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 clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,21 and 22 be adopted.

Councillor O'Shaughnessy requested that Clause 19 be pulled from the Consent Agenda.

Councillor Golden requested that Clause 20 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17, 18,21 and 22 was put and declared carried.

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

131 - ***Note: Clause 1 has been referred to the Chief Administrative Officer by the Executive Policy Committee.***

Referred to the Chief Administrative Officer by the Executive Policy Committee

Authorization for an Application to the Municipal Board of Manitoba for an Order to cancel plans of the Canadian National Railway and the City lands within the Fort Rouge Yards
Files G-9 (Vol. 1) and TT-5.1 (Vol. 6)

132 - 2. The Standing Policy Committee on Property and Development has been advised that on November 20, 1996, Council adopted Clause 11 of the Report of the Committee on Finance and Administration dated October 28, 1996, in respect of an agreement between the Canadian National Railway and The City of Winnipeg dated October 13, 1994, which entitled the City to purchase or lease certain Canadian National lands for the Southwest Transit Corridor as well as the Grant Avenue Extension.

The Land and Development Services Department is currently assembling the Canadian National Railway lands required for the Southwest Transit Corridor and identified as "Proposed Transit Corridor" on Schedule "A", Misc. Plan No. 8557/10.

Acquiring Title to the Canadian National Railway land within the Fort Rouge Yards for the Southwest Transit Corridor is exceedingly intricate, due in part because:

(a) there are several portions of the Certificates of Title to the Canadian National land which the City will be acquiring for the Southwest Transit Corridor; and

(b) there are also portion of streets and lanes closed by By-law No. 4264, Plan 9754 WLTO, which are still owned by the City of Winnipeg under The Registry Act that further complicates the acquisition process.

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The severance of the Canadian National lands contemplated by the parties by any method other than plan cancellation would aggravate the already complex process. Cancellation of certain plans of the Canadian National Railway and the City lands within the Fort Rouge Yards would reduce the number of parcels of land that would otherwise be required to facilitate the acquisition of the lands for the Southwest Transit Corridor. In addition, the plan cancellation would simplify the registration process, provide the City with a distinct title for the land for the Southwest Transit Corridor and reduce the legal survey and registration costs of acquiring the land.

On November 4, 1997, the City Centre Community Committee concurred in the recommendation contained in report dated October 22, 1997, from the Senior Land Surveyor, Land and Development Services Department, that an application to The Municipal Board be approved and the appropriate Standing Policy Committee request Council to adopt the following resolution, namely:

> WHEREAS City Council at its meeting of November 20, 1996, adopted Clause 11 of the Report of the Committee on Finance and Administration dated October 28, 1996, in respect of an Agreement between the Canadian National Railway and The City of Winnipeg dated October 13, 1994, which entitled the City to purchase or lease certain CN lands for the Southwest Transit Corridor;
>
> AND WHEREAS by the adoption of said Clause the City has authorized the Proper Officers of the City to proceed with the field survey work necessary to comply with the terms and conditions of said Agreement and to request the transfer of the Donald/Main and Fort Rouge Corridor lands as per the said Agreement;
>
> AND WHEREAS the title to the Canadian National Railway land is exceedingly complex and cumbersome and an alternate and more efficient and expedient method for the acquisition of the land required for the Southwest Transit Corridor within the Fort Rouge Yards is cancellation of the requisite portions of any plans which may be registered affecting or affected by the Canadian National Railway and City Title;
>
> NOW THEREFORE BE IT RESOLVED that pursuant to the provisions of Sections 95(1) and 95(3) of The Municipal Board Act, Council authorize an application to The Municipal Board of Manitoba by the City and/or others for an Order to Cancel the requisite portions of WLTO Plan Nos. 208, 249, 254, 301, 319, 391 and 9754 contained within the limits identified as C.N.R. Fort Rouge Yards on Misc. Plan No. 8557/10, identified as Schedule "A", affected by the Canadian National Railway and City Title and for an Order to register a new plan of survey in substitution therefore.
>
> AND BE IT FURTHER RESOLVED 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.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee, and therefore submits the foregoing resolution to Council for adoption.

Copy of Misc. Plan No. 8857/10 is on file in the Office of the City Clerk.

Adopted by consent.

Proposed Opening of part of the north side of Ottawa Avenue west of Watt Street - East Kildonan-Transcona Community
File DAO 14/97

133 - 3. The Standing Policy Committee on Property and Development has been advised the subject City property, as outlined on Misc. Plan No. EKT 10061, is currently designated as part of the Winnipeg Hydro Transmission Line. This land is used as part of the Ottawa Avenue right-of-way and should be designated as public street.

The proposed street opening has been circulated to all concerned City departments and public utilities with no objections having been received. There will be no cost to the City to effect the opening other than the cost of registering the documents required in the Winnipeg Land Titles Office. No construction of Ottawa Avenue is required.

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

At a Public Hearing held on November 12, 1997, the East Kildonan-Transcona 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 East Kildonan-Transcona 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 in accordance with Schedule "A", Misc. Plan No. EKT 10061.

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. 168 for attachment)

Proposed Subdivision and Rezoning - land located on the south side of Ridgecrest Avenue between Main Street and the Red River - Lord Selkirk-West Kildonan Community
File DASZ 9/97 (c/r DAV 172/97D)

134 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from Lombard North Group (1984) Ltd., 505 - 93 Lombard Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a "R1-20" Residential District to a "RM-1" Multiple-Family District to permit the construction of multiple-family housing.

The following is the present Site Description:

Site Area: Approximately 40,139.02 square metres in size.

Existing Land Use and Zoning: The subject lands are generally vacant and zoned "R1-20" Residential.

The Surrounding Land Use and Zoning are as follows:

North: Much of the land to the north remains vacant but is zoned "R1-20" Residential.

South: To the south, the lands are zoned "R1-20" and there are a number of single-family homes fronting onto John Black Avenue and Scotia Street.

East: The Red River forms the eastern boundary.

West: Lands immediately to the west are church lands zoned "R1-20".

The developer proposes to rezone the subject lands to facilitate development of a 62 unit condominium complex. Primary access is to be via an upgraded Ridgecrest Avenue.

Under a previous application, the applicants applied for a modified multiple-family project and a large lot single-family component lying adjacent to the river. The two residential parcels were to be separated by what would constitute an eventual extension of Scotia Street through to the future Ridgecrest right-of-way. The Scotia Street residents generally supported that proposal which also included an emergency/temporary access from the multiple-family project to Main Street. For unspecified reasons, the applicants have replaced the original proposal with a much more enterprising proposal: a 62 unit multiple-family condominium complex which extends to within several hundred feet of the river. In principle, the Community Planning Division supports the proposed rezoning. The location is appropriate for a development of this type and the applicant has made a conscientious effort to maintain a reasonable density relative to the overall size of the land.

