REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 4, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated May 4, 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 and 14 be adopted.

675 - Councillor Thomas asked to be recorded as having voted against Clause 7, 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 and 14 was put and declared carried.

Infill Development within the City of Winnipeg - Plan Winnipeg
File EP-1.1(P/W) (Vol. 13)

676 - 1. On September 24, 1997, Council ruled automatic referral of the following motion to the former Committee on Planning and Community Services, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Vandal,
Seconded by Councillor Thomas,

WHEREAS several older neighbourhoods in the City of Winnipeg contain significant parcels of former or declining industrial sites;

AND WHEREAS Clause 5A-15 of Plan Winnipeg states that "the City shall promote compact urban development by:

i) encouraging infilling of vacant lands and the revitalization of existing neighbourhoods";

AND WHEREAS Clause 5A-35 of Plan Winnipeg states that "the City shall approve the reuse or redevelopment of declining industrial areas where the long-term viability of such areas cannot be supported";

THEREFORE BE IT RESOLVED that the administration be directed to investigate the development of an incentive or tax abatement policy for the conversion of former or declining industrial sites in older neighbourhoods into residential use."

On September 30, 1997, the former Committee on Planning and Community Services referred the matter to the former Commissioner of Planning and Community Services and the Business Liaison and Intergovernmental Affairs Department for review and comment back.

On April 6, 1997, the Standing Policy Committee on Property and Development referred the matter to the Manager of Planning and Land Use, Property and Development Services Department, to meet with Councillor Vandal, and report back.

On May 4, 1998, the Standing Policy Committee on Property and Development considered report dated April 27, 1998, outlining that By-law No. 7076/97 establishes a program of property tax credits or refunds to encourage and to assist in the construction or purchase of new single-family detached dwellings. The Standing Policy Committee requested the Administration to further review and report back on the matter, with emphasis on establishing a front-end incentive for infill development within the City.

The Standing Policy Committee on Property and Development recommends that Council grant an extension of time of 90 days in order to allow the Standing Policy Committee to further consider the matter.

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

Proposed Designation of Winnipeg Exchange District to the World Heritage List - United Nations Education, Cultural and Scientific Organization (UNESCO) File G-3.1.2 (Vol. 6)

677 - 2. On April 29, 1998, Council ruled automatic referral of the following motion of which notice had been given, to the Standing Policy Committee on Property and Development, under Rule 16.1 of the Procedure By-law No. 5400/90:

Moved by Councillor Murray,
Seconded by Councillor Lubosch,

WHEREAS Winnipeg has the most beautiful historic architecture in Canada;

AND WHEREAS Winnipeg is the City with a historic centre that is the best example of the turn of the century economic boom which ignited western expansion and prosperity;

THEREFORE BE IT RESOLVED that the City of Winnipeg request the Government of Canada to make application to the United Nations Education, Cultural and Scientific Organization (UNESCO) to add Winnipeg's Exchange District to the world heritage list under the terms of the world Heritage Convention.

The Standing Policy Committee on Property and Development recommends concurrence in the motion, and submits same to Council for approval.

Adopted by consent.

Proposed Closing of the public lane between 7 and 11 Carlotta Crescent - Assiniboia Community File DAC 19/97

678 - 3. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department has received a request from Cornelia and Richard Gamble, the residents at 11 Carlotta Crescent, to purchase the public lane adjacent to their property. The owners of 7 Carlotta Crescent have also indicated an interest in purchasing a portion of the lane. The lane must be legally closed before it may be sold.

The subject portion of the public lane is outlined as "proposed closing" on Misc. Plan No. ASBA 10106/1. The lane is not used to provide a connection between Carlotta Crescent and Charleswood Road. It is not required for access to either 7 or 11 Carlotta Crescent.

The balance of the lane is used by the owners at 6226 and 6234 Roblin Boulevard and at 516 Charleswood Road for access to the rear of their properties from Charleswood Road. These property owners were asked if they would be interested in acquiring the portion of the lane adjacent to their property. The owners of 6234 Roblin Boulevard advised that they did not want to purchase the land. The owners of 6226 Roblin Boulevard and 516 Charleswood Road did not respond to the request.

The Transportation Planning and Traffic Management Division of the Public Works Department does not support this partial lane closure. The Department is opposed to leaving the balance of the lane as a dead end with little or no possibility for future extension or completion of a proper turnaround. If the remainder of the lane is ever improved, vehicles entering the lane, including City maintenance and refuse vehicles, would be forced to back out of the lane onto Charleswood Road. This is not desirable for traffic safety reasons.

A Public Hearing was held before the Assiniboia Community Committee on April 23, 1998. Two persons appeared in support of the application, the Real Property Officer, Property and Development Services Department appeared in opposition thereto, and one person registered for information thereto.

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

The Assiniboia Community Committee recommended approval of the proposed street closing as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing, in accordance with Misc. Plan No. ASBA 10106/01, 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. 699 for attachment)

Proposed Closing of the streets and lanes in the block bounded by Waverley Street, Taylor Avenue, Harrow Street and the CNR Railway Plan 358 - City Centre Community
File DAC 20/97 [c/r DAC 1/98]

679 - 4. The Standing Policy Committee on Property and Development has been advised that in October 1997, Council approved the Report of the former Committee on Finance and Administration recommending the sale of the City property adjacent to the streets and lanes, outlined as "proposed closings" on Misc. Plan No. 10090/2 (DAC 20/97). One of the terms of that Report was that the sale be subject to the approval of an application to close the streets and lanes adjacent to the property.

The Real Estate Division of the Property and Development Services Department has requested that the authority to close the streets and lanes outlined on Misc. Plan No. 10090/13 (DAC 1/98) also be obtained. The portions of the streets and lanes contained within the Winnipeg Hydro transmission line will be retained. The Real Estate Division intends to offer the remaining rights-of-way for sale to the adjoining property owners.

With the exception of the paved portion of Sparling Avenue used exclusively by Manitoba Hydro as part of its complex at 650 Harrow Street, none of the rights-of-way physically exist. The Transportation Planning and Traffic Management Division of the Public Works Department has advised that these streets and lanes are surplus to the City's needs.

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

Easements for the maintenance of existing facilities in the streets and lanes will be required by the Water and Waste Department, Winnipeg Hydro, Manitoba Hydro, and MTS NetCom Inc.

The City may not deprive property owners adjacent to public rights-of-way of access to their lands from those rights-of-way. The closure of the streets and lanes is contingent on the agreement of the adjacent property owners to either purchase the land, accept compensation for the loss of access, or waive their right to that compensation. The sale of the lands approved by Council in October of 1997 assumed that the purchaser will address this matter. The sale of the balance of the lands has not yet been initiated. The closure of the streets and lanes, outlined on Misc. Plan No. 10090/2, will therefore precede the closure of the streets and lanes outlined on Misc. Plan No. 10090/13.

A Public Hearing was held before the City Centre Community Committee on April 7, 1998. The Community Committee passed a motion that the proposed closings be divided into two separate applications under DAC 20/97 and DAC 1/98.

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

With respect to DAC 20/97, the Community Committee heard representation from one person in support of the application, no one appeared in opposition thereto, and the Real Property Officer, Property and Development Services Department, was in attendance for the City. The Community Committee concluded the public hearing and recommended approval of the proposed closing of streets as outlined below, in accordance with Misc. Plan No. 10090/2.

With respect to DAC 1/98, the Community Committee adjourned the public hearing with respect to the proposed closing of streets and lanes as outlined on Misc. Plan No. 10090/13, to May 5, 1998.

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 closing, in accordance with Misc. Plan No. 10090/2, as outlined on Schedule "A".

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

Copy of Misc. Plan No. 10090/13 is on file in the Office of the City Clerk.

Adopted by consent.

(See Minute No. 700 for attachment)

Proposed Closing of part of Wellington Avenue, west of Strathcona Street - City Centre Community File DAC 3/98

680 - 5. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Property and Development Services Department has recently completed an agreement for the purchase of the land required for the expansion of the Clifton Community Club site in accordance with the terms and conditions approved by Council on July 23, 1997. The portion of Wellington Avenue outlined as "proposed closing" on Misc. Plan No. 10094/3, is required for incorporation into that site.

Wellington Avenue is not paved or used as a right-of-way in this location. The street has been permanently barricaded at the east limit of the proposed closing for a number of years.

The Water and Waste Department and Winnipeg Hydro have advised that they maintain service lines within the street. The existence of these plants will not adversely affect the development of the site. Centra Gas, MTS Communication Inc., and Videon Cable Systems have advised that they will require easements for their facilities in the area.

A Public Hearing was held before the City Centre Community Committee on April 7, 1998. One person was heard in support of the application, no one registered in opposition thereto, and the Real Property Officer, Property and Development Services Department, was in attendance for the City. The City Centre 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 City Centre Community Committee and recommends:

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closing, in accordance with Misc. Plan No. 10094/3, as outlined on Schedule "A".

Report of the Standing Policy Committee on Property and Development dated May 4, 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. 701 for attachment)

Proposed Closing of part of Barnham Crescent, opposite Torwood Crescent - Lord Selkirk-West Kildonan Community File DAC 4/98

681 - 6. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Property and Development Services Department intends to incorporate the portion of Barnham Crescent, outlined as "proposed closing" on Misc. Plan No. 9693/1, into Parcel A, Plan 14912 and offer the lot for sale. The street must be legally closed before it may be sold.

