Appendix "A" referred to in Clause 5 of the Report of the Committee on Planning and Community Services dated January 10, 1997

APPENDIX "A"

APPLICATIONS CONSIDERED BY THE BOARD OF ADJUSTMENT - JANUARY 1 - DECEMBER 31, 1995									
Mtg. No.	Meeting Date	Applications Considered			COMMUNITY COMMITTEE AREA				
		No.	DCU	DAV	Assiniboia	City Centre	East Kildonan-Transcona	Lord Selkirk - West Kildonan	Riel
1	January 4	15	9	6	2	1	4		8
2	January 11	12	7	5	1	3		8	
3	January 18	8	4	4	4		1		3
4	January 25	6	3	3		4		1	1
5	February 1	10	4	6		2	2		6
6	February 8	10	7	3		5		4	1
7	February 15	8	5	3	3		2	1	2
8	February 22	7	3	4	1	3	3		
9	March 1	6	4	2	1		2	1	2
10	March 8	18	10	8	3	8	1	6	
11	March 15	21	12	9	5		5		11
12	March 22	17	8	9	3	10		4	
13	March 29	6	4	2	2		1		3
14	April 5	12	8	4	2	7		3	
15	April 12	16	12	4	8	2	4	1	1
16	April 19	19	12	7	1	11		7	
17	April 26	12	9	3	3	1	2		6

APPLICATIONS CONSIDERED BY THE BOARD OF ADJUSTMENT - JANUARY 1 - DECEMBER 31, 1995									
Mtg. No.	Meeting Date	Applications Considered			COMMUNITY COMMITTEE AREA				
		No.	DCU	DAV	Assiniboia	City Centre	East Kildonan-Transcona	Lord Selkirk - West Kildonan	Riel
18	May 3	4	2	2		1		3	
19	May 10	12	6	6	5	1	2		4
20	May 17	20	9	11	1	13	3	3	
21	May 24	14	7	7	4		8		2
22	May 31	14	9	5	4	7		3	
23	June 7	17	10	7	6		6	1	4
24	June 14	9	6	3	3	4	1	1	
25	June 20	20	13	7	4	2	8	3	3
26	June 28	20	10	10	6	4	1	4	5
27	July 5	15	8	7	1	4		5	5
28	July 12	16	7	9	5	2	1	4	4
29	July 19	16	6	10		9		1	6
30	July 26	23	9	14	7	5	1	6	4
31	August 16	20	13	7	1	4	3	3	9
32	August 23	12	6	6	3	3	3	3	
33	August 30	12	6	6	3	2	3	3	1
34	September 6	16	11	5	8	3	1		4
35	September 13	8	4	4	3	1	1	3	

Appendix "A" referred to in Clause 5 of the Report of the Committee on Planning and Community Services dated January 10, 1997 (continued)

APPLICATIONS CONSIDERED BY THE BOARD OF ADJUSTMENT - JANUARY 1 - DECEMBER 31, 1995

Mtg. No.	Meeting Date	Applications Considered			COMMUNITY COMMITTEE AREA				
		No.	DCU	DAV	Assiniboia	City Centre	East Kildonan-Transcona	Lord Selkirk - West Kildonan	Riel
36	September 20	9	6	3	2	1	4	1	1
37	September 27	6	3	3	2		1	2	1
38	October 5	17	9	8	2	4	2	4	5
39	October 11	27	15	12	3	11	2	1	10
40	October 30	2	1	1					2
41	November 1	36	15	21	3	14	9	5	5
42	November 8	13	9	4	2	7		3	1
43	November 15	19	13	6	8	2	2	3	4
44	November 22	6	1	5	1	3		1	1
45	November 29	5	2	3	1	2	1		1
46	December 6	17	5	12	3	6	1	4	3
47	December 13	11	6	5	1	5	2	1	2
48	December 20	10	5	5	5	2	1	2	
Totals		649	353	296	136	179	94	109	131

Appendix "B" referred to in Clause 5 of the Report of the Committee on Planning and Community Services dated January 10, 1997

1997 SCHEDULE OF MEETINGS	
BOARD OF ADJUSTMENT	**APPEAL HEARINGS**
January 8	January 16
January 22	January 30
February 5	February 13
February 19	February 27
March 5	March 13
March 19	March 27
April 2	April 10
April 16	April 24
May 14	May 8
May 28	May 22
June 11	June 5
June 25	June 19
July 9	July 3
July 23	July 17
August 6	***PROROGUED***
August 20	***PROROGUED***
September 10	September 4
September 24	September 18
October 8	October 16
October 22	October 30
November 5	November 13
November 19	November 27
December 3	December 11
December 17	——

REVISED: DECEMBER 3, 1996

Appendix "C" referred to in Clause 5 of the Report of the Committee on Planning and Community Services dated January 10, 1997

