REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 1, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated June 1, 1998, was considered clause by clause.

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16 and 17 be adopted.

760 - Councillor Thomas asked to be recorded as having voted against Clause 10, in accordance with Rule 50.7 of the Procedure By-law.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16 and 17 was put and declared carried.

Proposed Closing of the public lane in the block bounded by Cleveland and Mobile Streets, Inkster Boulevard and Wolf Avenue - Lord Selkirk-West Kildonan Community File DAC 6/98

761 - 1. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department has received a request from Alfredo Santos to purchase the public lane adjacent to his property, as outlined on Misc. Plan No. 10336. The lane must be legally closed before the property may be sold.

The property owners adjacent to the balance of the lane have been contacted. Mr. Muska has advised that he is not interested in acquiring any portion of the lane, and that he would have no objection to Mr. Stolar acquiring all of the balance of the lane. Mr. Stolar has indicated that he is interested in acquiring this land.

This lane exists in a legal sense only. The land is not paved or used as a right-of-way. The Civic Administration has no objections to the sale of the property. Manitoba Hydro and MTS Communication Inc. have indicated that an easement will be required for the maintenance of their facilities in the lane prior to its sale.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on May 12, 1998. The Real Property Officer, Property and Development Services Department appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed street closing as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing, in accordance with Misc. Plan No. 10336, as outlined on Schedule "A".

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

Adopted by consent.

(See Minute No. 820 for attachment)

Report of the Standing Policy Committee on Property and Development dated June 1, 1998

Proposed lane corner widening at the rear of 190 Jefferson Avenue - Lord Selkirk-West Kildonan Community
File DAO 20/96

762 - 2. The Standing Policy Committee on Property and Development has been advised that the Public Works Department has requested the subject lane corner widening, outlined as "proposed lane opening" on Misc. Plan No. LSWK 9437/1. The widening is required in order to facilitate the turning radius of vehicles, particularly refuse trucks and snow removal equipment, in the area. The owners of the land have agreed to the terms and conditions of its sale to the City and it may now be opened as public lane.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on May 12, 1998. The Real Property Officer, Property and Development Services Department was heard in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed street opening as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening, in accordance with Misc. Plan No. LSWK 9437/1, as outlined on Schedule "A".

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

Adopted by consent.

(See Minute No. 821 for attachment)

Proposed street corner widening at the southeast corner of Sargent Avenue and Berry Street - Assiniboia Community
File DAO 5/97

763 - 3. The Standing Policy Committee on Property and Development has been advised that the requirement to open the corner widening, outlined as "proposed street opening" on Misc. Plan No. SJA 7031, was identified in the 1988 Capital Works Program. Negotiations for the acquisition of the property were not completed until 1993.

The construction of the corner widening has been held in abeyance pending the acquisition of the land. The Public Works Department advises that the works are still necessary and will be carried out when feasible.

A Public Hearing was held before the Assiniboia Community Committee on May 19, 1998. No one appeared in support or in opposition of the application. The Community Committee recommended approval of the proposed street corner widening as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening, in accordance with Misc. Plan No. SJA 7031, as outlined on Schedule "A".

Report of the Standing Policy Committee on Property and Development dated June 1, 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. 822 for attachment)

Proposed Opening of part of Lagimodiere Boulevard, north of Dugald Road - Riel Community File DAO 2/98

764 - 4. The Standing Policy Committee on Property and Development has been advised that the City property outlined as "proposed street opening" on Misc. Plan No. 10180 has never been legally opened as a public street. The lands have been a part of the Lagimodiere Boulevard right-of-way for a number of years. In order to regularize the situation, it will be necessary to enact a by-law dedicating the property as a public right-of-way.

A Public Hearing was held before the Riel Community Committee on May 12, 1998. 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 Services concurred in the recommendations of the Riel Community Committee and recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening, in accordance with Misc. Plan No. 10180, 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. 823 for attachment)

Proposed lane corner opening at the rear of 158 Provencher Boulevard - Riel Community File DAO 4/98

765 - 5. The Standing Policy Committee on Property and Development has been advised that the Public Works Department has requested the subject lane corner widening, outlined as "proposed acquisition" on Misc. Plan No. 9618. The widening is required in order to facilitate the turning radius of vehicles, particularly refuse trucks and snow removal equipment, in the area. The owners of the land have agreed to the terms and conditions of its sale to the City and it may now be opened as public lane.

A Public Hearing was held before the Riel Community Committee on May 12, 1998. No one appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed lane corner opening as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening, in accordance with Misc. Plan No. 9618, as outlined on Schedule "A".

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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. 824 for attachment)

Proposed Opening of Lot 8, Plan 27431 as a Public Street - southwest corner of Wellington Crescent and Cockburn Street North - City Centre Community
File DAO 8/98

766 - 6. The Standing Policy Committee on Property and Development has been advised that the land outlined as "proposed street opening" on Misc. Plan No. 8213/1 has been owned by the City of Winnipeg since 1907 and has been in use as part of Wellington Crescent for many years. It has never been legally opened as a public street. In order to regularize the situation, it will be necessary to enact a by-law dedicating the property as a public right-of-way.

A Public Hearing was held before the City Centre Community Committee on May 5, 1998. 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 recommendation of the City Centre Community Committee and recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening, in accordance with Misc. Plan No. 8213/1, as outlined on Schedule "A".

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

Adopted by consent.

(See Minute No. 825 for attachment)

Proposed widening of the public lane east of Pembina Highway between Dalhousie Drive and Killarney Avenue - Riel Community File DAO 9/98

767 - 7. The Standing Policy Committee on Property and Development has been advised that it has come to the attention of the Property and Development Services Department that the property outlined as "proposed lane widenings" on Misc. Plan No. 8228/1, has never been legally opened as part of the existing public lane. The land was acquired by the City and the pavement construction was completed a number of years ago.

In order to regularize the situation, it will be necessary to enact a by-law dedicating the property as a public right-of-way.

A Public Hearing was held before the Riel Community Committee on May 12, 1998. 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 Riel Community Committee and recommends:

Report of the Standing Policy Committee on Property and Development dated June 1, 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. 8228/1, as outlined on Schedule "A".

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

Adopted by consent.

(See Minute No. 826 for attachment)

Proposed Subdivision and Rezoning - land located on the north and south sides of Geraldine Drive, west of Laxdal Road - Assiniboia Community
File DASZ 18/97 [c/r DAV 10/98D]

768 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Riverside Realty for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "R1-20A" Single-Family District to an "R1-5.5A" Single-Family District to allow for the construction of single-family dwellings.

The following is the present site description:

Site Area: Approximately 3 acres (including proposed street rights-of-way)

Existing Land Use and Zoning: Vacant; zoned "R1-20A" Single-Family District

The following is the surrounding land use and zoning:

North: Undeveloped backlands; zoned "R1-20A" Single-Family District

South: Undeveloped backlands; zoned "R1-20A"

East: Single-family dwellings, fronting on Laxdal Road; zoned "R1-20A"

West: Single-family dwellings; zoned "R1-6A" Single-Family District

The applicant proposes to extend Geraldine Drive from its east terminus to Laxdal Road, so as to accommodate the development of thirteen single-family lots. In order to do so, the applicant is required to subdivide existing lots and rezone the property from "R1-20A" Single-Family District to "R1-5.5A" Single-Family District. The "A" suffix in the zoning designation refers to the location of the subject property within Area II of the Airport Vicinity Protection Area. In addition to the extension of Geraldine Drive, the applicant has provided access to the rearage properties south of Geraldine, in order to accommodate future development of these properties. The applicant has also been asked to provide access to the rearage properties to the north of Geraldine Drive (via Lot 5 / Block 2).

The subject application was circulated to the usual administrative agencies and was considered by the Administrative Coordinating Group on February 4, 1998. The proposed thirteen lot single-family subdivision is consistent with the concept plan for the area originally prepared in 1979 (by the former Environmental Planning Department), later revised as a result of the Bramble Estates development which abuts the subject property to the west.

Support for subdivision development of this nature can be found in Plan Winnipeg (Section 5A-14), which promotes compact urban development by "encouraging infilling of vacant lands and the revitalization of existing neighbourhoods." Further, the City shall support "new development which adjoins and is compatible with existing development and which is designed to minimize the use of land."

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The Strategic Planning Branch advised that the proposed development conforms to Airport Vicinity Protection Area Policy, which allows new single-family dwellings within Area II up to a maximum density of 35 units per acre. Streets and Transportation Department recommends that proposed Lot 5/ Block 2 be legally opened as a street right-of-way at this time, in order that the concept plan for the area not be compromised. This lot provides access to the rearage lands north of Geraldine Drive. As well, the Administrative Coordinating Group recommends the developer dedicate two street stubs, one north of and the other south of Geraldine Drive.

Although the proposed subdivision conforms to the concept plan for the area, such plans have no official plan status. They are produced to act as tools guiding future development. Substantial deviations from concept plans -though by no means the norm - are not uncommon. In this case, the concept plan has been altered by orienting Lots 6 and 7 / Block 2 and Lots 1 and 2 / Block 3 towards Geraldine Drive, rather than towards the future north and south roadways. This alteration allows for the development of these lots prior to the installation of the pavement and other services in the future north and south roadways.