When the streets in the subdivision in this area were created in 1987, it was intended that Barnham Crescent would turn south in the general area of the present location of Torwood Crescent, as outlined on Misc. Plan No. 9693/1. Barnham Crescent has since been extended to the west, and the land that had been reserved for the radius of the curve of the street to the south, outlined as "proposed closing" on Misc. Plan No. 9693/1, is no longer required as street.

The Water and Waste Department has advised that it will require an easement for a land drainage sewer within the street prior to its sale.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on April 14, 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 Lord Selkirk-West Kildonan Community Committee recommended the approval of the proposed street closing as outlined below.

The Standing Policy Committee on Property and Development concurred in the recommendation 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. 9693/1, 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. 702 for attachment)

Proposed Widening of parts of York Avenue and Main Street - City Centre Community File DAO 1/98

682 - 7. The Standing Policy Committee on Property and Development has been advised that the Transportation Planning and Traffic Management Division of the Public Works Department has initiated the subject widening, outlined as "proposed street openings" on Misc. Plan No. 9947/6, in conjunction with the proposed York Avenue Extension.

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

The owners of the property required for the widening on the north side of York Avenue have agreed to the terms approved by the former Committee on Finance and Administration on September 15, 1997, concerning its sale to the City. The City owns the land required for the widening south of York Avenue.

A Public Hearing was held before the City Centre Community Committee on April 7, 1998. No one appeared in support of the application, no one registered in opposition thereto, and the Real Property Officer, Property and Development Services Department, was in attendance for the City.

The City Centre Community Committee recommended approval of the proposed street openings as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the openings, in accordance with Misc. Plan No. 9947/6, 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. 675 for opposition recorded by Councillor Thomas)

(See Minute No. 703 for attachment)

Request for Development Agreement Amendment to Whyte Ridge Development Agreement AG 58/85 - Eldorado Boulevard Improvements - Assiniboia Community
File DASZ 44/79 (AG 58/85)

683 - 8. The Standing Policy Committee on Property and Development has been advised that Qualico Developments (Winnipeg) Ltd. proposes to prematurely install services and high quality roadbed in Scurfield Boulevard to complete the loop in order to improve bus services to the west side of Whyte Ridge. In consideration of this premature construction, the Developer has requested that the Whyte Ridge Development Agreement AG 58/85 be amended to remove its obligation to construct surface improvements in Eldorado Boulevard.

On April 21, 1998, the Assiniboia Community Committee considered the request from Qualico Developments (Winnipeg) Ltd. that Development Agreement AG 58/85 be amended by deleting the following services on Eldorado Boulevard, south from Scurfield Boulevard to and across the Sugar Beet Spur Line:

1. Pavement and all related works in Eldorado Boulevard between Scurfield Boulevard and the south limit of the railway right-of-way;

2. Sidewalks on both sides of Eldorado Boulevard; and

3. Street lights, all as determined by the administration.

The Assiniboia Community Committee also considered report dated April 3, 1998, from the Chairman, Administrative Coordinating Group, outlining that the Administration has reviewed the Developer's proposal and although the provision of transit service in 1998 is desirable, the Administration cannot support the proposal.

The Administration advised that Eldorado Boulevard will be required in the future to serve the following functions:

1. It will serve as the fourth access point to the Whyte Ridge area, in the longer term, when Bishop Grandin Boulevard is extended west from Kenaston Boulevard, and will carry traffic volumes between 3,500 and 4,000 vehicles per day.

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

2. It will provide intercommunity connection to the lands to the south of the extension of Bishop Grandin Boulevard when these lands are developed.

3. It will be required as a future transit link to development on the lands to the south as well as a link for access to Bishop Grandin Boulevard.

The Administration also does not support the proposal to require the developers of the lands to the south to pay the costs of the services within the subject street, as the services may be required before the lands to the south develop, and the lands to the south will be responsible for their own share of the costs within their planned area as well as across the Manitoba Hydro right-of-way to connect with the extension of Bishop Grandin Boulevard.

The Administration further advised that if Community Committee did not concur with the Administration's recommendation, then the Community Committee could recommend to the Standing Policy Committee on Property and Development that Development Agreement AG 58/85 be further amended as follows:

1. That the Developer's obligation to install the following services in Eldorado Boulevard be deleted:

   i) Concrete pavement,
   ii) Sidewalks on both sides, and
   iii) Ornamental street lights.

2. That a clause be added requiring the Developer to install a gravel roadbed complete with land drainage sewers in Scurfield Boulevard from the intersection of Vineland Drive on the south, to the Middle School site to the north, to the satisfaction of the Director of Public Works.

The Assiniboia Community Committee recommended that Clause 5.c) in Section I of Schedule "C" of Development Agreement AG 58/85 be deleted and be replaced with the following new Clause 5.c), as outlined below.

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

I. That Clause 5.c) in Section I of Schedule "C" of Development Agreement AG 58/85 be deleted and be replaced with the following new Clause 5.c), namely:

   "The Developer shall install a gravel roadbed complete with land drainage sewers in Scurfield Boulevard, from the intersection of Vineland Drive on the south, to the Middle School site to the north, to the satisfaction of the Director of Public Works."

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

Adopted by consent.

Extension of Time - Proposed Subdivision and Rezoning - land located on the south side of Chevrier Boulevard at the terminus of Prestwick Drive - Assiniboia Community
File DASZ 13/95

684 - 9. The Standing Policy Committee on Property and Development has been advised that on September 27, 1995, Council adopted Clause 10 of the Report of the former Committee on Planning and Community Services dated September 5, 1995, which Clause recommended approval of the subject subdivision and rezoning to an "M2" Industrial District, as outlined on Schedule "A" dated March 23, 1998, to permit the construction of an office and warehouse building, subject to execution of a Development Agreement.

Recommendation VIII. contained in the said Clause stipulates:

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

"VIII. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 36 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."

The By-law has not been enacted and the 36 month time limit will expire on September 27, 1998.

The applicant, Caspian Construction Inc., 1225 Plessis Road, Winnipeg, is requesting a three year extension of time in order to complete the necessary subdivision and rezoning requirements. The applicant has indicated that the reason that this application has not been proceeded with has been due to their failure to secure the necessary tenants for the office and warehouse building prior to construction. The applicant is now indicating that a potential client is willing to proceed with the conditions under the Development Agreement.

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

On April 21, 1998, the Assiniboia Community Committee considered report dated March 23, 1998, from the Subdivision Officer, Property and Development Services Department, concurred in the recommendation that the time limit to provide for the enactment of the necessary Subdivision and Rezoning By-law under File DASZ 13/95 be extended to September 27, 2001.

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

I. That the time limit to provide for the enactment of the necessary subdivision and rezoning By-law under File DASZ 13/95 be extended to September 27, 2001.

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

Schedule "A" referred to in the above clause is on file in the office of the City Clerk.

Adopted by consent.

Request for Amendment to Development Agreement AG 9/97 - land located on the south side of Ridgecrest Avenue between Main Street and the Red River - Lord Selkirk-West Kildonan Community
File DASZ 9/97

685 - 10. Council, on December 17, 1997, adopted Clause 4 of the Report of the Standing Policy Committee on Property and Development dated November 25, 1997, and approved the plan of subdivision under File DASZ 9/97 for land located on the south side of Ridgecrest Avenue between Main Street and the Red River.

On April 14, 1998, the Lord Selkirk-West Kildonan Community Committee was advised that the Lombard North Group (1984) Ltd. has reached an agreement with one of the affected parties involved in the extension of Scotia Street to Ridgecrest Avenue. The other party, the Samsons, have set two conditions which will satisfy their requirements to relinquish their interest in the private easement; namely, closing the attendant private approach onto Main Street in exchange for a new access onto Ridgecrest Avenue and permitting the extensions of Scotia Street across their right-of-way easement to connect with Ridgecrest Avenue.

Lombard North Group (1984) Ltd. proposed two alternatives that it can facilitate:

1. To develop connection from Ridgecrest to Scotia Street as a private access roadway within the condominium, subject to an easement agreement acceptable to our clients with the residents of Scotia Street south of the project; or

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

2. To amend the plan deleting Scotia Street extension into the development and connection to Ridgecrest Avenue.

On April 14, 1998, the Community Committee also considered report dated February 27, 1998, from the Chairman of the Administrative Coordinating Group recommending that the City not contribute any funds towards the withdrawal of the "right-of-way" over the Developer's land to which the Samsons and others are currently entitled. As information, withdrawal and/or postponement of all caveats and encumbrances in order to register an approved plan of subdivision, a zoning agreement or any other City requirement in the Land Titles Office has always been the Developer's sole responsibility and expense. The report further outlined that the Administration would oppose the Developer's suggestion that they would "amend the plan deleting Scotia Street extension into the development and connection to Ridgecrest Avenue" (referenced as No. 2 above), which is consistent with the position taken when the condominium proposed under DASZ 9/97 was dealt with by Community Committee.

The Community Committee further considered a communication from Walter and Gloria Samson, 2393 Main Street, advising that the President of the Lombard North Group (1984) Ltd. would appear on their behalf and present their letter of intent to relocate access.