BOARD OF ADJUSTMENT
MEETING REMUNERATION - 1995

MEETING DATE	W. J. Lyons	W. D. Evans	R. Krahn	A. Ratuski	L. Smordin	F. Zeggil
January 4	$150.00	$100.00		$100.00		
January 11	$150.00	$100.00	$100.00	$100.00		
January 18	$150.00	$100.00	$100.00	$100.00		
January 25	$150.00	$100.00	$100.00	$120.00		
February 1	$150.00	$100.00	$100.00	$120.00		
February 8	$150.00	$100.00	$100.00	$120.00		
February 15	$150.00		$100.00	$120.00	$100.00	
February 22	$150.00	$100.00		$120.00	$100.00	
March 1	$150.00	$100.00	$100.00	$120.00		
March 8	$150.00	**$100.00			$0.00	$100.00
March 15	$150.00	$100.00			$100.00	$100.00
March 22	$150.00	$100.00			$100.00	$100.00
March 29	$150.00	$100.00	$100.00	$120.00		
April 5	$150.00		$100.00	$120.00	$100.00	
April 12	$150.00		$100.00		$100.00	$100.00
April 19	$150.00	$100.00			$100.00	$100.00
April 26	$150.00	$100.00		$120.00		$100.00
May 3	$150.00	$100.00	$100.00	$120.00		
May 10	$150.00		$100.00	$120.00	$100.00	
May 17	$150.00		$100.00		$100.00	$100.00
May 24	$150.00	$100.00			$100.00	$100.00
May 31	$150.00	$100.00		$120.00		$100.00
June 7	$150.00	$100.00	$100.00	$120.00		
June 14	$150.00	$100.00	$100.00	$120.00		
June 20	$150.00		$100.00	$120.00		$100.00
June 28	$150.00	$100.00		$120.00		$100.00
July 5	$150.00			$0.00	$100.00	**$100.00
July 12	$150.00	$100.00	$100.00	$120.00		
July 19	$150.00		$0.00	**$120.00	$100.00	
July 26	$150.00		$100.00		$100.00	$100.00
August 16	$187.50	$125.00			$100.00	$125.00
August 23	$150.00	$100.00		$120.00		$100.00
August 30	$150.00	$100.00	$100.00	$120.00		
September 6	$150.00		$100.00	$120.00	$100.00	
September 13	$150.00		**$100.00		$100.00	———
September 20	$150.00	$100.00		$120.00	$100.00	
September 27	$150.00	$100.00	$100.00	$120.00		
October 5	$150.00			$120.00	$100.00	
October 11	$150.00	$100.00		$120.00	$100.00	
October 30	$187.50	$125.00		$150.00	$100.00	

November 1	$187.50	$100.00		$150.00	$125.00	
November 8	$150.00	$100.00		$120.00	$100.00	
November 15	$150.00	$100.00		$120.00	$100.00	
November 22	$150.00	$100.00		$120.00	$100.00	
November 29	$150.00	$100.00		$120.00	$100.00	
December 6	$150.00	$100.00		$120.00	$100.00	
December 13	$150.00	$100.00	$100.00	$120.00		
December 20	$150.00	$100.00	$100.00	$120.00		
TOTAL REMUNERATION **$21,852.50**	$7,312.50	$3,450.00	$2,500.00	$4,440.00	$2,625.00	$1,525.00
TOTAL STANDBY REMUNERATION **$ 4,880.00**	$0.00	$1,100.00	$700.00	$1,780.00	$800.00	$500.00

__ Denotes payment of standby members
** Denotes those occasions when standby member attended as a panel member

NOTE: *PAYMENT OF $150.00 AND $120.00 PER MEETING IS FOR SERVICES PROVIDED BY THE CHAIRPERSON AND VICE-CHAIRPERSON, RESPECTIVELY, AS PRESCRIBED IN THE REMUNERATION SCHEDULE OUTLINED IN THE BOARD OF ADJUSTMENT BY-LAW.*

Appendix “D” referred to in Clause 5 of the Report of the Committee on Planning and Community Services dated January 10, 1997

SCHEDULE "A"

TO BY-LAW NO. 5894/92

THE BOARD OF ADJUSTMENT BY-LAW

RULES OF PRACTICE AND PROCEDURE

1. In the absence of the chairperson, a panel of the board conducting a public hearing shall be chaired by the vice-chairperson, and in the absence of both, by a panel member chosen by majority vote of the panel.

2. If a panel member is absent, another member of the board may be named to sit by the chairperson, or in his absence, by the vice-chairperson, or in the absence of both, by the secretary of the board.

3. At the commencement of each public hearing, the chairperson shall require the secretary to record the names and addresses of all persons intending to make representations, including the applicant, in order that they may receive notice of the decision and of their right to appeal.

4. At a public hearing the board shall receive representations from any person, on his or her own behalf or on behalf of another person.

C.W. Act section 638(1)

5. Unless otherwise directed by the board, the applicant, or any person speaking on his/her behalf, shall make representations first, followed by those in support and those opposed. The applicant, or his/her designate, shall then have the opportunity to speak in rebuttal to comments made, but shall not introduce new evidence.

6. The board may restrict the nature and length of representations at a public hearing.

C.W. Act section 640(2)

7. The board may question persons making representations at a public hearing, and shall allow the applicant the opportunity to speak in rebuttal, as provided for in Rule 5, but the board shall not permit cross-examination.