The adjacent Bramble Estates development is zoned "R1-6A" Single-Family District. This zoning designation requires minimum lot area of 6,000 square feet, with lot width a minimum of 60 feet. Most lots in this area are 8,142 square feet in area, with lot width of 59 feet. The applicant proposes to rezone the subject property to "R1-5.5A" Single-Family District, which requires minimum lot area of 5,500 square feet, with lot width a minimum of 50 feet. The proposed lots average 6,642 square feet in area, with a lot width of 56.8 feet. The smallest lot area proposed is 6,202 square feet. The narrowest lot proposed is 52.5 feet. While supporting infill development, Plan Winnipeg also states the City's first priority in terms of housing and community development "must be the protection of existing neighbourhoods." (Section 5A-01). Further, "local interests must help guide the choice of response" to new development.

The Administration recommended that the application to subdivide and rezone the subject property be approved, subject to the following:

I. That the plan of subdivision proposed under File DASZ 18/97 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/97 dated April 14, 1998, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the plan be amended to provide:

      1. Proposed Lot 5 / Block 2 should be legally opened as a street right-of-way, so the concept plan for the area is not compromised.

   B. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 1, 1998.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 18/97 dated April 14, 1998, to an "R1-5.5A" Single-Family District.

IV. 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.

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 Development 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.

VIII. That the Plan of Subdivision shall be approved and signed by the Director of Property and Development Services within two years of the date of passage of the aforementioned By-law.

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

A Public Hearing was held before the Assiniboia Community Committee on April 21, 1998. One person was heard in support of the application, and ninety-two persons registered in opposition thereto.

The Assiniboia Community Committee recommended that the proposed subdivision and rezoning not be approved for the following reasons:

1. The majority of neighbouring residents are opposed to the application.

2. The application is inconsistent with developments in the surrounding area.

The Standing Policy Committee on Property and Development concurred in the recommendations of the Assiniboia Community Committee that the application under File DASZ 18/97 for a subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "R1-20A" Single-Family District to an "R1-5.5A" Single-Family District not be proceeded with.

Adopted by consent.

(See Minute No. 827 for attachment)

Proposed Rezoning - land located at 209 boulevard de la Seigneurie - Riel Community
File DAZ 208/98 [c/r DASZ 8/86]

769 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from Randall Homes, 615 St. Mary's Road, Winnipeg, to amend By-Law No. 6400/94 by rezoning the subject land from an "A-5" Agricultural District to a "RM-L" Multiple Family District to allow for multiple-family development.

The following is the present site description:

Site Area: Approximately 3.3 acres

Existing Land Use and Zoning: Currently vacant, zoned "A-5" Agricultural District

The following is the surrounding land use and zoning:

North: Park, zoned "PR-1" Parks and Recreation District

South: Single Family housing zoned "R1-4" Residential District

East: Lagimodière Boulevard

West: Single Family housing, zoned "R1-4" Residential District.

The applicant wishes to develop the land with twenty semi-detached bungalow condominium units, comprised of ten duplex units clustered around a central private cul-de-sac road.

Under the original Island Lakes subdivision (File DASZ 8/86) this site was identified as a school reserve with an optional "RP-L" Planned Residential District zoning (which now corresponds to "R1-3" under the current Zoning By-law). The St. Boniface School Division No. 4 did not exercise its option on this property and as such their option expired in December, 1996. The proposed development, although multiple-family, is very similar in density and character to the surrounding single family development. It is also very similar to what would have been allowed under the originally advertised "RP-L" Planned Residential District zoning under File DASZ 8/86.

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The Administration therefore recommended that the Riel Community Committee endorse the proposed rezoning application, subject to the conditions outlined in the proposed zoning agreement.

Public Hearings were held before the Riel Community Committee on April 21, 1998, and May 21, 1998. Twelve persons appeared in support of the application, thirty-six registered in opposition thereto, and ten persons registered for information thereto.

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

1. Approval of this rezoning is considered to be compatible with the surrounding neighbourhood, and the Community Committee is convinced that the strength of a neighbourhood lies in the diversity of its land uses.

2. The proposed development is a less intense density than what could be located on the land under an "Rl-3" zoning category.

3. The community will benefit from the ten percent land dedication payable by the applicant with approval of this application inasmuch as these funds will ultimately be used for park development in the Island Lakes area.

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

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 208/98 dated April 8, 1998, to an "RM-L" Multiple-Family District, subject to the following:

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

      1. That the number of dwelling units be limited to a maximum of twenty (20), as proposed.

      2. That all final construction and site plans indicating design and location of proposed buildings, fencing, landscaping and garbage enclosures be subject to the approval of the Chief Administrative Officer or designate, and the Riel Community Committee, prior to the issuance of a building permit.

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

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

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

Adopted by consent.

(See Minute No. 828 for attachment)

Report of the Standing Policy Committee on Property and Development dated June 1, 1998

Proposed Rezoning - land located south of Provencher Bridge between Pioneer Boulevard and the Red River - City Centre Community File DAZ 209/98

770 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from DS-Lea Consultants Ltd. on behalf of the Forks North Portage Partnership, to amend By-Law No. 4800/88 by rezoning land located south of Provencher Boulevard between Pioneer Boulevard and the Red River, by redesignating the following classifications:

i)	From: "NRf"- Non-Residential Use Group F	To: "NRg"- Non-residential Use Group G
ii)	From: "BR-8"- Bulk Range Eight	To: "BR-5"- Bulk Range Five
iii)	From: "P/L2"- Parking Loading Range Two	To: "P/L1"- Parking Loading Range One
iv)	From: "S-1"- Sign Range One	To: "S-3"- Sign Range Three

to allow for future expansion of The Forks development.

The subject site is located to the south of City-owned lands adjacent to the Provencher Bridge. The eastern site boundary corresponds with the designated Floodway line under the Canada-Manitoba Flood Damage Reduction Program. The western boundary lies adjacent to the service road known as Gilroy Street, which also provides access to the Paddlewheel/River Rouge Tours site. The southern boundary is delineated by the National Historic Site ownership.

Existing development consists of vacant land, a small portion of the tour boat parking area, and a portion of the National Historic Site development. The applicant has indicated that the area developed by Parks Canada will be deleted from this application. These lands are largely not protected by the primary dike and are within an area designated Floodway Fringe.

The Forks North Portage Partnership is proposing a future mixed use developed on these lands in conjunction with adjacent Forks lands. Plans for a marina/restaurant complex are presently being developed. Other potential developments are still under discussion. This rezoning is being requested to enable these future possible developments.

The existing and requested zoning designations are summarized as follows:

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

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

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

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

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Zoning By-Law No. 4800, as adopted in 1988, established a strip of land adjacent to the Red and Assiniboine Rivers as "NRf" with the intent of ensuring public access to the rivers. With this zoning change, the area immediately south of the Provencher Bridge lands which would remain as open space/park would be limited to lands within the riverbank area designated Floodway.

Contemplated development at this location is a marina/restaurant complex which could bring interest and activity to this portion of the riverbank. Detailed plans of this development, however, have not be provided. Consequently, The Forks North Portage Partnership proposes that issues such as the design of buildings and structures, parking, vehicular access, and the riverwalk will be dealt with through future administrative and Downtown Design Board approvals.

The Public Works Department has indicated a concern about possible expectations with respect to access from Pioneer Avenue/Provencher Bridge and has indicated that such access would be prohibited.

Development at this location represents a major shift in focus for development on this site by creating a new development node to the north of the festival park and National Heritage Park sites. Whether this development should be orientated to the internal north/south street, Pioneer Boulevard, to establish more of an urban streetscape or to the pedestrian circulation system as proposed has been an issue of debate.

The Planning and Land Use Division would prefer that a detailed site development proposal was available for review prior to proceeding with this rezoning. If, however, the Community Committee is satisfied that the requested rezoning is appropriate and that the Downtown Design Review process provides sufficient opportunities and safeguards to ensure a high standard of development, the Planning and Land Use Division recommends that the subject land, as outlined on Schedule "A" for File DAZ 209/98 dated April 2, 1998, be rezoned to an "NRg" Non-Residential Group G, "BR-5" Bulk Range Five, "P/L1" Parking Loading Range One, "S3" Sign Range Three (the existing "NRa" Residential Group A and "RB" Riverbank Design Review components of the zoning remain unchanged), subject to terms and conditions outlined below.

Public Hearings were held by the City Centre Community Committee on April 7, 1998, and May 5, 1998. Four persons appeared in support of the application, three in opposition thereto, one for information thereto, and the Senior Planner and the Senior Urban Designer from the Property and Development Services Department were in attendance for the City.

The City Centre Community Committee did not concur with the Planning and Land Use Division recommendation that rezoning of the subject land include "P/L1" Parking Loading Range One, as outlined on Schedule "A" for File DAZ 209/98 dated April 2, 1998.

The City Centre Community Committee also did not concur with the Planning and Land Use Division recommendation that a ten percent dedication by a payment of a sum of money to the City based on the increase in the market value of the land be waived, and recommended that a ten percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land for open space, park and recreational use based on the increase in the market value of the land.