On April 14, 1998, the Lord Selkirk-West Kildonan Community Committee recommended as follows:

1. That the right-of-way over the southerly 16 feet of the subject property be expropriated.

2. That Clause 3.a) of Schedule "B" of Development Agreement AG 9/97, as amended, and adopted by Council on December 17, 1997, be further amended by applying the cost of the land drainage sewer installation to serve the proposed subdivision and adjacent lands as a credit towards the Developer's total land drainage trunk obligation.

On May 4, 1998, the Standing Policy Committee on Property and Development considered report dated April 27, 1998, from the Land Development Engineer, Property and Development Services Department, advising that the Administrative Coordinating Group is not in agreement with the Lord Selkirk-West Kildonan Community Committee's recommendation that the cost of the local land drainage sewer to be installed by the Developer in Scotia Street be credited towards his land drainage trunk charges for the following reasons:

1. This land drainage sewer is not part of the Regional Land Drainage System and therefore crediting this cost to the Developer's land drainage trunk charge obligations is not in accordance with the Council adopted policy for cost sharing of Regional Land Drainage Systems. (Adopted by Council on December 1, 1976.)

2. To the best of Administration's knowledge, the cost of installing local land drainage sewers has never been credited to a Developer's trunk charge obligations. Allowing this credit would amount to forgiveness of approximately $46,000.00 at the expense of other land developers in this area. This could set an expensive precedent for the City as other developers may request that part of their local land drainage facilities be credited toward their trunk charges.

3. If this Developer is not required to pay his fair share of the trunk system, then the adjacent properties would have to pay not only their fair share of the trunk system but also this Developer's share when they develop their properties. This would give this Developer an unfair advantage over adjacent properties because he would have lower servicing costs.

4. In the Regional Land Drainage Plan for this area, this property was never intended to drain to the John Black system. Thus, the City has already made a concession to this Developer by allowing him to connect to the John Black system, rather than requiring him to build a new trunk system and outfall to the Red River, at an estimated cost of $572,000.00. Further, because this Developer will be connecting to the John Black system, there will be a reduction in service levels for the other properties in the drainage area which may lead to additional servicing costs for these properties. Also, there will be additional pressure placed on the system which will lead to higher maintenance and operating costs which the City would be obligated to finance.

The Administration also advised that there is a potential recovery mechanism available to the Developer. This would be to invoke the privately-owned lands clause of the Development Agreement through which the Developer could request the City to advertise a local improvement for installation of the land drainage sewer in Scotia Street. If the local improvement is successful the Developer can recover a share of his costs by this process.

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

The Administration further advised that this recommendation is not equitable, it is not consistent with City Policy, and the Developer has been turned down by Standing (Policy) Committee and by Community Committee on two previous occasions with the same request.

The Administration therefore recommended that the Community Committee's proposed amendment not be adopted, and the clause remain as was originally laid out in the Administrative Coordinating Group's report dated June 16, 1997.

On May 4, 1998, the Standing Policy Committee on Property and Development heard in delegation David Palubeskie, President, Lombard North Group (1984) Ltd. and Gerry MacDonald, in support of their request to amend the Development Agreement AG 9/97 for the land located on the south side of Ridgecrest Avenue between Main Street and the Red River.

On May 4, 1998, the Standing Policy Committee on Property and Development referred the first recommendation of the Lord Selkirk-West Kildonan Community Committee, pertaining to expropriating the right-of-way over the southerly 16 feet of the subject property, to the Property and Development Services Department for review and report back.

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

I. That Clause 3.a) of Schedule "B" of Development Agreement AG 9/97, as amended, and adopted by Council on December 17, 1997, be further amended by applying the cost of the land drainage sewer installation to serve the proposed subdivision and adjacent lands as a credit towards the Developer's total land drainage trunk obligation.

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

Adopted by consent.

Proposed Subdivision and Rezoning - land located on the south side of Bison Drive, between Barnes Street and west of Shore Street - Riel Community
File DASZ 2/98 [c/r DCU 38/98D]

686 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from Westfair Properties Ltd. c/o Shindico Inc., 100 - One Evergreen Place, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "A5" Agricultural District to a "C2" Commercial District to permit the establishment of commercial development.

The following is the present site description:

Site Area: Approximately 18 acres, with frontage on Bison Drive, Shore Street, and Barnes Street; the site backs onto the rear lot lines of properties along Lee Boulevard

Existing Land Use and Zoning: Currently vacant, zoned "A5" Agricultural District

The following is the surrounding land use and zoning:

North: Single Family housing, zoned "R1-5" Residential District

South: Single Family housing, zoned "A5" Agricultural District

East: Currently vacant, backing onto CNR Letellier rail line, zoned "A5"Agricultural District

West: Church and residential school, zoned "RM-1" Multiple Family District

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

The subject site is currently owned by the City of Winnipeg, an offer of sale has been made to the applicants subject to the success of this rezoning application. The applicants propose to subdivide and rezone the subject site to allow for the construction of a 115,000 square foot grocery store and gas kiosk on the westerly portion of the site (proposed Lot 1). No specific commercial development has been identified for the east lot (proposed Lot 2). Access to the site is proposed to be from Bison Drive with the construction of a signalized intersection. A secondary service access is also proposed from Barnes Street.

The proposed development is the culmination of a negotiation for the sale of lands by the Real Estate Division, Property and Development Services Department. The applicant has been given a period of due diligence to receive all necessary approvals, including a rezoning of the property, for the sale to take effect. A major factor in the negotiation of the sale is the provision of services to the subject site. The Fairfield Park area south of Bison Drive is presently unserviced. Attempts in the past to service the area by way of local improvement have been unsuccessful because of projected shortfalls in recoveries versus the cost of servicing. As a result of the proposed commercial development, oversized underground services will be provided along Barnes Street, which will result in reducing the overall costs of servicing the surrounding residential area. It is not yet determined, however, if the servicing costs will be reduced by enough to make a local improvement viable.

The Strategic Planning Division which oversees and interprets Plan Winnipeg policy has determined that the proposed development is consistent with Plan Winnipeg. The subject land is located in a Neighbourhood Policy area which allows for mixed land uses including commercial uses. However, the Strategic Planning Division also cautions that Plan Winnipeg recognizes the need to protect existing neighbourhoods, and that measures should be taken to ensure that this development does not adversely affect the adjacent neighbourhood.

The applicant has recognized that this development will impact on the adjacent area and has held meetings with area residents to hear and attempt to address their concerns. Residents of Lee Boulevard immediately adjacent to the development were concerned about the loss of natural vegetation on the site, and have requested adequate buffering and fencing. Residents of Fairfield Park in general raised concerns about the effect this commercial development would have on traffic through their neighbourhood. If Barnes Street is developed as a collector street linking directly to development to the south in Richmond West, the result would be an increase in traffic. Residents of Richmond West would end up cutting through Fairfield Park to access the commercial site from the Barnes Street access. The residents of Waverly Heights raised concerns about the increase in traffic on Bison Drive and the additional noise this would create for residents of Chancellor Drive.

In order to address these concerns several measures have been taken with respect to the proposed site development. In order to address the concerns of the residents of Lee Boulevard, the applicants propose to leave a 40 foot buffer along the south side of the property. The proposed landscaping would preserve as much of the existing vegetation as possible with additional planting of evergreens to provide year round screening. In addition, in order to address concerns about noise, the applicants propose to erect a cedar fence, eight feet in height along the south limit of their proposed parking lot. The loading bay and rooftop mechanical units are also oriented away from the residential area to the south.

To address concerns of traffic entering the Fairfield Park area, the applicants propose to orient the site towards a main entrance at Bison Drive, the access on Barnes Street is intended to be used as a secondary access, primarily for truck access to the loading bay. A traffic study, however, has not yet been provided in order for the Public Works Department to assess the impact of this development on the surrounding area. As a result, the direct access to Bison Drive has not been approved. The development does not propose to address concerns of traffic noise on Bison Drive for the residents of Waverly Heights. This issue has been an ongoing concern for the residents of Chancellor Drive, the proposed development would likely increase pressure from them for sound attenuation measures.

The Land Use and Planning Division, Property and Development Services Department does not object to the proposed development provided that the adverse effect on the adjacent residential development can be mitigated. The proposed site plan, showing a forty foot landscape buffer should provide an adequate separation to minimize the impact of the development on the adjacent dwellings. The proposed access should also minimize the penetration of commercial traffic into the Fairfield Park neighbourhood, however this assumption should be supported by a traffic study to be supplied by the applicant. An area of concern at this time is the fact that there is presently no development plan for the proposed Lot 2. In order to further reduce the impact of this development on the adjacent neighbourhood, limitations on the permitted uses on the site should be included in a zoning agreement.

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

A Public Hearing was held before the Riel Community Committee on March 17, 1998. Six persons were heard in support of the application, and five persons registered in opposition, and two persons registered for information thereto.

The Riel Community Committee recommended that the proposed subdivision and rezoning under File DASZ 2/98 be approved subject to a number of conditions including the following:

A. That the Developer be required to enter into a Servicing Agreement with the City requiring the Developer to pay its share of the cost of traffic improvements at or near the intersection of Pembina Highway and Bison Drive following one year of monitoring the traffic from the opening of the Superstore.