Revised: October 29, 1996

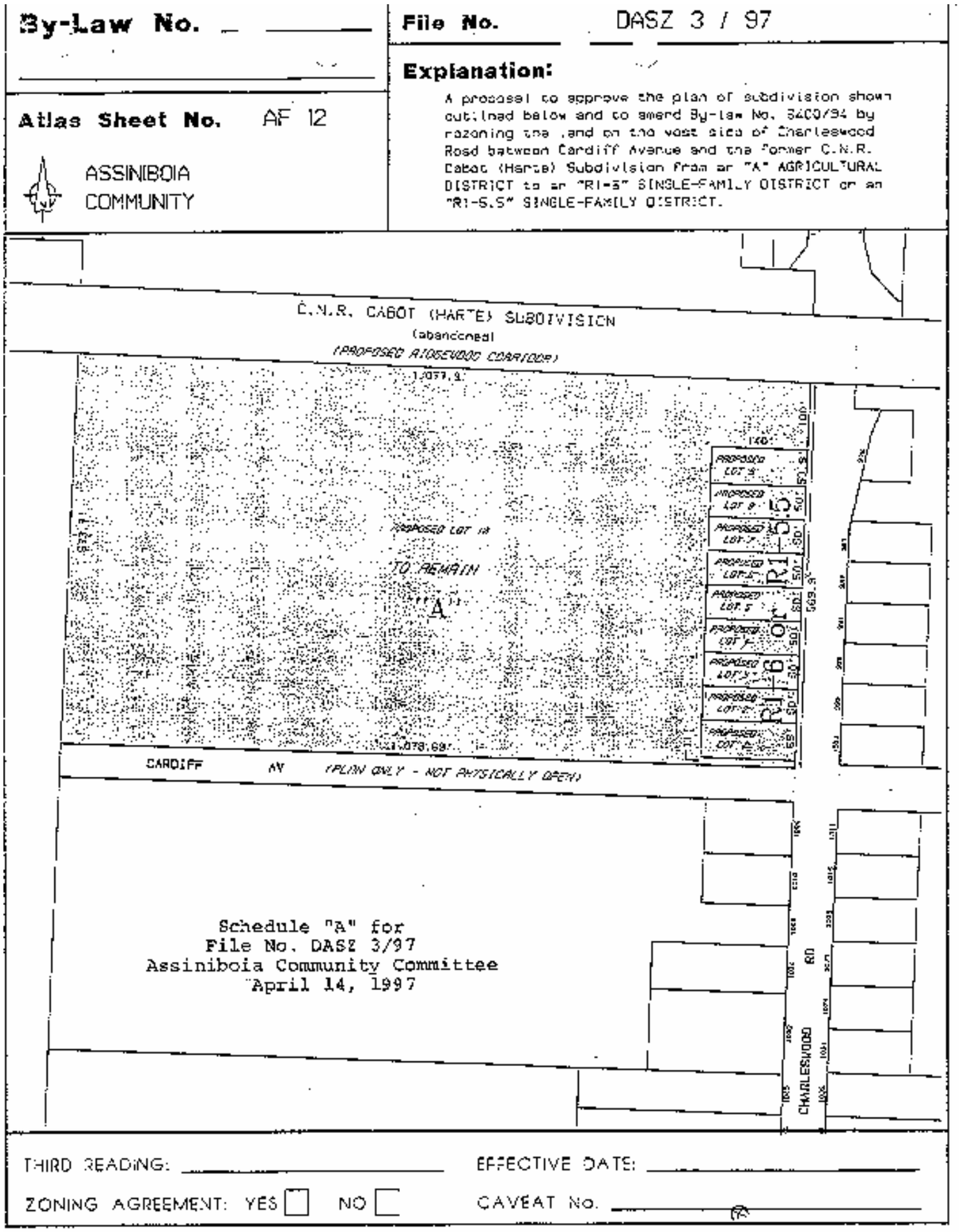
Appendix "E" referred to in Clause 5 of the Report of the Committee on Planning and Community Services dated January 10, 1997