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However, while access is provided to Scotia Street establishing a connection of sorts to Ridgecrest Avenue, the right-of-way through the development project would be a private right-of-way. The Streets and Transportation Department is therefore of the view that John Black Avenue and Scotia Street is essentially a 400 metre dead end cul-de-sac and unacceptable from their perspective. The Streets and Transportation Department recommended that the plan be amended to provide for an extension of Scotia Street to Ridgecrest Avenue. The Administrative Co-ordinating Group (ACG) is of similar view as indicated on the ACG report.

While the lack of a connection of Scotia Street to Ridgecrest Avenue does not in the Community Planning Division's view have an adverse impact on the overall concept plan to the north, the position of the Administrative Co-ordinating Group must be supported in this instance. An extension of Scotia Street with accompanying Plan Amendment is the preferred alternative. However, if the Community Committee endorsed the plan as proposed, then it is strongly recommended that all conditions outlined in the ACG report be adhered to.

Public Hearings were held before the Lord Selkirk-West Kildonan Community Committee on July 22 and September 16, 1997. Four persons were heard in support of the application. Nine persons were heard in opposition thereto.

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

1. This is considered to be an adequate and appropriate development for the site.

2. The land will not be developed to maximum density. A reasonable density relative to the overall size of the land has been maintained.

3. The residents generally supported the proposal after incorporating the extension of Scotia Street. On November 25, 1997, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning application under File DASZ 9/97, and an additional report dated November 10, 1997, from the Chairperson of the Administrative Co-ordinating Group, as outlined on Schedule "D", and approved the following amendment which has affected the recommendations as set out below:

   · Recommendation 3. b) proposed by the Lord Selkirk-West Kildonan Community Committee, which outlined the land drainage trunk charge be reduced to $7,543.00 per acre, be amended as follows: "The Developer shall pay a land drainage trunk charge of $9,801.00 per acre."

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

I. That the plan of subdivision proposed under File DASZ 9/97 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "A", dated July 7, 1997, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the plan be amended to provide for all conditions in the reports of the Administrative Co-ordinating Group dated June 16, 1997, and September 3, 1997, as outlined on Schedules "B" and "C" respectively, as amended.

   B. That the Developer be required to enter into a Development Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group dated June 16, 1977, and September 3, 1997, amended as follows:

      i) That Recommendation 3. b) of the June 16, 1997 Administrative Co-ordinating Group report be amended to read as follows:

         "The Developer shall pay a land drainage trunk charge of $9,801.00 per acre."

      ii) That Recommendation 5. of the June 16, 1997 Administrative Co-ordinating Group report be deleted and replaced with the following:

         "The Developer shall pay to the City in cash, its pro-rata share of 50% of the estimated costs of the installation of traffic control signals at the intersection of Main Street and Ridgecrest Avenue as determined by the Chief Administrative Officer or his designate, based upon the

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total area of benefitting developable lands located east of Main Street and north of the present terminus of Scotia Street."

iii) That Recommendations 10.a) and b) of the June 16, 1997 Administrative Co-ordinating Group report be deleted and replaced with Recommendations 10. a), b), c) and d) of the Administrative Co-ordinating Group report dated September 3, 1997.

iv) That Recommendation 11. be deleted in its entirety.

v) That Recommendation 13. be deleted in its entirety.

C. That the developer be required to dedicate 2± acres of river front property on the subject lands for public reserve purposes in lieu of cash.

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 9/97, dated July 7, 1997, to a "RM-1" Multiple-Family District subject to the following:

A. That the Developer be required to enter into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the "RM-1" Multiple-Family District lands to provide the following:

1. That not more than 68 dwelling units be erected or located on the land.

2. That final construction plans indicating the design and location of the proposed building(s), including elevations and details or exterior finishing materials, accessory parking and loading areas, fencing, landscaping, free-standing signs, and garbage enclosures, be subject to the approval of the Chief Administrative Officer or his designate and the Community Committee prior to the issuance of a building permit.

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 Office, and when the Zoning Agreement(s) has been filed by caveat as a first charge in the Winnipeg Land Titles Office.

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

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 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. 169 for attachments)

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

Extension of Time - Proposed Rezoning of land located on the west side of St. Mary's Road, north of Normand Avenue - Riel Community File DAZ 279/88

135 - 5. On April 17, 1989, Council adopted Clause 5 of the Report of the Committee on Planning and Community Services dated April 3, 1989, which Clause recommended approval of the rezoning of land located on the west side of St. Mary's Road, north of Normand Avenue, to permit the construction of 116 multi-family dwelling units.

Recommendation IV. of the said Clause stipulates:

> "IV. That in the event this application is not proceeded with expeditiously and the By-law is not enacted within 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."

Although on a few occasions it appeared that the application would be finalized, to date the required servicing and zoning agreements have not been executed nor has the rezoning by-law been enacted.

A major Winnipeg developer has recently advised the Administration that he has conditionally purchased the property and that he would like to finalize the application. The developer was advised that a review of the original conditions of approval was required and that an approval by Council for a time extension, subject to amendments to the original conditions if necessary would also be required.

The Administration has reviewed the original conditions of approval, and is of the opinion that the conditions are still valid with some amendments to the servicing agreement to reflect current development parameters. The Zoning Agreement restrictions are still all valid.

On November 25, 1997, the Standing Policy Committee on Property and Development considered report dated November 17, 1997, from the Land Development Engineer, Land and Development Services Department, and did not concur with the following portion of the administrative recommendation: that Condition 5.b) dealing with dedication be deleted and replaced with the following new Condition 5.b): "The Developer shall pay $20,300.00 in lieu of improving the land described in a) herein i.e. approximately 1 acre."

The Standing Policy Committee on Property and Development therefore recommends:

I. That an extension of time to December 31, 1998, be granted to provide for the enactment of the necessary Zoning By-law under File DAZ 279/88 (as approved by Council on April 17, 1989), subject to amendments to the following conditions contained in the Administrative Coordinating Group's report dated January 25, 1989, namely:

   i) That Condition 4. dealing with sump pumps be deleted as this requirement is now covered under the Sewer Utility By-law;

   ii) That Condition 5.b) dealing with dedication be deleted;

   iii) That Condition 7.a) dealing with dyking be deleted and replaced with the following new Condition 7.a):

   "The Developer shall provide the equivalent of a 32 foot wide easement at the Flood Protection Level between the Floodway Line and the Floodway Fringe Line for flood protection purposes."

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.

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

Extension of Time - Proposed Rezoning - land located at the southwest corner of McGillivray Boulevard at Waverley Street File DAZ 228/89 (DAOC 9/89)

136 - 6. The Standing Policy Committee on Property and Development has been advised that on March 27, 1991, Council adopted Clause 9 of the Report of the Committee on Planning and Community Services dated March 11, 1991, which Clause recommended approval of the subject rezoning to an "M1" Industrial District, as outlined on Schedule "A", to allow for the construction of a gas kiosk and a multi tenant industrial development subject to the execution of a zoning agreement.

Recommendation VI. of the said Clause stipulates:

> "VI. That in the event this application is not proceeded with expeditiously and the By-law is not enacted within 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"

On July 22, 1993, Council adopted Clause 8 of the Report of the Committee on Planning and Community Services dated June 29, 1993, which Clause recommended that the time limit to enact the By-law under File No. DAZ 228/89 be extended to March 27, 1995.