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

1. Contemplated development at this location is a marina/restaurant complex which could bring interest and activity to this portion of the riverbank.

2. The requested zoning is appropriate and the Downtown Design Review Process provides sufficient opportunities and safeguards to ensure a high standard of development.

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

I. That By-law No. 4800/88 be amended by rezoning the subject land, as outlined on Schedule "A" for File DAZ 209/98 dated April 2, 1998, to an "NRg" Non-Residential Group G, "BR-5" Bulk Range Five, "S3" Sign Range Three (the existing "NRa" Residential Group A and "RB" Riverbank Design Review components of the zoning remain unchanged), 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 following uses which are listed as permitted principal uses in the "NRg" designation be Conditional Uses:

   - any wholesale business
   - hotel
   - manufacture, assembly, repair or packaging of products from any of the following previously prepared materials:
     fur paper glass
     plastic leather rubber
     metal textiles wood
   - publishing or printing facilities
   - storage or warehousing, completely within a building

2. That the following use which is listed as a permitted principal use in the "NRg" designation be prohibited:

   - private club

3. That the following uses which are listed a Conditional Uses in the "NRg" designation be prohibited:

   - drive-through service facility
   - funeral parlour
   - massage parlour
   - non-accessory parking facility
   - pawnshop
   - tattoo parlour

4. That no private approaches be permitted from this site from Pioneer Avenue/Provencher Bridge.

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

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

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

V. That the 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.

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

Adopted by consent.

(See Minute No. 760 for opposition recorded by Councillor Thomas)

(See Minute No. 829 for attachment)

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Proposed Rezoning - land located at 728-730 Valour Road - City Centre Community File DAZ 210/98 [c/r DAV 162/98D]

771 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from Rolly Martesano Holdings Co. Ltd., 172 Riel Avenue, Winnipeg, to rezone land located at 728-730 Valour Road, from an "R1-4A" One-Family Residential District to an "R-2A' Two-Family Residential District to allow for the construction of a two-family dwelling.

The following is the present site description:

Dimensions: 50 feet by 87.8 feet

Site Area: 4,390 square feet

Existing Land Use: Residential (three-unit dwelling)

Surrounding Land Use and Zoning: Single-family development zoned "R1-4"

The property contains a one-storey, neighbourhood corner store converted to a three-family dwelling. The building is abandoned and beyond rehabilitation. The building had non-conforming rights to its 3-unit configuration. The proposal is to demolish the building and detached garage, and to construct a raised, two-family side-by-side, with lane parking.

The Property and Development Services Department is pleased to support this proposal, and commends the applicant for his willingness to invest in this West End neighbourhood. New construction in older, inner city neighbourhoods is critical for their survival and for encouraging residents to invest in their own properties. The scale and use of the proposed building are compatible with the surrounding area, which will benefit from the removal of the existing, dilapidated structure. A related, lot area variance is also being supported by the Department.

A Public Hearing was held before the City Centre Community Committee on May 5, 1998. No one appeared in support or in opposition to the application, and the Senior Planner, Property and Development Services Department was in attendance for the City.

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

1. The property contains a one-storey, neighbourhood corner store converted to a three-family dwelling, which is abandoned, beyond rehabilitation and had non-conforming rights to its 3-unit configuration.

2. The proposal is to demolish the building and detached garage, and to construct a raised, two-family side-by-side, with lane parking.

3. The Planning and Land Use Division supports this proposal, and commends the applicant for his willingness to invest in this West End neighbourhood inasmuch as new construction in older, inner city neighbourhoods is critical for their survival and for encouraging residents to invest in their own properties.

4. The scale and use of the proposed building are compatible with the surrounding area, which will benefit from the removal of the existing, dilapidated structure. A related, lot area variance is also supported by the Division.

5. The proposal is positive for the neighbourhood and anyone who comes forward and investments in new construction in this area should be applauded.

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

Report of the Standing Policy Committee on Property and Development dated June 1, 1998

I. That By-law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule "A" for File DAZ 210/98 dated April 8, 1998, to an "R2-A" Two-Family Residential District.

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

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 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.

V. 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.

Adopted by consent.

(See Minute No. 830 for attachment)

Proposed Rezoning - land located between Pipeline Road and the easterly limit of Verona Drive, north of Leila Avenue, south of Ambergate Drive - Lord Selkirk-West Kildonan Community

File DAZ 211/98

772 - 12. The Standing Policy Committee on Property and Development has been advised that an application has been received from Curry Brandaw Planners to amend Zoning By-law No. 6400/94 by rezoning the land from an "A-5" Agricultural District to an "RM-3" Residential District to permit the establishment of a multiple-family development.

The following is the present site description:

Site Area: Approximately 4.85 acres (211,266 square feet)

Existing Land Use and Zoning: Vacant; zoned "A-5"Agricultural District

The following is the surrounding land use and zoning:

North: Single-family dwellings; zoned "R1-5" Residential District

South: Single-family dwellings, duplexes, and vacant land; zoned "R1-4" Residential District, "R2" Residential District, and "C2" Commercial District

East: Across Pipeline Road, vacant; zoned "RM-3" Residential District and "C2" Commercial District

West: Single-family dwellings; zoned "R1-5" Residential District

The Applicant requests permission to rezone the subject property to "RM-3" in order to establish a 115 unit, 3 storey facility for elderly persons. The applicant describes the development as designed to accommodate those who are ambulatory, but in need of some support. Suites include studio, one bedroom and two bedroom versions. Suites do not include kitchens; common dining facilities are provided, as are housekeeping, laundry, and private transportation services. The applicant represents an organization which specializes in housing for persons typically between the ages of 75 and 85 years.

Report of the Standing Policy Committee on Property and Development dated June 1, 1998

Although most residents do not drive, parking spaces are provided onsite for residents and staff. Staff, who provide cooking and housekeeping services, number ten to twelve during peak shifts. Common areas are provided for dining, crafts, exercise, and other activities. A large outdoor park setting is also provided onsite.

Although the property is zoned "A-5," anticipated development has been single-family dwellings since the conception of the Amber Trails subdivision. A previous application to develop the land with 20 single-family lots was approved (under File DASZ 9/94), but not registered. The property is well-located in terms of access to community services such as McPhillips Street shopping, Seven Oaks Hospital, the Wellness Institute, and neighbourhood open space. As such, its appeal for development for seniors housing is understandable.

Access to the site is proposed from Pipeline Road. Traffic-related impacts on the adjacent residential properties are thereby minimized. The single-family development previously proposed for this property provided access from Verona Drive (to the west). The subject application proposes no vehicular connection to Verona Drive. The Administrative Coordinating Group report recommends the developer provide a cul-de-sac turnaround at the terminus of Verona Drive. This recommendation compromises the proposed development, in terms of provision of green space, orientation and location of the building, and size and location of parking areas and driveways.

The Applicant held two open houses to present and discuss the proposed development. Invitations were delivered to residents of adjacent properties. As a result of these discussions, modifications were made to the site layout to address the majority of residents' concerns. In addition to the site modifications, residents declared their opposition to a cul-de-sac at the terminus of Verona Drive or to a compromise connection of Verona Drive to the public lane parallelling Leila Avenue (by way of a north-south public lane). Dead-end public streets, without turnaround accommodations, are contrary to civic policy; however, given that the Verona Drive street stub east of Vistula Way serves only two properties (No. 184 and No. 188 Verona Drive), the Community Committee was advised that it may wish to reconsider the turnaround recommendation.

The subject application is supportable from a number of perspectives. Its scale and open space amenity provide reasonable transition from the adjacent single-family properties. Also, its location relative to community services recommends the site for seniors housing. The Planning and Land Use Division recommends the subject application be approved.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on May 12, 1998. Twelve persons registered in support of the application, no one registered in opposition thereto, and one person registered for information purposes.

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

1. The proposal is a large multi-scale development that is consistent with the adjacent neighborhood.

2. There was no opposition to the application.

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

I. That By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A," for File DAZ 211/98 and dated May 5, 1998, to an "RM-3" Residential 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 not more than 118 dwellings units be erected or located on the land;

      2) that no building or structure be erected on the land exceeding 3 storeys;

      3) that final construction plans indicating the design and location of the proposed buildings, including elevations and details of exterior finishing materials, accessory parking and loading areas, fencing, landscaping, free standing signage, and garbage enclosures, be subject to the approval of the Chief Administrative Officer or her designate and the Lord Selkirk-West Kildonan Community Committee prior to the issuance of a building permit.

Report of the Standing Policy Committee on Property and Development dated June 1, 1998

B. That the applicant enter into a Servicing Agreement with the City containing therein all the conditions outlined in the report of the Administrative Coordinating Group for File DAZ 211/98, dated April 7, 1998, after incorporating the following amendments:

1) that Condition No. 2 of the first part, as it relates to the plan, be deleted in its entirety;

2) that Condition No. 1 of the second part, as it relates to the servicing agreement, be deleted in its entirety, and Condition Nos. 2 to 8, inclusive, be renumbered to Condition Nos. 1 to 7, respectively.

II. That a ten percent dedication be made by a payment of 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.

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

Adopted by consent.

