REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED APRIL 6, 1998

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

Moved by Councillor O'Shaughnessy,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11, 12,13,14,15,16,17,19,20,21,22 and 23 be adopted.

548 - Councillor Thomas asked to be recorded as having voted against Clause 2, in accordance with Rule 50.7 of the Procedure By- law.

Councillor Vandal requested that Clause 11 be pulled from the Consent Agenda.

Councillor Golden requested that Clause 23 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 1,2,3,4,5, 6,7,8,9,10,12,13,14,15,16, 17,19,20,21 and 22 was put and declared carried.

Proposed Closing of Lanark and Renfrew Streets and the adjoining public lanes between Wilkes Avenue and the Canadian Northern Railway Plan 359 - Assiniboia Community File DAC 13/97

549 - 1. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the former Land and Development Services Department has recently completed negotiations for the sale of the land outlined as "proposed consolidation site" on Misc. Plan No. ASBA 9547/1. The terms and conditions of the sale of this property were approved by Council on December 17, 1997.

It is necessary to legally close the subject streets and lanes outlined on Misc. Plan No. ASBA 9547/1 prior to their incorporation into the adjoining City property. These rights-of-way do not physically exist and have been declared surplus to the City's needs by the former Streets and Transportation Department.

The owner of the land outlined as "R.V. Meyers property" on Misc. Plan No. ASBA 9547/1 has recently agreed to the terms of its sale. The City is now entitled to be the owner of all of the land in the "proposed consolidation site" and it is appropriate to proceed with the proposed closing.

The Water and Waste Department and Winnipeg Hydro have advised that they will require easements for their services in the "proposed consolidation site" prior to its sale.

A Public Hearing was held before the Assiniboia Community Committee on February 23, 1998. The Land Document Officer of the Property and Development Services Department appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed street closing as outlined below.

The Standing Policy Committee on Property and Development concurred in the recommendations of the 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 9547/1, as outlined on Schedule "A".

Report of the Standing Policy Committee on Property and Development dated April 6, 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. 607 for attachment)

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

550 - 2. The Standing Policy Committee on Property and Development has reconsidered Clause 1 of its Report dated January 5, 1998, as outlined on Appendix "A", which was referred back by Council on February 25, 1998.

The Standing Policy Committee on Property and Development recommended therein:

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. CC 9893/2, 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.

On March 2, 1998, the Standing Policy Committee heard representation from Kent Smith, President and Chief Executive Officer, Forks North Portage Partnership, and Bob Yewchyn, Private Citizen, in this connection.

On March 2, 1998, the Standing Policy Committee referred the matter of operating food carts (street vendors) on roadways (including right-of-ways) to the Administration for review and report back, and laid over consideration of the application for the proposed closing under File DAC 18/97 pending receipt of the administrative report.

On April 6, 1998, the Standing Policy Committee considered and concurred in the recommendations contained in the report dated March 30, 1998, from the Manager of Planning and Land Use, Property and Development Services Department, which have been incorporated in the recommendations set out below.

The Standing Policy Committee on Property and Development 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. CC 9893/2, as outlined on Schedule "A".

II. That the proposed street closing under File DAC 18/97 be re-evaluated by December 31, 1999, and that the maintenance agreements executed with the Forks North Portage Partnership also be reviewed at this time.

III. That the Forks North Portage Partnership present to Standing Policy Committee on Property and Development an assessment of the effects of the closure and their polices respecting vendors in October 1999.

IV. 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. 608 for attachment)

(See Minute No. 548 for opposition recorded by Councillor Thomas)

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

Proposed Closing of parts of Waverley Street and McGillivray Boulevard - Assiniboia Community File DAC 21/97

551 - 3. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Property and Development Services Department proposes to market the lands outlined as "Surplus Street Available for Sale" on Misc. Plan No. 8091/3. It is necessary to legally close these streets before they may be sold.

The Water and Waste Department and the Traffic Signals Branch of the Public Works Department, Centra Gas, Manitoba Hydro, MTS NetCom, and Videon Cable have indicated that easements for their facilities will be required. The former Fire Department advised that the fire hydrants at Buffalo Place and Beaver Street must remain accessible.

The Surveys Branch of the Property and Development Services Department 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 street, be identified within the terms and conditions of the sale of the City property.

A Public Hearing was held before the Assiniboia Community Committee on March 23, 1998. The Land Document Officer, Property and Development Services Department appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed street closing as outlined below.

The Standing Policy Committee on Property and Development concurred in the recommendations of the 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. 8091/3, 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. 609 for attachment)

Proposed Closing of part of Silver Avenue, east of Moray Street - Assiniboia Community File DAC 27/97

552 - 4. The Standing Policy Committee on Property and Development has been advised that the subject street closing, outlined on Misc. Plan No. 10135/3, has been initiated by the Real Estate Division of the Property and Development Services Department. The Real Estate Division intends to offer the property for sale. The street must be legally closed before it may be sold.

The former Streets and Transportation Department has confirmed that the land is no longer required for street.

The Surveys 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 street, be identified within the terms and conditions of its proposed sale.

MTS NetCom has advised that an easement may be required for their services in Silver Avenue.

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

A Public Hearing was held before the Assiniboia Community Committee on February 23, 1998. The Land Document Officer of the Property and Development Services Department appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed street closing as outlined below.

The Standing Policy Committee on Property and Development concurred in the recommendations of the 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. 10135/3, 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. 610 for attachment)

Proposed Closing of the streets in the block bounded by Rothwell Road, McGillivray and Kenaston Boulevards, and the CPR Railway Plan 374 - Assiniboia Community File DAC 5/98 [c/r DASZ 1/98]

553 - 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 requested that the streets outlined on Misc. Plan No. 10257/1, be closed and incorporated into the adjoining City-owned property in conjunction with DASZ 1/98, an application for subdivision and rezoning recommended for approval by the Assiniboia Community Committee at its meeting on February 23, 1998. The streets proposed to be closed exist in a legal sense only. The land which they occupy is vacant and unpaved.

The Surveys Branch of the Property and Development Services Department 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 street, be identified within the terms and conditions of the sale of the City property.

The Water and Waste Department advised that it maintains major watermain and wastewater sewer lines within Rothwell Road. The land required for the maintenance of these lines will be will be retained by the City.

The extent of the closing of McGillivray Boulevard and of the portion of Wankling Boulevard adjacent to it is contingent on the rezoning of the land to the north addressed in DASZ 1/98. After the closings, the portion of McGillivray/Wankling Boulevards adjacent to the land to be zoned as Commercial will be 60 metres wide and the portion of McGillivray/Wankling Boulevards adjacent to the land to be zoned as Residential will be 72.915 metres wide. The general location of this "Commercial/Residential" line is outlined on Misc. Plan No. 10257/1. The exact location of the boundary between the commercial and residential zoning will not be defined until the property is subdivided and rezoned.

Manitoba Hydro and MTS NetCom Inc. have advised that easements will be required for the maintenance of their plants in the area.

A Public Hearing was held before the Assiniboia Community Committee on March 23, 1998. The Land Document Officer of the Property and Development Services Department appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed street closing as outlined below.

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

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the closings, in accordance with Misc. Plan No. 10257/1, 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. 611 for attachment)

Proposed Street Opening at the northeast corner of Waverley Street and Bishop Grandin Boulevard - Assiniboia Community File DAO 19/97

554 - 6. The Standing Policy Committee on Property and Development has been advised that in 1979, the City acquired the land shown as "proposed street opening" on Misc. Plan No. 10205. The property is under the jurisdiction of the Public Works Department and has been reserved for future street purposes. The owner of the land, outlined as "Richmond Six Limited Property" proposes to open an auto mall in the immediate future and will require access from Waverley Street. The Public Works Department has advised that the most expedient way of providing access to the Richmond Six property is to open all of the City lands as public street.

A Public Hearing was held before the Assiniboia Community Committee on February 23, 1998. The Land Document Officer of the Property and Development Services Department appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed street opening as outlined below.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary By-law for submission to Council to effect the opening, in accordance with Misc. Plan No. 10205, 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. 612 for attachment)

Proposed Widening of the northeast corner of Portage Avenue and Cavalier Drive - Assiniboia Community File DAO 3/98

555 - 7. The Standing Policy Committee on Property and Development has been advised that on June 26, 1997, Council adopted Clause 5 of the Report of the former Committee on Works and Operations dated June 10, 1997, regarding a Servicing Agreement in conjunction with an application by Canada Safeway Ltd. to redevelop the property at the north east corner of Portage Avenue and Cavalier Drive in order to construct a supermarket. The subject proposal, outlined as "Proposed Opening" on Misc. Plan No. 10310, was one of the conditions of that Report.

The redevelopment of the site has been completed and the corner widening has been constructed. It is now necessary to legally dedicate the land as public street.

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

A Public Hearing was held before the Assiniboia Community Committee on March 23, 1998. The Land Document Officer, Property and Development Services Department appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed street closing as outlined below.

The Standing Policy Committee on Property and Development concurred in the recommendations of the 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 street opening, in accordance with Misc. Plan No. 10310, 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. 613 for attachment)

Extension of Time - Proposed Subdivision and Rezoning - land located on the south side of Ragsdill Road, west of DeVries Avenue - East Kildonan- Transcona Community File DASZ 24/94

556 - 8. The Standing Policy Committee on Property and Development has been advised that on September 27, 1995, Council adopted Clause 7 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 "R1-5" Single-Family District, as outlined on Schedule "A" dated February 20, 1998, to allow for the construction of single-family dwellings, subject to the execution of a Development Agreement and a Zoning Agreement.

Recommendation IV. contained in the said Clause stipulates:

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

The By-law has not been enacted, and the 24 month time limited expired on September 27, 1997.

The applicant, Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, is requesting a two year extension of time to complete the necessary subdivision and rezoning requirements. The applicant has indicated that the reason that this application has not been proceeded with to date has been due to a lack of sufficient demand for building lots. The applicant's clients now wish to initiate the installation of services in 1998, however the sales market is not yet sufficient to warrant a one time servicing of all thirty-seven lots; and this will be on a phased-in basis.

Although, the plan outlined on Schedule "A" dated February 20, 1998, received Council approval, the applicant has indicated that the proposed subdivision was a joint venture of three property owners comprising the land involved, but the owner of the land outlined on Schedule "B" dated February 20, 1998, has presently opted out of the original proposal. Therefore the possibility exists that this matter can be resolved in favour of the original plan. However, if there is no resolution then the remainder of Lots 1 to 5 will be consolidated into one temporary non- buildable lot, as outlined on Schedule "C" dated February 20, 1998, otherwise the applicants will proceed with the plan approved by Council, outlined on Schedule "A" dated February 20, 1998.

The Administration has reviewed the request, and is of the opinion that approval for an extension of time would be acceptable and the initial conditions of approval are still applicable.

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

On March 17, 1998, the East Kildonan-Transcona Community Committee considered and concurred in the recommendation contained in the report dated February 20, 1998, from the Subdivision Officer, Property and Development Services Department, that the time limit to provide for the enactment of the necessary subdivision and rezoning By-law under File DASZ 24/94 be extended to September 27, 2000.

The Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona 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 20/94 be extended to September 27, 2000.

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

Adopted by consent.

(See Minute No. 614 for attachments)

Proposed Subdivision and Rezoning - land located on Kenaston Boulevard at McGillivray Boulevard - Assiniboia Community File DASZ 1/98

557 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from the City of Winnipeg Property and Development Services Department for approval of a plan of subdivision on lands shown as may be determined by Council and for a related zoning change to Zoning By-Law No. 6400/94 by rezoning all or a portion of the land from an "MP-2" Industrial District to a "C2" Commercial District to accommodate industrial/commercial development.

The following is the present site description:

Site Area: Approximately 38 acres

Existing Land Use and Zoning: Currently vacant; zoned "MP-2" Industrial District

The following is the surrounding land use and zoning:

North: CPR LaRiviere rail line, Kenaston Industrial area; zoned " M3" Industrial District, vacant land; zoned "A" Agricultural District

South: McGillivray Boulevard and Kleysen Transport; zoned " M1" Industrial District

East: Vacant land; zoned "MP-1" and "MP-2" Industrial District

West: Kenaston Boulevard and Tuxedo Industrial area; zoned "M3" Industrial District

As a result of instructions from the Standing Policy Committee on Property and Development, the Director of the Property and Development Services Department has made application to subdivide and rezone the subject property in order to permit the establishment of commercial and business park uses. At the same time, the Department was instructed to negotiate a joint venture agreement for the adjacent residual City and Genstar Development Company-owned lands in order to develop for residential purposes. As well, the Department was instructed to proceed with the sale of the 38 acre subject property, by public tender.