THE BOARD OF ADJUSTMENT BY-LAW NO. 5894/92

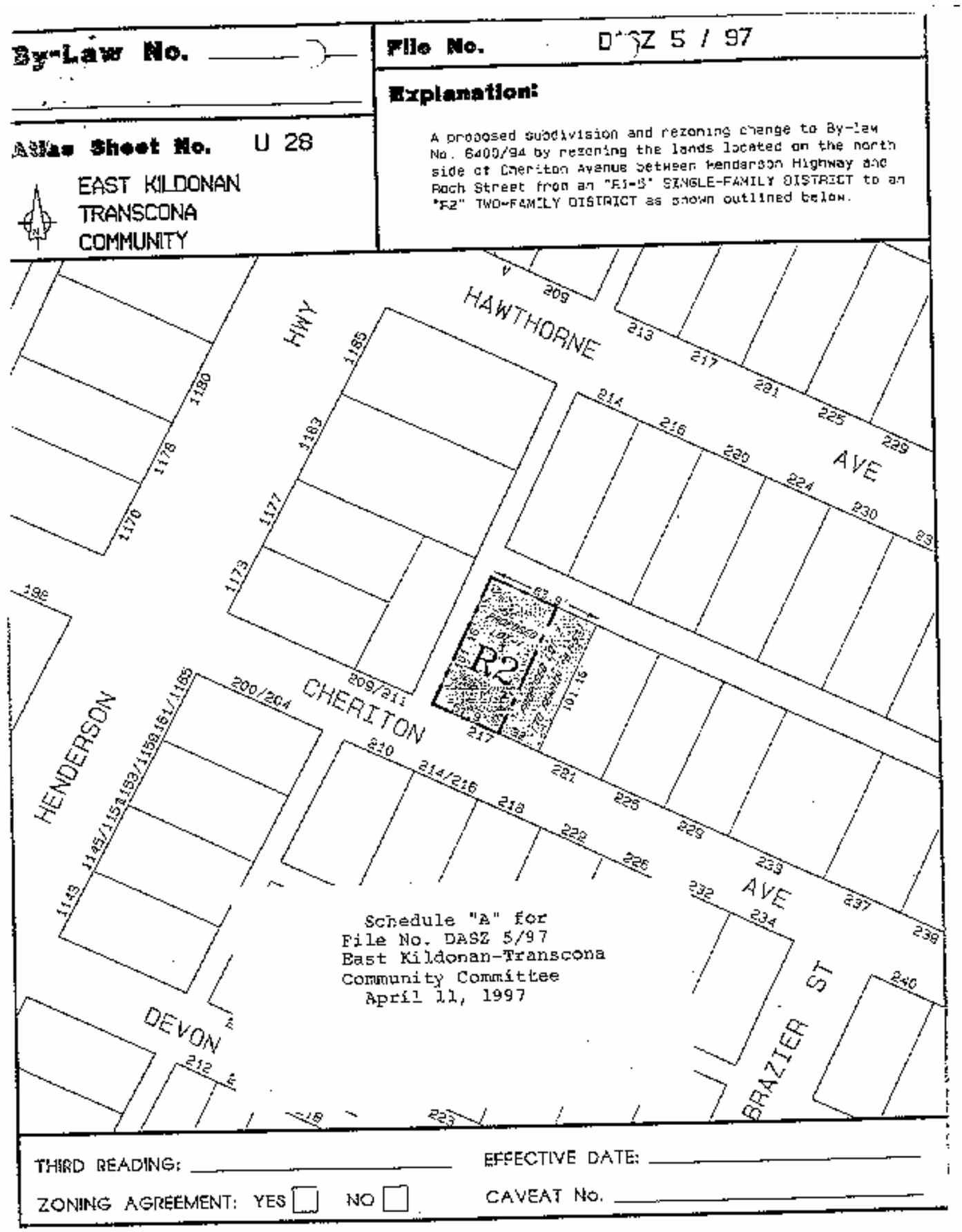
PROPOSED CHANGES	RATIONALE
That Council amend Section 2 to allow for the appointment of five (5) members instead of six (6), namely:- *"2. The board shall be made up of **five (5) members** appointed by resolution of Council including a chairperson and vice-chairperson and no member may hold a provincial or municipal office by appointment or election while a member of the board."*	To provide for consistency, predictability and understandability by the members of the rules of practice and procedure
That Council amend Section 3 to limit the number of terms a member may serve on the board, namely:- *"3. (4) That upon adoption of the amending by-law by Council, no member of the said board shall serve more than three (3) consecutive terms, or nine (9) years, whichever is the lesser."*	To encourage participation and to avail of the abilities and contributions of as many persons residing in Winnipeg, with a community interest, who wish to make a contribution and who are willing to devote time to review applications and attend meetings
That Council further amend Section 3 to provide for performance evaluation of board members, namely:- *"3. (5) That the chairperson provide a performance evaluation on each of the board members to Selection Committee prior to its consideration of applications for re-appointment of citizen members to the board, and recommendation to Council at its first meeting in January in the year following the November Organization Meeting, in accordance with the selection process.*	To provide for a mechanism for performance evaluation on each of the board members to Selection Committee prior to its consideration of applications for appointment and/or re-appointment of citizen members to the board
That Council amend Section 11 to make the recording of public hearings obligatory, namely:- *"11. The secretary of the board with such support staff as is provided by the city clerk shall maintain the records of the board, carry out correspondence, attend, record **by audio tape**, and process hearings and decisions of the board, prepare and issue orders setting out decisions of the board and perform generally all administrative functions required in the operation of the board."*	To ensure that all meetings of the Board of Adjustment are taped or recorded in a manner that provides a record of comments and decisions made to be transcribed or for any person appearing at the meeting to listen to the audio recording
That Council amend Section 12 to allow for a change in venue and meeting frequency, namely:- *"12. The board shall conduct public hearings on applications **on an alternate format from Appeal Committee (Committee on Planning and Community Services)** as determined by the **secretary of the board, in consultation with the zoning administrator and the chairperson of the board,** or at such other times as may be determined from time to time."*	To better manage the workload and maximize both staff and financial resources

That Council repeal the existing Schedule "A" and amend Section 16 to reference "Schedule A" as revised, namely:- *"16. The rules of practice and procedure of the board are as set out in Schedule 'A' to this by-law,* ***as revised****, and may if required be supplemented by additional rules not contrary to Schedule 'A' made by a majority of the board."*	To refine the rules of practice and procedure of the board
That Council amend the By-law to formally extend the City's commitment to proceedings of the board, as is provided to community committee, namely:- *"Use of official languages in proceedings of the Board of Adjustment* *16. (1) Every person is entitled to use either official language in a proceeding of or before the Board of Adjustment with respect to a matter and, where notice is given, the proceeding with respect to that matter shall be conducted or simultaneously interpreted in both official languages."* *C.W. Act section 87.3(3)* *"Notice* *16. (2) A notice referred to in subsection (1) shall be in writing, shall specify the matter and the proceeding and shall be given to the secretary of the board not less than two (2) working days before the proceeding."* *C.W. Act section 87.3(2)*	To affirm the City of Winnipeg's general obligation to provide municipal services in both official languages, as provided in Part 3 of the City of Winnipeg Act

727 - Schedule "A" referred to in Clause 2 of the Report of the Committee on Planning and Community Services dated May 20, 1997



728 - Schedule "A" referred to in Clause 3 of the Report of the Committee on Planning and Community Services dated May 20, 1997



729 - Schedule "A" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated May 20, 1997