(See Minute No. 831 for attachment)

Proposed Rezoning - land located on the northwest corner of Bishop Grandin Boulevard and Waverley Street - Assiniboia Community
File DAZ 212/98 [c/r PW 6/98]

773 - 13. The Standing Policy Committee on Property and Development has been advised that an application has been received from Trinity Development Group Inc. to amend Zoning By-Law No. 6400/94 by rezoning the land shown from an “M2” Industrial District to a “C4” Commercial District to allow for commercial development.

The following is the present site description:

Site Area: Approximately 42 acres

Existing Land Use and Zoning: Vacant; zoned “M2” Industrial District

The following is the surrounding land use and zoning:

North: West Fort Garry Industrial Area, across the Sugar Beet spur line; zoned “M1” and “M2” Industrial District

South: Vacant, across the Lot 16 drain plan and future extension of Bishop Grandin Boulevard; zoned “A” Agricultural District

Report of the Standing Policy Committee on Property and Development dated June 1, 1998

East: Manitoba Hydro yards and an automall (currently under construction); zoned "M2" Industrial District

West: Goodyear Tire warehouse and distribution centre; zoned "M2" Industrial District

The applicant proposes to establish a commercial shopping facility at the northwest corner of Waverley Street and the extension of Bishop Grandin Boulevard. The property is currently zoned "M2" Industrial District and is designated Industrial Policy Area under Plan Winnipeg. The applicant has submitted an application to redesignate the property to Neighbourhood Policy Area (under PW 6/98). A Public Hearing to consider the Plan Winnipeg amendment was held by Executive Policy Committee on April 22, 1998.

Correspondence from and discussion with the applicant's representatives indicate the proposed development will be largely retail focused. Though the tenant mix has yet to be determined, the applicant has developed a number of big box format retail centres elsewhere in Canada. Potential anchor tenants include department stores, furniture stores, grocery stores, home improvement stores, automotive supply stores, and discount outlets. Preliminary concept plans show a number of independent buildings (ie. no enclosed mall, shared by tenants), with 430,000 to 500,000 square feet of Gross Leasable Area in total onsite.

The applicant has also indicated access to the site primarily from Waverley Street (to the east), with secondary access from Bishop Grandin Boulevard (south), Henlow Bay (north), and/or Fultz Boulevard (west).

This property was originally rezoned from "A" Agricultural District to "M2" Industrial District (under File DASZ 44/79) as part of the overall West Fort Garry Industrial Area. Subsequent applications have established the Fultz Boulevard right-of-way - which provides access to the properties west of the subject property - and proposed industrial lots on the subject property with access provided by extending Fultz Boulevard east to Waverley Street. Access to the subject property was also contemplated via a north-south roadway connecting Fultz Boulevard to Henlow Bay, crossing the Sugar Beet Spur Line.

From a land use perspective, this location is appropriate for a regionally oriented commercial development. Its location is isolated from residential areas and from the West Fort Garry Industrial Area. The Sugar Beet Spur Line, Waverley Street, and the Lot 16 drain provide strong barriers in all directions. While these barriers minimize impacts on adjacent properties, they also present challenges with respect to site access. Previous proposals for industrial uses have indicated a signalized intersection at Waverley Street and connection of a public roadway to the Fultz Boulevard terminus. Alternate access to the property from the north has been shown via a north-south public street connecting Fultz to Henlow Bay, in line with Dovercourt Drive.

The Public Works Department requested a traffic impact analysis be provided in conjunction with the rezoning application. The applicant has indicated right-in/right-out access to the Bishop Grandin Boulevard extension is preferred, though the traffic analysis also demonstrates commercial development of the property could proceed without access to Bishop Grandin. The Public Works Department review of the traffic impact analysis was in process at the time the administrative report/recommendation was submitted to the Riel Community Committee.

While the site location, configuration, and context is appropriate for commercial development, the proposed scale is cause for some degree of concern. At upwards of 400,000 square feet of Gross Leasable Area, the development will doubtless have impacts on local traffic patterns. The then Community Planning Division recommended a restriction of Gross Leasable Area for the recent application to subdivide and rezone property at the northeast corner of Kenaston Boulevard and McGillivray Boulevard (under File DASZ 1/98). Concern in that case related primarily to the potential traffic related impacts on the adjacent residential neighbourhood. This concern was compounded by the absence of even preliminary concept plans for site development.

Although the subject site at Waverley/Bishop Grandin differs from the Kenaston/McGillivray site in significant ways (context, access, and so on), the Administration suggested that the Community Committee may wish to consider an upset maximum on Gross Leasable Area. The Public Works Department advises private approaches to serve the site will not be permitted from Bishop Grandin Boulevard. The Department also advises provision is to be made for the extension of Fultz Boulevard, either east to Waverley Street or turning northerly to intersect Henlow Bay.

Additional concerns relate to any potential vehicular or pedestrian crossing of the Sugar Beet Spur Line and vehicular crossing of the Lot 16 drain. "C4" Commercial District zoning requires minimum yards to district boundaries of 50 feet from principal buildings. Maximum lot coverage is 30% of overall site area.

Report of the Standing Policy Committee on Property and Development dated June 1, 1998

A Public Hearing was held before the Assiniboia Community Committee on April 21, 1998. Five persons were heard in support of the application, and no one registered in opposition thereto.

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

1. The proposal will be a positive development for the City of Winnipeg and will provide many amenities the City does not currently have.

2. The development is located in a non-residential area and is adjacent to a divided thoroughway and flanked by an industrial park.

3. There is no opposition to the application.

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

I. That By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 212/98 dated April 15, 1998, to a "C4" Commercial District, subject to the following:

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

      1. That final construction plans indicating the design and location of the proposed buildings, including elevations and details of exterior finishing materials, accessory parking and loading areas, vehicular access to the site and onsite traffic circulation, fencing, landscaping, garbage enclosures, and free standing signage, be subject to the approval of the Chief Administrative Officer or her designate and the Assiniboia Community Committee prior to the issuance of a building permit.

      2. That mobile advertising signs be prohibited except for a period of fourteen (14) days upon issuance of a new occupancy permit.

      3. That free standing use identification pylons be limited to one (1) at each entrance to the site, with a total of not more than two (2) pylons onsite.

      4. That the following uses not be permitted on the land:

         a) Amusement Enterprise, Outdoor;
         b) Dating and Escort Service;
         c) Pawnshop.

   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 DAZ 212/98, dated April 15, 1998, after incorporating the following amendment:

      1) that Condition No. 6 be amended by adding the following paragraph:

         "That the City make its best efforts to recover 50% of the cost of the installation of the through traffic lane from future developments in the vicinity."

II. That a ten percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land from "M2" Industrial District to "C4" Commercial District.

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.

Report of the Standing Policy Committee on Property and Development dated June 1, 1998

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

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

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

Adopted by consent.

(See Minute No. 832 for attachment)

Proposed Rezoning - land located at 943 McPhillips Street, east side between Redwood and Boyd Avenues - Lord Selkirk-West Kildonan Community
File DAZ 214/98

774 - 14. The Standing Policy Committee on Property and Development has been advised that an application has been received from Donna Krowiak to amend By-Law No. 6400/94 by rezoning the land from an "R1-4" Residential District to a "C1" Commercial District to allow for commercial development.

The following is the present site description:

Site Area: Approximately 5420 square feet

Existing Land Use and Zoning: Florist shop; zoned "R1-4" Residential District

The following is the surrounding land use and zoning:

North: Single-family dwellings; zoned "R1-4"

South: Single-family dwellings; zoned "R2"

East: Single-family dwellings; zoned "R1-4"

West: Across McPhillips Street, automobile repair service; zoned "C1"

The applicant proposes to rezone the subject property to "C1" Commercial District to accommodate commercial uses such as the existing florist shop. The florist shop was established in 1994 in approximately 800 square feet of the building. The applicant resides in the remainder of the structure. Three parking spaces are provided for customers, with access from the public lane parallelling McPhillips Street.

The subject property has been occupied by a number of locally-oriented commercial uses, including a tailer and clothing shop. More recently, the premises housed a sun room manufacturer's office/showroom. The present use has operated under a 5-year use variance (DAV 258/94C). In order to continue this use, the property must be rezoned. The florist shop has operated without incident since 1994. Though the immediately neighbouring properties are zoned "R1-4," this portion of McPhillips Street exhibits a mix of residential and commercial uses. Low intensity uses which do not generate traffic volumes are appropriate at this location. The Planning and Land Use Division recommends the application for rezoning be approved.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on May 12, 1998. One person appeared in support of the application, and no one registered in opposition thereto.

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

Report of the Standing Policy Committee on Property and Development dated June 1, 1998

1. The proposed rezoning is consistent with adjacent properties.

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

I. That By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A," for File DAZ 214/98 dated May 5, 1998, to a "C1" Commercial District, subject to the following:

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

1) That the following uses not be permitted on the land:
a) Audio/Video Recordings: rentals, sales;
b) Electronic Equipment: rental, sales, service.

2) That commercial operations not exceed 1,000 square feet of floor space.

II. That a ten percent dedication be made by a payment of 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 at 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.

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

Adopted by consent.