Conceptual plans for the development of the subject property are preliminary, and therefore, lacking in the detail usually provided for in depth review and analysis, prior to public hearing.

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The present application represents a culmination of events and recognizes market potential and a Council directive. Prior to the summation of the previous City-Genstar joint venture, a study was commissioned in order to determine future development of the combined 120 acres of vacant land at the north east corner of Kenaston Boulevard and McGillivray Boulevard.

The study investigated the viability of four development options, ranging from entirely residential (including some multiple-family dwellings) to entirely commercial (including retail, office, and light industrial/warehouse). These options were analysed from a number of perspectives, including development costs and market demand. In addition, an open house was held at a local school (June 1997) to elicit feedback from area residents and other interests on a variety of development options.

Of the options presented, the majority of attendees who completed a questionnaire favoured the option of predominantly residential, with a 15 acre Neighbourhood Shopping Centre. The option of predominantly residential, with a 30 acre Commercial Node, was greeted with less enthusiasm.

Upon completion of their analysis, the study consultant recommended the majority of the 120 acre area be developed for residential use, incorporating a variety of built forms, mostly single-family dwellings with some low-density multiple-family dwellings. The 38 acre subject property is proposed as a Community Commercial Centre, at the north east corner of Kenaston Boulevard and McGillivray Boulevard, with a portion devoted to Business Park.

The Planning and Land Use Division's concerns with this subdivision and rezoning application are two-fold. Primarily, the division is concerned with the potential size of a commercial shopping facility at this location, based on the total site area proposed. Plan Winnipeg states: The City shall limit the location of regional scale shopping facilities outside the Downtown and restrict them in site to those existing locations designated as Regional Shopping (Policy 5A-12). Although Plan Winnipeg is not explicit in defining what a regional shopping centre is (besides identifying the six existing facilities), previous City of Winnipeg studies and the planning literature provide guidelines in this respect. For instance, a site area in excess of 30 acres, a Gross Leasable Area in excess of 250,000 square feet, and a regional market are all factors indicative of a regional shopping centre.

In a report to the former Committee on Environment (dated November 1984), the former Director of Environmental Planning recommended the following factors be considered in determining at what point an existing community shopping centre begins to resemble a regional shopping centre:

1. the over-all impact of the expansion on the Downtown;
2. whether the expansion represents a de facto regionalising of the centre (which would be contrary to Plan Winnipeg);
3. impacts on the surrounding land use and the identification of conditions to ameliorate such impacts;
4. impacts on the surrounding transportation system and the identification of conditions to ameliorate such impacts.

Interest in this site for commercial development is certainly related to its location. The property provides exposure at an already busy regional intersection which, with the impending connection of Kenaston Boulevard and Bishop Grandin Boulevard and the potential Winnport-related developments forecast, will only increase in the future.

Because neither Plan Winnipeg nor Zoning By-Law No. 6400/94 provides sufficient detail in distinguishing regional from more locally-focused commercial development, conditions of approval relating to use restrictions and scale of development are among the only recourse available in preventing the establishment of a regional facility at this location which would be contrary to Plan Winnipeg.

The Planning and Land Use Division is also concerned with potential impacts of the proposed commercial development on the immediately adjacent properties and on the surrounding area. The overall 120 acre area is currently vacant. The majority of the property including the entire 38 acre subject property is zoned for industrial park development. Waste water sewer and water services have been installed within the (undeveloped) Rothwell Road right-of-way. Genstar's concept plan for this area prepared for information purposes for potential homeowners, builders, and realtors indicates future development in this area to include primarily single- family dwellings, with a small area at the north east corner of Kenaston/McGillivray devoted to neighbourhood commercial, office, and multiple-family dwellings. Commercial development at the 38 acre scale proposed in the application likely was not anticipated by owners or residents of surrounding properties.

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Although provision of water and waste water sewer services is resolved, issues regarding land drainage, site access and circulation, and interface of the commercial development with existing and future residential development remain unresolved. Traffic impact and land drainage service are, for the most part, technical issues. However, the location and function of a westerly extension of Lindenwood Drive East (from its current terminus at Lindenwood Drive West) to Kenaston Boulevard could, for example, have some undesirable impacts on residential properties to the east.

Without a detailed site plan, traffic impact study, land drainage study, and conceptual plan for the future development of the adjacent proposed residential lands, it is difficult to accurately gauge impacts of this development. With respect to the visual and physical impacts of the proposed commercial and business park development, conditions of approval related to use restrictions, scale of development, and design control are again among the only means of reviewing future, undefined development. In terms of uses, "C2" zoning is defined in Zoning By-Law No. 6400/94 as intended to regulate more intensive commercial sites that do not have a local or neighbourhood orientation. The recommended use restrictions, while providing for community- and regional-scale commercial development, are intended to give preference to uses serving the adjoining community and to anticipate potentially problematic impacts associated with certain uses permitted in the "C2" zoning category.

In the consultant's report on this property, a section is devoted to Architectural Controls. The controls including building design, setbacks, and orientation; fencing and landscape treatment; and signage are intended to assure residents, property owners, and investors that a high standard of development is expected. The Planning and Land Use Division shares this view, and will recommend future site development be subject to plan approval to ensure high standards of development are met and maintained at this location.

Approximately 13 acres (of the 38 acre subject property) are being considered as a possible location for a business park development. This development is proposed for that portion of the site located north of the extension of Lindenwood Drive East, adjacent to Kenaston Boulevard and the CPR LaRiviere rail line. This proposed development of this portion of the site may or may not transpire, depending on response to the forthcoming public tender and the potential market for such a facility. Property and Development Services Department staff are optimistic such a market exists and maintain this would be an ideal location for the cluster of office, warehouse, and light industrial uses proposed. The Planning and Land Use Division concurs; however, it may be appropriate to exclude this portion of the site from the "C2" rezoning until such time as future uses are determined.

With respect to the subdivision and rezoning of the 38 acre subject property, the Division is supportive, with some reservations. If Assiniboia Community Committee is satisfied with the information available at this time, the Planning and Land Use Division recommended the application be approved subject to the future property owner entering into a zoning agreement with the City in order to safeguard all interests involved. The Development and Inspections Division advised land dedication is to be calculated on the basis of the increases value of the land, from an Agricultural District to "C2" Commercial District. When the property was zoned "MP-2" Industrial District, dedication was not collected.

A Public Hearing was held before the Assiniboia Community Committee on February 23, 1998. Four persons were heard in support of the application, and no one registered in opposition thereto.

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

1. The subject property will likely be one of the most valuable properties the City has owned inasmuch as it is situated in a prime location and is in the vicinity of major traffic routes.

2. The application has the support of the community as indicated by various means of community consultation.

On April 6, 1998, the Standing Policy Committee on Property and Development considered the proposed subdivision and rezoning under File DASZ 1/98, and an additional report dated March 27, 1998, from the Manager of Planning and Land Use, Property and Development Services Department, recommending that the Standing Policy Committee amend the Assiniboia Community Committee recommendation by adding a condition to the Zoning Agreement which states:

> That not more than 250,000 square feet of Gross Leasable Area be developed on the lands, exclusive of office uses.

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The Standing Policy Committee on Property and Development did not concur in the recommendation contained in the report dated March 27, 1998, from the Manager of Planning and Land Use, Property and Development Services Department.

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 1/98 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 1/98 dated February 19, 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 1/98 dated February 19, 1998, to a "C2" Commercial District, subject to the future property owner entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject to include the following conditions:

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

C. That the following uses not be permitted on the land:
   i) Amusement Enterprise, Outdoor;
   ii) Animal Pound, Animal Training, Kennel;
   iii) Automobile, including motorcycle: Cleaning;
   iv) Automobile, including motorcycle: Repair, Service, Installation of Supplies/Parts;
   v) Automobile, including motorcycle: Rental, Sales;
   vi) Boat: Sales, Service;
   vii) Boat Docking/Launching, Boat Rental, Marina;
   viii) Contractors Establishment;
   ix) Exterminator;
   x) Outdoor Flea Market;
   xi) Machinery/Heavy Equipment Supplies and Parts: Sales, Installation, Service;
   xii) Mobile Home Park;
   xiii) Motors or Machines, Recreational or Utility, including power toboggans,
   xiv) Outboard motors, lawn mowers: Rental, Sale, Service;
   xv) Pawnshop;
   xvi) Sign, Advertising;
   xvii) Taxidermist.

IV. That a 10% 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. Dedication will come from the proceeds of the sale.

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.

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

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VIII. 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.

IX. 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. 615 for attachment)

Proposed Rezoning - land located north of rue Messager, east and west of avenue Taché (north of rue Darveau)- Riel Community File DAZ 225/97

558 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from the City of Winnipeg, former Land and Development Services Department, 395 Main Street, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the land from an "M2" Industrial District to a "PR1" Parks and Recreation District, in compliance with Plan Winnipeg Policy (By-law No. 5915/92).

The following is the present site description:

Site Area: Approximately 3.2 acres

Existing Land Use and Zoning: The majority of the site is vacant and owned by the City of Winnipeg. The site is presently zoned "M2" Industrial District, and all but one industrial use has vacated the area. The western most tip of the parcel is still in private ownership and occupied with an industrial use.

The following is the surrounding land use and zoning:

North: Red River

South: Mostly vacant residential land, zoned "R2 T" and " RM 3.5", Industrial use zoned "M2" west of avenue Tache (designated for future park under Plan Winnipeg and the North St. Boniface Secondary Plan), and the avenue Tache water pumping station on the southeast corner of avenue Tache and rue Messager.

East: Whittier Park, zoned "PR 1"

West: Red River

The City-owned lands north of rue Messager to the Red River are to be rezoned to reflect the current land use and future park development.

Over the past twenty years the former Parks and Recreation Department has been acquiring land in this area for future park development. Over the same period of time the subject land has changed in designation from future parkway, to future residential, and most recently back to future parkway under Plan Winnipeg.

With the exception of the westernmost tip (Lot 56, Plan 29652), the City of Winnipeg now owns all of the riverbank lands north of rue Messager. These City-owned lands are presently vacant with the exception of some recreational equipment (toboggan slide and climbing structure). Although these lands are not improved as park, there are plans to develop them in the future as part of a linear parkway development, as budgets permit.

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Following discussions with the Ad Hoc Committee on Lands North of the CNR Highline, a motion was passed by the Riel Community Committee, instructing the City of Winnipeg, former Land and Development Services Department to initiate a rezoning of the subject land from "M2" Industrial District to " PR1" Parks and Recreation District. The "PR1" Parks and Recreation zoning is consistent with the designation of said lands as future park under Plan Winnipeg (By-Law No. 5915/92), and the North St. Boniface Secondary Plan (By-Law No. 965/75).

The City of Winnipeg has the authority to rezone private holdings when it is part of a plan to rationalize zoning for a particular area, in this case, to bring zoning in compliance with the land's designation under Plan Winnipeg. City of Winnipeg, Legal Services Division, however, has advised that rezoning the private holding (Lot 56, Plan 29652) without the authorization of the owner, to such a restrictive category as "PR1" would be injurious to the owner.

The Community Planning Division is therefore recommending that only the City-owned properties be rezoned at this time, the new zoning boundaries as outlined on Schedule "B".

A Public Hearing was held before the Riel Community Committee on January 20, 1998. No one appeared in support of the application, and no one registered in opposition thereto.

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

1. The proposed zoning is consistent with the designation of the subject lands as future park under Plan Winnipeg and the North St. Boniface Secondary Plan.

2. There was no opposition to this application.

On February 2, 1998, the Standing Policy Committee on Property and Development concurred in the recommendations of the Riel Community Committee, and requested the Manager of Land Development to contact the owner of the private holding (Lot 56, Plan 29652) bounded by rue Messager, avenue Tache and the Red River, to determine whether or not the owner was aware of the public hearing held by the Riel Community Committee in January 1998, which included the proposed rezoning of their property to " PR1" Parks and Recreation District.

On February 3, 1998, the Land Development Administrator, Property and Development Services Department advised that he had contacted the owner's son, Martin Ringer, to discuss the proposed rezoning of lands. Martin Ringer advised that he was aware of the inclusion of his mother's property in the rezoning application but had been advised by the Planner that the Administration was recommending that her land be excluded from the approval. For that reason there was no representation at the public hearing from the owner of property identified as Lot 56, Plan 29652. Martin Ringer further advised he is willing to sell the land to the City for use for riverbank park development, however, he is not supportive of his property being rezoned "PR1" while still in his ownership.