B. That the Developer be required to post a Letter of Credit to cover its share of the above traffic improvements, in an amount to be determined by the Director of Public Works prior to the issuance of building permits for Lot 1.

C. That the Sales Agreement to be entered into by The City of Winnipeg and Westfair Properties Ltd. reflect any transportation requirements and the costs thereof to the satisfaction of the Administration.

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

1. Approval of this rezoning and subdivision application and the proposed project is considered to be a reasonable development for the area given that the applicant and developer have sought input from the general public and have endeavoured to address their concerns in the proposed plans for the project.

On May 4, 1998, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning application under File DASZ 2/98, and two additional reports - one from the Chairman of the Administrative Coordinating Group dated April 27, 1998, as outlined on Schedule “B”, and the other from the Property and Development Services Department dated May 1, 1998, amending the ACG report dated April 27, 1998, as outlined on Schedule “C”, recommending that specific conditions be embodied in the Land Sales Agreement (ie. a servicing agreement as contemplated in Riel Community Committee’s recommendations A and B would not be required).

The Standing Policy Committee also concurred in the recommendation from the Riel Community Committee to delete the condition that a ten per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land and 1 additional building site(s) being created.

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

I. That the plan of subdivision proposed under File DASZ 2/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 2/98 dated March 9, 1998, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Land Sales Agreement between the City and the Developer include all the conditions outlined in the report of the Administrative Coordinating Group dated April 27, 1998 as amended by report dated May 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 2/98 dated March 9, 1998, to an “C2” Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site, to include the following conditions:

   A. That not more than 215,000 square feet of Gross Leasable Area be developed on the lands with no more than 135,000 square feet of Gross Leasable Area to be developed on proposed Lot 1.

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

B. That final construction plans indicating the design and location of the proposed buildings, including elevations and details or exterior finishing materials, accessory parking and loading areas, vehicular access to the site and onsite traffic circulation, fencing, landscaping freestanding and facia signage and garbage enclosures, be subject to the approval of the Riel Community Committee prior to the issuance of a building permit.

C. That mobile signs be prohibited except for a period of fourteen days upon issuance of new occupancy permit.

D. That a minimum forty foot landscaped buffer be maintained along the south property line, between Barnes Street and Shore Street.

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

i) Amusement enterprise, outdoor;
ii) Automobile, including motorcycle: Cleaning;
iii) Automobile, including motorcycle: Repair, Service, Installation of supplies/parts;
iv) Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of supplies/parts;
v) Banquet Hall, Dance Hall;
vi) Boat: Sales, Service;
vii) Boat Docking/Launching, Boat rental, Marina;
viii) Cabaret;
ix) Club, including licensed premises;
x) Contractors Establishment;
xi) Exterminator;
xii) Flea Market; outdoor only;
xiii) Machinery/Heavy Equipment Supplies and Parts: Sales, Installation, Service;
xiv) Mobile Home Park;
xv) Motors or Machines, Recreational or Utility, including power toboggans, outboard motors, lawn mowers: Rental, Sale Service;
xvi) Pawnshop;
xvii) Sign, advertising;
xviii) Taxidermist.

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 By-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VII. 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.

VIII. 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.

Adopted by consent.

(See Minute No. 704 for attachments)

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

Proposed Subdivision and Rezoning - land located at 510 Cathcart Street, south side of Grant Avenue between Elmhurst Road and Cathcart Street - Assiniboia Community File DASZ 4/98

687 - 12. The Standing Policy Committee on Property and Development has been advised that an application has been received from Ralph Schilling, Architect, 729-177 Lombard Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an "R1-6A" Single-Family District to an "RM-2A" Multiple-Family District to permit the establishment of a multiple-family development.

The following is the present site description:

Site Area: Approximately 2.96 acres (128,932 square feet)

Existing Land Use and Zoning: Largely vacant rearage of properties with frontage on both Elmhurst Road and Cathcart Street; zoned "R1-6A" Residential District

The following is the surrounding land use and zoning:

North: Four-storey seniors condominium development; zoned "RM-3A" Residential District

South: Single-family dwellings; zoned "R1-6A" Residential District

East: Seniors care facility; zoned "RM-1A" Residential District

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

The applicant proposes to subdivide and consolidate the backland portions of existing residential lots (fronting on both Elmhurst Road and Cathcart Street) and rezone the subject property from "R1-6A" Single-Family District to "RM-2A" Multiple-Family District. This will accommodate a proposed two-storey, sixty-unit condominium development.

Concept plans indicate the building will be U-shaped, with the majority of the units located twenty-two feet or more from the proposed west property line. Completing the U-shape are two wings, one along Grant Avenue and another twenty-two feet or more from the proposed south property line. Parking is indicated at the north east corner of the site and within the cavity of the U-shape. One hundred five parking spaces are provided (ninety required), all at grade. Site access is indicated from Cathcart Street, at the north east corner of the site.

Concept plans developed in the early 1980s for this area (by the former Environmental Planning Department) foresaw the development of single-family dwellings along a proposed northward extension of Apex Street. These concept plans were prepared as a guide to future development, anticipating continued growth of the single-family dwelling market.

With the exception of sporadic infill single-family development, the majority of recent housing activity in Assiniboia Community has focused on low-density condominium development. This trend is evident in recent developments along Grant Avenue, including Deer Meadows (southwest corner of Grant Avenue and Chalfont Street) and Fairmont Woods (southeast corner of Grant Avenue and Fairmont Road). The proposed two-storey, sixty-unit condominium development addresses a market need for this particular housing form in Charleswood. The location and density of this development find support in Plan Winnipeg, which promotes higher intensity residential development on sites located adjacent to major traffic or transit corridors.

In order to proceed with this proposal, the applicant had to negotiate the purchase of surplus property from adjacent property owners. In so doing, the neighbouring property owners had the opportunity to review the proposed development. The proposed development also accommodates future subdivision of properties to the south. Plans submitted in conjunction with the application, marked Area Site Plan, illustrate how property owners to the south of the subject property could develop their properties. The resulting street and lot layout is superior to the concept plan

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

for the area referred to earlier. It should be noted the subject property is located within Area II of the Airport Vicinity Protection Area. Area II restricts residential development to no more than thirty-five dwelling units per acre, subject to meeting acoustic insulation requirements. The subject application, at slightly more than twenty dwelling units per acre, complies with the Airport Vicinity Development Plan.

A Public Hearing was held before the Assiniboia Community Committee on March 23, 1998. Twelve persons registered in support of the application, one registered in opposition thereto, and three registered for information thereto.

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

1. The development is a high quality venture that is less dense than required, provides extensive parking, and protects the existing landscaping.

2. This is the most suitable use for the site best protecting citizen interests.

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

I. That the plan of subdivision proposed under File DASZ 4/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 4/98 dated March 16, 1998, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Co-ordinating Group dated March 12, 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 outlined on Schedule "A" for File DASZ 4/98 dated March 16, 1998, to an "RM-2A" Multiple-Family District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site, to include the following conditions:

   A. That final detailed plans indicating the design and location of the proposed buildings, including elevations and details of exterior finishing materials, accessory parking areas, fencing, landscaping, and garbage enclosures, be subject to the approval of the Chief Administrative Officer or designate and the Assiniboia Community Committee prior to the issuance of a building permit.

   B. That not more than sixty dwelling units be erected or located on the land.

   C. That no building exceed two storeys in height.

   D. That a suitable refuse collection pickup bin be provided in a safe, accessible location. The container must be placed on a structural concrete pad and the roadway access to the container must be structurally designed to handle refuse vehicle loading.

   E. That the enclosed private balconies/solariums be consistent in design.

IV. That the Developer be required to pay to the City 10% cash dedication in lieu of land dedication, to be calculated on the basis of the increased value of the land. That the Assiniboia Community portion of all funds from the cash-in-lieu requirement for land for open space, park, and recreational use, be dedicated towards the Marj Edey Park Reserve Account.

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.

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

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

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

VIII. 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.

IX. 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.

X. 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.

Adopted by consent.

(See Minute No. 705 for attachment)

Proposed Subdivision and Rezoning - land located on the north side of Portage Avenue, immediately west of the Perimeter Highway - Assiniboia Community
File DASZ 5/98

688 - 13. The Standing Policy Committee on Property and Development has been advised that an application has been received from El Mingo Developments Co. 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 "A" Agricultural District to a "C3-2" Commercial District to permit the establishment of commercial uses including auto sales (auto mall).
The following is the present site description:

Site Area: Approximately 60 acres (15.3 acres currently zoned "A" Agricultural)

Existing Land Use and Zoning: Currently vacant; a portion of the site is zoned "A" Agricultural District, the remainder is zoned "C3-2" Commercial District

The following is the Surrounding Land Use and Zoning:

North: Assiniboia Downs race track; zoned "C3-2" Commercial District

South: Across Portage Avenue (PTH No. 1W), Chapel Lawn Memorial Gardens and Assumption Cemetery; zoned "A" Agricultural District

East: Buchanan residential neighbourhood; zoned "R1-5.5", "R1-5", "R2", and "RM-L" Residential District

West: Red River Exhibition Grounds; zoned "A" Agricultural District

The applicant intends to develop a multi-tenant auto mall on the subject property. Four separate parcels are proposed for the automobile dealership pad sites, the private roadway (realigned Race Track Road), along the highway frontage, and the future development area. Preliminary concept plans indicate thirteen pad sites arranged around an internal loop roadway. The majority of the pad sites are proposed for automobile dealerships, with additional sites for a body shop/detailing operation, administrative offices, a drainage retention lake, and unspecified commercial operations. To comply with Highway Traffic Board and Manitoba Department of Highways requirements regarding access to Portage Avenue (PTH No. 1W), the existing Race Track Road is to be abandoned and a signalized all-turns intersection is to be located further to the west. A permanent intersection, with access to the subject property via a private roadway, is to eventually be established in alignment with Camp Manitou Road. Access alignment with Camp Manitou Road will occur when this portion of PTH No. 1W is upgraded to a four-lane highway raised centre median.

