taylor Avenue at Nathaniel Street, as outlined on Misc. Plan No. 10090/7, be declared as surplus to the City's needs.

II. That the subject City property, being approximately 273,643 square feet as outlined on Misc. Plan No. 10090/7 (including currently open streets and lanes and including the Brian Richard Speed Property - not including the Manitoba Hydro Properties) be sold to 3177778 Manitoba Ltd. subject to the terms and conditions as outlined on Exhibit "C", (as outlined on Schedule "A").

III. That the Director of Land and Development Services be authorized to negotiate the acquisition of the Brian Richard Speed property as outlined on Misc. Plan No. 10090/7 for the purposes of consolidating the City's lands.

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

The Land and Development Services Department subsequently received a revised Offer to Purchase from Shindico Realty dated November 3, 1997, applicable to all City-owned lands in the area and which includes the City-owned lands as already approved for sale by Council on October 22, 1997.

The following is a comparison of the fundamental terms of the second Offer received from 3177778 Manitoba Ltd. dated November 3, 1997, to the terms and conditions as previously approved by Council in respect of part of the property:

1. Site -
the size of the land to be sold has increased from 6.28 ± acres to approximately 15.95 acres not including lands owned by Manitoba Hydro;

2. Price Offered -
$585,319.00 for 15.95 acres ($0.84245 per square foot)
   a) this is equivalent to the price per square foot that was approved by Council in respect of the sale of the westerly 6.28 ± acres,

Report of the Standing Policy Committee on Property and Development dated January 6, 1998

b) the Misc. Plan No. 10090/12 (Schedule "B") shows the site to be 16.0 acres in size. Therefore in accordance with clause 18 of the Offer the price will be adjusted subject to the results of a field survey;

3. There is no reference in the Offer to Purchase to clause 19 or 20 of Exhibit "C", (as outlined on Schedule "A"), which state that the sale of the subject property will be subject to a caveated restriction specifying that the land (as then being considered) would be used only as part of the Royal Bank Call-In Centre development and furthermore, that the proposed sale price is preferential having regard for the Royal Bank Call-In Centre Project and is not to be construed as representing market value.

At its meetings held on October 20 and 21, 1997, the Purchaser advised the Committee on Finance and Administration that it was interested in purchasing the entire City owned lands at this location. At that time the administration had determined that, only the then area of 6.6 acres was recommended to be declared as surplus to the City's needs. In dealing with this matter the Committee on Finance and Administration advised the Purchaser that if the balance of the City-owned lands could also be declared surplus and sold there was an implicit understanding that the approved price of $0.84245 per square foot would apply to all of the additional lands to be sold to 3177778 Manitoba Ltd.

Winnipeg Hydro has now indicated that if Council decides to sell these additional lands then Winnipeg Hydro will require an easement over the lands that have Winnipeg Hydro lines on them. Hydro has also indicated that no structure would be permitted to be built under or within an extended distance of the lines and also indicated that each proposed parking lot or access road would need to be examined to ensure that adequate clearances exist.

Manitoba Telephone System has also now indicated that it will require a 3.1m wide easement across all of the City-owned lands fronting on Taylor Avenue and lying immediately to the south of the south limit of Taylor Avenue.

Brian Richard Speed Property:

The Land and Development Services Department has been negotiating with Brian Richard Speed to acquire the private lands located within the boundaries of the lands that 3177778 Manitoba Ltd. proposes to acquire. Mr. Speed has a lot that is 2307 sq. ft. in size. The Department has indicated to Mr. Speed that the Department is prepared to recommend purchase of Mr. Speed's property at a price of $3,000.00 ($1.30 per square foot). Mr. Speed has now indicated that his required selling price is $30,000.00 ($13.00 per sq. ft.) based on the investment and the cost of holding that the family has made in this property. Although the Land and Development Services Department has attempted to negotiate a lower price, Mr. Speed has steadfastly maintained his required sale price of $30,000.00. Clause 7 of Exhibit "C" of the October 22, 1997 Council approval stipulates that the sale is subject to the successful acquisition by the City of the Brian Richard Speed property.

The Standing Policy Committee on Property and Development is recommending that the Speed property be acquired at the full asking price of $30,000.00 and that the full amount of the acquisition be charged to the cost of sales.

The Department observes that the land shown as parcel B appears to be significantly impacted by the existence of an overhead City of Winnipeg Hydro transmission line and in addition that parts of Parcel "B" are narrow strips of streets and lanes in and amongst land owned by Manitoba Hydro. Consequently, the Department is of the view that the value of parcel B would lie in the area of $500,000.00 ($1.22/sq. ft.).