On April 6, 1998, the Standing Policy Committee on Property and Development rescinded its motion of February 2, 1998, to concur in the recommendations of the Riel Community Committee to rezone the lands east and west of avenue Taché, as outlined on Schedule "A".

On April 6, 1998, the Standing Policy Committee on Property and Development again considered the Report on the January 20, 1998, Public Hearing from the Riel Community Committee, and recommended the following amendment which has affected the recommendations as set out below:

- That Recommendation I., proposed by the Riel Community Committee, which included the words "and the private holding (Lot 56, Plan 29652) as outlined on Schedule "A" for File DAZ 225/97" be deleted, and replaced with "excluding the private holding (Lot 56, Plan 29652) as outlined on Schedule "B" for File DAZ 225/97".

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject City owned land excluding the private holding (Lot 56, Plan 29652) as outlined on Schedule "B", for File DAZ 225/97, dated January 12, 1998, to a "PR1" Parks and Recreation District.

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

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

Adopted by consent.

(See Minute No. 616 for attachments)

Proposed Rezoning - land located at 11 Pioneer Boulevard, east of Westbrook Street - City Centre Community
File DAZ 226/97B

559 - 11. The Standing Policy Committee on Property and Development has been advised that an on January 13, 1998, the City Centre Community Committee convened a public hearing to consider DAZ 226/97. The Community Committee divided the rezoning application into two parcels designated as Parcel A under DAZ 226/97A and Parcel B under DAZ 226/97B. The portion of the rezoning with respect to Parcel A being a small portion of the subject lands required for the baseball stadium was recommended for approval. The public hearing with respect to Parcel B being the majority of the lands under DAZ 226/97 was adjourned. The area to be included in DAZ 226/97B is outlined on Schedule "A".

The application received from DS Lea Consultants Ltd. on behalf of the Forks North Portage Partnership, proposes to amend By-Law No. 4800/88 by rezoning this land as follows:

i)	From: NRf	- Non-Residential Use Group F	To:	Nrg	- Non- residential Use Group G
ii)	From: BR-8	- Bulk Range Eight	To:	BR-5	- Bulk Range Five
iii)	From: P/L2	- Parking Loading Range Two	To:	P/L1	- Parking Loading Range One
iv)	From: S-1	- Sign Range One	To:	S-3	- Sign Range Three
v)	From: RB	- Riverbank Design Review	To	PL	- Pedestrian- Level Review

to allow for future expansion of the Forks development in the area North of Pioneer Avenue.

SITE DESCRIPTION

The lands now involved in DAZ 226/97B are bounded on the north and west by the proposed Pioneer Boulevard extension and an undeveloped parcel of City- owned land, on the east by the timber dike structure and flood plain lands adjacent to the Red River, and on the south by Pioneer Avenue.

DEVELOPMENT DESCRIPTION

The subject lands have potential for development in conjunction with the adjacent City-owned lands. A possible 125 unit residential development resulting from a request for proposals tendered by the Forks North Portage Partnership is presently being considered. Residential development will require a Conditional Use approval. Vehicular access to this development site would be from the new Pioneer Boulevard extension.

The existing and requested zoning designations are summarized as follows:

USE

Existing: Non-Residential Group F the only permitted principal use is park.

Requested: Non-Residential Group G a broad range of principal and secondary uses are permitted. The majority of the Forks site and the adjoining City-owned lands are presently designated " NRg"

BULK

Existing: Bulk Range Eight all buildings or structures require a conditional use approval

Requested: Bulk Range Five permits a maximum floor area ratio of 6:00 with bonus provisions if connected to the weather-protected pedestrian system (adjoining lands to the west are designated " BR-5"

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PARKING AND LOADING

Existing: Parking and Loading Range Two accessory parking and loading may be provided only subject to a conditional use approval (this designation applies generally to riverbank and Exchange district lands)

Requested: Parking and Loading Range One requires parking for residential, hotel and office uses and loading spaces for most uses (the adjoining lands to the west are designated "P/L 1")

SIGNS

Existing: Sign Range One permits small non-illuminated facia identification, canopy or podium and directional signs (the riverbank lands and residential areas around Central park and South of Broadway carry this designation)

Requested: Sign Range Three allows illuminated facia and free-standing signs (the adjoining lands to the west are designated "S-3")

URBAN DESIGN

Existing: Riverbank Design Review the intent of the Riverbank Design provisions are to require and assist property owners to protect and enhance the natural setting (this designation affects lands south of Assiniboine Avenue and abutting the Assiniboine River and lands west of the Red River)

Requested: Pedestrian-Level Design Review the intent of the "PL" provisions are to maintain architectural and other details of existing buildings and to create such details of new buildings which protect and enhance the pedestrian environment (the adjoining lands to the west are designated "PL")

Zoning By-Law No. 4800 as adopted in 1988 established a strip of land adjacent to the Red and Assiniboine Rivers as "NRf" wherein the only listed permitted use is a park. The intent of this was to protect public access to the rivers. The adjacent flood plain lands would remain as "NRf".

This rezoning and redevelopment is consistent with the Forks Phase II Business Plan as endorsed by Council. However, at the time of the January public hearing, there were a number of issues which would impact the development of these lands that were unresolved. The Administration and representatives of the Forks have met to discuss the Pioneer Boulevard extension, flood protection, the riverwalk extension, site servicing and the character of the proposed development. At this time, the Administration is satisfied that this rezoning with exception to the requested change to the Urban Design designation, which we recommend remain as Riverbank Design Review, can be proceeded with.

A Public Hearing was held before the City Centre Community Committee on March 10, 1998. Three persons appeared in support of the application, four in opposition thereto, and the Senior Planner/Co-ordinator and the Senior Urban Planner, Property and Development Services Department were in attendance for the City.

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

1. There is minimal opposition to this application and the Community Planning Division is satisfied that this rezoning, with the exception of the requested change to the Urban Design designation, can be proceeded with.

2. The proposed rezoning and redevelopment of the subject lands is consistent with the Forks Phase II Business Plan as endorsed by Council, and the City Centre Community Committee believes that the proposed development will be a continuation of the scale and type of development that presently exists at the Forks, which has become a wonderful public amenity and, in the opinion of the City Centre Community Committee, has become the City's number one tourist attraction.

3. The uses which have been made conditional under the "NRg" zoning category will provide a level of protection to ensure the appropriate scale and type of development on the land.

The City Centre Community Committee did not concur in the administrative recommendation that the 10 per cent dedication requirement 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 be waived, and recommended the following, which has been incorporated in the recommendations set out below:

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That a 10 per cent dedication be made in land or by a payment of a sum of money to the City based on the increase in the market value of the land, as may be determined by the Standing Policy Committee on Property and Development.

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

I. That By-law No. 4800/88 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 226/97B dated March 3, 1998, to an "NRg" Non-Residential Group G, "BR-5" Bulk Range Five, "P/L1" Parking Loading Range One, "S3" Sign Range Three, subject to the following:

1. That the following uses which are listed as permitted principal uses in the "NRg" designation be Conditional Uses:
   - any wholesale business
   - hotel
   - manufacture, assembly, repair or packaging of products from any of the following previously prepared materials:

fur	paper	glass
plastic	leather	rubber
metal	textiles	wood

   - publishing or printing facilities
   - storage or warehousing, completely within a building.

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

3. That the following uses which are listed as Conditional Uses in the "NRg" designation be prohibited:
   - drive-through service facility
   - funeral parlour
   - massage parlour
   - non-accessory parking facility
   - pawnshop
   - tattoo parlours

II. That a 10 per cent dedication be made in land or by a payment of a sum of money to the City based on the increase in the market value of the land, as may be determined by the Standing Policy Committee on Property and Development.

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

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

V. That the rezoning By-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles office, provided that the said effective date occurs within twelve (12) months from the date that the said rezoning By-law is adopted by Council.

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

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

Moved by Councillor O'Shaughnessy,

Adoption of the clause.

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

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Councillors Thomas and Vandal asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

(See Minute No. 617 for attachment)

Proposed Rezoning - land located at 585 London Street - East Kildonan- Transcona Community
File DAZ 201/98 [c/r DAV 904/97D]

560 - 12. The Standing Policy Committee on Property and Development has been advised that an application has been received from 3722091 Manitoba Ltd., 267 Gateway Road, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the land shown below from an "R1-5" Residential District to a "C1" Commercial District to permit the establishment of Business Office uses.

The following is the present site description:

Site Area: The site is 15,000 square feet and has 100 feet of frontage on London Street and 150 feet of flankage on Government Avenue

Existing Land Use and Zoning: The site is presently zoned "R1-5" Residential District - an educational institution (sheltered vocational workshop for mentally handicapped persons) is currently operating from the building as a Conditional Use

The following is the surrounding land use and zoning:

The site is located in a predominantly residential district.

North: Single family dwellings zoned "R1-5"

South: Single family dwellings zoned "R1-5"

East: Single family dwellings zoned "R1-5"

West: Single family dwellings zoned "R1-5" and a small parcel, fronting Moncton, zoned "C1", a former corner store converted to beauty salon

The developer proposes to convert the existing building to office spaces in order to operate two businesses. The predominant business is an accounting office employing six persons. The other business is a small computer consulting business, with a maximum of three employees, servicing mainly employees and clients of the accounting office.

The subject site is currently developed with an older church building and a newer addition with a total square footage of approximately 5,600 square feet. "C1" Commercial District zoning is intended to provide for local commercial uses typically found within neighbourhoods such as banks, drug stores, and low scale uses such as offices. Under typical circumstances the conversion of such a large site to limited commercial uses would be considered inappropriate within a residential district. However, the existing building is not out of character with the surrounding area, and given the recent addition in 1985, its demolition for the development of more appropriate uses, is not warranted.

The current use is as a vocational training facility for approximately 60 persons with mental disabilities. While a school operating in a residential district is not unusual, this particular use has created some disruption in the neighbourhood. The proposed office uses operating under appropriate conditions would create less of a disruption to the surrounding area.

The applicant has circulated a survey to 33 residents in the immediate area advising them of the proposed development, the majority (27 residents) were not opposed to the development. Two residents - one next door and one immediately across the street - were opposed to any type of business use on the site. The Administration is of

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the opinion that limited commercial development on this site will not have an adverse effect on the surrounding area. In addition, by limiting the use of the building to "Office Only" under a zoning agreement any other type of "C1" commercial use could not be established without a further public hearing at Community Committee

Site signage should be limited to reflect the residential nature of the area. The applicant proposes to install a small, non-illuminated free- standing sign. It is to be located at the front of the building, between two proposed vestibule extensions. A small (maximum 25 square foot) free- standing sign in this location would be acceptable, however, no other free- standing sign should be permitted elsewhere on the site.

The Administration recommended that By-law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule "A", for File DAZ 201/98 dated February 9, 1998, to a "C1" Commercial District, subject to specific conditions.

A Public Hearing was held before the East Kildonan-Transcona Community Committee on February 17, 1998. Three persons were heard in support of the application, two were heard in opposition thereto, and the Planner from Community Services Department was in attendance for the City.

The East Kildonan-Transcona Community Committee recommended the proposed rezoning not be proceeded with for the following reasons:

1. There are concerns the proposed rezoning could have a negative impact on the residential neighbourhood.

2. Approval of a five year use variance will provide the applicant with an opportunity to operate the businesses, and, if at the end of that time, there are no negative impacts or concerns, the applicant can re- apply for the requested rezoning.

The Standing Policy Committee on Property and Development concurred in the recommendations of the East Kildonan-Transcona Community Committee, and recommends that the application to rezone the land under File DAZ 201/98 from an "R1-5" Residential District to a "C1" Commercial District not be proceeded with.

Adopted by consent.

(See Minute No. 618 for attachment)

Proposed Rezoning - certain lands adjacent to Omand's Creek - Assiniboia and City Centre Communities

File DAZ 203/98

561 - 13. The Standing Policy Committee on Property and Development has been advised that an application has been received from The City of Winnipeg, Property and Development Services Department, to rezone land from an "R1-3.5A" Single-family District, and "R2A" Two-family District, a "C1" Commercial District, a "C2" Commercial District, and an " M2" Industrial District to a "PR-1" Parks and Recreation District to allow for the establishment of a linear parkway.