In the interest of expediting this application due to the lateness in the construction season this report is being forwarded directly to the Standing Policy Committee on Property and Development rather than through the Assiniboia Community Committee. The Ward Councillor has been consulted and provided with a copy of the report for his information and comments directly to the Committee.

The applicant, Sherwood Park Home Ltd., 670 Park Boulevard South, Winnipeg, has advised the Land and Development Services Department that due to the difficult rental market over the last few years they have been unable to secure a suitable tenant for the site. They now have a prospective tenant for this site and are negotiating a lease for 12,000 square foot office building. The applicant intends to restrict development to the one acre site in which they hold title. The applicant had been negotiating with the City for the purchase of 18,000 square feet of right-of-way and for the complete closure of McDonald Road at Waverley Street (File DAOC 9/89), but the applicant is not proceeding at this time with the purchase of the above mentioned right-of-way until a future tenant for these lands is secured. The applicant has requested a further two year extension of time in order to complete the subject rezoning application.

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

The Standing Policy Committee on Property and Development therefore recommends:

I. That an extension of time to December 1, 1999, be granted to provide for the enactment of the necessary Rezoning By-law under File No. DAZ 228/89.

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

Adopted by consent.

(See Minute No. 170 for attachment)

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

Extension of Time - Proposed Rezoning of land located at 754, 772, 776, 778, 784, 796, 802 and 804 McDermot Avenue - Lord Selkirk-West Kildonan Community
File DAZ 241/94

137 - 7. The Standing Policy Committee on Property and Development has been advised that on March 22, 1995, Council adopted Clause 4 of the Report of the Committee on Planning and Community Services dated February 28, 1995, which Clause recommended approval of the subject rezoning to a "C2" Commercial District, as outlined on Schedule "A", to allow for the following uses:

1. The establishment of offices, business or professional, and
2. Future medical facilities subject to the execution of a zoning agreement.

Recommendation III. of the said Clause stipulates:

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

Recommendation V. of the said Clause further stipulates:

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

The Rezoning By-law No. 6697/95 was passed by Council on September 27, 1995. The enactment section of the By-law requires that the zoning caveat must be registered in the Winnipeg Land Titles Office by September 27, 1996, failing which the By-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

B. Sawicki, the solicitor acting on behalf of the applicant, the University of Manitoba, has advised the Land and Development Services Department that the University was in negotiations with a number of the remaining property owners on the south side of McDermot Avenue between Emily and Tecumseh Streets, with the intent of purchasing the additional properties in order to consolidate the universities titles. Since negotiations have not yet been completed, and are unlikely to be completed in the near future, the university would now like to register the caveat bringing the above noted zoning into effect. The applicant has requested an additional twelve months to complete the subject rezoning.

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

On October 21, 1997, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation contained in the report dated September 18, 1997, from the Subdivision Officer,
and recommended that the time limit to register the Zoning Agreement caveat under the enactment clause of By-law No. 6697/95 be extended to September 31, 1998.

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

I. That an extension of time to September 30, 1998, be granted to register the Zoning Agreement caveat under the enactment clause of By-law No. 6697/95.

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.

(See Minute No. 171 for attachment)

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

Extension of Time - Proposed Rezoning - land located at the southwest corner of Goulet Street and Traverse Avenue - Riel Community File DAZ 200/95

138 - 8. The Standing Policy Committee on Property and Development has been advised that on April 19, 1995, Council adopted Clause 15 of the Report of the Committee on Planning and Community Services dated April 4, 1995, which Clause recommended approval of the subject rezoning to an "RM-6" Multiple-Family District, as outlined on Schedule "A", to allow for the construction of a multiple-family development (Senior Citizen's Complex), subject to the execution of a zoning agreement.

Recommendation III. of the said Clause stipulates:

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

Recommendation V. of the said Clause further stipulates:

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

The Rezoning By-law No. 6636/95 was passed by Council on May 17, 1995. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by May 17, 1996, failing which the By-law would expire unless that date was extended by a resolution of Council and that registration was completed before any such extended date.

On April 24, 1996, Council adopted Clause 7 of the Report of the Committee on Planning and Community Services dated April 2, 1996, which Clause recommended that the time limit to register the Zoning Agreement caveat under File DAZ 200/95 to enact the zoning under By-law No. 6636/95 be extended to May 17, 1997.

The applicant, Place Goulet Inc., 608-400 Des Meurons, Winnipeg, has advised the Land and Development Services Department that due to the unfavourable Real Estate Market, it has been difficult to lease the units within the subject Senior Citizen's Complex at the present time. The applicant has requested a further two year extension of time in order to complete the subject rezoning in anticipation that the real estate market will improve within the next year or two.

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

The Standing Policy Committee on Property and Development therefore recommends:

I. That an extension of time to May 17, 1999, be granted to register the Zoning Agreement caveat under the enactment clause of By-law No. 6636/95.

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

Adopted by consent.

(See Minute No. 172 for attachment)

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

Extension of Time - Proposed Rezoning of land located on 1880 - 1952 St. Mary's Road - Riel Community
File DAZ 208/95 (c/r DASSF 516/96)

139 - 9. On November 29, 1995, Council adopted Clause 6 of the Report of the Committee on Planning and Community Services dated November 10, 1995, which Clause recommended approval of the subject rezoning to an "RM-1" Multiple-Family District and a "PR1" Parks and Recreation District, as outlined on Schedule "A", to allow for the construction of a multiple-family development subject to the execution of a zoning agreement.

Recommendation IV. of the said Clause stipulates:

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

Recommendation VII. of the said Clause further stipulates:

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

The Rezoning By-law No. 6866/96 was passed by Council on July 24, 1996. The enactment section of the By-law requires that the Zoning Agreement caveat must be registered in the Winnipeg Land titles Office by July 24, 1997, failing which the By-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

Walter Chomichuk, 55 Newport Road, St. Germain, Manitoba, who is the applicant had advised the Land and Development Services Department that he was unable to complete the above noted requirement due to the fact that he is now in negotiations with the City of Winnipeg to purchase adjacent land from the City which will also require rezoning; then consolidation with the above noted plan of subdivision. The applicant has requested an additional eighteen months to complete this land sale transaction, and proceed with the required rezoning application on the contiguous lands.

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

On September 15, 1997, the Riel Community Committee considered the report from the Subdivision Officer, dated August 13, 1997, with respect to the extension of time and concurred in the recommendations contained therein.

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

I. That an extension of time to January 24, 1999, be granted to register the zoning agreement caveat under the enactment clause of By-law No. 6866/96.

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. 173 for attachment)

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

Proposed Rezoning - land located at the southeast corner of Chancellor Matheson Road and Pembina Highway - Riel Community File DAZ 218/97 [c/r DAV 573/97D and DAPS 10/97]

140 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from UMA Engineering Ltd. on behalf of the University of Manitoba (owner), to amend By-Law No. 6400/94 by rezoning the land as outlined below from an "RM-1" Residential District to an "MP-2" Industrial District to permit the establishment of a Technology Park.