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

In the interim, the Highway Traffic Board has granted temporary access to the subject property via a signalized all-turns intersection in alignment with the entrance to Chapel Lawn Memorial Gardens and Assumption Cemetery. When the permanent access at Camp Manitou Road is established, right-in/right-out access to the subject property may be retained at the Chapel Lawn/Assumption alignment location.

The majority of the applicant's property is zoned "C3-2" Commercial District, a zoning category which permits auto sales. The applicant has acquired property in order to realign their access, as requested by the Highway Traffic Board. This portion of the property is currently zoned "A" Agricultural District, which does not permit auto sales. The application is required so as to consolidate this "A" zoned property with the applicant's holdings and rezone that portion to "C3-2".

In June 1995, the site was redesignated to a Neighbourhood Policy Area from a Rural Policy Area, under a Plan Winnipeg amendment application (PW 1/92). The Neighbourhood Policy Area designation accommodates commercial and residential land uses. From a strictly land use perspective, the proposed subdivision and rezoning is appropriate at this location. The proposed auto mall use, consisting primarily of a number of automobile dealerships clustered around a private internal loop, is consistent with adjacent uses and those in the surrounding area.

The site has access to water service. Land drainage will be provided via on site pond retention and the roadside ditches. The applicant will handle waste water by providing onsite holding tanks, which will require regular pump-out. Access to the site will be provided via a private roadway which will align with the entrance to Chapel Lawn/Assumption, on a temporary basis. The existing Race Track Road access will be abandoned. The application was reviewed by Administrative Coordinating Group in October 1997. The Strategic Planning Branch advises that, at the time of the Plan Winnipeg amendment, it was recognized the provision of full services to this site presented a significant challenge. The amendment to Neighbourhood Policy Area was made with the understanding the site would eventually be fully serviced and that the costs of servicing the entire redesignated area (including both sewer and water) would be shared equally among all land owners at the time the services are provided.

There is substantial interest in the issue of current, interim, and future access to this site and other properties in the vicinity. The Manitoba Department of Highways has jurisdiction regarding access to this portion of PTH No. 1W. Any access to PTH No. 1W requires approval by the Highway Traffic Board. The Manitoba Department of Highways has maintained its desire to close the Race Track Road access for a number of years due to safety concerns related to its close proximity to the Perimeter Highway interchange. In 1997, the Department conducted an open house to finalize details on the PTH No. 1W upgrading and access management plan. PTH No. 1W is to be upgraded to a four-lane raised median cross-section, with service roads on both sides directing business related traffic to strategic access intersections. One such strategic intersection is at PTH No. 1W and Camp Manitou Road.

At a recent Highway Traffic Board hearing (February 1998), the applicant was granted temporary access to PTH No. 1W by way of private roadway in alignment with the Chapel Lawn/Assumption entrance, subject to consent from the Red River Exhibition and Assiniboia Downs. Details of this approval process are still in progress, but the intent is clearly to provide a safe access to the subject site, the Exhibition site, and the Downs site. Also clear is that this access only to be on an interim basis.

Both PTH No. 1W and PTH No. 101 are Limited Access Highways. As such, a permit is required from the Highway Traffic Board for any change in land use, construction, or structures/objects within 125 feet from the edge of the PTH No. 101 right-of-way and within 250 feet of the PTH No. 1W right-of-way. Also, a permit is required from the Manitoba Department of Highways for any planting within 50 feet of the edge of these rights-of-way.

Required yards for "C3-2" Commercial District zoned properties are twenty-five feet, from any building or structure to a property line. Free-standing signs are a permitted projection in any yard, provided such signs are located a minimum distance of five feet from any property line. Due to the visibility of this site (and since detailed concept plans are not available at this time), Planning and Land Use Division recommends a standard of development consistent with other high profile sites within the City of Winnipeg. Portage Avenue (including this portion of PTH No. 1W) is an Image Enhancement Route, with the Portage Avenue/Perimeter intersection designated as an Entrance Corridor. As the perceived entrance to Winnipeg, the vicinity functions as a gateway and, as such, requires some degree of sensitivity in terms of building, signage, and landscape design.

A Public Hearing was held before the Assiniboia Community Committee on April 28, 1998. Three persons were heard in support of the application, no one registered in opposition, and one person registered for information thereto.

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

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

1. That application is compatible with the existing site and surrounding area.

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

I. That the plan of subdivision proposed under File DASZ 5/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/98 dated April 21, 1998, for registration in the Winnipeg Land Titles Office.

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

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 5/98 dated April 21, 1998, to a "C3-2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site and to contiguous land owned or leased by the applicant, being the existing "C3-2" lands located to the north of PTH No. 1W and east of Race Track Road (including the abandoned portion of Race Track Road), to include the following conditions:

A. That final construction plans indicating the design and location of the proposed buildings and structures, 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, free standing signage, and banners/flagpoles/streamers, be subject to the approval of the Chief Administrative Officer or designate and the Assiniboia Community Committee prior to the issuance of a building permit.

B. That mobile advertising signs be prohibited onsite.

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

1. Dating and Escort Service;
2. Exterminator;
3. Flea Market;
4. Landscape/Garden Supplies: Sales, Landscape Contractor, production, including greenhouses or nursery, and sale of supplies, plants, trees, and landscaping materials;
5. Recycling Depot;
6. Second-Hand Store;
7. Sign, Advertising;
8. Signage: Manufacture, Rental, Sales;
9. Taxidermist;
10. Wood Products: Manufacture;

D. That the following uses not be permitted on the land until such time as piped waste water sewer service is provided to the site:

1. Department Store, Supermarket;
2. Hardware Store;
3. Hotel.

IV. That a 10 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 market value of the land.

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.

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

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

VII. 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.

VIII. That the zoning section of the By-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands.

IX. 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.

X. 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.

Adopted by consent.

(See Minute No. 706 for attachment)

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

689 - 14. The Standing Policy Committee on Property and Development has been advised that on January 28, 1998, Council adopted Clause 12 of the Standing Policy Committee on Property and Development, changing Maralbo Avenue to Maralbo Avenue East and Maralbo Avenue West.

In the course of researching the plans affected by this street name change it was discovered that part of Maralbo Avenue east of St. Mary's road was originally opened as Denny Avenue by a plan of survey in 1913 as Plan No. 2065. Therefore it is now necessary to also rename that portion of Denny Avenue, outlined on Schedule "A" dated March 16, 1998, to Maralbo Avenue East.

On April 21, 1998, the Riel Community Committee considered and concurred in the recommendations contained in the report dated March 16, 1998, from the Subdivision Officer, Property and Development Services Department, that the currently registered street name "Denny Avenue" east of St. Mary's Road, as outlined on Schedule "A" dated March 16, 1998, be changed to "Maralbo" Avenue East.

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

I. That the currently registered street name "Denny Avenue" east of St. Mary's Road, as outlined on Schedule "A" dated March 16, 1998, be changed to "Maralbo" Avenue East and that in approving this change, 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 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 street name change become effective upon third reading.

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

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

Report of the Standing Policy Committee on Property and Development dated May 4, 1998

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

Adopted by consent.

(See Minute No. 707 for attachment)

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 5, 1998

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

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

Carried.

Proposed Acquisitions - The St. Vital Parkway File FI-2(35) (Vol. 6)

690 - 1. On November 19, 1997, Council referred Clause 8 of the Report of the former Committee on Finance and Administration dated September 15, 1997, and a proposed Executive Policy Committee amendment, to the Standing Policy Committee on Property and Development, with instructions for review against the City's riverbank policy and priorities and land acquisition, and that the cost estimates and funding be identified, as outlined on Appendix "A" .

The former Committee on Finance and Administration recommended:

I. That the Director of Land and Development Services be authorized to negotiate for the acquisition of riverbank properties for the St. Vital Parkway, situated west of St. Mary's Road between Dunraven and Harrowby Avenues, Vivian and Morier Avenues and Fifth Avenue and Lyndale Drive, as they become available.

The Executive Policy Committee did not concur with the recommendation of the former Committee on Finance and Administration, inasmuch as the subject property is not considered a priority in accordance with Policy C185 of The City of Winnipeg, which policy provides for the acquisition of riverbank properties, including priorities for same.

On January 6, 1998, the Standing Policy Committee on Property and Development considered the matter and referred same to the Administration for priorization and cost estimates.