The following is the present site description:

Site Area:	Lands bordering Omand's Creek between the Assiniboine River and St. Matthew's Avenue
Existing Land Use and Zoning:	Parks and open space, "R1-3.5A", "R2A", "C1", "C2" and "M2"
Surrounding Land Use:	Residential and commercial development

The rezoning applies to City-owned land which contain Omand's Creek and water diversion channel. The lands are currently used for park and open space. South of Portage Avenue the lands are developed with ball diamonds, a toboggan slide and paved and unpaved pathways. North of Portage, the appearance of the land varies from a

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nearly natural state (adjacent to Rae and Jerry's Steak House), to reclaimed, tall-grass prairie (Blue Stem Park), to a landscaped drainage ditch (adjacent to the velodrome property and Home Depot).

Pedestrian movement along the Omand's Creek linear parkway is currently interrupted by Portage Avenue although, during periods of low water, access through the box culvert is possible. The stretch of creek bank adjacent to Rae and Jerry's is undeveloped, and private lands must be crossed in order to regain the pedestrian pathway connecting Denison Place on the south to St. Matthew's Avenue on the north. Moving north-westerly from Denison Place, the pathway crosses the CPR La Riviere subdivision and the creek, bisecting Blue Stem Park before joining the sidewalk on the east side of Empress Street. At the south entrance to Home Depot, pedestrians and cyclists have the option of crossing back over the creek and accessing a pathway constructed by Home Depot running along the western limit of their property as far north as St. Matthews Avenue.

North of St. Matthews Avenue, it is proposed to rezone a small section of abandoned spur line owned by the City. The line runs westerly from the La Riviere subdivision, penetrating the St. James Industrial District to St. James Street and beyond. The bridge crossing still stands, affording public access to the creek, and the spur line is well positioned to serve as a link in a pedestrian/cyclist pathway system which could ultimately serve workers in the St. James Industrial District.

The plan, to use the banks of Omand's Creek for a pedestrian linkage between the Assiniboine River and Westview Park, has a long history. The plan was endorsed by Council in 1992, and the administration was directed to undertake the present rezoning in 1997 by the then Committee on Planning. The rezoning acknowledges the linear parkway plan, and signals adjacent property owners of the opportunities it presents for enhancing property values through improved public exposure and access, and property beautification. The work undertaken by Home Depot, in consultation with the City administration and the Friends of Omand's Creek, is an example of what can be accomplished. This degree of co-operation and involvement on the part of adjacent property owners is critical to the establishment of the pathway section between St. Matthews Avenue and Westview Park.

The proposed zoning reflects the existing use of the lands, with the exception of the abandoned spur line north of St. Matthews. Recently, the spur line has attracted the attention of adjacent land owners who have expressed an interest in acquiring portions of it through purchase or exchange. The exchange might enable the city to acquire the east bank of Omand's creek for pathway development between St. Matthews Avenue and Ellice Avenue. If this were to occur, it would be imprudent to rezone the spur line to "PR1" at this time. The Parks Planner for the Omand's Creek project and a representative of the Friends of Omand's Creek are currently exploring what benefits might be derived from a land exchange involving the spur line. A decision to remove the line from the present rezoning could be delayed until the matter is before Council, giving the parties an opportunity to hold discussions.

On a related note, it was brought to the attention of the District Planner, by a past Councillor for the area, that the walkway, which extends westward from Omand's Creek Park through the West Wolseley neighbourhood, was overlooked as part of the current rezoning. The paved and lit walkway crosses the CPR subdivision at the north end of the footbridge, and connects into Wolseley Avenue West. This stretch of riverbank remains as Wolseley Avenue West right-of-way, and should be rezoned to "PR1" to highlight its importance as one of a series of interconnecting pathways and street routes linking Assiniboine Park to the downtown riverwalk.

A Public Hearing was held before the Assiniboia Community Committee on March 23, 1998. Two persons appeared in support of the application, no one registered in opposition thereto.

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

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

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 203/98 dated March 17, 1998, to a " PR1" Parks and Recreation District.

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

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

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

Adopted by consent.

(See Minute No. 619 for attachment)

Proposed Rezoning - land located at 257-259 Arlington Street - City Centre Community
File DAZ 205/98 [c/r DAV 74/98D]

562 - 14. The Standing Policy Committee on Property and Development has been advised that an application has been received from DS- Lea Consultants Ltd., Suite 111-93 Lombard Avenue, Winnipeg, to rezone the land commonly known as 257-259 Arlington Street from an "R2-T" Two-Family Transitional Residential District to a "C2" Commercial District to allow for the establishment of a non-accessory parking area.

The following is the present site description:

Dimensions: Approximately 40 feet frontage width (87 feet width at lane) by 100 feet (irregular)

Site Area: Approximately 6,375 square feet

Existing Land Use: 1.5 storey semi-detached dwelling (vacant)

The following is the surrounding land use and zoning:

North: "C2" Commercial District (UFCW Training Centre)

East: "R2-T" Two-Family Transitional Residential District (Klinic parking lot)

South and West: "R2-T" Two-Family Transitional Residential District (low density housing)

A related application under DAV 74/98D would permit a reduced south side yard and direct access to the lane from parking stalls. The Administration is recommending approval of the zoning variances.

The property is owned by the United Food and Commercial Workers Union (UFCW), who acquired it through their purchase of the three storey office building at 880 Portage (across the lane to the north). The UFCW are renovating the office building for use as a training centre for their members. The office building also contains a pharmacy and provincial government offices. Eventually, the UFCW intend to occupy the entire office portion of the building. Grade-level parking is provided for 19 vehicles under the rear portion of the building with access off Arlington Street and the public lane.

The current proposal is to demolish the house and establish a 21 stall parking lot for UFCW staff, visitors and, when stalls are available, trainees. It is anticipated that most trainees will arrive by bus. On- street parking is available on Arlington Street and on Portage Avenue during off-peak hours. The UFCW and their consultant explored alternative, off-site parking arrangements, without success.

The Property and Development Services Department rarely supports the removal of housing for commercial parking lots. Factors taken into consideration include the condition of the property, the state of traffic and parking congestion in the area, the nature of adjacent land uses, and the ability of the neighbourhood to absorb the loss of the dwelling. Of equal importance is the receptivity of the neighbourhood and adjacent residents and tenants.

Traffic and Parking: Arlington Street is a busy street, mostly on account of peak hour traffic cutting through the neighbourhood. During the day, much of the on-street parking in the area for a block or so north and south of Portage Avenue is monopolized by government office workers, employees of commercial establishments, and commuters. In the evening, the changeover to resident parking occurs. There is no argument that the UFCW could use the additional parking.

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Adjacent Land Use: Housing in the area is mostly one-and two-family dwellings, although multi-family dwellings and rooming houses are also present. Most of the houses were built prior to 1920 as single-family homes, although the subject dwelling is somewhat newer and was built as a side-by-side. According to a survey conducted by the applicant, the block between Portage Avenue and Preston Avenue contains 19 rental properties (6 owner occupied) out of 25 buildings.

Across the lane to the west of the subject property lies the Klinic parking lot. The Klinic parking lot enjoys non-conforming rights, and is developed and maintained to a low standard.

Public Consultation: The UFCW and its planning consultant prepared a background paper on the subject of parking issues and requirements, and met with the Wolseley Residents Association (WRA), the Zoning Committee of the WRA, and held two public open houses to discuss the proposal and review parking lot layout and landscaping plans. At the same time, the WRA Executive debated the issue in camera, and received a report by the Zoning Committee. The report outlined a process for reviewing and possibly endorsing parking lot development, and proposed parking lot design, landscaping and maintenance guidelines and standards.

Significantly, the report recommended that a survey be conducted of Portage Avenue businesses to identify their current parking needs and to what degree and by what means those needs are being met. There is an awareness in the community that the demand for commercial parking is increasing. The demand is coming from successful businesses like Advance Electronics and Deluca's, and from the owners of commercial office space who are finding it difficult to lease space in the absence of adequate accessory parking.

The need for additional parking presents a dilemma for the Wolseley community, or any similar Winnipeg neighbourhood bordered or bisected by a major, commercial, arterial street. Commerce and housing must co-exist in cities. The difficulty lies in reconciling their competing spatial needs. Commercial encroachment can be a threat to neighbourhood stability. Homeowners fear a domino effect. The concern for owners of commercial properties is the loss of tenants over insufficient parking. This has a downside for residents as well, in that lower order businesses, like pawn shops, second hand stores, martial arts studios, discount tax services, cheque cashing outlets, merchandise liquidators, etc., thrive as leasing rates fall. Slowly, the commercial fabric of the community changes. One option would be the demolition of commercial buildings on Portage Avenue for parking. However, these buildings buffer the neighbourhood from the arterial traffic, and their removal would erode the pedestrian character of the street.

The Property and Development Services Department believes that the Wolseley community is prepared to look at the strategic, site specific development of non-accessory, commercial parking lots in order to protect the neighbourhood while accommodating commercial parking requirements on a case-by-case basis. In borrowing from the report of the WRA Zoning Committee, the basic development parameters would include:

- consultative process with adjacent residents and the WRA;
- consensus support for the proposed development;
- extent of encroachment limited to one property south of the public lane;
- high quality, uniform design, landscaping, fencing, lighting, signage, etc.;
- provision of front yard and side yard setbacks;
- high level of maintenance including snow removal; and,
- shared parking where feasible.

In addition to the current application, the Neighbourhood is reviewing a proposal for the development of a parking lot at 327 Aubrey Avenue, south of the public lane, for the use of the office tenants at 960 Portage Avenue.

Precedent: The Property and Development Services Department's support for this proposal, on the strength of a public process, will encourage other Portage Avenue businesses to explore similar parking options. It is common knowledge that DeLuca's, which owns 5 houses on Ruby and Lipton, would like to develop additional parking south of the lane. The rear yards of these rental homes are currently used illegally for staff and customer parking and the houses themselves are being allowed to deteriorate. Such informal arrangements can be more harmful to neighbourhood than the development, within strict guidelines, of proper parking areas. In Wolseley, the Department is prepared to examine each application on its own merits, over the course of consultation with the WRA and neighbouring residents. Based on the outcome of the consultative process undertaken in connection with the current application, the Department is prepared to recommend its approval.

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A Public Hearing was held before the City Centre Community Committee on March 3, 1998. Three persons were heard in support of the application, no one registered in opposition thereto, and one person registered for information.

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

1. The United Food and Commercial Workers Union, the owners of the property, prepared a background paper on the subject of parking issues and requirements and met with the Wolseley Residents' Association, their Zoning Committee, and, held two public open houses to discuss the proposal and review parking lot layout and landscaping plans.

2. The need for additional parking presents a dilemma for the Wolseley community, or any similar Winnipeg neighbourhood bordered or bisected by a major, commercial, arterial street where commerce and housing must co-exist as the difficulty lies in reconciling their competing spatial needs. While commercial encroachment can be a threat to neighbourhood stability, homeowners fear a domino effect. The concern for owners of commercial properties is the loss of tenants over insufficient parking which has a downside for residents as well, in that lower order businesses, like pawn shops, second hand stores, martial arts studios, discount tax services, cheque cashing outlets, merchandise liquidators, etc., thrive as leasing rates fall resulting in a slow change in the commercial fabric of the community. One option would be the demolition of commercial buildings on Portage Avenue for parking, however, these buildings buffer the neighbourhood from the arterial traffic, and their removal would erode the pedestrian character of the street.

3. The former Community Planning Division believes that the Wolseley community is prepared to look at the strategic, site specific development of non-accessory commercial parking lots in order to protect the neighbourhood while accommodating commercial parking requirements provided the basic development parameters include a consultative process with adjacent residents and the Association, consensus support for the proposed development, extent of encroachment limited to one property south of the public lane, high quality, uniform design, landscaping, fencing, lighting, signage, etc ., provision of front yard and side yard setbacks, high level of maintenance including snow removal and shared parking where feasible.

4. The Property and Development Services Department supports the proposal based on the public process.

5. Use of the rear of rental homes illegally for staff and customer parking, while the houses are allowed to deteriorate, can be more harmful to neighbourhoods than the development, within strict guidelines, of proper parking areas.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 205/98 dated February 20, 1998, to a "C2" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 600(1) of The City of Winnipeg Act to provide for the following:

    1. That the use of the property be limited to a non-accessory parking lot for the exclusive use of 880 Portage Avenue;

    2. That a ten per cent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land for open space, park and recreational use based on the increase in the market value of the land.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning By-law and forward same to Council for all three readings when the Zoning Agreement has been executed.

III. That the rezoning By-law shall become effective when the Zoning Agreement has been registered as a first charge against the subject land at Winnipeg Land Titles Office.