The following is the present Site Description:

The land in question has close to a 1,000 metres of frontage along Chancellor Matheson Road and 450 metres of frontage along Pembina Highway. It is vacant land.

Site Area: Approximately 112 acres

Existing Land Use and Zoning:
The current zoning "RM-1" allows for low-density multiple family development. The land is vacant.

Surrounding Land Use and Zoning:

North: The University nursery and stadium complex zoned "RM-1" Residential
South: Fully developed single-family areas zoned "R1-5.5"
East: The university complex (University of Manitoba) which is zoned "RM-1" Multiple-Family Residential.
West: Commercial businesses along the west side of Pembina zoned "C1" Commercial.

The plans call for an internal private road system with several points of access off Chancellor Matheson Road. Future subdivision could accommodate 8 five-acre lots in addition to a possible four acre retention lake.

There will be no vehicular access to Pembina Highway.

The applicants propose to rezone the subject 112 acres of vacant university land to an "MP-2" Industrial Park District category in order to facilitate development of a Technology Park. The long term objective is to create a development site which will attract specialized businesses in the fields of bio-technology, information technology and other high-tech research based industries having a direct link to the University of Manitoba. The goal is create a collaborative partnership between the University as an education institution and high-tech industry. The University benefits through the enhancement of its research capability, through the sharing of knowledge and ideas, through increased learning opportunities for its students and through a greater competitive advantage in attracting high quality staff and students. The industries benefit through access to knowledge based infrastructure and through access to a student labour pool.

The Strategic Planning Division which oversees and interprets Plan Winnipeg policy has determined that the University is unique in character. It is viewed as the ultimate mixed use environment - made up of educational, residential, commercial - even agricultural components. Its the view of the Administration that high-tech industry directly tied to the University and subject to high design standards is similarly an appropriate component within the University community.

However in order to facilitate the aforementioned high-tech industrial uses, an industrial park zoning category is required. While the Administration is supportive of the subject rezoning, many of uses listed under the "MP-2" Industrial category are not deemed to comply with the unique character of Technology Park concept sought by the University of Manitoba. Therefore those uses deemed to be appropriate should be and have been identified and listed as permitted uses in the accompanying Zoning Agreement. For comparative purposes, what follows is a list of those uses not included in the Zoning Agreement - those which should be prohibited.

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- automobile, including motorcycle: customizing
- automobile, including motorcycle: rental, sales, including accessory repair, service, installation of supplies, parts
- automobile, including motorcycle supplies, parts: sales
- awning: manufacture, rental, sales
- bakery
- beverages: manufacture, bottling excluding a brewery or distillery
- bicycle - manufacture
- boats - manufacture, docking, launching, rental
- brewery or winery, not exceeding a floor area of 5,000 square feet, entirely contained within a completely enclosed building and operated without venting to the exterior of such building.
- contractors establishment
- dry cleaning, pressing, dying, including accessory depot, unlimited solvents
- exterminator business
- fish: packing, processing
- furnishing, household or office, including carpet and furniture: manufacture
- laundry: linen supply service: including accessory depot
- leather; hides, fur, bone; hair products: manufacture from finished materials
- luggage: manufacture
- manufacturers agent - including retail sales
- motors or machines, recreational or utility, including power toboggans outboard motors, lawn mowers; rental; sale: Service
- moving or storage establishment
- outside display
- outside storage
- poultry hatchery
- recycling: materials baling, treatment or other processing
- retail sales of goods produced or stored upon the same zoning lot
- signage: manufacture, rental, sales
- soap, detergent, perfume or cosmetics: manufacture
- terminal for haulage: motor freight station, excluding an inter-modal terminal
- terminal for courier/delivery and express service: cleaning service, key and lock service: security service, taxi, or similar services
- towing service, excluding vehicle compound
- truck, trailer, recreational vehicle, bus; repair
- warehousing, cold storage, rental, storage units
- wholesale establishments

The Administration is also of the view that special attention has to be paid to establishing an adequate landscaped buffer along the south boundary of the subject site. This in order to reduce the impact of development on adjacent established residential areas along Bayridge Avenue, Laval Drive, Temple Bay and Tulane Bay. Under the Plan approval process, it is suggested that: (1) a landscaped berm be established and maintained along the south boundary, and that (2) new industrial buildings be setback at least fifty metres from the same property line. The fifty foot setback currently required for rear yards between buildings in industrial park areas and neighbouring residential areas under By-law No. 6400/94 is not felt to be adequate in this instance. The aforementioned separation space shall further not be used for display purposes, storage of materials or refuse or processing of any kind.

The Administration further intends, by way of the Zoning Agreement to (1) restrict building heights, and (2) recommend a phasing process whereby frontage lands along Chancellor Matheson Road and Pembina Highway must be developed in advance of the lands abutting the residential areas to the south.

Public Hearing were held before the Riel Community Committee on September 15 and October 27, 1997. Twenty persons were heard in support of the application, fifty-nine were heard in opposition, and fifteen persons registered for information on the application.

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

1. Approval of this rezoning is compatible with the surrounding area and the conditions of approval which the Riel Community Committee has imposed seeks to ensure that the concerns of the area residents will be addressed.

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2. This proposal represents a high quality development which will potentially be beneficial to both the University of Manitoba and to the residents of the City of Winnipeg by enhancing the image and reputation of the University of Manitoba and helping to create jobs and keep students in Manitoba.

3. The University of Manitoba has publicly stated it is committed to being a good neighbour and has no intention of creating an area that may be disruptive to both nearby residential areas or to the University's existing research and teaching environment.

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

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 218/97, dated September 8, 1997, to an "MP-2" Industrial District, subject to the following:

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

1. That the following uses be permitted on the subject land:

- accessory uses (not listed)
- bank; credit union; or similar financial service
- catering; commissary
- day care centre for the children of customers, employees, or tenants, on the same zoning lot
- laboratory: medical, dental, optical
- laboratory: research, experimental or testing
- medical, dental, optical, counselling, or other health or therapeutic clinic
- medical, dental, optical or other precision instruments; prosthetics: manufacture
- pharmaceuticals: manufacture
- photographic developing/printing
- printing; photocopying; or similar service
- printing; publishing
- post office; carrier depot
- public utility or service, excluding garbage incineration, reduction, transfer, or landfill, sewage treatment, or a public works yard
- radio or television station
- recycling: material sorting, baling or storage, completely contained in an enclosed building (limited to internal recycling by individual tenants of the Industrial Park)
- studio, motion picture
- university; college; technical school
- welding or soldering shop (accessory)
  communication equipment manufacture, including satellite dishes and radio towers
- electronic equipment, including audio-video, communication, copying, data processing, security, and similar equipment, excluding satellite dishes and radio towers: manufacture

2. Recognizing the unique character of the proposed development, that the following uses be permitted, however, the scale of activity be limited to prototype development and fabrication/manufacture; pilot plants; limited production or testing:

- appliances, including major appliances: manufacture
- automobile, including motorcycle: manufacture
- clothing, including hats, shoes, other wearing apparel and accessories: manufacture needle trades
- farm implements manufacture
- food products: processing
- glass products: manufacture from finished glass
- machinery/heavy equipment: manufacture
- metal products: manufacture from finished metal
- motors or machines, recreational or utility, including power toboggans outboard motors, lawn mowers; manufacture

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- musical instruments: manufacture
- paper products, manufacture from finished paper
- plastic products: manufacture from finished plastic
- rubber products: manufacture from finished rubber
- textiles products: manufacture from finished textiles
- tile or other ceramic products: manufacture
- truck, trailer, recreational vehicle, bus; manufacture
- wood products: manufacture from finished wood, including cabinet shops

3. That the following uses be conditional:

- day care centre
- parking structure, accessory
- parking structure, non-accessory
- adhesives: manufacture) limited to prototype development
- aircraft: manufacture, service) and fabrication/manufacture; pilot plants; limited production or testing

4. That the University of Manitoba be encouraged, but not limited to, first developing the lots abutting Chancellor Matheson Road and Pembina Highway.