(See Minute No. 833 for attachment)

Proposed Zoning Agreement Amendment - land located at 787 McPhillips Street, northeast corner, McPhillips Street and Alfred Avenue - Lord Selkirk-West Kildonan Community
File ZAA 1/98 [c/r DAZ 259/85]

775 - 15. The Standing Policy Committee on Property and Development has been advised that an application has been received from Norm Matthes, to amend the Zoning Agreement affecting the property shown above by adding to the list of permitted uses Antique Sales, including Framing/Restoration.

The following is the present site description:

Site Area:	Approximately 5000 square feet
Existing Land Use and Zoning:	Vacant commercial building; zoned "C2" Commercial District

Report of the Standing Policy Committee on Property and Development dated June 1, 1998

The property is located at the north east corner of McPhillips Street and Alfred Avenue. Adjacent properties are developed with a variety of uses, including single-family dwellings, locally-oriented commercial operations, a school, and an apartment block. The building is currently vacant. The site has accommodated a variety of commercial uses, including a television repair/sales operation and a pet store (established under DAZ 259/85). The applicant proposes to establish an antique store, with repairs and sales included, in a portion of the existing building. The applicant will reside in the remainder of the structure. Five parking spaces are available onsite.

The proposed use is consistent with those approved under the existing Zoning Agreement. That agreement limited permitted uses onsite to any permitted "C1" use, bird shop, pet shop, or taxidermist. Restrictions on permitted uses traditionally relate to the context of the subject property. In this case, uses were restricted to locally-oriented operations which are not likely to generate significant traffic volumes. The proposed antique store use is permitted under "C2" in Zoning By-Law No. 6400/94 (in the absence of a Zoning Agreement). This use is also not a high traffic generator. The Planning and Land Use Division recommends the subject amendment application be approved.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on May 19, 1998. Three persons registered in support for the application, and no one 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. The proposed use is consistent with the existing Zoning Agreement.

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

I. That Zoning Agreement DAZ 259/85 (By-Law No. 4390/86, Caveat 87-1839), dated January 7, 1987, be amended by adding to the list of permitted uses "Antique Sales, including Framing/Restoration."

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 259/85 (By-Law No. 4390/86, Caveat 87-1839), dated January 7, 1987, 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.

Proposed Street Name Change and Street Classifications in the area between the Main / Norwood Bridges and Donald Street - City Centre Community
File SC-3.14(32) (Vol. 1)

776 - 16. The Standing Policy Committee on Property and Development has reconsidered Clause 18 of its Report dated April 6, 1998, as outlined on Appendix "A", which was referred back to it by Council on April 29, 1998.

The Standing Policy Committee on Property and Development recommended therein:

I. That the street name changes on lands, as outlined on Schedule "A", be approved as follows:

(a) Stradbrook Avenue between Main Street and Harkness Avenue be changed to "River Avenue";

(b) The newly constructed two-way section of street parallel to the CNR Main Line between Main Street and the point at which Stradbrook Avenue now curves to the north be named "Stradbrook Avenue";

Report of the Standing Policy Committee on Property and Development dated June 1, 1998

(c) Stradbrook Avenue between River Avenue and the east-west leg of Stradbrook Avenue be changed to "Harkness Street",

and that in approving these changes Council authorize the following:

A. That the Director of Property 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.

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 the two daily newspapers having a general circulation throughout the City.

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.

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

On May 4, 1998, the Standing Policy Committee on Property and Development laid over the matter to its June 1, 1998, meeting.

The Standing Policy Committee on Property and Development has further considered the foregoing and reaffirms its recommendations as outlined above, and resubmits said clause with a recommendation for its adoption.

Adopted by consent.

(See Minute No. 834 for attachment)

Proposed Amendment to License By-law No. 6551/95 - Additions to list of Registered Educational Institutions for Massage Therapists File EL-1 (Vol. 31)

777 - 17. The Standing Policy Committee on Property and Development has been advised that an individual has made application to the City of Winnipeg for licensing as a "massage therapist". A license can only be issued if the educational institution that the applicant has graduated from is recognized in the City of Winnipeg License By-Law No. 6551/95.

The Standing Policy Committee on Property and Development has also been advised that a Program Manager from the Continuing Education Department of the Edmonton Public Schools has requested an amendment to The City of Winnipeg License By-law to include Edmonton Public Schools as a recognized school of massage therapy. The Edmonton Public Schools offer a program of Massage Therapy Training that includes a Massage Practitioners Certification Program and a Massage Therapist Certification Program. This request has been made on behalf of graduates of the Program.

On March 24, 1993, Council adopted Clause 8 of Report "A" of the former Committee on Finance and Administration dated March 1, 1993, with respect to amendments to the License By-Law No. 6551/95 (former By-law No. 4007/85) relating to the licensing of massage therapists. Effective September 1, 1993, massage therapists are distinguished from the general license category of "massagists" by providing evidence that the applicant has successfully completed the requirements of a training program in massage therapy and has received accreditation from a registered educational facility named in the By-law. That Report recognized that additional schools over and above those initially identified likely existed and stated that "minor amendments to the By-law may be necessary in future to address such situations".

Report of the Standing Policy Committee on Property and Development dated June 1, 1998

Before recommending an amendment to recognize the school in the By-law, the practice has been to review criteria with respect to both the school and the applicant. This review included curriculum, program content, hours of study, other related training and work experience, membership in a massage therapy association, and so forth.

UNIVERSITY OF BUENOS AIRES

The program of study at the School of Kinesiology and Physical Therapy in the University of Buenos Aires School of Medicine includes but is not limited to the study of anatomy, biophysics, kinesiology, physical therapy, biomechanics and functional anatomy, physiotherapy, biomechanical and functional anatomy.

The applicant moved to Winnipeg in January 6, 1998, from Buenos Aires, Argentina. The applicant received certification and "Licenciada" in Kinesiology and Physical Therapy on April 11, 1995, and has extensive practical experience from various Hospitals in Buenos Aires in the field of physiotherapy.

EDMONTON PUBLIC SCHOOLS

The program of study at Edmonton Public Schools includes the Massage Practitioners Certification Program and a Massage Therapist Certification Program. The Massage Practitioners Certification Program consists of 350 hours of training and includes basic massage techniques, basic stretching techniques, basic anatomy, psychology, pathology, kinesiology and assessment skills. The Massage Therapist Certification Program consists of an additional 350 hours of study including advanced anatomy and physiology, advanced hydrotherapy, assessment and treatment planning and clinical practice techniques. Although both programs are recognized by the City of Edmonton and the Province of Alberta as massage practitioners, the Massage Therapy program reflects the level of training expected from other institutions at this time. The trade of Massage Practitioner currently does not exist in the City of Winnipeg License By-law and the addition of the trade to the By-law is not being contemplated at this time.

The Administration therefore recommends that the Edmonton Public Schools - Massage Therapist Certification Program and the School of Kinesiology and Physical Therapy, University of Buenos Aires be added to the list of recognized schools of massage therapy in the License By-Law to enable graduates from those schools to be licensed as a massage therapist. As information, further reports/recommendations of this nature will be submitted to Council in future to add to the list of registered educational facilities in the License By-Law.

There is no financial impact as a result of the above recommendation.

The Standing Policy Committee on Property and Development recommends:

I. That the City of Winnipeg License By-Law No. 6551/95, with respect to massage therapists, be amended by adding the following schools to the list of registered educational institutions recognized under the License By-law, namely:

Edmonton Public Schools, Massage Therapist Certification Program
Edmonton, Alberta

School of Kinesiology and Physical Therapy, University of Buenos Aires
Buenos Aires, Argentina

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

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

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 2, 1998

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

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

Carried.

Proceeds from Sale of Land - Sturgeon Road Park and Ride Site - Assiniboia Community File FI-2.4(31) (Vol. 4) [c/r TT-5 (Vol. 5)]

778 - 1. On June 2, 1998, the Standing Policy Committee on Property and Development passed the following motion, namely:

WHEREAS Council, at its reconvened meeting on January 26, 1995, adopted Clause 3 of the Report of the former Committee on Works and Operations dated January 10, 1995, with respect to the sale of lands on the west side of Sturgeon Road near Hallonquist Drive, as outlined on Misc. Plan No. ASBA 8654, which lands were previously considered for a Sturgeon Road Park and Ride site;

AND WHEREAS the said Clause outlines that the funds realized from the sale be held in the Future Transportation Right of Way Account for future park and ride or other transportation purposes;

THEREFORE BE IT RESOLVED that the Council direction of January 26, 1995, pertaining to the funds realized from the sale of the subject property being held in the Future Transportation Right of Way Account for future park and ride or other transportation purposes, be rescinded, and the said funds be placed in the General Revenue Fund,

and submits this resolution to Council for approval.

Adopted by consent.

Proposed Sale of land located on the northwest corner of Notre Dame Avenue and Bangor Avenue - Sun-X Properties Ltd. - Assiniboia Community File FI-2.4(31) (Vol. 4)

779 - 2. The Standing Policy Committee on Property and Development has been advised that the subject City property, as outlined on Misc. Plan No. 10323/1, was acquired on May 7, 1935, along with several other properties for the Public Parks Board for a park and playground site. The site was never developed as a park and on January 17, 1940, the subject parcel was "quit claimed" back to the City and the investment was refunded to the Parks Board.