On May 5, 1998, the Standing Policy Committee on Property and Development considered report dated April 23, 1998, from the Chief Administrative Officer, on the proposed Riverbank Parkway Property Acquisitions (1998) for all five Communities, and passed the following motion:

> That the development prioritization of the City-wide Riverbank Parkway System be reaffirmed as follows: North Winnipeg, Assiniboine, Churchill, Fort Rouge, St. Boniface and Kildonan Parkways;
>
> And That proposals for acquisition of properties for the above prioritized Riverbank Parkways (as outlined in the report dated April 23, 1993) be brought forward to the Standing Policy Committee on Property and Development as funding is available/identified.

On May 5, 1998, the Standing Policy Committee on Property and Development again considered Clause 8 of the Report of the former Committee on Finance and Administration dated September 15, 1997, the proposed Executive Policy Committee amendment, and the instructions from Council.

The Standing Policy Committee on Property and Development recommends:

I. That the Director of Property and Development Services be requested to bring forward to the Standing Policy Committee on Property and Development, proposals for acquisition of riverbank properties for the St. Vital Parkway, as they become available.

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

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

The Executive Policy Committee recommends that Recommendation I. be deleted and replaced with the following, namely:

I. That the Director of Property and Development Services be requested to bring forward to the Standing Policy Committee on Property and Development, proposals for acquisitions of all riverbank properties, as they become available.

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

In amendment,

Moved by Councillor Angus,
That the recommendation of the Executive Policy Committee be adopted.

The amendment proposed by the Executive Policy Committee was put and declared carried.

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

(See Minute No. 708 for attachment)

Proposed Amendment to Policy on Leasing City-owned Land to Private Golf Clubs
File FI-2.2 (Vol. 8)

691 - 2. On March 16, 1998, the Standing Policy Committee on Property and Development requested the Director of Property and Development Services to formulate a universal golf course lease (policy) for all private golf clubs on City owned land, which would result in the private clubs paying 100% of the realty taxes (phased in over a five year period at a rate of 20% per year, commencing in the year 1999, and with the intent that those clubs that are not agreeable to phase in their taxes, their taxes become 100% payable once their current leases expire, and to report back to the Standing Policy Committee on Property and Development for approval.

On January 1, 1990, Section 11(2) of The Manitoba Assessment Act was interpreted as assessing the right, interest or estate in land in the name of the occupier. This means that City-owned land leased to private clubs, which never appeared on the Assessment Rolls, are not assessable in the name of the occupier or tenant. Since 1990 the City at large has been paying the taxes on behalf of the private golf courses.

Concurrently, as the City Assessor was placing the golf courses on the Assessment Rolls, the Provincial Government amended The Municipal Assessment Act to establish a separate Class Code for golf courses, this special Class Code resulted in an apportionment of 7.5%, eventually graduating to 10% of the assessed value on the golf course lands only.

The City's Policy, as adopted by Council on May 2, 1982, with respect to the lease of lands for golf course purposes provided that as the leases came due, in return for a nominal rental of $1.00 and the City deferring local improvement levies and paying 50% of municipal and school taxes, the clubs were to allow public play for 25 hours per week.

In September 1985, Council deferred implementation of these new guidelines until 1990. Commencing in 1990 or at the expiry of existing lease agreements the rental payments were to be phased in between 1990 or the natural expiry date of the lease until the Year 2000.

On November 22, 1993, the former Committee on Finance and Administration dealt with a report dated November 8, 1993, from the former Commissioner of Finance and Administration which provided direction with respect to lease negotiations in an attempt to phase in the responsibility of the private golf courses for the payment of realty taxes which would be assessable in the name of the occupier or tenant. The Transcona Golf Club was the only golf club that paid any portion of the realty taxes on City-owned property and it continues to pay an escalating percentage of the local improvements and realty taxes.

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

Discussions with the private golf clubs resulted in only one club, the St. Boniface Golf Club, agreeing to the terms and conditions of a new agreement in which it would be responsible for paying 100% of the realty taxes with a phase in period of five years. The balance of the golf courses, with the exception of Rossmere Golf Club and Charleswood Golf Club, have agreements which expire either at the end of 1999 through to October 31, 2001. The Charleswood Golf Club is presently in an overholding position paying an annual rental of $7,000.00 with no responsibility for realty taxes. The Rossmere Golf Club has a lease extending to September 30, 2008, pays an nominal $1.00 annual rental with no responsibility for realty taxes. In addition, the Rossmere Golf Club has an option to extend the current lease for an additional 50 years under the same terms and conditions. Appendix "A" outlines the current status of the subject leases.

Since the leases on the majority of the golf courses are to expire within the next two years, the Standing Policy Committee on Property and Development directed that a universal golf course policy for all private golf clubs on City-owned land be implemented which would result in the private clubs paying 100% of the realty taxes phased in over a five year period at a rate of 20% per year commencing in the Year 1999. The Administration submitted for the Committee's consideration a proposed lease in draft form (Appendix "A") which would implement the intent of the Committee's directive. A summary of the proposed terms and conditions are as follows:

Commencement Date:	January 1, 1999
Term:	25 years
Rent:	$1.00 per annum
Operating Cost:	Tenant pays all operating costs
Realty Taxes:	The tenant pays the following phase in of amount equivalent to realty taxes: a) 1999 - 20% b) 2000 - 40% c) 2001 - 60% d) 2002 - 80% e) 2003 - 100% and each year thereafter
Cancellation:	By default or by either party by providing in the fifth year a five year notice to terminate
Tenant Covenants:	- Payment of all business taxes and all other applicable taxes - Use premises for the purpose of a golf course, any other uses require written consent of the City - Make golf course available for play by non-members for a minimum of 25 hours per week - Carry property damage and public liability insurance including personal liability, contractual liability, tenants legal liability for the full replacement costs of the leased premises and having a cross-liability clause on a comprehensive basis of a minimum of $5,000,000.00. - Make all necessary repairs and maintenance to lease premises and any leasehold improvements - Not to sign, sub-let or part with possession without the City's approval - Not to create or permit any condition on the leased lands that could present a threat to human health or the environment - Shall have the unrestricted right to mortgage or encumber its leasehold interest

All of the golf clubs have indicated a desire to renew their leases at the end of their existing term. With respect to the legality of lease revisions during the existing lease term, only the Rossmere Club would be exempt from the City's attempt to phase-in payment of realty taxes since its existing lease and subsequent option to renew calls for the City to pay 100% of the realty taxes.

With respect to the term of the lease (25 years) and the cancellation clause of five years notice, commencing in the fifth year, this length of tenure will allow the private clubs to embark upon a long term program of operation and the ability to secure the necessary funding to embark on any major improvements to their respective facilities. The five year cancellation notice in the fifth year will effectively provide no cancellation by either party in the first ten years of the lease. The Charleswood Club may require a shorter cancellation notice due to the potential need of the land for the Moray Street extension south of Roblin Boulevard.

The proposed phase in will help ease the financial burden and adjust to the payment of 100% realty taxes.

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

Since the subject properties are classified as parks properties under the jurisdiction of the former Parks and Recreation Department any new lease of park land over five years in length is required to be referred to Council for approval with at least two-thirds majority.

A financial impact sheet is on file in the City Clerk's Department.

The Standing Policy Committee on Property and Development recommends:

I. That the Policy on Leasing City-owned land to private golf clubs be amended to provide that where it is legally possible, the clubs pay all realty taxes including local improvement levies.

II. That the Director of Property and Development Services be instructed to negotiate with the private golf clubs located on City-owned land:

(a) to commence payment of realty taxes on the basis of a phase-in of 20% per year commencing in 1999 and in accordance with the terms and conditions of the draft lease provided herein;

(b) to lease for a 25-year term with a five year cancellation clause commencing in the fifth year of the new lease.

III. That in the event a club is not prepared to agree with the signing of a new lease with the foregoing phase in of realty taxes the club be offered the option of not renewing the lease at the end of the term or alternatively pay realty taxes in full immediately at the termination and commencement of a new lease.

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

Copy of attachments referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Management of City-owned Residential Rental Properties - Winnipeg Housing Rehabilitation Corporation
File EX-9 (Vol. 6)

692 - 3. The Standing Policy Committee on Property and Development has been advised that in accordance with the former Board of Commissioners directive of June 19, 1997, the Property and Development Services Department has negotiated a proposed Management Agreement with the Winnipeg Housing Rehabilitation Corporation (W.H.R.C.), the terms and conditions of which will require the consideration of the Standing Policy Committee on Property and Development and the subsequent adoption by Council.

With the implementation of New Directions and the reduction of staffing levels due to the Canadian Union of Public Employees Retirement Incentive Program, the Property Management Branch of the Property and Development Services Department has been experiencing operational difficulties in carrying out the Division's mandated functions.

At its meeting held on June 19, 1997, the former Board of Commissioners considered a report dated June 17, 1997, from the Director of the former Land and Development Services Department dealing with the potential out-sourcing of the management of a majority of residential City-owned properties under the jurisdiction of the Department.

The Department has concluded negotiations with Winnipeg Housing Rehabilitation Corporation. The management of the City's Residential Portfolio which now consists of approximately 47 units, was approved by the W.H.R.C. Board of Directors at its meeting held on December 12, 1997. The Agreement would be for a one year term, renewal thereafter, as is mutually agreed upon and is subject to 10 day cancellation upon default by W.H.R.C.