5. That preliminary concept plans be submitted for each individual lot for approval by the Riel Community Committee, showing landscaping, building locations, parking and fencing.

6. That final construction and site plans showing landscaping, building locations, approaches, signage, fencing, parking, garbage enclosures, and external lighting be subject to the approval of the Riel Community Committee and the Chief Administrative or his designate prior to the issuance of a building permit.

7. That a minimum 50 metre separation space be maintained between any new industrial buildings on the subject land and the south property line, and that said separation space be comprised of a landscaped buffer.

8. That the maximum building height be limited to 25 feet (7.62 metres) for a distance of 400 feet (122 metres) from the southern property line of the development, and that the building height be restricted to 50 feet (15.3 metres) on the remainder of the property.

B. That the applicant enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Co-ordinating Group for File No. DAZ 218/97, dated September 5, 1997.

II. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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

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

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

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II. 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. 174 for attachment)

Proposed Zoning Agreement Amendment - land located at 1136 Sargent Avenue - City Centre Community
File ZAA 10/97 (c/r DAZ 210/87)

141 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from J.G. Karasevich, 102-5 Donald Street, Winnipeg, to amend the Zoning Agreement affecting the property at 1136 Sargent Avenue.

Over the years, the subject property has contained a grocery store, an electrical contractor, a beauty parlour, and the current clothing store for which it was rezoned in 1987 to a "C1" Limited Commercial District. The restrictive zoning agreement, limiting the use of the building to a clothing store, ensured that any change of use would be subject to a public hearing. The zoning agreement also requires the maintenance of eight parking stalls on the site, restricts signage and imposes siting and bulk controls on any building(s).

The Community Planning Division is of the opinion that expanding the use of the building to include a gift store and a grocery store/confectionery would be appropriate in that these retail services would benefit the neighbourhood.

A Public Hearing was held before the City Centre Community Committee on November 4, 1997.

One person was heard in support of the application. No persons were heard in opposition thereto.

The City Centre Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1. Over the years the subject property has contained a grocery store, an electrical contractor, a beauty parlour and the current clothing store.

2. The restrictive zoning agreement, limiting the use of the building to a clothing store, ensured that any change of use would be subject to public hearing and also requires the maintenance of eight parking stalls on the site, restricts signage and imposes siting and bulk controls on any building(s).

3. Expanding the use of the building to include a gift store and a grocery store/confectionery will be appropriate in that these retails services will benefit the neighbourhood.

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

I. That Zoning Agreement under File DAZ 210/87, dated April 15, 1987, be amended by adding the following uses to the list of permitted uses contained in Article No. 2;

- gift store
- grocery store/confectionery

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 210/87 as approved in aforesaid Recommendation I.

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

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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 1261 Main Street - Lord Selkirk-West Kildonan Community File ZAA 11/97 [c/r DAZ 202/82 and DAV 701/97C]

142 - 12. The Standing Policy Committee on Property and Development has been advised that an application has been received from Walsh Micay and Company, Unit 10 - One Lombard Avenue, Winnipeg, to amend the Zoning Agreement affecting the property as outlined by adding to the list of permitted uses a "Trade School (education and employment training)."

Site Area: Approximately 8,100 square feet (60 feet by 135 feet)

The following is the Existing Land Use and Zoning:

The property is developed with a two-storey masonry office building and accessory parking, which is currently vacant but had housed a computer training facility; zoned "C1" Commercial District.

The following is the Surrounding Land Uses and Zoning:

Restaurant to the west ("C1.5"); 2 two-storey apartment buildings to the north ("RM-4"); a single-family dwelling to the east ("R2"); a three-storey and a two-storey apartment building to the south ("RM-4").

The applicant proposes to establish an education and employment training facility in the currently vacant two-storey office building.

The Urban Circle Training Centre, operational since 1991, provides pre-employment training and employment placement for people on social assistance. A community-based organization, the centre's mandate is to provide First Nations/Aboriginal People with skill-specific training targeted to job-market demands. Training includes classroom instruction and job placement. The building is to be upgraded to accommodate the proposed use.

The two-storey office building located on the subject property was originally constructed in 1960. Its most recent use was a computer sales and training facility. The proposed use is similar to this previous use and likely will not produce any adverse impact on adjacent properties or the surrounding area. The Administration has been advised by a representative of the Centre that the maximum number of students onsite would be approximately sixty at any one time. Total staff is nine training and administrative personnel, and one custodial. Onsite parking, located to the north of the building, accommodates nine vehicles. Students are anticipated to utilize public transit almost exclusively.

The building is oriented towards the Main Street frontage, with the main entrance located along the west side of the building and a service entrance on the north side, adjacent to the parking area. The proposed use is consistent with those listed in the Zoning Agreement. Community Committee should be aware the Trade School (education and training) use is not a permitted or conditional use in the "C1" Commercial District zoning category. A variance application (DAV 701/97C) was submitted to the Board of Adjustment for consideration at its October 22, 1997 meeting.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on October 21, 1997. One person was heard in support of the application. No persons were heard in opposition thereto.

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

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1. The proposed use is similar to the previous use of the subject building and will not produce any adverse impact on adjacent properties or the surrounding area.

2. The proposed use is consistent with those listed in the Zoning Agreement.

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 under DAZ 202/82, dated July 15, 1982, (By-Law No. 3231/82), be amended as follows:

A. That Clause 2 be amended by adding to the list of uses:

1) Trade School (education and training).

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 202/82, 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.

Naming of Service Road adjacent to P.T.H. 101 (Perimeter Highway) - Assiniboia Community
File SC-3.14(31) (Vol. 1)

143 - 13. The Standing Policy Committee on Property and Development has been advised that on September 25, 1997, Council adopted Clause 9 of the Report of the Committee on Planning and Community Services dated September 2, 1997, which Clause recommended approval of the street name "Oxbow Bend Road" to the Service Road at the southwest corner of the Perimeter Highway and Portage Avenue as outlined on Schedule "A".