The property was subsequently leased to the Dominion Government Department of National Defence on February 5, 1940, and several storage buildings were constructed on the site. The lease with the Department of National Defence continued until the late 1950s at which time the City took over use of the facilities that remained on the property.

Several City Departments and the Manitoba Historical Society are using portions of the existing buildings for passive storage. They have been made aware that the buildings and land could possibly be sold. The Civic Accommodations Division has recommended that the purchaser be responsible for the removal of any unwanted

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

material on site as the disposal of the material may represent a large dollar amount. All City Departments were made aware of the impending sale of the property.

On March 23, 1998, the Assiniboia Community Committee advised that it had no objection to the proposed sale of the subject property.

The Property and Development Services Department is in receipt of an offer to purchase the subject property. The offer is subject to the purchaser completing an environmental assessment of the property, the results of which shall be satisfactory to the purchaser in its sole discretion.

The purchaser is the owner of the adjacent Labatts property and he proposes to incorporate the City lands into the total development project. The purchaser has therefore excluded the clauses in the City's standard agreement that pertains to a requirement to build within a three year period. It is anticipated that the purchaser will proceed with development this year.

The date of closing, possession and adjustment is 120 days from the date of approval and the purchaser is required to complete the environmental assessment within 90 days from the date of approval.

Members of the Indo-Caribbean cultural organization have viewed the property, however, no offer has been forthcoming as a result of the viewing. The group had expressed interest in utilizing the existing buildings.

The proposed purchaser originally offered $150,000.00 for the property with the City responsible for the demolition costs. The proposed purchaser reduced his offer to $125,000.00 when he was advised that he would be responsible for the demolition costs. The Property and Development Services Department was able to get the purchaser to increase his offer to $150,000.00 with the purchaser being responsible for the demolition costs.

The Property and Development Services Department is supportive of the offer as presented by the purchaser with the additional requirement for the purchaser to be responsible for removal of all material that has not been removed from the lands at the date of closing.

The price offered is supported by the Department's estimate of market value. The Department does not believe that the existing buildings contribute to value. The Department feels that the removal of the buildings and development of the overall site will enhance the aesthetics of the area.

A copy of the Financial Impact Sheet is on file in the City Clerk's Department.

The Standing Policy Committee on Property and Development recommends:

I. That the subject land and buildings, as outlined on Misc. Plan No. 10323/1, be declared to be surplus to the City's requirements.

II. That the proposed sale of the "subject City property" as outlined on Misc. Plan No. 10323/1 to Sun-X Properties Ltd. at a price of $150,000.00, be approved, with the sale and purchase agreement to include such other terms and conditions as are deemed necessary by the Director of Property and Development Services and the City Solicitor/Manager of Legal Services to protect the interests of the City and to achieve the intent of the Standing Policy Committee on Property and Development.

III. That the terms and conditions of the sale require the purchaser to be responsible for the removal of any and all material that remains on the lands at the date of closing.

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

Copy of Misc. Plan No. 10323/1 is on file in the Office of the City Clerk.

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED JUNE 18, 1998

On motion of Councillor O'Shaughnessy, the rule was suspended and the Report of the Standing Policy Committee on Property and Development, dated June 18, 1998, was considered clause by clause.

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

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

Moved by Councillor Silva,
Seconded by Councillor Steek,

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

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

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

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

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

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

On May 4, 1998, the Standing Policy Committee on Property and Development considered the above motion, as well as heard representation from Betty Edel and Harvey Smith, Inner City Housing Coalition, with respect to renovating boarded up houses in the Inner City area. The Standing Policy Committee subsequently referred the matter of boarded up houses in the Inner City area as outlined in the Council Motion, along with the submission from the Inner City Housing Coalition, to the Administration for review and report back to the June 1, 1998, meeting.

On June 1, 1998, the Standing Policy Committee on Property and Development requested the Property and Development Services Department and the Legal Services Division to report back to a Special Meeting of Committee on the matter of boarded up houses, addressing such issues as enforcement and maintenance, including the process followed after a fire in a home, and making properties available to charitable organizations.

On June 18, 1998, the Standing Policy Committee on Property and Development considered report dated June 11, 1998, from the Chief Administrative Officer, in this connection.

Inasmuch as the Administration has been requested to provide additional information, the Standing Policy Committee on Property and Development recommends that Council grant an extension of time of 60 days for consideration of the matter.

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

Carried.

Report of the Standing Policy Committee on Property and Development dated June 18, 1998

Proposed Listing of the Big 4 Sales (J.H. Ashdown Hardware Store) at 476 Main Street as a Grade III building on the Building Conservation List
File G-3.1.1 (Vol. 1)

781 - 2. On May 27, 1998, Council ruled automatic referral of the following motion to the Standing Policy Committee on Property and Development, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Golden,
Seconded by Councillor Lazarenko,

BE IT RESOLVED THAT the Ashdown Hardware Store on Main Street at Bannatyne Avenue be listed as a historic building.

On June 1, 1998, the Standing Policy Committee on Property and Development requested the Legal Services Division to report back to a Special Meeting of Committee on the delegated authority to the Standing Policy Committee on Property and Development under the Historical Buildings By-law No. 1474/77, relative to the listing of historical buildings/structures.

On June 18, 1998, the Standing Policy Committee heard representation from the following persons with respect to the listing/preservation of the Ashdown Hardware Store, namely: Wayne Copet, Executive Director, accompanied by Doug Dealey, Vice-Chairperson, Deanna Allen, Secretary, Rorie Boyce, Director, Rod Sasaki, Director, Alan Shepard, Director, Exchange District Business, along with Richard Walls, Member of the Centre Plan Committee; Bob Charbonneau, representing concerned people in the Exchange District; Dr. Ray England, owner of Toad Hall Toys and the McDonald Shoe building; Tom McEwen, Private Citizen; James Hogaboam on behalf of the Leland/Ashdown Rescue Committee; Leslie Kelly, Volantis Flying Fish; Bernie Wolfe, President, Heritage Winnipeg Corporation; and, Councillor Golden, St. Vital Ward.

On June 18, 1998, the Standing Policy Committee also considered report dated June 11, 1998, from the City Solicitor/Manager of Legal Services, outlining the following:

- On May 7, 1998, the Standing Policy Committee on Property and Development, by resolution, rejected the proposed listing of the building located at 476 Main Street (Big 4 Sales/J.H. Ashdown Hardware Store) as a historic building on the Buildings Conservation List.

- On May 27, 1998, Council referred a motion to the Standing Policy Committee on Property and Development, namely, that the building located at 476 Main Street be listed as a historic building.

- On June 1, 1998, the Standing Policy Committee on Property and Development requested that the Legal Services Division report back on the delegated authority to the Committee under the Historical Buildings By-law No. 1474/77, relative to the listing of historical buildings/structures.

- The Historical Buildings By-law No. 1474/77 sets out the process for the listing of buildings as historical buildings on the Buildings Conservation List. Buildings may be listed by Council, by the Designated Committee (Standing Policy Committee on Property and Development) and, in limited circumstances, by the Chief Administrative Officer.

- Section 9 of the By-law provides for the listing of buildings by the Designated Committee. Section 9 states:

  "If the owner does not appear at the hearing before the Designated Committee and object to the proposed listing or file a written objection thereto, or if the owner is the City of Winnipeg, the Designated Committee may by resolution reject the proposed listing or list the building, erection or structure under any grade referred to in the notice to the owner or agreed to by the owner, or decided on by that Committee where the City is the owner, and subsection 8(5) shall apply to that resolution."

- In the situation at hand, the City is the registered owner of the building. The Committee was in receipt of recommendations from both the Historical Buildings Committee and the City Centre Community Committee. A hearing on the proposed listing was held and representations were made. Accordingly, it was within Committee's jurisdiction to make the resolution that it did, namely, that the proposed listing of the Big 4 Sales building at 476 Main Street be rejected.

Report of the Standing Policy Committee on Property and Development dated June 18, 1998

The Standing Policy Committee on Property and Development then rescinded its decision of May 7, 1998, that the Big 4 Sales building (J.H. Ashdown Hardware Store) located at 476 Main Street, not be listed as a Grade III building on the Buildings Conservation List, under the Historical Buildings By-law No. 1474/77, and subsequently passed a motion listing the Big 4 Sales building (J.H. Ashdown Hardware Store) at 476 Main Street as a Grade III building on the Buildings Conservation List, under the Historical Buildings By-law No. 1474/77, with the following interior element: 1) tin ceiling.