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

A summary of the responsibilities of each party under the Management Agreement is as follows:

Winnipeg Housing Rehabilitation Corporation

- Co-ordination of leasing of the properties, including promotion and advertising.
- Collection of all rents inclusive of arrears.
- Payment of all expenses and service invoices on behalf of the City.
- Purchase of all supplies and for all repairs, maintenance, renovations, and alterations to the properties on behalf of the City.
- Dealing with all inquiries, complaints, and correspondence.
- Maintenance of all books, records, and accounts.
- Prepare and submit to the City annual operating budgets.
- Make expenditures in connection with the performance of its services up to $2,000.00.
- Not liable for the loss of rental revenue by vacancies or default of any tenant to pay rent except for negligence and/or mismanagement by W.H.R.C.

The City of Winnipeg

- To pay $35.00 per unit per month for the management of the properties.
- Responsible for insurance coverage and the payment of any realty taxes.

The current rental portfolio of 47 dwelling units based on the monthly rate of $35.00 per unit, would incur a monthly management fee of $1,645.00. This amount equates to a 7.2% management fee based on the current monthly gross income. This rate is reasonable considering that the majority of the dwelling units are single family properties.

The Property and Development Services Department is of the opinion that the foregoing terms and conditions of agreement with W.H.R.C. are reasonable. Furthermore, the Department has had discussions with representatives of the Canadian Union of Public Employees (C.U.P.E.) along with the employees in the Property Management Branch and Departmental Support Services Division, with respect to the impact of this proposal on duties and responsibilities of remaining staff. In this regard, C.U.P.E. has orally and in writing indicated that while the employees have conveyed a number of questions that have yet to be answered, the intent of the questions is not to delay the processing of this report but only to alleviate some of the concerns that the employees have regarding the change in duties to some extent. It has advised that the Department will not be required to submit a Business Plan to carry out this initiative.

The duties and responsibilities of staff will not only change as a result of the implementation of this initiative but also as a result of the Department's reorganization extraneous to this proposed outsourcing as it relates to the absorption of segments of the former Parks and Recreation and Civic Properties Departments. The intent is to ensure that the work loads are handled efficiently with available resources.

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

The Standing Policy Committee on Property and Development recommends:

I. That the Director of Property and Development Services be authorized to execute an agreement with the Winnipeg Housing Rehabilitation Corporation in accordance with the terms and conditions as outlined for the management of the City's Residential Property Portfolio, effective June 1, 1998, or a date to be mutually agreed upon; the Agreement to provide for any other such terms and conditions deemed necessary by the City Solicitor/Manager of Legal Services to achieve the intent of Council and to protect the City's interests.

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

Copy of the draft Management Agreement is on file in the Office of the City Clerk.

Adopted by consent.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 7, 1998

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development, dated May 7, 1998, was considered.

Proposal to De-list and Demolish - Leland Hotel, 218\222 William Avenue
File G-3.1.1 (Vol. 1)

693 - 1. The Standing Policy Committee on Property and Development has been advised that on March 9, 1992, the former Committee on Environment listed the Leland Hotel at 218\222 William Avenue, as a Grade III structure on the Building Conservation List, which listing is Schedule "A" to the Historical Buildings By-law No. 1474/77.

On March 3, 1998, the Standing Policy Committee on Property and Development authorized the Property and Development Services Department to do all things necessary to expedite the heritage review and possible subsequent demolition of the Leland Hotel structure at 218\222 William Avenue.

On March 26, 1998, the Historical Buildings Committee reviewed the Standing Policy Committee's request to de-list and demolish the Leland Hotel, and noted the following: The old City Hall and the Leland Hotel buildings were built in 1883 as symbols for the growing young City of Winnipeg. These two buildings, designed by architects Barber and Barber, were the two dominant landmarks in the business centre of Winnipeg prior to the turn-of-the-century. Designated as a Grade III structure the Leland Hotel still stands as a landmark illustrating Winnipeg's exuberant growth in the 1880's.

On March 26, 1998, the Historical Buildings Committee recommended that the Leland Hotel structure not be de-listed for the following reasons:

1. The Leland Hotel is a significant structure in the Exchange District and is one of the contributing buildings to form the collection that is now recognized as a National Historic Site.

2. Since there is no specific proposal to replace this building, the Historical Buildings Committee recommends that demolition should not occur on speculation alone.

3. The Historical Buildings Committee is not aware of any structural report that outlines this building as being unsound. It can be rehabilitated or at a minimum its facade can be retained.

On April 4, 1998, the Standing Policy Committee on Property and Development considered the recommendation of the Historical Buildings Committee, and laid over the matter to its May 4, 1998, meeting.

On May 4, 1998, the Standing Policy Committee on Property and Development again considered the matter, along with communications dated April 6 and 16, 1998, from the Exchange District Business Improvement Zone, requesting that the Leland Hotel structure not be de-listed and demolished, and subsequently laid the matter over to a Special Meeting on May 7, 1998.

On May 7, 1998, the Standing Policy Committee on Property and Development heard representation from the following persons on the matter, namely: Councillor Murray, Chairperson, Historical Buildings Committee; Bernie Wolfe, President, Heritage Winnipeg Corporation; Wayne Copet, Executive Director and Doug Dealey, Vice-Chair, Exchange District Business Improvement Zone; Leslie Kelly, Commercial and Retail Business Owner in the Exchange District; Bertram Schneider, Executive Producer, Winnipeg Fringe Theatre Festival; Herman Holla, Member of the City Centre Community Residents' Advisory Group; and, Councillor Clement, Charleswood-Fort Garry Ward.

Report of the Standing Policy Committee on Property and Development dated May 7, 1998

The Standing Policy Committee on Property and Development recommends:

I. That the Leland Hotel at 218\222 William Avenue be de-listed as a Grade III structure on the Buildings Conservation List, under the Historical Buildings By-law No. 1474/77.

II. That the Chief Administrative Officer or her delegate be directed to issue a Certificate of Suitability for the demolition or removal of the Leland Hotel at 218\222 William Avenue.

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

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

In amendment,

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

BE IT RESOLVED THAT the clause be amended by adding an additional recommendation to read as follows:

"That no demolition shall occur in the block which contains the Leland Hotel until:

i) conclusion of the 1998 Fringe Festival; and

ii) receipt of the Campus Plan Accommodations review, which is due June 30, 1998."

The Speaker called Deputy Mayor Eadie to the Chair and left the Chamber.

The Speaker here resumed the Chair.

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

The motion to refer was put.

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

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

Nay: Councillors Prystanski, Angus, O'Shaughnessy, Phillips, Silva, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Clement. 8

and the motion to refer the clause to the Standing Policy Committee on Property and Development was declared lost.

The amendment was put.

Councillor O'Shaughnessy called for the yeas and nays, which were as follows:-

Yea: Councillors Prystanski, Angus, Golden, Lazarenko, O'Shaughnessy, Phillips, Silva, Timm-Rudolph, Vandal, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Clement. 12

Nay: Councillors Lubosch, Murray, Steek and Thomas. 4

and the amendment was declared carried.

Report of the Standing Policy Committee on Property and Development dated May 7, 1998

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

Councillor O'Shaughnessy 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 motion for the adoption of the clause, as amended, was declared carried.

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED MAY 21, 1998

On motion of Councillor O'Shaughnessy, the rule was suspended and the Report of the Standing Policy Committee on Property and Development dated May 21, 1998 was considered.

Proposed Amendment to Development Agreement AG 11/92 - land located along the Seine River near Youville and Bertrand Streets - Riel Community
File DASZ 11/92 [c/r FI-2(35) (Vol. 6)]

694 - 1. On May 5, 1998, the Standing Policy Committee on Property and Development considered communication dated April 27, 1998, from the Vice-President of Corporation de développement de Saint-Boniface Development Corporation (St. Boniface Development Corporation or S.B.D.C.) requesting that Development Agreement AG 11/92, between the City and S.B.D.C. be amended, and referred the matter to the Administration to consult with Entreprise Saint-Boniface for subsequent report back on all issues.

Under the terms of Development Agreement AG 11/92, the St. Boniface Development Corporation (S.B.D.C.) is required to:

1. Dedicate 2.718 acres of land along the Seine River as public open space, the 10% requirement being 0.34 acres for Phase 1 and 0.42 acres for Phase 2. A sketch, identified as Schedule "B" to the Agreement between the St. Boniface Development Corporation and the City of Winnipeg dated January 27, 1993, outlines S.B.D.C.'s approved plan.

2. Stabilize the riverbank within both phases as indicated by a geotechnical report.

3. Install a temporary land drainage outfall through Place Georges Forest to the Seine River.

In its letter dated April 27, 1998, S.B.D.C. has requested that Development Agreement AG 11/92 be amended as follows:

1. The City purchase approximately 1.96 acres of over dedicated lands.

2. The City be responsible for the cost of stabilizing the riverbank within both phases.

3. Delete the requirement for a temporary land drainage outfall through Place Georges Forest and replace with a requirement for S.B.D.C. front-ending and constructing the permanent outfall at the foot of Bertrand Street.