It is the recommendation of the Committee on Property and Development that the rate of $0.84245 per square foot as previously discussed by the former Committee on Finance and Administration is to be applied to Parcel "B" and that clauses 19 and 20 on Exhibit "C" of the Council Order dated October 22, 1997 should be eliminated.

Payment of Dedication Fees:

The Department's recommended term 7 c) dealt with the payment of any dedication fees which might flow from this specific transaction. The Department agrees with the Purchaser that dedication fees should not be charged because there is no zoning change or a subdivision into additional lots. For clarification purposes, the Department has suggested that no dedication fees be charged relative to the consolidation of titles necessary to effect this specific transaction. However, if the Purchaser decides to apply for additional subdivisions and/or rezonings then the Purchaser must pay whatever dedication fees are owing pursuant to that application.

Report of the Standing Policy Committee on Property and Development dated January 6, 1998

The Standing Policy Committee on Property and Development therefore recommends:

I. That the Offer to Purchase the City-owned properties identified as parcels A and B on Misc. Plan No. 10090/12 be approved at a price of $585,319.00 ($0.84245 per square foot) as submitted by 3177778 Manitoba Ltd.;

II. That the additional lands shown as parcel B on Misc. Plan No. 10090/12 required by 3177778 Manitoba Ltd. be declared as surplus to the City's requirements;

III. That Clauses 18 and 19 as outlined on Exhibit "C" of the Report of the Committee on Finance and Administration dated October 20, 1997, reconvened on October 21, 1997, which were adopted by Council on October 22, 1997, be deleted, namely:

"18. The sale of the subject property will be subject to a caveated restriction specifying that this land will be used only as part of the Royal Bank Call-In Centre development;

19. It is acknowledged by both parties that the proposed sale price is preferential having regard for the Royal Bank Call-In Centre Project and is not to be construed as representing market value."

IV. That the associated terms and conditions of sale as recommended by the Land and Development Services Department be approved as amended, on condition that the Purchaser understands that dedication fees are not payable in effecting this specific transaction but that any subsequent subdivision or rezonings will require the payment of such dedication fees as are appropriate;

V. That the Brian Richard Speed property be acquired at a price of $30,000.00 and in accordance with Schedule "4";

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

Copies of Schedule "2", Schedules "A", "4" and Misc. Plan No. 10090/8 are on file in the office of the City Clerk.

Adopted by consent.

(See Minute No. 295 for attachment)

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor Golden,
Seconded by Councillor Lazarenko,

282 - WHEREAS The City of Winnipeg on May 26, 1993 established an Ad Hoc Committee comprised of Councillors Golden, Lazarenko and Prystanski for the purpose of establishing a memorial to former Mayor Stephen Juba;

AND WHEREAS former Mayor Stephen Juba was the first Chairman of Canada's first Convention Centre, built in the City of Winnipeg;

AND WHEREAS, as Chairman of the Winnipeg Convention Centre, former Mayor Stephen Juba negotiated for the hosting of a display of the Soviet Space Program and further to have Sputnik I, the first man made object to orbit the earth, donated to the City of Winnipeg;

AND WHEREAS the said model of Sputnik I is the only known model to exist in the world today;

AND WHEREAS the Kennedy Space Centre in Orlando, Florida, USA, has requested, through Councillor Golden, that Sputnik I be made available to them for either the purpose of being put on display at the Kennedy Space Centre or for the purpose of their creating a copy;

AND WHEREAS it is desirable for The City of Winnipeg to assist the Kennedy Space Centre to expand and improve their educational exhibit;

AND WHEREAS there will be no cost to The City of Winnipeg to provide this assistance;

AND WHEREAS there may be revenue opportunities for The City of Winnipeg which could be used to honour former Mayor Stephen Juba;

NOW THEREFORE BE IT RESOLVED that the Standing Policy Committee on Property and Development be delegated authority to authorize or decline any arrangement the Ad Hoc Committee may be able to bring to them for their consideration.

The Speaker noted that the motion would stand as Notice of Motion in accordance with Rule 17.1 of the Procedure By-law.

Moved by Councillor Angus,
That the rule be suspended to allow consideration of the motion at this time.

Carried.

The motion was put and declared carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

283 - 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. 7140/98, a by-law of The City of Winnipeg to widen part of Kimberly Avenue between Gateway Road and Grey Street. File DAO 15/93

By-law No. 7141/98, a by-law of The City of Winnipeg to close parts of Taylor Avenue, Oxford and Cambridge Streets and the public lanes east of Waverley Street and north of Wilkes Avenue. File DAC 17/97