The Executive Policy Committee recommends as follows:

WHEREAS Council on May 27, 1998 referred a motion to the Standing Policy Committee on Property and Development namely; that the building located at 476 Main Street be listed as a historic building;

AND WHEREAS pursuant to Section 11(cc) of the Organizational By-law No. 7100/97, the Standing Policy Committee on Property and Development must consider all matters referred to it by Council;

AND WHEREAS on June 18, 1998, the Standing Policy Committee on Property and Development reversed its previous decision with regard to the building at 476 Main Street and passed a motion to list the building as a Grade III structure on the Buildings Conservation List;

AND WHEREAS under Section 3(2) of the City's Organizational By-law No. 7100/97 provides that notwithstanding the delegation of any authority or power to a standing committee or Executive Policy Committee, Council may, at its discretion, review or deal with any matter;

THEREFORE BE IT RESOLVED that-

i) Council exercise its power under Section 104 of the City of Winnipeg Act and Section 3(2) of By-law No. 7100/97, to review and consider the resolution passed by the Standing Policy Committee on Property and Development on June 18, 1998 to list 476 Main Street;

ii) Pursuant to Section 8(1) of By-law No. 1474/77, Council exercise its authority to not list 476 Main Street as a historic building.

Moved by Councillor O'Shaughnessy,
That the clause be considered.

Moved by Her Worship Mayor Thompson,
That the recommendation of the Executive Policy Committee be adopted.

The Speaker recognized Councillor Murray who questioned the suspension of the rule to deliberate the clause. The Speaker noted that the rule had been suspended.

Councillor Murray challenged the ruling of the Chair.

The question, "Shall the ruling of the Chair be sustained?" was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Angus, O'Shaughnessy, Phillips, Silva, Steek, Timm-Rudolph, Deputy Mayor Eadie, Her Worship Mayor Thompson, Councillors Clement and Prystanski. 10

Nay: Councillors Golden, Lubosch, Murray, Thomas and Vandal. 5

and the ruling of the Chair was sustained.

Report of the Standing Policy Committee on Property and Development dated June 18, 1998

The recommendation of the Executive Policy Committee was put.

At the request of Councillor Thomas, Council considered the recommendations separately.

The first recommendation was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Prystanski, Angus, O'Shaughnessy, Phillips, Silva, Timm-Rudolph, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Clement. 9

Nay: Councillors Golden, Lazarenko, Lubosch, Murray, Steek, Thomas and Vandal. 7

and the first recommendation was declared carried.

The second recommendation was put.

The Speaker called for the yeas and nays, which were as follows:-

Yea: Councillors Prystanski, Angus, O'Shaughnessy, Phillips, Silva, Timm-Rudolph, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Clement. 9

Nay: Councillors Golden, Lazarenko, Lubosch, Murray, Steek, Thomas and Vandal. 7

and the second recommendation was declared carried.

Proposal to enter into a Second Joint Venture with Genstar Development Company for development of the jointly owned lands within the Linden Woods Community - Assiniboia Community
File FI-2.4(31) (Vol. 4) [c/r DASZ 1/98]

782 - 3. The Standing Policy Committee on Property and Development has been advised that in 1986, upon being approached by the Genstar Development Company, the City entered into a Joint Venture Agreement with the Genstar Development Company for the development of approximately 80 acres of land (50% owned by each party). This Agreement put into place the subdivision and development of both City and Genstar lands up to Lindenwood Drive West, as outlined on Misc. Plan No. APFG 6307. This first Joint Venture is now complete having produced approximately $3.558 Million (the City's share) in revenue from the sale of the building lots created.

In 1988, the Genstar Development Company approached the City suggesting that Genstar and the City enter into a second Joint Venture respecting the balance of the City-owned lands (then approximately 114 acres) lying at the northeast corner of Kenaston and McGillivray Boulevards. The Management Committee for the Lindenwoods Joint Venture Agreement consented to the negotiations. Although the terms of a Joint Venture Agreement were subsequently negotiated the City did not authorize its execution and the matter has since laid dormant.

The City received a letter from the Genstar Development Company dated December 16, 1997, formally advising the then Land and Development Services Department that it proposed the creation of a new Joint Venture between the City and Genstar wherein:

> "Genstar would contribute additional Linden Woods land of an equivalent size and value so that the venturers would each contribute 50% of the total lands to be developed"

Note: This proposal would apply to the site utilization as recommended by The Stanley Consulting Group, and which is outlined on Misc. Plan No. 10163/4.

Report of the Standing Policy Committee on Property and Development dated June 18, 1998

The Genstar Development Company advised that such a partnership "where both parties contribute equivalent, contiguous lands, allows both parties to take maximum advantage of the highest and best use of the lands without being constrained by artificial boundaries." The joint development of the combined Genstar and City lands would allow for proper planning, staging, servicing and marketing of both lands, while ensuring that a master plan for the continued integrity and orderly growth of the Linden Woods Community will occur.

On January 6, 1998, the Standing Policy Committee on Property and Development considered the report dated December 15, 1997, from the Property and Development Services Department, and instructed the Director of the Department to:

1. Proceed with an application to subdivide and rezone the approximate 38 acres of City-owned property, outlined as "subject City property" on Misc. Plan No. 10163/4, to permit the establishment of commercial and business park uses.

2. Proceed with the sale of the "subject City property", as outlined on Misc. Plan No. 10163/4, by "Public Tender".

3. Negotiate the terms of a Joint Venture Partnership with the Genstar Development Company for the purposes of developing and marketing, for residential development purposes, the residual City-owned and Genstar-owned lands at this location.

The Property and Development Services Department commenced the subdivision and rezoning application File DASZ 1/98 culminating in Council approval to the application on April 29, 1998.

The Department proceeded to tender the property. The Tender closed on June 3, 1998. The results of the Tender were considered by the Standing Policy Committee on Property and Development on June 18, 1998.

The Department is now in receipt of a detailed proposal dated June 1, 1998, from the Genstar Development Company to enter into a second Joint Venture.

The Genstar Development Company proposal is, with the exception of the proposed management fee, consistent with the terms of the prior Joint Venture Agreement. A copy of excerpts from the Genstar proposal which indicate the provisions of the proposed management agreement is outlined on Schedule "A".

The Genstar Development Company proposes that the management fee be 6% in this instance instead of the 5% that was applicable to the prior Joint Venture. Genstar advises that the original management fee was dramatically below market norms, which range from 8% to 10% or even 12% on specific projects.

The Department would agree that higher management fees would be applicable in joint ventures that are significantly more involved and are: comprised of multiple private partners; more speculative; more difficult to finance; and, more difficult to manage. The Department observes that none of these factors are present within this proposed partnership but does agree that a 6% management fee is a reasonable request for this venture, and recommends its acceptance.

THE PROPERTY AND DEVELOPMENT SERVICES DEPARTMENT'S OPINION ON ACCEPTABILITY OF THE GENSTAR PROPOSAL

The Genstar Development Company has provided the Department with a Proforma which indicates development of a combined land holding of approximately 135 acres, 64 City and 71 Genstar. The Proforma envisions a 10 year development period commencing in 1998 and extending to and including the year 2007. Net revenues of approximately $7.772 Million are projected over the term of the development. The City will receive 50% of all revenues produced.

A quick overview of Genstar's Proforma indicates a very conservative approach to costs and an equally conservative approach to incomes, which projects to an expected net income of just under $4 Million over the projected 10 year life of the project. This translates to an approximate net income of $62,700.00 per acre for the City lands in current day dollars.

Report of the Standing Policy Committee on Property and Development dated June 18, 1998

The Department is of the opinion that the development of the adjacent 38± acre business/retail/ complex as envisaged by the proponents bidding on those lands, will have a very dramatic impact on the development of the residual vacant lands in this quadrant. The Department is already aware of several parties seriously interested in lands for senior housing at this location and believes that the Joint Venture will be in a position to capitalize on these markets to a greater extent, and in a shorter time frame than that envisaged in the projected Proforma.

The Department believes that the Genstar proposal is reasonable and is consistent with the prior Joint Venture. As such, the Department recommends that the City enter into this proposed Joint Venture. However, the Department advises that certain provisions of the proposed Joint Venture still need to be further clarified and negotiated. For instance, the City's land contribution may vary in size and configuration depending on the decision that the City will make with regard to the sale and development of the land as tendered at the northeast corner of Kenaston and McGillivray Boulevards. Therefore, the Department is also suggesting that it be delegated the authority necessary to finalize these negotiations and to execute the resultant Joint Venture Agreement which would include the negotiated and clarified terms.

FUNDING REQUIREMENTS

The City's share of the development costs will be charged to the Land Operating Reserve Account and will be subsequently recovered by same. It is projected that financing will be minimal as the project will be self-funding from phase to phase with development costs taken directly from the sales revenues from previous phases. At this time the Property and Development Services Department expects that start up costs in the amount of $4 Million is anticipated of which the City's share will be $2 Million.

If the City does sell the adjacent 38± acres then the City will be required to extend the municipal services to that property. It will be necessary for the City to oversize those services. The value of the over sizing estimated at $1 Million± can be applied to the City's share of the Joint Venture start-up costs. This would have the effect of reducing the actual cash disbursement from the Land Operating Reserve Account for start-up costs to $1 Million±.
The Standing Policy Committee on Property and Development recommends:

I. That approval be given to enter into a Joint Venture Agreement substantially in accordance with the terms and conditions as proposed and outlined on Schedule "A".

II. That the Director of Property and Development Services be authorized to negotiate the final terms of agreement and to enter into a Joint Venture Agreement between the City of Winnipeg and the Genstar Development Company.

III. That the Genstar Development Company be authorized to initiate rezoning and subdivision applications on behalf of the Joint Venture including the City-owned lands described.