IV. That the Proper Officers of the City be authorized to execute said Zoning Agreement.

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

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

Adopted by consent.

(See Minute No. 620 for attachment)

Proposed Rezoning - land located on the south side of Jefferson Avenue, east of Brookside Boulevard - Lord Selkirk-West Kildonan Community File DAZ 206/98

563 - 15. The Standing Policy Committee on Property and Development has been advised that an application has been received from Scatliff and Associates Inc., 44 Princess Street, Winnipeg, to amend Zoning By-Law No. 6400/94 by rezoning the land from an "M2" Industrial District to a "M3" Industrial District to allow for future heavier industrial development.

The following is the present site description:

Site Area: Approximately 43 acres

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

The following is the surrounding land use and zoning:

North: Farmland; zoned "A" Agricultural District

South: Vacant; zoned "M2" Industrial District

East: Vacant; zoned "A-5" Agricultural District

West: Vacant; zoned "C3-1" Commercial District and "M1" Industrial District

The applicant proposes to rezone the subject property from "M2" Industrial District to "M3" Industrial District to accommodate the establishment of an asphalt batching plant and a concrete batching plant. A Concrete Batching Plant is not a permitted use in the "M2" category of Zoning By- Law No. 6400/94. The subject 43 acres are located at the north end of the Inksbrook Park development, which includes lands east of Brookside Boulevard, south of Jefferson Avenue, north of Inkster Boulevard, and west of the approximate midpoint between King Edward Street and Brookside Boulevard.

When the Inksbrook Park property was rezoned to "M2" Industrial District (under DAZ 224/95) the property to the immediate east was designated Neighbourhood Policy Area in Plan Winnipeg. Although the former Community Planning Division recommended approval of that rezoning, at the time there was concern about industrial uses in proximity to existing and future residential areas. Certain uses were excluded on the basis of potential adverse impacts on residential properties. Since then, the property to the immediate east has been designated Industrial Policy Area, in anticipation of future industrial development.

The 43 acres proposed for the two batching plants are located as far away from existing residential properties (Garden Grove, south of Inkster Boulevard and Meadows West, east of King Edward Street) as possible, within the Inksbrook Park holdings. As such, concerns regarding dust and other airborne particulates being spread to residential areas have been minimized. In addition, the Manitoba Department of Environment will review the batching operations as part of their licensing process. The Planning and Land Use Division maintains, however, that the establishment of batching plant operations at this location could have impacts on future industrial neighbours of the properties to the west, south,

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and east. Due to prevailing winds, dust from the plant operations and aggregate storage areas may also impact on existing residential properties to the south and east, however far removed they are from the subject property.

The applicant, on behalf of the owner, has applied to rezone only the subject 43 acres. The property is part of a much larger holding. The rezoning application refers to property by description only. In order to proceed with the proposed batching plants, the owner will be required to subdivide the 43 acres from the larger holding. At that time, the owner will be required to enter into a Development Agreement with the City. This agreement will set out conditions of subdivision approval, including:

- upgrading Jefferson Avenue, from Brookside Boulevard to the site;
- extending a north-south collector, from the Inksbrook Park lands to the south to Jefferson Avenue;
- extending wastewater sewer service from the interceptor in King Edward Street;
- extending water main service from the existing main to the south;
- installing a new land drainage lake.

In addition, at the time of the subdivision, the owner will be required to contribute 10% of the increased value of the land, from "M2" to "M3" Industrial District zoning.

Provided the Lord Selkirk-West Kildonan Community Committee is satisfied as to the nature of the proposed use and with recommending approval of the rezoning - without specific site plans and independent of the proposed subdivision referred to above - the Planning and Land Use Division recommends the application for rezoning be approved.

A Public Hearing was held before the Lord Selkirk-West Kildonan Community Committee on March 10, 1998. Three persons were heard in support of the application, and no one registered in opposition thereto.

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

1. The proposed rezoning is consistent with adjacent properties.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land, as outlined on Schedule "A", for File DAZ 206/98 dated March 6, 1998, to an "M3" Industrial District, subject to the following:

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

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

         a) Animal Pound, Animal Training, Kennel;
         b) Auction Yard;
         c) Coal Products: Manufacture;
         d) Explosives: Manufacture, Storage;
         e) Extraction/Reclamation Operation;
         f) Fertilizer: Manufacture;
         g) Foundry;
         h) Garbage: Incinerator, Reduction;
         i) Garbage: Transfer Station;
         j) Landfill;
         k) Leather/Hides/Fur/Bone/Hair: Processing;
         l) Metal: Reduction, Refining, Smelting, Alloying;
         m) Mushroom Plant;
         n) Petroleum: Refining;
         o) Poultry or Rabbit: Slaughtering, Packing;
         p) Rendering, Distillation, or Reduction of Animals or Animal Products;
         q) Rubber: Products;
         r) Salvage Yard;
         s) Sewage Treatment Plant;
         t) Stockyard or Feeding Pen: Slaughtering, Packing;
         u) Wood: Distillation;
         v) Wrecking Yard.

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2. That final detailed plans indicating the design and location of the proposed buildings, including elevations and details or exterior finishing materials, outdoor storage areas, accessory parking and loading areas, vehicular access to the site, fencing, landscaping and garbage enclosures, be subject to the approval of the Chief Administrative Officer or designate and Lord Selkirk-West Kildonan Community Committee prior to the issuance of a building permit.

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

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

IV. That the rezoning By-law shall not come into effect until the subject property has been subdivided to establish a separate lot and the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twelve months from the date that the said rezoning By-law is adopted by Council.

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

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

Adopted by consent.

(See Minute No. 621 for attachment)

Proposed Zoning Agreement Amendment - land located on the northeast corner of Allan Blye Drive and Leila Avenue - Lord Selkirk-West Kildonan Community
File ZAA 17/97 [c/r DAZ 338/76 and DCU 281/97C]

564 - 16. The Standing Policy Committee on Property and Development has been advised that an application has been received from Rodelio Tagle, 121 Amber Trail, Winnipeg, on behalf of Leila Farm Ltd., to amend the Zoning Agreement affecting the property shown to add automobile washing: drive through or self service to the list of permitted uses for the land (said use being permitted as a conditional use).

The following is the present site description:

Dimensions:	Approximately 364.7 feet wide by 120 feet deep
Site Area:	Approximately 1 acre
Existing Land Use and Zoning:	Undeveloped; zoned "C2" Commercial District

The applicant proposes to establish a car wash and coffee shop on the subject site, car wash being a Conditional Use in "C2" zoned districts, but excluded from the use list in the applicable Zoning Agreement (DAZ 338/76).

The subject site is located on the north east corner of Leila Avenue and Allan Blye Drive, at the south edge of the Amber Trails development. The immediate context is predominantly single-family residential (north, east, and south of the subject property), with a fire hall and school (École Leila North, K-9) located across Allan Blye Drive.

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Generally, when a use is excluded from a Zoning Agreement this exclusion reflects a concern for future development of the site with respect to its context. Though Leila Avenue is to become a regional street in the future, development of this site must consider the local context first and foremost.

The Administration does not consider a car wash as a favourable land use, in this context, for a number of reasons: increased vehicular traffic at an already busy intersection, which raises concerns for child and pedestrian safety; incompatibility with and inadequate separation from surrounding residential development; and less than ideal lot dimensions which limits layout options.

Allan Blye Drive serves as one of only three access points to the Amber Trails development. Concerns have been expressed about the intensity of traffic mixed with pedestrians at the Leila intersection. The Administration outlined concern that promoting a land use that intensifies vehicular activity, particularly so near to an elementary school, is not in the best interest of the community.

Car wash establishments constitute a more industrial land use and are thereby intended for highway commercial ("C3") or industrial ("M1") districts, which this site is not. Although car wash facilities have established adjacent to residential areas elsewhere, these have generally occurred within existing commercial strips associated with major roadways, where more intense uses are anticipated, and are usually separated or buffered from the two adjacent dwellings by a public lane. Of note, is the existence of half dozen car washes in the Maples and Garden City vicinity; two of which are located within one kilometre of the subject site and have a combined total of 18 wash bays.

In this case, four to five residential properties back directly onto the north side of the subject property with only a six foot fence providing any form of sound or visual separation. A dozen or more homes on the south side of Leila face the subject site; these are separated by the Leila Avenue right-of-way, which presently includes a 50 foot extended boulevard. The Administration is of the opinion that the "C2" district yard requirements are inadequate to prevent the view, noise, and traffic from becoming an imposition on surrounding residences. For these reasons, the Administration recommended the applicant consult with the neighbouring properties before proceeding with this development.

The shallow depth of the site (120 feet) and configuration are limiting factors to this development, despite several attempts by the applicant to modify layout plans. To achieve adequate on-site circulation a majority of the site must be hard surfaced, which has resulted in a potential race way along the north property line adjacent to the residential properties. As well, site circulation seems to work only when an approach is provided from Allan Blye Drive, which further exacerbates traffic concerns.

The subject of the application, to amend the Zoning Agreement to add car wash to the list of permitted uses, is therefore not supported by the Administration.

A Public Hearing was before the Lord Selkirk-West Kildonan Community Committee on February 10, 1998. Five persons were heard in support of the application, and twenty two persons were heard in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed Zoning Agreement Amendment not be approved for the following reasons:

1. A land use that intensifies vehicular activity is not in the best interest of the community.

2. Car wash establishments constitute a more industrial land use and are intended for highway commercial "C2" or industrial "M1" districts, which this site is not.

3. That the "C2" district yard requirements are inadequate to prevent the view, noise, and traffic from becoming an imposition on surrounding residences.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, and recommends that the proposed amendment to Zoning Agreement DAZ 338/76 dated August 17, 1977, pursuant to File ZAA 17/97, not be proceeded with.

Adopted by consent.

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Legalization of Street Names - Riveroaks Drive and Bourkevale Drive, between Portage Avenue and Assiniboine Avenue - Assiniboia Community
File SC-3.14 (Vol. 2)

565 - 17. The Standing Policy Committee on Property and Development Services has been advised that under Plan No. 1065, registered in the Winnipeg Land Titles Office on May 8, 1906, Marjorie and Hampton Streets were established north of Portage Avenue. A subsequent Plan No. 4730, registered in the Winnipeg Land Titles Office on November 7, 1947, established Marjorie and Hampton Streets south of Portage Avenue. At some point since 1947, Majorie Street south of Portage Avenue came to be named Riveroaks and Hampton Street became Bourkevale Drive.

It has been brought to the attention of the Property and Development Services Department that although Riveroaks Drive and Bourkevale Drive are in common usage, it is desirable that the same street names not be established on either side of a major street such as Portage Avenue, for the obvious reason of providing efficient emergency services.

On February 23, 1998, the Assiniboia Community Committee considered and concurred in the recommendations contained in the report dated February 6, 1998, from the Subdivision Officer of the Property and Development Services Department, that a By-law be passed to legitimize the use of the name Riveroaks Drive and Bourkevale Drive, as outlined on Misc. Plan No. 10242.

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

I. That a By-law be passed to legitimize the use of the name Riveroaks Drive and Bourkevale Drive, as outlined on Misc. Plan No. 10242, 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/Manager of Legal Services for the purpose of preparing a By-law.

B. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary By-law for approval by Council for registration in the Winnipeg Land Titles Office and that the street names 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 dispense with the usual advertising in as much as the changes are of a legal nature with no physical changes being required.

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

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

Adopted by consent.

(See Minute No. 622 for attachment)

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

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

566 - 18. The Standing Policy Committee on Property and Development has been advised that on February 3, 1998, the City Centre Community Committee considered report dated July 21, 1997, from the Subdivision Officer, Property and Development Services Department, which recommended that the Community Committee recommend to the Standing (Policy) Committee that the following lands, as outlined on Schedule "A", be approved and that Council authorize the following:

1. (a) Stradbrook Avenue between Main Street and Harkness Avenue be changed to "River Avenue".
   (b) The newly constructed two-way section of street parallel to the CNR Main Line between Main Street and the point at which Stradbrook Avenue now curves to the north be named "Stradbrook Avenue".
   (c) Stradbrook Avenue between River Avenue and the east-west leg of Stradbrook Avenue be changed to "Harkness Avenue".

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

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

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

5. 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.

The City Centre Community Committee also considered report dated January 9, 1998, from the Acting Manager of Traffic Engineering, in this connection, and advising that Council has already approved changes to the Traffic By- law with respect to new Truck Routes in this area. Such changes assumed that the street names would be as outlined. The Project Advisory Committee for the Main/Norwood Bridges Contract concurs with the proposed changes.