By-Law No. _____

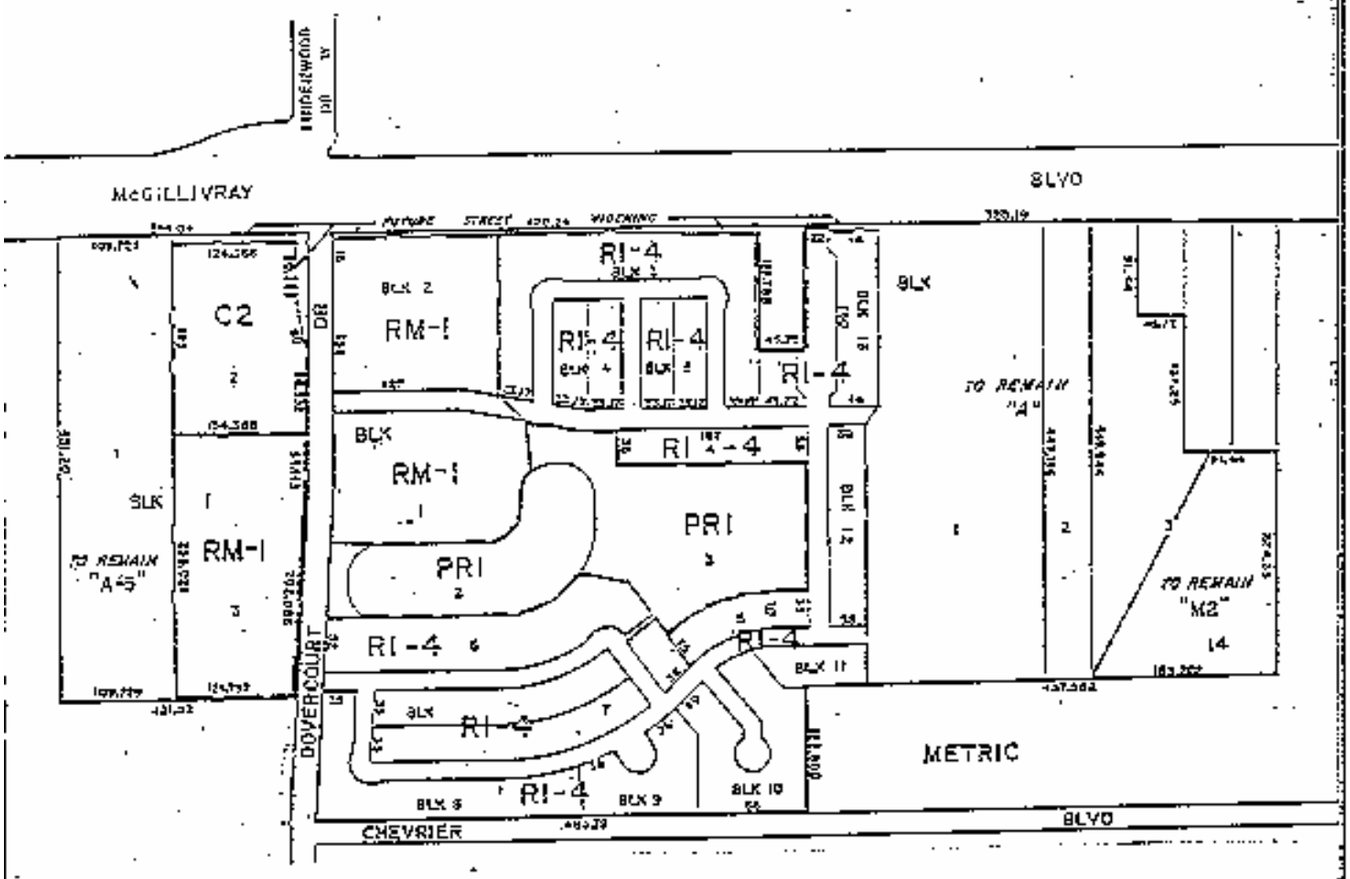
File No. DASZ 6 / 97

Atlas Sheet No. AH 20-21 & AJ 21

ASSINIBOIA COMMUNITY

Explanation:

Application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to Zoning By-law No. 6400/94 by rezoning the lands therein from an "A" AGRICULTURAL DISTRICT and an "A-5" AGRICULTURAL DISTRICT to a "PR1" PARKS AND RECREATION DISTRICT, an "R1-4" SINGLE-FAMILY DISTRICT, "RM-1" MULTIPLE-FAMILY DISTRICT, "RM-3" MULTIPLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT.



Schedule "A" for
File No. DASZ 6/97
Assiniboia Community Committee
April 15, 1997

THIRD READING: _____ EFFECTIVE DATE: _____

ZONING AGREEMENT: YES ☐ NO ☐ CAVEAT No. _____

Schedule "B" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated May 20, 1997

RE: Proposed subdivision and rezoning of land located on the south side of McGillivray Boulevard, north of Chevrier Boulevard, east and west of Dovercourt Drive - DASZ 6/97

An application has been submitted by D.N. Sharpe and Associates Ltd. to subdivide and rezoning land located on the south side of McGillivray Boulevard, north of Chevrier Boulevard, east and west of Dovercourt Drive.

Following are the Administrative Coordinating Group's recommendations of approval:

Firstly, that the Applicant amend its plan as follows:

1. The Developer shall dedicate, at no cost to the City, property required to:

   a) provide widenings to the McGillivray Boulevard right-of-way.
   b) provide right-of-way corner-cuts in the southeast and southwest quadrants of the intersections of McGillivray Boulevard with Dovercourt Drive and the easterly north/south street entering the subdivision, and
   c) provide a widening to the Dovercourt Drive right-of-way,

   all as illustrated on the attached Figures 1 and 2.