Recommendation I. of the said Clause stipulates:

"I. That the street name "Oxbow Bend Road" be assigned to the land as outlined on Schedule "A", dated June 25, 1997, and that in approving this request Council authorize the following:

A. 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.

B. 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.

C. 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.

D. 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 report for the purpose of changing all pertinent records and notifying all persons affected by the by-law."

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It has been brought to the attention of the Land and Development Services Department that the recently named Service Road is entirely within the Perimeter Highway right-of-way and therefore falls outside of the City's jurisdiction or control.

There is no method by which the proposed roadway can be legally separated from the Perimeter Highway rights-of-way therefore no by-law can or should be proposed for this street naming. In similar situations in the past, Community Committee approval has been solicited for the naming of the service roads, and with the agreement with the Provincial Highways Department the roadway can be identified by appropriate signage. The City then establishes an addressing system for the roadway and all relevant agencies (ie. utilities, post office, etc.) are advised of the designated roadway name. However unlike the names of legal street rights-of-way no Council by-law is enacted.

Therefore, the recommendations contained within Council's instructions dated September 25, 1997, pertaining to the enactment of a street name by-law, cannot be carried out.

The Assiniboia Community Committee has approved the name "Oxbow Bend Road" and a visual inspection has indicated that the appropriate signage has already been erected.

The Standing Policy Committee on Property and Development therefore recommends:

I. That Council's instructions of September 25, 1997, being the naming of the Service Road adjacent to P.T.H. 101 (Perimeter Highway) to "Oxbow Bend Road", be rescinded and replaced with the following:

   I. That the street name "Oxbow Bend Road" be assigned to the service roadway as outlined on Schedule "A", dated June 25, 1997, and that in approving this request Council authorize the following:

      A. That the City Solicitor/Manager of Legal Services, upon passage and adoption of this motion by Council publish the street name designation in two daily newspapers having a general circulation throughout the City of Winnipeg, if required.

      B. That the City Clerk upon passage of this motion, provide the relevant Community Clerk with a copy of the motion and this report for the purpose of changing all pertinent records and notifying all persons affected by the motion.

   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. 175 for attachment)

Proposed Joint Use Agreement - River Heights School and River Heights Community Centre Grounds - Winnipeg School Division No. 1
File PR-2.3 (Vol. 14)

144 - 14. The Standing Policy Committee on Property and Development has been advised that the City of Winnipeg and the Winnipeg School Division No. 1 have considered entering into a joint use agreement for the River Heights School and the River Heights Community Centre Grounds, located south of Grosvenor Avenue between Montrose and Ash Streets.

Section 407 of The City of Winnipeg Act provides authority to enter into agreements for the provision, by one of the parties to the other of any services or for the sharing of equipment, buildings and other facilities.

As background history, on September 4, 1990, the Committee on Protection, Parks and Culture approved a grant in the amount of $100,000.00 to the River Heights Community Centre from the 1990 Community Incentive Grant Program.

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On March 15, 1993, the River Heights Community Centre requested that the City enter into negotiations with the Winnipeg School Division No. 1 to obtain use of school-owned property.

During the period between March and June 1993, representatives from the River Heights Community Centre, Winnipeg School Division No. 1 and Parks and Recreation Department met to discuss the proposed use and development of school-owned property, however, an agreement was not completed as support project funds were not available at this time.

In a letter dated October 5, 1993, the Winnipeg School Division No. 1 indicated agreement with the proposed sighting of River Heights Community Centre improvements on School Division property and requested that in reciprocity the Parks and Recreation Department assume responsibility for maintenance of the School Division athletic fields at the site.

On February 10, 1994, the Legal Services Division advised the Parks and Recreation Department that a joint use agreement between the City and the Winnipeg School Division No. 1 would not be appropriate.

By letter dated May 5, 1994, the River Heights Community Centre received confirmation of Infrastructure program funding for the expansion of their centre.

On January 17, 1995, City Centre Community Committee concurred in a recommendation that the Director of the Parks and Recreation Department be authorized to enter into negotiations with the Winnipeg School Division No. 1 for the purpose of entering into a joint use agreement for the use of River Heights School grounds by River Heights Community Centre.

By letter dated June 16, 1995, the Parks and Recreation Department received notice from the Winnipeg School Division No. 1 that they were in agreement with the proposed terms and conditions for an agreement at the River Heights School and that construction of a permanent hockey pen on school property could commence.

Prior to the finalization of the agreement, further discussions ensued between the Parks and Recreation Department, the Winnipeg School Division No. 1 and the River Heights Community Centre, which resulted in a modification of the extent of the property subject to the agreement.

In April 1997, the development project at the River Heights Community Centre was finalized.

By way of a telephone call on October 10, 1997, the Administration from the Winnipeg School Division No. 1 indicated agreement with the proposed terms and conditions for an agreement at the River Heights School and River Heights Community Centre Grounds.

The subject property is situated south of Grosvenor Avenue between Montrose and Ash Streets, and includes one permanent hockey pen with asphalted surface built by the River Heights Community Centre on School Division owned property, two baseball diamonds and a portion of a soccer field on School Division owned property, two baseball diamonds, one soccer/football field and a portion of an additional soccer field on City owned property.

The River Heights School and River Heights Community Centre have a long standing relationship whereby each has been able to utilize the others' athletic fields for their programs. Currently the School Division has responsibility for allocating the athletic fields located on the property they own and the City does likewise. The City has responsibility for maintaining all the athletic grounds at the site with the actual work being performed by the Community Centre. The Community Centre agreed to assume the responsibility for maintaining the School Division's athletic grounds located on the site as a condition of approval to build a permanent hockey pen on School Division property. Their maintenance of the City owned athletic fields on the site is part of the Athletic Field Maintenance Program the Parks and Recreation Department operates in conjunction with General Council of Winnipeg Community Centres.

The proposed joint use agreement will formalize the roles, responsibilities and rights of the parties situated at this site that have for all purposes been performed to various degrees for the past number of years. The agreement provides a mechanism to deal with disputes and outlines responsibility with regard to liability issues. The proposed terms and conditions were developed in concert with representatives from the Community Centre and the School Division who have both indicated acceptance of the terms and conditions, as outlined on Appendix "A".

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The Standing Policy Committee on Property and Development therefore recommends:

I. That the terms and conditions, as outlined in Appendix "A", be approved as the basis for the City of Winnipeg to enter into a joint use agreement with the Winnipeg School Division No. 1 for the River Heights School and River Heights Community Centre site.

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.

(See Minute No. 176 for attachment)

Proposed Joint Use Agreement - Tec Voc School Site - Winnipeg School Division No. 1 File PR-2.3 (Vol. 14)

145 - 15. The Standing Policy Committee on Property Development has been advised that the City of Winnipeg and the Winnipeg School Division No. 1 have considered entering into a joint use agreement for the Tec Voc School site located north of Wellington Avenue and east of Wall Street.

On July 24, 1996, Council referred a motion to the Committee on Protection, Parks and Culture regarding the need to examine options to accommodate recreation requirements in the community to replace Alexander Park Site and authorized the Administration to open discussions with the Winnipeg School Division No. 1.

On September 9, 1996 the Committee on Protection, Parks and Culture referred the request to Administration for report.