On February 3, 1998, the City Centre Community Committee recommended as follows:

1. Recommendation 1.(b) "That the newly constructed two-way section of street parallel to the CNR Main Line between Main Street and the point at which Stradbrook Avenue now curves to the north be named Stradbrook Avenue" be concurred in.

2. Recommendations 1.(a) and (c) "That Stradbrook Avenue between Main Street and Harkness Avenue be changed to River Avenue; and Stradbrook Avenue between River Avenue and the east-west leg of Stradbrook Avenue be changed to Harkness Avenue" not be concurred in.

3. That the community be solicited for new names for Stradbrook Avenue between Main Street and Harkness Avenue and Stradbrook Avenue between River Avenue and the east-west leg of Stradbrook Avenue, which process has been commenced by Councillor Murray, Fort Rouge Ward.

On March 2, 1998, the Standing Policy Committee on Property and Development laid over the matter to its meeting on April 6, 1998, and requested the Ward Councillor to submit to the Standing Policy Committee a petition in support of the proposed street name change containing the signatures of affected residents of Harkness Avenue, including an acknowledgement of the associated costs.

On April 6, 1998, the Standing Policy Committee was advised that the Ward Councillor would not comply with its March 2, 1998 request.

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On April 6, 1998, the Standing Policy Committee did not concur in the recommendations of the City Centre Community Committee.

The Standing Policy Committee on Property and Development recommends:

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

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

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

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

and that in approving these changes Council authorize the following:

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

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

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

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

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

Moved by Councillor O'Shaughnessy,

That the clause be referred back to the Standing Policy Committee on Property and Development.

Carried.

(See Minute No. 623 for attachment)

Proposed Street Name Change - Stardust Avenue to Hartford Avenue - Beauty Avenue to Perth Avenue - Lord Selkirk-West Kildonan Community
File SC-3.14(34) (Vol. 1)

567 - 19. The Standing Policy Committee on Property and Development Services has been advised that the Surveys Branch of the Property and Development Services Department has advised that an error has been discovered, through the passage of By-law No. 557. This By-law was passed in 1963 by the Metropolitan Corporation of Greater Winnipeg and registered in the Winnipeg Land Titles Office under Instrument Number F90947, to change certain street names.

By-law No. 557 was based on Metro By-law No. 369 which changed the names of Hartford and Perth Avenues, west of McPhillips Street to Stardust and Beauty Avenues respectively. These streets are commonly known as Stardust Avenue and Beauty Avenue today.

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However, in error, By-law No. 557 also changed through it's passage the remainder of Hartford and Perth Avenues from Parr Street to the Red River also to Stardust and Beauty Avenues. Subsequently new plans of subdivisions east of McPhillips Street to the CPR Winnipeg Beach line have eliminated those portions of Hartford and Perth Avenues and the remainder of Hartford and Perth Avenues have continued to be identified as same, as outlined on Misc. Plan No. 10258 and referenced as Schedule "A" dated February 9, 1998.

However, now in order to legitimize the use of the existing street names of Hartford and Perth Avenues, as outlined on Misc. Plan No. 10258, the Property and Development Services Department recommends that those portions previously registered as Beauty and Stardust Avenues be made consistent with its common use to avoid any possible confusion.

On March 10, 1998, the Lord Selkirk-West Kildonan Community Committee considered and concurred in the recommendations contained in the report dated February 9, 1998, from the Subdivision Officer, Property and Development Services Department, that the currently registered names " Stardust Avenue" and "Beauty Avenue" from Parr Street to the Red River, be changed to Hartford Avenue and Perth Avenue, as outlined on Misc. Plan No. 10258 and referenced as Schedule "A" dated February 9, 1998.

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

I. That the currently registered names "Stardust Avenue" and "Beauty Avenue" from Parr Street to the Red River, be changed to Hartford Avenue and Perth Avenue, as outlined on Misc. Plan No. 10258 and referenced as Schedule "A" dated February 9, 1998, 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/Manager of Legal Services for the purpose of preparing a By-law.

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

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

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

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. 624 for attachment)

Proposed Street Name Change - Lexington Street, north of Mission Street to Paris Street - Riel Community
File SC-3.14(35) (Vol. 1)

568 - 20. The Standing Policy Committee on Property and Development has been advised that the Land Development Branch of the Property and Development Services Department has received a request from Palliser Furniture Ltd. to reserve the street name "Lexington" for an internal street system on their property in the East Kildonan-Transcona Community. The conceptual roadway which would run from the terminus of Brunswick Street thru to Gateway Road on the westerly limit of the Palliser site is outlined on Map 1.

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At the present time, there is a Lexington Street located within the Riel Community. Lexington Street, registered under Plan No. 1028, runs north from Mission Street into Paris Street, as outlined on Map 2. There are no dwellings or businesses which are addressed off Lexington Street, rather Lexington Street provides access to privately held lands that have frontage on Mission Street.

It should be noted that a partial closing of Paris Street (DAC 26/95) was given consideration for the purpose of consolidating back land property in 1995. However, the District Planner, on April 22, 1996, advised the Riel Community Committee that the application to close Auburn Street and a portion of Paris Street, was being withdrawn to permit further discussion with residents and to prepare a concept plan. To date, a concept plan has not been completed.

Palliser Furniture Ltd. advised that since the mid 1980's "Lexington" has been a prominent name in a number of their subsidiary companies and they would like to continue that relationship in the names of the internal street system in their expanded plant site. To accommodate the proposal submitted by Palliser Furniture Ltd., that being the use of the street name "Lexington" in their expansion plans, it will be necessary to rename Lexington Street north of Mission Street. It will involve the cooperation between both the Riel and East Kildonan-Transcona Community Committees to resolve the issue and provide a solution for the company that is a major employer within the City of Winnipeg. It is also necessary in light of Council's 1984 policy that street names shall not be duplicated in order to avoid problems in the delivery of emergency services.

The Land Development Branch suggests that since no addressing is presently taken from Lexington Street north of Mission Street, coupled with the fact that Paris Street exists, it is highly desirous that Lexington Street north of Mission Street be renamed Paris Street, as outlined on Map 3. A recommendation from the Riel Community Committee and the Standing Policy Committee on Property and Development to that effect, and concurrence by Council is required. Subsequent to Council approval, a report would proceed to the East Kildonan-Transcona Community Committee requesting that " Lexington" be placed on their Street Name Reserve List and made available to Palliser Furniture Ltd. for their private roadway.

On March 17, 1998, the Riel Community Committee considered and concurred in the recommendations contained in the report dated March 2, 1998, from the Subdivision Officer, Property and Development Services Department, that the currently utilized name "Lexington" Street, north of Mission Street, be changed to "Paris" Street.

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

I. That the currently utilized name "Lexington" Street, north of Mission Street, be changed to "Paris" Street, 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/Manager of Legal Services for the purpose of preparing a By-law.

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

   C. That the City Solicitor/Manager of Legal Services, upon passage and adoption of the By-law by Council, be authorized to publish the street name change in two daily newspapers having a general circulation through 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 the subject report for the purpose of changing all pertinent records and notifying all persons affected by the By- law.

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

Copies of Maps 1 and 2 are on file in the Office of the City Clerk.

Adopted by consent.

(See Minute No. 625 for attachment)

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

Council Membership on the Heritage Winnipeg Corporation File G-3 (Vol. 9)

569 - 21. The Standing Policy Committee on Property and Development has been advised that Section 2.01 of the By-laws of the Heritage Winnipeg Corporation provides that Council be entitled to nominate three representatives for membership in the Heritage Winnipeg Corporation, as follows: one member from the City Centre Community Committee, one member from the Standing Policy Committee on Property and Development, and one Council member at large.

On December 17, 1997, Council appointed Councillor Steek as the Council member from the Standing Policy Committee on Property and Development and Councillor Golden as the Council member at large.

On March 3, 1998, the City Centre Community Committee in its consideration of nominating a representative to the Heritage Winnipeg Corporation, referred the matter to the Standing Policy Committee on Property and Development with a recommendation that the Heritage Winnipeg Corporation be requested to reduce the number of Councillor representatives to one.

On April 6, 1998, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee, and added that the reduction in number of Councillor representatives on the Heritage Winnipeg Corporation become effective November 1998.

The Standing Policy Committee on Property and Development recommends:

I. That the Heritage Winnipeg Corporation be requested to reduce the number of Councillor representatives on the Heritage Winnipeg Corporation from three to one effective November 1998.

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

Adopted by consent.

Appointment of Representatives to the Historical Buildings Committee - Member and Alternate from the Manitoba Historical Society Files G-3.1 (Vol. 2) and GC-7 (Vol. 28)

570 - 22. The Standing Policy Committee on Property and Development has been advised of the resignation of Phil Haese, a representative of the Manitoba Historical Society, from the Historical Buildings Committee.

On March 3, 1998, the Manitoba Historical Society nominated Tim Worth, Curator of the Dalnavert Museum, to fill the vacancy left by Phil Haese as its Member to the Historical Buildings Committee, and Joyce Goodhand as its Alternate Member to the Historical Buildings Committee.

The Historical Buildings Committee recommended that the Standing Policy Committee on Property and Development give favourable consideration to these appointments.

The Standing Policy Committee on Property and Development recommends:

I. That Tim Worth be appointed as the Member from the Manitoba Historical Society to the Historical Buildings Committee.

II. That Joyce Goodhand be appointed as the Alternate Member from the Manitoba Historical Society to the Historical Buildings Committee.

Adopted by consent.

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

Proposed Management Agreement for a permanent Bandshell in Assiniboine Park - Assiniboine Park Bandshell Inc.
File PR-7.1 (Vol. 9)

571 - 23. The Standing Policy Committee on Property and Development has been advised that on November 19, 1997, Council approved in principle the proposal to develop a permanent Bandshell in Assiniboine Park, further to an administrative report dated September 25, 1977 (Appendix "B") and directed the Administration to meet with the proponents for the purposes of developing a Management Agreement, which would then be reported back to Council for final approval.

Following direction by Council on November 19, 1997, appropriate members of the City's Administration have held discussions and met with representatives of the "Assiniboine Park Bandshell Inc.", hereinafter referred to as the "Manager", for the purpose of preparation of the requisite Management Agreement between the City and the Corporation. In substance, the Management Agreement, as provided, details in terms and conditions, without deviation, the precepts of the concept outlined in the administrative report dated September 5, 1997.

A) The Assiniboine Park Bandshell Inc. agrees to, in Paragraphs,:

2.01 b) to operate and maintain the Bandshell and to operate the Facilities for a term of Fifty (50) years commencing on the 25th day of March, 1998, and being fully ended on the 25th day of March, 2048, provided that the Term shall be automatically renewed for an unlimited number of consecutive Five (5) year terms thereafter (on the same terms and conditions as set out in this Agreement) unless terminated by either party on Three (3) calendar month's notice to the other given before the end of the Fifty (50) year term or any Five (5) year renewal term, as the case may be unless or until otherwise determined as hereinafter provided (the Fifty (50) year original term and all (Five (5) year renewals thereof are called, collectively, the "Term").

4.01 a) to submit all plans and specifications for construction of the Bandshell and the Facilities to the City's Director of Public Works (herein called the "Director") for his approval prior to construction;

4.01 c) that construction work will not commence before and until funds in the amount of Four Hundred Thousand ($400,000.00) Dollars or such lesser or greater amount determined by the Manager and approved by the Director are in place and secured to meet the cost of such work and evidence thereof provided to the Director;

4.01 e) that all construction work permitted hereunder shall:

i) comply with and conform to The City of Winnipeg Building Code By-law and City of Winnipeg Construction Specifications;

4.01 g) that ownership of all phases of construction of the Bandshell and the Facilities shall vest indefeasibly in the City, provided that all personal property including equipment, lighting and sound apparatus shall remain the property of the Manager and/or the lawful owner thereof, as designated by the Manager;

4.01 h) to provide and be responsible for all security measures necessary to protect the Bandshell and the Facilities during construction and to provide such additional security as deemed necessary by the Director acting reasonably to protect and secure the Bandshell and the Facilities;

4.01 i) to carry out in an expeditious manner any repairs and restoration to any lands adjacent to the Bandshell and the Facilities which are or may be damaged as a result of the construction of the Bandshell and the Facilities or related landscaping or the operation of the Bandshell and the Facilities;

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

4.01 j) to operate the Bandshell and the Facilities on a non- profit basis for public enjoyment such that revenues received by the Manager from any performance in the Bandshell will be used exclusively to support and maintain the Bandshell and related projects (including performances to be held therein) and for no other use of purpose whatsoever;

4.01 m) that save as otherwise provided herein, the Manager shall have exclusive right to and responsibility for the operation of the Bandshell and the Facilities.

