Minute No. 173
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 28 **Amendment to By-law No. 127/2005 - Construction of a Building Spanning a Waterway**
File DAZ 235/2004

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That By-law No. 127/2005, which authorizes construction of a building spanning a waterway, be amended as outlined in Appendix A to the report from the Director of Planning, Property and Development dated December 15, 2006.

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

Report - Standing Policy Committee on Property and Development - January 9, 2007

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 9, 2007, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

RE: Amendment to By-law No. 127/2005 for Construction of a Building Spanning a Waterway

FOR SUBMISSION TO: **Standing Policy Committee on Property and Development**

ORIGINAL REPORT SIGNED BY: **Director of Planning, Property and Development**

REPORT DATE: December 15, 2006

RECOMMENDATION:

1. That By-law No. 127/2005 which authorizes construction of a building spanning a waterway be amended as shown in Appendix A.

Report Summary

Key Issues:

- An application has been received for construction of an office building on the water's edge and part of the former CN Railway bridge on Wolseley Street at Omand's Creek
- Part of that application requires a public walkway to be constructed on a bridge spanning the Assiniboine River
- A by-law was previously approved to accommodate a condominium project on the bridge
- That by-law should now be amended to remove reference to the condominium project and make the by-law more generic to accommodate various types of development on the bridge
- Any land use issues would still be subject to the normal land use approval and public hearing process

Implications of the Recommendation(s):

General Implications

( ) None

( ) For the organization overall and/or for other departments

(X) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s): The residential communities adjacent to the bridge continue to be concerned about the nature of development on the bridge structure. Typical land use approval processes still allow for their input and involvement as various development proposals are presented.

Policy Implications

(X) No

( ) Yes

Comment(s):

Regulatory Implications

(X) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s): The proposed change to the by-law is a minor text amendment that effectively makes the terms of the by-law more generic rather than specific to one type of development.

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

(X) No

( ) Yes

Comment(s):

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s): As this report proposes only to amend the text of an existing by-law, there is no associated financial impact.

Report

REASON FOR THE REPORT:

Under the City of Winnipeg Organization By-law, the Standing Policy Committee on Property and Development has been delegated the authority to deal with planning and development matters.

HISTORY:

On June 29, 2005, Council approved a by-law to facilitate the construction of a building on a railway bridge spanning the Assiniboine River, next to the St. James Bridge, previously owned by CN Railway.

DISCUSSION:

In 2005, a development application was received to construct a condominium project on the bridge spanning the Assiniboine River between Academy Road and Wolseley Street. Council approved a rezoning and variances for that project and a by-law to accommodate construction of a building over a waterway. The condominium project has not proceeded. The rezoning file is still active.

Subsequently, a new development application has been received from the bridge owner for an office on part of the bridge structure on the Wolseley side of the bridge and a public walkway over the bridge to accommodate emergency egress. The by-law for construction over a waterway previously approved by Council is specific to the condominium project. In order to facilitate construction of the office building, an amendment is required to the waterway by-law.

There are many opportunities for development of the bridge structure. It is recommended that the waterway by-law be worded more generically to accommodate various types of development. Any development would still be subject to the normal land use approval process where adjacent property owners would have an opportunity to provide their input and comments on various development proposals.

The by-law would be re-worded to remove reference to a “condominium” development leaving only reference to “buildings” which, by definition in The City of Winnipeg Charter, includes structures.

Financial Impact Statement Date: December 13, 2006

Project Name:

Amendment to By-law No. 127/2005 for Construction of a Building Spanning a Waterway

COMMENTS:

The recommendation in this report is that By-law No. 127/2005, which authorizes construction of a building spanning a waterway, be amended as shown in Appendix A. There are no financial implications associated with this recommendation.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:
Legal Services Division

External Consultation With:

N/A

THIS REPORT SUBMITTED BY:

Department: Planning, Property and Development Department
Division: Office of the Director
Prepared by: Valdene Buckley
PPD File No.

Document Name: O:\Reports Directive\Office of the Director\Regulatory Reform\RISrpt waterway bylaw.doc

Appendix "A"

THE CITY OF WINNIPEG

BY-LAW NO. /2007

A By-law of **THE CITY OF WINNIPEG** to amend By-law No. 127/2005, being a By-law of THE CITY OF WINNIPEG to authorize the construction of buildings on a railway bridge previously owned by the Canadian National Railway Company spanning the Assiniboine River.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1. Section 1 of By-law No. 127/2005 is amended:

(1) by deleting "as part of the approved condominium project" after "Any buildings to be constructed";

(2) by adding ", subject to their compliance with all applicable by-laws and legislative provisions" after "are hereby permitted".

DONE AND PASSED, in Council assembled, this day of , 2007.

Mayor

City Clerk

Approved as to content:

Director, Planning, Property and
Development Department

Certified as to form:

for City Solicitor/Manager of Legal Services
(File no. DAZ 235/2004)