On September 13, 1996, representatives of the Parks and Recreation Department, the Land and Development Services and the Legal Services Division met with representatives from the School Division to discuss parameters of an arrangement by which the City would receive Title to the property and provide access to the School Division in perpetuity.

On December 2, 1996, the Committee on Protection, Parks and Culture accepted a report on the status of discussions on the replacement of the Alexander Park site with the Winnipeg School Division, the draft proposed terms and conditions for the purchase/sale of a portion of the Tec Voc school property and a draft joint use agreement with respect to the property as information.

On December 16, 1996, a letter was forwarded from the City to the School Division with the draft proposed terms and conditions for the purchase/sale of a portion of the Tec Voc school property and a draft joint use agreement with respect to the property.

On January 9, 1997, the Board of Trustees of the Winnipeg School Division No. 1 adopted a motion which read "that the City of Winnipeg be advised that The Winnipeg School Division No. 1 is not prepared to sell the Division property located on the east side of Wall Street between Notre Dame and Wellington Avenues, and that the Administration be authorized to continue discussions related to the joint use of this property."

On September 8, 1997, the Board of Trustees of the Winnipeg School Division No. 1 approved proposed terms and conditions for a joint use agreement for the Tec Voc site developed by the administrations of both the School Division and Parks and Recreation Department.

The Tec Voc School site is located north of Wellington Avenue and east of Wall Street. It is currently developed and used for the school athletic program and some community use. The grounds currently include two football fields, four soccer pitches and four baseball diamonds, although there is overlap amongst a number of these fields and they require upgrading.

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Discussions between the Park and Recreation Department and the School Division regarding the Tec Voc School site began in the spring of 1996 when the School Division was looking at ways to reduce school grounds maintenance and redevelopment costs. At that time the Department expressed interest in the site.

With the approval of the sale of the Alexander Park Site, the direction to examine options to accommodate recreation requirements in the community to replace Alexander Park Site and the authorization for the Administration to open discussions with the Winnipeg School Division No. 1 in July 1996, discussions with the School Division began in earnest. Due to the property's location in proximity to the Sargent Park Recreation Complex, its size and the Department's desire to protect existing school sites within the City Centre Community for use for future parks and recreation purposes, the approach taken was to propose the transfer of the ownership of the property from the School Division to the City and the development of a joint use agreement to ensure continued school access to the site. When the School Division formally informed the City it was not willing to transfer the ownership of the property and subsequent efforts to have them change that position failed, discussions focused on the development of a joint use agreement for the site.

The proposed terms and conditions, outlined on Appendix "A", are self explanatory and reflect the need to ensure the continued access to the site for the school's athletic program and the Department's desire to have the property accessible for community use. The Board of the Winnipeg School Division No. 1 approved the proposed terms and conditions on September 8, 1997.

Through the proceeds from the sale of the Alexander Park site, $150,000.00 has been allocated for the development of a replacement soccer field to accommodate the displaced users. The Department's preliminary redevelopment plan for the Tec Voc site has focused on upgrading a field to be used as a replacement for the Alexander Park site. Prior to the initiation of the redevelopment of the site the Department will meet with representatives of the City Centre Community Centre Board to discuss the plans for this site and the Clifton Community Centre site. The purpose will be to ensure that the needs of the community are reflected in the redevelopment of the Tec Voc site and that they are complimentary to the athletic field development occurring at Clifton Community Centre. With the community input the master plan for the Tec Voc site will be prepared with the intent that it will occur on a phased basis over a number of years as funds can be made available.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the terms and conditions, as outlined on Appendix "A", be approved as the basis for the City to enter into a joint use agreement with the Winnipeg School Division No. 1 for the Tec Voc School site located north of Wellington Avenue and east of Wall Street.

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.

(See Minute No. 177 for attachment)

Council Appointments to the Management Committee for the Lindenwoods Joint Venture Agreement
Files FI-2.4.5(Vol. 16) and GC-7 (Vol. 28)

146 - 16. Council, at its Organizational Meeting on November 5, 1997, referred to the Standing Policy Committee on Property and Development the matter of recommending the appointment of one Council Member, and one Council Member to act as an alternate, for the Management Committee for the Lindenwoods Joint Venture Agreement.

The Standing Policy Committee on Property and Development therefore recommends that Councillor Phillips be appointed as the Council Member, and Councillor O'Shaughnessy be appointed as the Council Member to act as an alternate, to the Management Committee for the Lindenwoods Joint Venture Agreement.

Adopted by consent.

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

Council Appointment to the Manitoba Environmental Council
Files GC-5 (Vol. 7) and GC-7 (Vol. 28)

147 - 17. Council, at its Organizational Meeting on November 5, 1997, referred to the Standing Policy Committee on Property and Development the matter of recommending the appointment of one Council Member to the Manitoba Environment Council.

The Standing Policy Committee on Property and Development therefore recommends that Councillor Phillips be appointed as the Council Member to the Manitoba Environment Council.

Adopted by consent.

Council Appointments to the Heritage Winnipeg Corporation
Files G-3 (Vol. 8) and GC-7 (Vol. 28)

148 - 18. Council, at its Organizational Meeting on November 5, 1997, referred to the Standing Policy Committee on Property and Development the matter of recommending the appointment of one Council member from the Standing Policy Committee on Property and Development, and one Council member-at-large, to the Heritage Winnipeg Corporation.

The Standing Policy Committee on Property and Development therefore recommends that Councillor Steek be appointed as the Council member from the Standing Policy Committee on Property and Development, and Councillor Golden be appointed as the Council member-at-large, to the Heritage Winnipeg Corporation.

Adopted by consent.

Council Appointments to the Historical Buildings Committee
Files G-3.1 (Vol. 6) and GC-7 (Vol. 28)

149 - 19. Council, at its Organizational Meeting on November 5, 1997, referred to the Standing Policy Committee on Property and Development the matter of recommending the appointment of one Council member from the Standing Policy Committee on Property and Development, one Council member-at-large, and one Council member to act as an alternate in the absence of either of the Council appointees, to the Historical Buildings Committee.

The Standing Policy Committee on Property and Development therefore recommends:

I. Councillor Vandal be appointed as the Council member from the Standing Policy Committee on Property and Development to the Historical Buildings Committee.

II. Councillor O'Shaughnessy be appointed as the Council member-at-large to the Historical Buildings Committee.

III. Councillor Golden be appointed as the Council member to act as an alternate in the absence of either of the Council appointees to the Historical Buildings Committee.

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

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In amendment,

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

BE IT RESOLVED THAT the clause be amended by replacing the name Councillor O'Shaughnessy with Councillor Murray in Recommendation II thereof.

The amendment was put and declared carried.

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

Council Appointments to the Riverbank Management Committee
Files E-5.1 (Vol. 17) and GC-7 (Vol. 28)

150 - 20. Council, at its Organizational Meeting on November 5, 1997, referred to the Standing Policy Committee on Property and Development the matter of the Riverbank Management Committee composition for review.