5.01 For greater certainty, this Agreement shall be conditional upon the Manager having entered into a project management or fixed price construction agreement for construction of the Bandshell and the Facilities, in a form reasonably satisfactory to the Director, prior to commencement of construction. In the event that a project management agreement is not executed by the Manager prior to the commencement of construction, then, this Agreement may be terminated at the sole option of the City ...

5.03 The Manager shall comply with all applicable environmental laws. The Manager shall consult with the City and shall, where required, have initial environmental audits or environmental assessments conducted in accordance with applicable governmental laws and regulations and in accordance with generally accepted environmental practices.

6.01 The Manager shall, at its sole cost and expense, during the Term of this Agreement, maintain the Bandshell in good and safe repair and in clean condition and in a manner satisfactory to the Director, including without limitation: ...

6.03 The Manager shall at all times maintain and operate the Bandshell and the Facilities in accordance with all laws, by-laws, directions, rules and regulations and shall obtain all necessary permits and licenses of any federal, provincial or municipal authority having jurisdiction. For greater certainty, the manager hereby acknowledges and agrees that it shall be the Manager's sole responsibility at its own cost to do all things necessary to ensure that the operation of the Bandshell and the Facilities complies with City of Winnipeg zoning by-laws.

6.04 The Manager shall be responsible for all advertising and promotion within or upon the Bandshell or the Facilities and surrounding lands, provided however, the Director shall have the right to demand removal at the sole cost of the Manager of any advertisement or promotional material within or upon the Bandshell or the Facilities or surrounding lands which is unacceptable to the City.

7.01 The Manager shall, at its own expense, during the Term of this Agreement, maintain or have maintained with insurers allowed by the laws of the Province of Manitoba to issue insurance policies in Manitoba and in form satisfactory to the City the following insurance policies:

7.06 The Manager shall indemnify and hold harmless the City from and against all claims, demands, damages, expenses, actions, suits and judgements made or recovered against the City whether for bodily injury (including death), personal injury or damage to the property of others by reason of the granting of this Agreement ...

7.07 The Manager shall hereby covenants and agrees to indemnify and save harmless the City from all liens or rights of lien arising from any work done on or materials supplied in connection with the construction or maintenance of the Bandshell or the construction of the Facilities.

8.01 Except as expressly provided herein, the Manager shall not make or permit to be made any improvements or renovations affecting the Bandshell or the Facilities, or any part thereof, or the landscaping adjacent thereto, without first obtaining the approval in writing of the Director prior to obtaining a building permit and the Director agrees not to withhold his approval unreasonably provided the Manager has fully complied with the terms and conditions contained in this Agreement.

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

9.01 a) The Manager shall forward, to such places as the Director directs, written reports as requested by the Director, providing a detailed statement, certified correct by the authorized signing officers for the Manager, of all expenditures and revenues relating to the construction of the Bandshell and the Facilities.

b) The Manager shall also furnish such other reports concerning the progress of the construction of the Bandshell and the Facilities and the attainment of the Manager's objectives as may be requested by the Director.

9.03 The City shall have access to and the right to audit the records of the Manager pertaining to all its revenue and expenditures from the operation of the Bandshell and the Facilities at any time during regular working hours and shall be provided with all documentation and explanations required.

9.05 The City Auditor shall have the right to inspect the documents, ledgers, minute books, journals, corporate records and books of the Manager on giving reasonable notice of the inspection to the Manager.

10.01 The Manager shall, during the term of this Agreement, establish and maintain an Endowment Fund in such amount as determined by the Manager in consultation with the Director for the purpose of generating income to support annual operations of the Bandshell and to provide a source of funds to protect against unforeseen contingencies or lower than expected revenues. The Endowment Fund may be established and maintained by the Manager in conjunction with any such similar fund established by the Pavilion Gallery Museum Inc., on such terms established by the Manager.

11.02 In the event that the Manager is unable to complete the construction of the Bandshell and the Facilities in accordance with Clauses 4.01 and 5.01 or ceases operation of the Bandshell and the Facilities, this Agreement shall immediately cease and the City shall take possession of the Bandshell and the Facilities.

13.01 The Manager shall pay promptly all public utilities including but not limited to telephone, gas, light, sewer and water supplied to meet the requirements of the Bandshell.

14.02 The Director and his agents shall have the right at all reasonable times to enter upon the site to inspect any construction at the Bandshell and the Facilities, and thereafter to inspect the Bandshell and the Facilities and/or any improvements to the Bandshell and the Facilities made by the Manager.

17.01 Subject to the terms of this Agreement, the Manager has the exclusive right to arrange for, stage and present live performances of music, theatre, dance and other artistic endeavours (including rehearsal thereof) and to make any other use and host such other functions as may be appropriate in the Bandshell and the Dedicated Area (provided that such other artistic endeavours and other uses and functions are first approved in writing by the Director, such approval not to be unreasonably withheld) and shall have exclusive uninterrupted use and possession of the Bandshell, the Dedicated Area and the Facilities in respect thereto.

17.02 The Manager shall retain all net revenue and proceeds of all performances and other uses of the Bandshell and the Facilities for its own use absolutely, provided that such revenues and proceeds are used and applied by the Manager for the maintenance, preservation and operation of the Bandshell and related projects, including the sponsorship or support of performances to be held in the Bandshell.

17.03 In conjunction with performances and other uses of the Bandshell and Dedicated Area, the Manager has the exclusive right to rope-off, enclose or otherwise establish a non-permanent barrier around the outer perimeter of the Dedicated Area and to erect tents or other temporary enclosures therein and, if it so desires, to set up seating and/or tables therein and to charge admission thereto.

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

17.04 The Manager shall be responsible for clean up and waste collection and snow removal in respect of its use of the Bandshell and Dedicated Area.

17.07 Notwithstanding the foregoing, the Manager shall, if requested by the Director, agree to schedule its operations and any related events so as to make available the use of the Bandshell and/or the Facilities for special events as shall be specified by the Director, including without limitation: the hosting of concerts, festivals, galas and holiday celebrations, so long as such use does not unreasonably interfere with operations and special events scheduled by the Manager and provided that the City pays or arranges for payment of all reasonable operating costs incurred by the Manager in respect of such special events.

18.01 The Manager shall not incur any expenses that may be, or may be intended to be, a charge against the City without the prior written authority of the Director.

19.01 Notwithstanding any term or condition set out in this Agreement, but subject to any exemption or remittance permitted at law and authorized by any governmental authority having jurisdiction, the Manager shall pay, when due, all taxes, including real property taxes, all charges for local improvements, assessments and other changes, rates, duties, liens, fees or levies, whether municipal, parliamentary or otherwise, which may be levied or imposes on all or part of the Bandshell or the operation of all or part of the Bandshell.

B. The City would agree to, in Paragraphs:

6.05 The City shall at its own cost and expenses maintain and provide or cause to be maintained and provided such level of policing and protection to the Bandshell as it provides or causes to be provided to the other buildings and facilities located within the Park.

8.05 The City shall provide the Manager with notice of any event scheduled to be held within the vicinity of the Bandshell.

8.06 Following the substantial completion of the Facilities the City shall at its sole cost and expense during the term of this Agreement maintain the Facilities in good and safe repair and in clean condition including repairs and replacement as needed to asphalt to the parking lot roadways of the Facilities.

17.06 The City will consult with the Manager and co-ordinate with the Manager performances, functions and all other uses of the stage area located to the north of the pergola forming part of the Assiniboine Park Pavilion complex, as shown on the Plan. Subject to the provisions of this Agreement permitting the Director and the City to inspect and have access to the Bandshell, the Manager shall have and enjoy during the Term, the exclusive use, possession and license to occupy the Bandshell without interference or obstruction and may make and implement such action and procedures as it deems appropriate to prohibit or restrict access to the Bandshell to any persons not authorized by the Manager.

FINANCIAL ANALYSIS

The financial impact upon the City of the proposed development and as contained in the Management Agreement is negligible, as evidenced by the attached Impact Analysis. The aforementioned Paragraph 6.05, implicating the City's responsibility for policing and protection of the Bandshell, will not cause any additional costs to the service currently provided for Assiniboine Park. Similarly, the aforementioned paragraph 8.06 will not cause any increased cost for the City's operation of Assiniboine Park for the foreseeable future. Although "Facility" is defined in the Agreement to include sewer and water service, as well as a short asphalt driveway and loading area, all these components will be developed initially by Assiniboine Park Bandshell Inc., at no cost to the City. As such, any " replacement" costs that might be incurred by the City in this respect will not likely occur for several decades. Maintenance of the "dedicated area" fronting the Bandshell is consistent with the current cost and practises for turf maintenance in the Park.

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

The corporate name proposed to be used by the "Manager" referenced in the Management Agreement requires the formal consent of the City Council of Winnipeg.

The Standing Policy Committee on Property and Development recommends:

I. That the Management Agreement for a permanent Bandshell in Assiniboine Park, referenced as Appendix "A", be approved for subsequent processing and finalization by the Proper Officers of the City.

II. That approval be provided for the corporate name, that being " Assiniboine Park Bandshell Inc.", responsible for the development and operation of the Bandshell in accordance with the terms and conditions of the subject Management Agreement.

III. 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 Appendices "A" and "B" are on file in the Office of the City Clerk.

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

Carried.

Councillor Golden asked to be recorded as having voted against the clause, in accordance with Rule 50.7 of the Procedure By-law.

Council here proceeded to consider the order of business - "Report of the Standing Policy Committee on Property and Development dated April 7, 1998".

REPORT OF THE STANDING POLICY COMMITTEE

ON PROPERTY AND DEVELOPMENT

DATED APRIL 7, 1998

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

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

Carried.

Proposed Leave and License Agreement for Access/Parking Purposes - Public lane north of Portage Avenue, west of Estella Street - Assiniboia Community
File DAC 24/97

572 - 1. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department has negotiated a Leave and License Agreement in favour of Tower Ltd. at 1661 Portage Avenue.

The Real Estate Division of the Property and Development Services Department has received offers from the adjoining owners wishing to purchase the portions of Estella Street and the public lane, as outlined and identified as "Proposed Closing No. 1" on Misc. Plan No. 10162. The Department is also considering selling the balance of the lands, "Proposed Closing No. 2".

On February 25, 1998, Council adopted Clause 2 of the Report of the Standing Policy Committee on Property and Development dated February 2, 1998, and in doing so, instructed the City Solicitor/Manager of Legal Services to prepare the necessary By-law for submission to Council to effect both of the subject closings.

Recently, Bachman Property Management Inc. acting as Agents for Towers Ltd . (Barry Shenkarow, et al) of 1661 Portage Avenue has advised that its building suffers some vacancy loss due to not being able to provide sufficient parking for its tenants. In this regard, it has secured a lease arrangement with the Canadian National Railway Company to utilize the lands adjoining its property for additional parking purposes.

During the Variance Order process, which was required in order to permit the establishment of an accessory parking area, the Board of Adjustment at its meeting held on December 15, 1997, approved DAV 834/97C subject to, among other things, the following:

> That the applicant provide documentation that a lease or purchase agreement has been entered into regarding the City of Winnipeg property (lane), prior to the issuance of a development permit.

As that portion of the subject lane, as outlined on Misc. Plan No. 10162/3, is still legally opened but not physically improved, and that it may be several months before title to the lane issues into the name of the City, the approval of a Leave and License Agreement would permit Towers Ltd. to proceed with its development plans on the CNR property in an expeditious fashion.

Briefly, the proposed terms and conditions of Leave and License Agreement which Towers Ltd. are agreeable to are as follows:

Term: Annual continuing, to commence upon Council approval.

Rental: $1,000.00 per annum, plus as additional rental an amount equivalent to realty taxes. Rental subject to annual review, but in no event will it be less than that paid in the previous year.

Insurance: Public liability insurance of at least $1,000,000.00 naming the City of Winnipeg as additional insured and containing a cross-liability clause.

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

Cancellation: 90 days notice by either party.

The Property and Development Services Department is of the opinion that the foregoing proposed terms and conditions are fair and reasonable. Furthermore, once title of the subject lane is in the name of the City, the potential sale to the Canadian National Railway Company should not be hampered as Towers Ltd. already has acquired a partial interest in the adjoining Railway lands.