2. Right-of-way being established for the cul-de-sac turnaround shall have dimensions as illustrated on Streets and Transportation drawing ST-90 (revised).

3. a) Where any frontage road is proposed, an additional 9.0m of right-of-way shall be provided to accommodate the frontage road pavement.

   b) The terminus of the right-of-way for each frontage road shall be designed to the satisfaction of the Commissioner of Works and Operations.

4. Rights-of-way containing land drainage sewers greater than 525mm in diameter shall be increased 2.0m. in width beyond the standard, to permit the sewer to be installed in the boulevard area.

5. Delete the proposed 3 m wide walkway located south of the "Public Reserve" parcel.

Secondly, that the Applicant be notified of the following restrictions:

1. Private approaches serving single family residential development will not be permitted from McGillivray Boulevard or Dovercourt Drive.

2. Private approaches serving single family residential development will not be permitted from the easterly north/south street entering the subdivision except where frontage roads are provided.

3. Private approaches will not be permitted from McGillivray Boulevard to serve the proposed "C2" commercial site, all access to this site is to be off of Dovercourt Drive.

4. Lots fronting onto "tee" intersections that cannot be serviced with approaches conforming to the Private Approaches By-Law due to their proximity to an intersection have approaches pre-approved by the Community Committee, up to a width of 5.5m.

5. Residential lots backing onto or flanking McGillivray Boulevard are to have minimum rear or side yards as identified on the attached Figures 1 and 2 stipulated in the Zoning Agreement covering these lots. This requirement is related to traffic noise attenuation.

Thirdly, that the Developer enter into a Development Agreement containing the following: (for convenience the Developer's obligations have been grouped in 4 parts, i.e. Part I - surface improvements; Part II - underground improvements; Part III - park improvements; Part IV - Miscellaneous.

Schedule “B” referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated May 20, 1997 (continued)

PART I - Surface Improvements

1. The Developer shall be responsible for all costs associated with providing vehicular access to the proposed “C2" site, including, but not necessarily limited to private approaches, median openings, through lanes, and auxiliary lanes, all as determined by and to the satisfaction of the Commissioner of Works and Operations.

2. The Developer shall construct, within the rear or side yards of all residential lots backing or flanking onto McGillivray Boulevard, Dovercourt Drive and Chevrier Boulevard within the subdivision, a uniform sound attenuation fence 2.0m in height, to the satisfaction of the Commissioner of Works and Operations. The Developer is to permit the City to file a caveat against the title of each lot backing or flanking onto McGillivray Boulevard, Dovercourt Drive and Chevrier Boulevard requiring the owner to maintain and/or repair or replace the sound attenuation fence as originally constructed, to the satisfaction of the Commissioner of Works and Operations.

3. The Developer shall provide two means of vehicular access to each street within the proposed subdivision at all times, to the satisfaction of the Commissioner of Works and Operations. This may require the construction of temporary roadways and the provision of rights-of-way or easements therefor.

4. The Developer shall, at no expense to the City, construct a paved vehicle turnaround and install barricading at the terminus of each temporarily dead-ended street and provide any right-of-way or easements necessary to accommodate same all as determined by and to the satisfaction of the Commissioner of Works and Operations.

5. The Developer shall install signs at the entrances to the subdivision upon which is displayed a plan of the subdivision showing thereon the locations of all the proposed sidewalks, community mailboxes and sound attenuation fences to be installed by the Developer.

6. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works which are to be constructed by the Developer to serve the proposed subdivision, as determined by and to the satisfaction of the Commissioner of Works and Operations.

7. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed subdivision and will pay the full cost to convert any existing overhead services within the proposed subdivision to underground.

8. The Developer shall, at no expense to the City, cause ornamental street lighting to be installed in all streets within the proposed subdivision.

9. The Developer shall, at no expense to the City, cause to be installed advance street name signs on McGillivray Boulevard east and west of Dovercourt Drive and east and west of the easterly north/south street entering the subdivision, as determined by the Commissioner of Works and Operations.

10. The Developer shall, at no expense to the City, cause to be installed standard reflectorized permanent street name signs at each new intersection within or adjacent to the proposed subdivision, as determined by the Commissioner of Works and Operations.

11. The Developer shall, at no expense to the City, pave all cul-de-sac islands with interlocking paving stones to the satisfaction of the Commissioner of Works and Operations.

Schedule "B" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated May 20, 1997 (continued)

12. The Developer shall ensure that construction traffic shall use the following access routes:

    a) McGillivray Boulevard and Dovercourt Drive, and

    b) Scurfield Boulevard and Dovercourt Drive.

    Chevrier Boulevard shall not be used as an access route for construction traffic. If it is used, the Developer shall be responsible to restore the roadway to a dust free granular surface. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scaping and sweeping of streets until house building construction, including landscaping, is complete, all as determined by and to the satisfaction of the Commissioner of Works and Operations.

13. The Developer shall be responsible to control and to initiate clean-up of the litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The cleanup of litter and refuse shall be done on a regular basis as determined by the Commissioner of Works and Operations. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Commissioner of Works and Operations.

14. The Developer shall pay, on demand, 50% of the costs associated with the installation of traffic control signals at the intersection of McGillivray Boulevard and Lindenwood Drive West/Dovercourt Drive, as determined by the Commissioner of Works and Operations.

    (This requirement is intended as a recovery to the developer on the north side of McGillivray Boulevard, who is obliged for all costs associated with said traffic control signals under Development Agreement AG 33/86).