Entreprise Saint-Boniface Inc. is not involved in any of the above amendments to the development agreement. We understood however that Entreprise may be involved in the future in the acquisition of the industrial properties located on the west side of rue Youville, across from the residential development proposed by S.B.D.C.

The St. Boniface Development Corporation agreed to over dedicate land to the City when Phases I and II of its Project Youville was approved in 1993 because at that time S.B.D.C. expected to do more development in the North St. Boniface area and the over dedication would have been used to satisfy the dedication requirements of that anticipated development. The purchase of the over dedication has been estimated by the Property and Development Services Department at $54,000.00.

On October 25, 1994 the former Committee on Planning and Community Services passed a motion that "geotechnical surveys be prepared for all applications along waterways within the City unless the Rivers and Streams Engineer deems that it is not necessary and provides a rationale to the Riverbank Management Committee".

Report of the Standing Policy Committee on Property and Development dated May 21, 1998

The St. Boniface Development Corporation has retained the services of a geotechnical engineer whose report identified works required to stabilize the riverbank. S.B.D.C. has received a quote from a reputable contractor indicating that the remedial works for Phase 1 would cost approximately $42,000.00. It may not be possible to develop all of Phase 1 without doing any remedial work. Remedial works for Phase 2 cannot be identified until S.B.D.C. submits a specific development proposal for approval within Phase 2.

Under the terms of the Development Agreement S.B.D.C. is required to install a temporary land drainage outfall through Place Georges Forest. Here again when the Development Agreement was entered into in 1996 a temporary outfall appeared reasonable because funding for a permanent outfall to serve the area was not expected until the year 2001. Funding for the Despins Combined Sewer District Flood Relief has now been approved by Council beginning in 1999. S.B.D.C. can therefore save the cost of constructing the temporary outfall by either waiting until the City installs the permanent outfall at the foot of Bertrand Street or by S.B.D.C. front-ending the cost of constructing the permanent outfall estimated by S.B.D.C.'s consulting engineers at $160,000.00 and being reimbursed by the City when funding is available.

The Administration advised that should the Standing Policy Committee concur in the request from S.B.D.C., as outlined in their letter dated April 27, 1998, then it could recommend to Council that Development Agreement AG 11/92 between the City and S.B.D.C. be amended as follows:

1. By adding a clause whereby the City shall purchase approximately 1.96 acres of land from St. Boniface Development Corporation for public open space at a price to be determined by the Standing Policy Committee on Property and Development.

2. By deleting the clause requiring St. Boniface Development Corporation to pay the cost of stabilizing the riverbank open space within both phases of the development other than work required to accommodate the construction of dwellings.

3. By deleting the requirement that St. Boniface Development Corporation will construct a temporary land drainage outfall from Place Georges Forest to the Seine River, and by adding a clause whereby St. Boniface Development Corporation would front-end the cost of and construct a permanent outfall at the foot of Bertrand Street and that the City shall reimburse St. Boniface Development Corporation with interest commencing one year following completion of the work.

On May 21, 1998, the Standing Policy Committee on Property and Development heard representation from Germain Perron, Vice President, Corporation de développement de Saint-Boniface Development Corporation (St. Boniface Development Corporation), Georges Marion, Chambre de Commerce Francophone de Saint-Boniface, Marc Lavoie, Entreprise Saint-Boniface Inc., Monique Mulaire, President, Old St. Boniface Residents' Association, and Raymond Hebert, Resident of Place Gaboury, all in support of the proposed amendment to Development Agreement AG 11/92.

The Standing Policy Committee on Property and Development recommends:

I. That the Development Agreement AG 11/92 between the City of Winnipeg and the St. Boniface Development Corporation, be amended as follows:

   A. By adding a clause whereby the City shall purchase approximately 1.96 acres of land from St. Boniface Development Corporation for public open space at a price to be determined by the Standing Policy Committee on Property and Development; with the funding for the said acquisition to be allocated from the Riel Community Land Dedication Account.

   B. By deleting the clause requiring St. Boniface Development Corporation to pay the cost of stabilizing the riverbank open space within both phases of the development other than work required to accommodate the construction of dwellings; with the intent that the environmental condition of the land is the responsibility of the St. Boniface Development Corporation.

   C. By deleting the requirement that St. Boniface Development Corporation will construct a temporary land drainage outfall from Place Georges Forest to the Seine River, and by adding a clause whereby St. Boniface Development Corporation would front-end the cost of and construct a permanent outfall at the foot of Bertrand Street and that the City shall reimburse St. Boniface Development Corporation with interest commencing January 1, 1999, or upon completion of the work which occurs later.

Report of the Standing Policy Committee on Property and Development dated May 21, 1998

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

Copy of Schedule "B" to the Agreement between the St. Boniface Development Corporation and the City of Winnipeg dated January 27, 1993, is on file in the Office of the City Clerk.

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

In amendment,

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

The amendment of the Executive Policy Committee was put and declared carried.

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

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor Golden,
Seconded by Councillor Lazarenko,
695 - BE IT RESOLVED THAT the Ashdown Store on Main Street at Bannatyne Avenue be listed as a Grade III historic building.

The Speaker ruled automatic referral to the Standing Policy Committee on Property and Development in accordance with Rule 16.1 of the Procedure By-law.

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

The motion to suspend the rule was put.

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

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

Nay: Councillors Prystanski, O'Shaughnessy, Phillips, Silva, Timm-Rudolph, Deputy Mayor Eadie, Her Worship Mayor Thompson and Councillor Clement. 8

and the motion to suspend the rule to allow consideration of the motion was declared lost, not having received the required two-thirds vote of the members present in accordance with Rule 3 of the Procedure By-law.

Moved by Councillor Murray,
Seconded by Councillor Lubosch,
696 - THAT the City sell the Leland Hotel, Ashdown Store and Royal Bank Tower.

The Speaker ruled automatic referral to the Standing Policy Committee on Property and Development in accordance with Rule 16.1 of the Procedure By-law.

Standing Policy Committee on Property and Development - Motions (continued)

Moved by Councillor Murray,

That the rule be suspended to allow consideration of the motion at this time.

The motion to suspend the rule was put.

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

Yea: Councillors Golden, Lazarenko, Lubosch, Murray, Thomas and Vandal. 6

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

and the motion to suspend the rule to allow consideration of the motion was declared lost, not having received the required two-thirds vote of the members present in accordance with Rule 3 of the Procedure By-law.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

697 - On motion of Councillor O'Shaughnessy, the following by-laws were read a first, second and third time, the rule being suspended for the third reading of each by-law, and were passed and ordered to be signed and sealed, namely:

By-law No. 7222/98, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located north of rue Messager east and west of avenue Tache (north of rue Darveau) in the Riel Community. File DAZ 225/97

By-law No. 7223/98, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south side of Grant Avenue between Elmhurst Road and Cathcart Street in the Assiniboia Community. File DASZ 4/98

By-law No. 7226/98, a by-law of The City of Winnipeg to open Main Street and York Avenue. File DAO 1/98

Councillor Thomas asked to be recorded as having voted against all three readings of By-law No. 7226/98, in accordance with Rule 50.7 of the Procedure By-law.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

698 - Councillor Murray questioned how the national interpretation would be undertaken with the demolition of the Leland Hotel.

Councillor O'Shaughnessy advised that representatives from all three levels of government had not contacted him on the matter.

Councillor Murray questioned how the advice from the heritage experts from the two levels of government was received regarding the Leland, in the report of the Historic Buildings Committee.

Councillor O'Shaughnessy noted it was professional advice, but further noted that the advice was made without accountability and that the Federal Government was not providing hundreds of millions of dollars in this case, as they had in other areas of the country.

Councillor Murray questioned how it was possible to demolish the principal building from the 1880's and on what basis an interpretation of a National Historic Site could be made with its largest building from that period destroyed.

Councillor O'Shaughnessy noted that the debate on this matter had already ended.

Councillor Golden questioned whether the City would entertain an offer to purchase the subject buildings in the precinct if one were to be brought forward.

Councillor O'Shaughnessy advised that if someone came forward with a bona fide offer, guaranteed cash, identified what they planned to do with it and wanted no government subsidies, he'd feel honoured to bring it to the attention of Council.

Councillor Golden stated that the administration had said in the past that they could not bring anything forward without identifying funds from properties that might be acquired on the riverbank. He advised that his understanding of the explanation was to bring it forward, even if funds had not yet been identified and let the committee determine whether or not there were funds.

Councillor O'Shaughnessy advised that this was correct.

Councillor Lazarenko requested that all members of Council be given notification when the demolition of the Leland Hotel and Big 4 Sales building would take place, and that such notification be a few days in advance.

Councillor O'Shaughnessy noted that if the demolition is to proceed administratively on one or both of the buildings, that all Members of Council would be so notified expeditiously.

Councillor Steek questioned when the demolition would occur, what the dollar amount would be and how long the demotion would take.

Councillor O'Shaughnessy replied that he did not know when the demolition would start, but stated it would not be until sometime after the Fringe Festival and after receipt of the Campus Plan Accommodations report due June 30, 1998. He advised he did not know the cost of demolition but stated that the funds could be identified for these purposes. Councillor O'Shaughnessy further responded that he did not know how long the demolition would take but expressed that it should happen within a very compact period.