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

The Standing Policy Committee on Property and Development recommends:

I. That a Leave and License Agreement in favour of Towers Ltd. to utilize that portion of the Public Lane, outlined and identified as " Leave and License" on Misc. Plan No. 10162/3, for access/parking purposes in accordance with the terms and conditions outlined be approved; the Agreement to provide for such other terms and conditions as are deemed necessary by the Director of Property and Development Services and the City Solicitor/Manager of Legal Services to achieve the intent of Council and to protect the City's interests.

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 Misc. Plan No. 10162/3 is on file in the Office of the City Clerk.

Adopted by consent.

Proposed Property Acquisition - west side of Charleswood Road and south of Wilkes Avenue - Addition to Charleswood Place Baseball Facility - Assiniboia Community
File FI-2(31) (Vol. 3)

573 - 2. The Standing Policy Committee on Property and Development has been advised that the Winnipeg Sports Facility Committee awarded grants to the Winnipeg South Baseball Association in the amount of $ 448,000.00 to construct two additional baseball diamonds in South Winnipeg.

Early in 1997, the Winnipeg South Baseball Association identified the existing Charleswood Place Baseball Facility as the preferred location to construct the additional baseball diamonds. The Association cited that further development of the Charleswood Place Baseball Facility would address the increasing demand for baseball facilities in the community and could be used in conjunction with the Pan Am Games as a secondary site for games and practices. The Association then requested that the former Parks and Recreation Department take the necessary action to acquire the "subject property" for the purpose of expanding the Charleswood Place Baseball Facility.

At its meeting on March 20, 1997, the former Board of Commissioners authorized the Director of Land and Development Services to initiate negotiations with the owners of the "subject property" for the purpose of expanding the Charleswood Place Baseball Facility.

Negotiations were initiated with the owners of the "subject property" in April of 1997. During initial negotiations, the owners indicated that they were only interested in selling their entire 20 acres of land, as outlined on Misc. Plan No. 9992/1. Negotiations were re-activated in October 1997. At that time the owners presented an offer to sell 20 acres of land to the City at a price of $205,000.00. This price was based on the owner's estimated net value of their ability to subdivide and sell the land as six residential lots. Negotiations continued and the owners have now agreed to sell the "subject property" at a negotiated price of $70,000. 00. The owners also indicate that this is the minimum price they will accept for the property. The market value of the 10 acre site as estimated by an internal appraisal is approximately $50,000.00.

The City's Parks Administration advised that if the subject property is not available for 1998 construction additional costs to the project resulting from delayed construction and from extra costs incurred to pursue alternate locations will approximate the price differential as has been determined in these negotiations.

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

Furthermore, the Administration advises that: "The development of the Charleswood Place Baseball Facility would address the increasing demand for baseball facilities in the community, and this site could be used in conjunction with the Pan Am Games as a secondary site for games and practices. The Parks Administration advised that it is supportive of concluding this property matter and paying the proposed acquisition cost of approximately $20,000.00 beyond the estimated fair market value of the subject property."

The City usually does not consider the expropriation of land to be used for parks and recreation purposes except under extreme and exceptional circumstances. If the City was to consider expropriating the "subject property" the associated expropriation costs could approach the difference between the estimated market value and the owners' bottom line price. Hence the acquisition would not be appreciably less expensive and would not be completed in a timely fashion. Also, as stated above, the construction costs would increase over time. Consequently both the Property and Development Services and the Public Works Departments support the acquisition of the subject property at the price of $70,000.00.

Prior to closing this transaction, approval for an Expansion of an Existing Non-Conforming Use must be obtained, as the property's current zoning, ("A" Agricultural) does not allow for athletic field development. The Chief Zoning Officer and Planner have both advised that the City's intended use is likely an acceptable use for the "subject property", considering it is adjacent to the Charleswood Place Baseball Facility. The application has been made with the owners' consent and approval of the application is to be expected on or about May 1, 1998.

The Winnipeg South Baseball Association and the former Parks and Recreation Department have agreed to share the costs of acquiring the " subject property" on a 50/50 basis. The City's share of funding has been made available from the Land for General Unspecified Purposes Account, under Budget Bureau Certificate No. GU 97-05. A copy of the financial impact sheet is on file in the Office of the City Clerk.

Inasmuch as this proposed acquisition does not form part of a Council- approved program, Council approval is required to finalize the terms and conditions of the proposed acquisition.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed acquisition of the "subject property", as outlined on Misc. Plan No. 9992/1, be approved at the negotiated price of $70, 000.00, in accordance with terms and condition outlined on Schedule " A", and subject to approval of an Application for the Expansion of an Existing Non-Conforming Use for the "subject property".

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

Copy of Misc. Plan No. 9992/1 is on file in the Office of the City Clerk.

Adopted by consent.

Proposed Lease - Rogers Broadcasting Limited - 4051 Pembina Highway - Riel Community File FI-2.2(35) (Vol. 3)

574 - 3. The Standing Policy Committee on Property and Development has been advised that the Property and Development Services Department has negotiated a Lease Agreement in favour of Rogers Broadcasting Limited respecting the City-owned property outlined on Misc. Plan No. Riel 8214/8.

On September 21, 1994, Council approved the acquisition of the subject property from the Canadian Broadcasting Corporation to provide an alternative entrance to La Barriere Park from Pembina Highway and accommodate future regional recreation. At that time, Rogers Broadcasting Limited expressed an interest in acquiring a portion of the lands for transmitting purposes. In this regard, Council instructed the former Parks and Recreation Department and the then Land Surveys and Real Estate Department to investigate the feasibility of selling and or leasing a portion of the subject site.

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

The Property and Development Services Department, in conjunction with the former Parks and Recreation Department, has recently concluded negotiations with Rogers Broadcasting Limited. Briefly, the proposed terms and conditions for lease of Parcel 1 and Parcel 2 on the said Misc. Plan, provide the following:

Term: Lease of Parcel 1 and Parcel 2 for a term of 15 years commencing on a mutually acceptable date, along with an option to renew for one further 15 year term.

Purpose: Parcel 1 - The development of a broadcast/transmitter site which will include the erection of a transmitter building and transmission tower, all at the cost and expense of the Lessee.

Parcel 2 - To be maintained as pasture, cultivated or hay lands by the Lessee or a third party if subleased.

Rental: $10,200.00 per annum, plus as additional rental an amount equivalent to realty taxes. Rental subject to review every five years by the City but in no event will it be less than that paid in the previous five year period or increased by more than the Consumer Price Index.

Insurance: Public liability insurance of at least $5,000,000.00 naming the City of Winnipeg as additional insured and containing a cross-liability clause.

Cancellation: Parcel 1 - Default only in the initial term. Furthermore, in the option term, if exercised, the lease will be subject to cancellation upon two years notice by either party.

Parcel 2 - 180 days notice made by the City and without any reduction in rental; but with an access agreement to be negotiated for the continued use of a service road to Parcel 1, to be constructed and paid for by the lessee.

Special Conditions: Lessee responsible for the demolition and removal of the existing improvements contained on the property within 60 days of commencement of the lease. Lessee responsible for obtaining Canadian National Railway Company consent to use the existing railroad crossing as access to the site.

Upon expiration or termination of the lease, the lessee shall restore the lands to the satisfaction of the Director of the Property and Development Services Department.

The Public Works Department is supportive of the foregoing lease proposal. In addition, it has advised that some consideration should be given to depositing a portion of the lease revenue into a reserve account for the eventual development of the subject property and pathway along the west bank of the La Salle River. The Property and Development Services Department advises, however, that it administers a variety of rentals/leases of City-owned properties with the year-end surpluses being deposited to the City's General Revenue Account.

The Property and Development Services Department is of the opinion that the proposed terms and conditions of lease are fair and reasonable. The rental represents a 10% return on the market value of the property and provides for the collection of realty taxes. Furthermore, the rent rate will be subject to review every five years during the term. The lease, as negotiated, provides for no reduction in rental in the event that the City exercises its right to cancel the lease of Parcel 2 upon 180 days notice. This is because Parcel 2 has been included in the lease arrangement so as to relieve the City of the maintenance responsibility, while protecting the ability to utilize the land for public purposes upon 180 days notice. A copy of the financial impact sheet is on file in the Office of the City Clerk.

On March 17, 1998, the Riel Community Committee considered the matter and advised the Property and Development Services Department that it had no objection to the lease of the subject property.

Pursuant to Section 156(2) of The City of Winnipeg Act, the lease of City- owned property designated or acquired for parks purposes requires the approval of at least two-thirds majority of Council.

The Standing Policy Committee on Property and Development recommends:

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

I. That a lease with Rogers Broadcasting Limited to utilize the City- owned property, outlined as "Parcel 1" and "Parcel 2" on Misc. Plan No. Riel 8214/8, as a broadcast/transmission site be approved in accordance with the terms and conditions outlined; the Agreement to provide for such other terms and conditions as are deemed necessary by the Director of Property and Development Services and by the City Solicitor/Manager of Legal Services to achieve the intent of Council and to protect the City's interests.

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

Copy of Misc. Plan No. Riel 8214/8 is on file in the Office of the City Clerk.

Adopted by consent.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor Silva,
Seconded by Councillor Steek,

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

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

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

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

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

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

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 Lazarenko,
Seconded by Councillor Vandal,

576 - WHEREAS the City of Winnipeg owns approximately 63. 5 miles of riverbank out of a total of 144.7 miles of riverbank within City boundaries;

AND WHEREAS preliminary estimates indicate that of City-owned riverbank approximately 248,400 lineal feet require stabilization at an estimated cost of $83.5M;

AND WHEREAS the City allocated $150,000 in the 1998 Capital Budget for a detailed geotechnical study to inventory, characterize, assess and monitor the stability of City-owned riverbanks;

AND WHEREAS over the last few months dramatic riverbank failure has occurred at locations such as St. Vital Park and Elmwood Cemetery;

THEREFORE BE IT RESOLVED that the City direct its Administration to pursue the geotechnical study as a priority, with the expectation that some City- owned riverbanks may require stabilization on an urgent basis in order to avoid further loss and damage.

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

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

The motion to suspend the rule was put and declared carried.

The motion proposed by Councillors Lazarenko and Vandal was put and declared carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

577 - 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. 7205/98, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change for land located at 215 Stafford Street in the City Centre Community. File DAZ 200/97

By-law No. 7206/98, 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 north side of Kingsbury Avenue east of Sinclair Street in the Lord Selkirk - West Kildonan Community. File DASZ 17/97

By-law No. 7207/98, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on the northwest corner of Wilkes Avenue and Waverley Street in the Assiniboia Community. File DAZ 204/98

By-law No. 7208/98, a by-law of The City of Winnipeg to open Waverley Street between Hurst Way and CNR Right of Way Plan 358. File DAO 16/97

By-law No. 7209/98, a by-law of The City of Winnipeg to close parts of Wardlaw, Gertrude and McMillan Avenues, east of Donald Street South, Jessie and Corydon Avenue, east of Osborne Street and public lanes between the aforesaid avenues. Files DAC 10/93 and DAC 5/97

By-law No. 7210/98, a by-law of The City of Winnipeg to open a public lane north of Larche Avenue East, between Day and Wabasha Streets. File DAO 1/97

By-law No. 7211/98, a by-law of The City of Winnipeg for the enactment of zoning text changes to By-law No. 6400/94 being The City of Winnipeg Unified Zoning By-law. File DAZ 202/98

By-law No. 7212/98, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change for lands adjacent to Omand's Creek in the City Centre and Assiniboia Communities. File DAZ 203/98

By-law No. 7213/98, a by-law of The City of Winnipeg to close a part and to open a part of the north side of Springfield Road, west of Spring Valley Road. Files DAC 13/95 and DAO 17/97

By-law No. 7215/98, 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 Ragsdill Road west of DeVries Avenue in the East Kildonan - Transcona Community . File DASZ 24/94

Standing Policy Committee on Property and Development - Consideration of By-laws (continued)

By-law No. 7216/98, 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 west of the Red River between Pioneer Avenue and Lombard Avenue in the City Centre Community. File DAZ 226/97 B

By-law No. 7221/98, a by-law of The City of Winnipeg to amend Zoning By-law No. 6400/94 for the enactment of a zoning change at 257/259 Arlington Street in the City Centre Community. File DAZ 205/98

Councillor Thomas asked to be recorded as having voted against all three readings of By-law No. 7216/98, in accordance with Rule 50.7 of the Procedure By-law.

Council here reverted to the order of business - "Report of the Standing Policy Committee on Public Works, dated February 10, 1998".