15. The Developer shall pay to the City in cash the estimated cost of installing the following improvements in McGillivray Boulevard along the full length of the proposed subdivision abutting McGillivray Boulevard, all as determined by and to the satisfaction of the Commissioner of Works and Operations:

    i) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement;
    ii) landscaping in the south boulevard;
    iii) its share of the cost of street lighting;
    iv) its share of the required land drainage works;
    v) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk.

16. The Developer shall pay its share of the costs of works previously installed by others at and in the vicinity of the intersection of McGillivray Boulevard and Lindenwood Drive West/Dovercourt Drive, as determined by the Commissioner of Works and Operations. (This requirement is intended as a recovery to the developer on the north side of McGillivray Boulevard, who was obligated for certain works at the above-mentioned intersection under Development Agreement AG 33/86).

17. The Developer shall pay the full cost of installing traffic control signals including but not necessarily limited to pedestrian and vehicular activation and interconnection to adjacent traffic control signals at the intersection of McGillivray Boulevard and the easterly north/south street entering the subdivision as and when determined by the Commissioner of Works and Operations.

18. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk on both sides of Dovercourt Drive from McGillivray Boulevard to Scurfield Boulevard, on both sides of the easterly north/south street entering the subdivision between McGillivray Boulevard and the most northerly east/west street, except where frontage roads are provided and on the north side of the most northerly east/west street as determined by and to the satisfaction of the Commissioner of Works and Operations. The sidewalks are to be installed in conjunction with, or immediately following the construction of the concrete street pavements in these streets.

Schedule "B" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated May 20, 1997 (continued)

19. The Developer shall construct, at no expense to the City, at and in the vicinity of the intersection of McGillivray Boulevard and Lindenwood Drive West/Dovercourt Drive an eastbound right-turn storage lane, a westbound left-turn storage lane, transitions, channelization and all related works including, but not necessarily limited to land drainage works, street lighting and landscaping as generally illustrated on the attached Figure 1, all as determined by and to the satisfaction of the Commissioner of Works and Operations.

20. The Developer shall, at no expense to the City, construct portland cement concrete pavements to a width of 8.0m and 10.0m and a thickness of 200mm in Dovercourt Drive from McGillivray Boulevard to its existing terminus north of Scurfield Boulevard, to a width of 10.0m and a thickness of 200mm in the easterly north/south street entering the subdivision from McGillivray Boulevard to the first intersection south thereof, to a width of 8.5m and a thickness of 175mm in the northerly east/west street and to widths of 7.5m and thickness of 150mm in all other streets within the proposed subdivision all to the satisfaction of the Commissioner of Works and Operations.

21. The Developer shall, at no expense to the City, construct portland cement concrete pavements to a width of 6.0m and a thickness of 150mm within the proposed frontage roads along the easterly north/south street entering the subdivision to the satisfaction of the Commissioner of Works and Operations.

22. The easterly north/south street entering the subdivision should not be physically connected to McGillivray Boulevard until McGillivray Boulevard has been dualled, at which time the Developer shall pay, to the City in cash, the cost of constructing in portland cement concrete pavement the following works:

    i) westbound left-turn storage lane;
    ii) median opening;
    iii) eastbound right-turn storage lane;
    iv) right-turn channelization islands;
    v) all related works.

    all as determined by the Commissioner of Works and Operations.

    If the easterly north/south street entering the subdivision is connected to McGillivray Boulevard prior to the dualling of McGillivray Boulevard, the Developer shall, at no expense to the City, construct at and in the vicinity of the intersection, through lanes, auxiliary lanes, channelization, medians, transitions and all related works including, but not necessarily limited to land drainage works, street lighting, and boulevard landscaping, all as determined by and to the satisfaction of the Commissioner of Works and Operations.

23. The Developer shall, at no expense to the City, construct the following services in Chevrier Boulevard from the existing terminus approximately 300m west of Waverley Street to Dovercourt Drive:

    i) a 10.0m in width by 200mm in thickness portland cement concrete pavement;
    ii) land drainage sewers;
    iii) boulevard landscaping;
    iv) street lighting;
    v) all related works;

    all as determined by and to the satisfaction of the Commissioner of Works and Operations.

At the Developer's written request, the City shall advertise as Local Improvements the aforesaid services to be installed by the Developer which will front and directly benefit privately owned lands. In the event a local improvement by-law(s) is not enacted, the City shall endeavour to recover the benefitting private property owners share of the Developer's costs through future development agreements.

Schedule "B" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated May 20, 1997 (continued)

24. The Developer shall, at no expense to the City, install sod and plant trees in the boulevards of all road allowances within the Planned Area, including Dovercourt Drive; in accordance with plans and specifications approved, prior to installation, by the Director of Parks and Recreation. The Developer shall, at no expense to the City, maintain the boulevard improvements for a period of one year in accordance with specifications of the Director of Parks and Recreation.

PART II - Underground Services

1. a) The Developer shall at no expense to the City, install wastewater sewers, watermains and land drainage sewers to serve the proposed subdivision and with sufficient capacity and depth to enable extension to serve adjacent land to the east bounded by McGillivray Boulevard, Waverley Street and Chevrier Boulevard as determined by and to the satisfaction of the Commissioner of Works and Operations. The City shall reimburse the Developer for oversized services as determined by the Commissioner of Works and Operations as the City collects through subsequent Development Agreements with the benefiting private property owner and/or through capital funding subject to the approval of City Council.

   b) The Developer shall, at no expense to the City, provide a report from a consulting municipal engineer documenting any oversizing required to land drainage sewers within the subdivision, and associated oversizing costs for certification by the Commissioner of Works and Operations, such that land drainage sewers can be extended to service the lands east of the proposed subdivision bounded by McGillivray Boulevard, Waverley Street and Chevrier Boulevard.

   c) The Developer shall restrict connection to the wastewater interceptor sewer in Dovercourt Drive to two locations as determined by and to the satisfaction of the Commissioner of Works and Operations. Connection of individual building services shall not be permitted.