On November 19, 1997, Council, upon recommendation from the Executive Policy Committee, amended the Organizational By-law No. 7100/97, to the effect that the Riverbank Management Committee shall be composed of a Chairperson and three members, all to be appointed by Council upon recommendation of the Standing Policy Committee on Property and Development.

The Standing Policy Committee on Property and Development therefore recommends that Councillors Golden, Lazarenko, Phillips and Vandal be appointed to the Riverbank Management Committee, with Councillor Lazarenko being designated as the Chairperson of the Committee.

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

In amendment,

Moved by Councillor Golden,
Seconded by Councillor Lubosch,

BE IT RESOLVED THAT the clause be amended and that the Chairperson and three members to be appointed by Council include Councillors Lazarenko, Phillips, Vandal and Lubosch, with Councillor Lazarenko being designated as the Chairperson of the Committee.

The amendment was put and declared carried.

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

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

Proposed Sale of City Lands, north side of Wilkes Avenue, east of Lanark Street to 3014363 Manitoba Limited or Nominee File FI-2.4(31) (Vol. 3)

151 - 21. The Standing Policy Committee on Property and Development has been advised that the City property, outlined as the "proposed consolidated site" on Misc. Plan No. ASBA 9547/2, has been identified as surplus to the Streets and Transportation Department and was listed for sale with Shindico Realty. An agent from Colliers Pratt McGarry was able to generate an offer on the subject property from 3014363 Manitoba Limited or Nominee for the purpose of building a car wash on the site. The property is not fully serviced.

The Purchaser originally submitted an Offer to Purchase this property at a price of $350,000.00 and on the basis that the property had full municipal services with these services being prepaid. The Land and Development Services Department evaluated the offer and the servicing costs attributable to the site and responded to the purchaser with a counter proposal dated October 16, 1997, as outlined on Schedule "A".

The Purchaser agreed to the proposed price and terms and conditions except that it proposed that the increase in the deposit from the current $5,000.00 to $41,300.00 (10%) be payable 14 days after the sale is approved.

The Land and Development Services Department is supportive of the sale to 3014363 Manitoba Limited or Nominee for the sum of $413,000.00, as outlined above, with the City responsible for the costs of servicing.

The Land and Development Services Department has analysed the costs of servicing the site and the amount of $413,000.00 reflects the current value of the property as it pertains to serviced land at market value.

On September 29, 1997, the Committee on Finance and Administration approved the acquisition of Lots 9/10, Block 1, Plan 1558 from Robert W. Meyers (the "Meyers" property). The closings of Lanark Street, Renfrew Street and the lanes have been applied for under File DAC 13/97.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the subject City property, outlined as "proposed consolidated site" on Misc. Plan No. ASBA 9547/2, be declared surplus to the City's requirements.

II. That the sale of the subject property, outlined as "proposed consolidated site" on Misc. Plan No. ASBA 9547/2, be approved to 3014363 Manitoba Limited or Nominee at a price of $413,000.00, in accordance with the terms and conditions as outlined, subject to road and lane closings and the acquisition by the City of the "Meyers" property.

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.

Copies of Schedule "A" and Misc. Plan 9547/2 are on file in the Office of the City Clerk.

Adopted by consent.

Proposal to Declare Fire Station No. 7 at 180 Sinclair Street as Surplus and Available for Sale File FI-2.4(34) (Vol. 4)

152 - 22. The Standing Policy Committee on Property and Development has been advised that on June 27, 1997, the Fire Chief advised the Director of Land and Development Services that Fire Station No. 7, located at 180 Sinclair Street between Pritchard and Manitoba Avenues, had become surplus to the Fire Department's needs.

The Fire Chief advised that this is as a result of the construction of the new Fire Station at No. 10 on Allan Blye Drive, and the future construction of a Fire Station on McGregor Street between Redwood and Boyd Avenues. The Director of Land and Development Services was further advised that Fire Station No. 7, outlined as "subject City property" on Misc. Plan No. 10201, could immediately be made available for alternative civic use or for sale.

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

Fire Station No. 7 is an example of a Class B Station, that is, a 5,200 square foot two storey, stone/brick building, (excluding basement and attic space), with a 69 foot high tower. It was constructed in 1910, one of 13 fire stations built between 1904 and 1914, and is considered to be the least altered example of a Class B Station in the City.

In accordance with the Historical Building By-law No. 1474/77, Fire Station No. 7 was designated as a Grade III building in August 1994. That is, the building has been identified as having moderately significant heritage characteristics. Exterior alteration and modification may be permitted where deemed suitable and there is usually no restriction on the interior design. The historic designation does not prevent the selling of this property.

The availability of Fire Station No. 7 has been circulated among City Departments to determine if this matches any current civic requirements. Responses indicate that there is no civic need for Fire Station No. 7, therefore, the Administration is of the view that it can be declared surplus to the City's needs and made available for sale.

Upon Council declaring Fire Station No. 7 surplus to the City's needs, a real estate appraisal will be ordered to estimate the market value and a marketing strategy will be developed.

The Standing Policy Committee on Property and Development therefore recommends:

I. That Fire Station No. 7, outlined as "subject City property" on Misc. Plan No. 10201, be declared surplus to the needs of the City and available for sale.

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

Copy of Misc. Plan No. 10201 is on file in the Office of the City Clerk.

Adopted by consent.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

153 - 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. 7124/97, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change for lands located at 45 Osborne Street in the City Centre Community. File DAZ 214/97

By-law No. 7131/97, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the southwest corner of McGillivray Boulevard at Waverley Street in the Assiniboia Community. File DAZ 228/89

By-law No. 7132/97, a by-law of The City of Winnipeg to close a portion of the public lane west of Scotia Street and north of Leila Avenue. File DAC 15/97

By-law No. 7135/97, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south side Chancellor Matheson Road between Pembina Highway and University Crescent in the Riel Community File DAZ 218/97

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

154 - Councillor Murray requested an update on the status of the Heritage Tax Credit Program and questioned why the matter was not presently before Council.

Councillor O'Shaughnessy noted that the financial analysis was expected to be completed in time for consideration at the January meeting of the Standing Policy Committee on Property and Development and forwarded for ensuing Council approval on January 28, 1998.

Councillor Murray questioned if Dr. Fenton's economic impact and analysis costing study was insufficient, to which Councillor O'Shaughnessy replied in the affirmative.

Councillor Murray noted that the proposal for the development of lands adjacent to Portage Avenue needed to be tendered by mid-January and questioned if the proposal would be brought forward within the required time frame for the 1999 PanAm Games.

Councillor O'Shaughnessy advised that the proposal referred to by Councillor Murray did not fall within the purview of the Standing Policy Committee on Property and Development. Councillor O'Shaughnessy noted that it was his understanding that the Chief Planner was preparing a final proposal, including funding and a final draft recommendation for Executive Policy Committee's consideration.

Councillor Murray questioned if the proposals for the Portage Avenue revitalization and enhancement would be brought forward in time to release the tenders and requested confirmation that the matter would be before Council on January 28, 1998.

Councillor O'Shaughnessy noted that every effort was being made to bring the matter forward for consideration in January.