IV. That the Director of Property and Development Services be authorized to expend $1 Million± from the Land Operating Reserve Account to be applied to the City's share of the start up costs necessary to commence the proposed development.

V. 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 Misc. Plan Nos. APFG 6307 and 10163/4, and Schedule "A", are on file in Office of the City Clerk.

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

The Speaker called the Deputy Speaker, Councillor Prystanski, to the Chair and left the Chamber.

The motion for the adoption of the clause was put.

Report of the Standing Policy Committee on Property and Development dated June 18, 1998

Councillor Golden called for the yeas and nays, which were as follows:-

Yea: Councillors Clement, Lubosch, Murray, O'Shaughnessy, Phillips, Silva, Thomas, Timm-Rudolph, Deputy Mayor Eadie and Councillor Prystanski. 10

Nay: Councillor Golden. 1

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

Proposed Sale and Development of City-owned 38 acres located at the northeast corner of Kenaston and McGillivray Boulevards
File FI-2.4(31) (Vol. 4) [c/r DASZ 1/98]

783 - 4. The Standing Policy Committee on Property and Development has been advised that in accordance with the January 6, 1998, instructions of the Standing Policy Committee on Property and Development, the Property and Development Services Department tendered the subject City property for sale and development. The Department is now advising the Standing Policy Committee on Property and Development as to the results of the tender and is seeking the Committee's approval to the sale of the land.

As background history, on April 3, 1995, the former Committee on Finance and Administration approved the recommendation of the former Board of Commissioners and authorized the Director of the former Land and Development Services Department to expend up to $20,000.00 to be charged against the Linden Woods Joint Venture for the purposes of conducting a planning study relative to the remainder of the City's land at the northeast corner of Kenaston and McGillivray Boulevards.

I.D.G. Stanley were subsequently contracted to perform a study of the above lands (Linden Woods Planning Study). The intent of the study was to identify the best economic return that the land could produce while still being compatible with and responsible to the adjacent residential community. An open house session was conducted with residents of the area upon completion of the Linden Woods Planning Study.

The Property and Development Services Department submitted a report regarding the results of the Linden Woods Planning Study to the Standing Policy Committee on Property and Development and on January 6, 1998, and the Committee subsequently instructed the Director of the Land and Development Services Department to:

1. Proceed with an application to subdivide and re-zone the approximate 38 acres of City-owned property, outlined as "subject City property" on Misc. Plan No. 10163/2, to permit the establishment of commercial and business park uses.

2. Proceed with the sale of the "subject City property", as outlined on Misc. Plan No. 10163/2, by "Public Tender".

3. Negotiate the terms of a Joint Venture Partnership with the Genstar Development Company for the purposes of developing and marketing, for residential development purposes, the residual City-owned and Genstar-owned lands at this location.

The Property and Development Services Department commenced the subdivision and rezoning application File DASZ 1/98 culminating in Council approval to the application on April 29, 1998.

The tender document was prepared and the Call for Tenders (Appendix 1) was advertised in the Toronto Globe and Mail and the Winnipeg Free Press on April 13, 1998, and tenders were available to be picked up on April 15, 1998. A total of 44 tender packages were picked up and nine tender packages were received on or before the deadline of 12 Noon on June 3, 1998.

The results of the tenders received have been tabulated in a chart form as outlined on Appendix 2. A brief summary of each of the tenders submitted are outlined on Appendices 3 through 11.

Report of the Standing Policy Committee on Property and Development dated June 18, 1998

The Property and Development Services Department reviewed the details and compared each tender submitted, and recommends that approval be given for sale of the northeast corner of Kenaston and McGillivray Boulevards to First Professional Management Inc. of North York, Ontario, c/o Chartier & Associates Inc. for the following reasons:

1. This Offeror has agreed to pay a price to be calculated at $350,000.00 per acre for each acre to be sold. The price for the 38 acres is tendered will be $13,300,000.00. The Offeror has offered to purchase an expanded site of 45.7 acres for a sale price of $15,995,000.00. This price exceeds the other bids by a significant amount.

2. The tender offer submitted was in accordance with the instructions contained within the tender package. The only requested change to the City stipulated terms within the Offer to Purchase would affect the interest rate calculation as defined in Clause 2(3) of the City's offer document.

   The Purchaser states that it "shall pay cash to the existing deposit; however, the City of Winnipeg acknowledges that part of the proceeds of the Purchase Price shall come by way of the offeror arranging a new first mortgage for the lands, and agrees to a delay of payment of same by reason of the time required to register the said mortgage at the Winnipeg Land Titles Office and report to the mortgagee and the advance of funds by the mortgagee. The City of Winnipeg shall be entitled to interest on the amount unpaid at the rate payable by the Offeror under its new mortgage from the date of closing to the date of payment."

   This is acceptable to the Property and Development Services Department because the suggestion is in accordance with industry practice. Furthermore, the interest rate may exceed the City's prime plus 1% rate.

3. The closing date is 90 days from the date of approval which is a standard term in the tender offer to purchase. This will permit the City to obtain the sale proceeds in 1998.

4. The economic benefits are equal to or better as compared to the other tender packages submitted.

5. The Offeror is agreeable to purchasing additional lands beyond the acreage as stated in their Offer. It is potentially possible to increase the saleable land to an area of 48.4 acres, as shown shaded and hatched on Misc. Plan No. 10163/9, at an approximate price of $16,940,000.00 (based on $350,000.00 per acre). Sale of the additional lands will allow the city to achieve a considerably higher price with immediate payment versus the future sale of these lands for mixed residential uses.

6. The Offeror has indicated:

   "The Developer intends to preserve the integrity of the up-scale residential developments of Linden Woods and Whyte Ridge and will make all reasonable efforts to landscape the retail development in keeping with the surrounding areas."

   The Developer has indicated that they will meet with the residents of the area in order for them to participate in the preliminary planning stages.

7. The Offeror is agreeable to the City putting a caveat on Title to the property that would permit the City to close any authorized Kenaston Boulevard Access points to the site should the Streets and Transportation Division require this closure at the time a future interchange is required at the intersection of Kenaston and McGillivray Boulevards.

File DASZ 1/98 for the subdivision and rezoning of the property to "C2" Commercial was adopted by Council on April 29, 1998.

The Assiniboia Community Committee when dealing with the subdivision and rezoning application was agreeable to the expansion of the boundaries to accommodate a larger development.

Council has the authority to change the boundaries of a proposed subdivision prior to final approval.

The tender identified that the site was being sold as fully serviced and upon closing of the sale, the City shall coordinate its installation of the necessary off-site services to coincide with the requirements of the successful proponent's approved development staging within the subject lands. Revenues from the sale of the property will be utilized to service the site.

Report of the Standing Policy Committee on Property and Development dated June 18, 1998

The Property and Development Services Department has not yet had the opportunity to conduct a credit or reference check on any of the bidders including the highest bidder. The Department recommends that any approval to accept a bid should be conditional upon a satisfactory credit/reference check.

A copy of the Financial Impact Sheet is on file in the Office of the City Clerk.

On June 18, 1998, the Standing Policy Committee on Property and Development passed a motion that subject to a satisfactory credit and reference check, the sale of the subject City property, as outlined on Misc. Plan No. 10163/9, to First Professional Management Inc. at a price of $350,000.00 per acre ($13,300,000.00) be approved as outlined, with the size of the site to be subject to final survey and the price to be adjusted accordingly.

The Standing Policy Committee on Property and Development recommends:

I. That subject to a satisfactory credit and reference check, the sale of the additional 10.4 acres±, outlined as "additional lands" on Misc. Plan No. 10163/9, to First Professional Management Inc. at a price of $350,000.00 per acre ($3,640,000.00) be approved, subject to final survey and the price to be adjusted accordingly.

II. That the Legal Services Division be authorized to prepare the subdivision and zoning By-law accordingly.

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

Copies of Misc. Plan Nos. 10163/4, 10163/9, Appendices 1 to 11, are on file in the Office of the City Clerk.

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

In amendment,

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

THAT the clause be amended by deleting Recommendation II and substituting therefore the following:

II. Pursuant to Section 631 of The City of Winnipeg Act, that the following be adopted:

A. The subdivision and rezoning By-law, as passed by Council on April 29, 1998, be amended to include the additional 10.4 acres± of contiguous land;

B. That Schedule A. to the subdivision and rezoning approval by Council be replaced with Schedule "A.1".

The amendment was put and declared carried.

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

(See Minute No. 835 for attachment)

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor O'Shaughnessy,
Seconded by Councillor Phillips,
784 - WHEREAS it appears that there will be no quorum at the next two regular scheduled meetings of the Standing Policy Committee on Property and Development to hear appeals;

THEREFORE BE IT RESOLVED THAT the meetings on July 23 and August 20 be cancelled and the next Appeals Meeting be held on Thursday, August 27, 1998, to commence at 1:00 p.m. in the Council Chamber;

AND BE IT FURTHER RESOLVED THAT the City Clerk's and Property & Development Services Departments do all things necessary to ensure that posting requirements and appropriate notification is carried out in accordance with the requirements of The City of Winnipeg Act.

Carried.

Council here reverted to the order of business - Executive Policy Committee - Motions".