2. The Developer shall, at no expense to the City, install water and waste water sewer lot line connections to serve each lot within the proposed subdivision. All lot line connections shall be warranted for one year from the date of water turn-on for domestic use.

3. a) The Developer shall construct all swales including sodding, catch basins and leads on private property, in locations where rear lot drainage has to be provided, prior to the issuance of Building Permits.

   b) The Developer shall, at no expense to the City, provide all easements with respect to the installation, maintenance and replacements of swales, catch basins and leads for lot drainage upon registration of approved subdivision mylars in the Land Titles Office.

   c) The Developer shall ensure that the drainage design and lot grading for the subdivision accommodates the drainage of adjacent properties and matches existing elevations including ditch grading and landscaping in McGillivray Boulevard and Chevrier Boulevard as required by the Commissioner of Works and Operations.

4. a) The Developer shall ensure that all watermain installations are scheduled to provide double feeds to all streets in the subdivision during construction as determined by and to the satisfaction of the Commissioner of Works & Operations.

   b) Water turn-on to allow occupancy of any dwelling within the proposed subdivision shall not be permitted until the concrete pavement has been constructed in the street upon which such dwelling fronts.

Schedule "B" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated May 20, 1997 (continued)

5. a) The Developer shall construct and bridge-finance the cost of constructing a stormwater retention pond, with minimum surface area at the normal water surface of 2.02 hectares (5 acres), and all related works, including but not limited to inlet and outlet sewers, interconnecting sewers and outlet weir control structure, to serve the proposed subdivision and adjacent lands as determined by and to the satisfaction of the Commissioner of Works and Operations.

The Developer shall sell to the City at the price of $20,000.00 per acre or as may be determined by the City's Committee on Finance from time to time, the land required for impoundment purposes.

b) The Developer shall pay land drainage trunk capacity charges to be updated in the year of construction to reflect actual construction costs as determined by the Commissioner of Works and Operations. The price of the land being purchased by the City for impoundment purposes shall be credited against the Developer's trunk charges.

The City shall reimburse the Developer for the cost of land drainage trunk facilities constructed by the Developer in excess of the Developer's share of the cost thereof as determined by the Commissioner of Works and Operations subject to the approval of capital funding therefor and/or as the City collects through subsequent development agreements and/or Local Improvement levies. The Developer shall call for public construction tenders for construction of land drainage trunk facilities.

c) The Developer shall provide at no cost to the City an appropriate legal survey complete with legal monuments at all lot corners abutting the pond and a plan identifying horizontal and vertical extents of said monuments, which work is to be performed by a Manitoba Land Surveyor, demonstrating that the retention pond normal water level is properly off-set from the rear yard legal property limits of all private lots abutting the pond, to the satisfaction of the said Commissioner as a condition of issuance of a Final Acceptance Certificate.

The Developer shall, at no cost to the City, stake and grade the corners of the rear yards of the lots immediately abutting the retention pond to facilitate inspection for construction completion and as a condition for issuance of a Construction Completion Certificate.

d) The Developer shall demonstrate to the satisfaction of the Commissioner of Works and Operations, that the placement of the impoundment revetment over the public portion of the impoundment perimeter in relation to the normal water level is in accordance with applicable City standards and approved construction drawings, as a condition of final acceptance.

e) The Developer shall provide construction easements on all private lots adjacent to the impoundment for such periods of time as deemed necessary by the Commissioner of Works and Operations.

f) The Developer shall, at no expense to the City, grade, level and sod the public land component of the stormwater impoundment area in accordance with construction plans and specifications approved, prior to installation, by the Commissioner of Works and Operations and the Director of Parks and Recreation. The Developer shall, at no expense to the City, maintain the improvements for a period of one year in accordance with specifications of the Director of Parks and Recreation.

The Developer shall, at no expense to the City, install all services in Dovercourt Drive located adjacent to the public land component of the stormwater impoundment area.

g) The Developer shall, at no expense to the City, install chain link fencing, or alternate fencing approved by the Commissioner of Works and Operations, to demarcate the public land component of the impoundment from the private land component as determined by and to the satisfaction of the said Commissioner.

Schedule "B" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated May 20, 1997 (continued)

h) The Developer shall, prior to the release of the approved subdivision mylars, provide to the City a letter of credit in the amount of 15% of the construction cost of the impoundment and associated appurtenances as determined by the Commissioner of Works and Operations and in a form satisfactory to the City Solicitor, which letter of credit shall be released to the Developer upon execution of the Final Acceptance Certificate.

i) The Developer shall place sod over the private portion of the impoundment perimeter from the normal water level up the slope 12.80 metres to the satisfaction of the Commissioner of Works and Operations.

j) The Developer shall construct a maintenance equipment ramp to the satisfaction of the Commissioner of Works and Operations.

k) Notwithstanding any other provision of this agreement regarding a warranty period, the Developer shall be responsible for the maintenance of the impoundment area including appurtenances and landscaping during construction and until occupancy of 75% of the buildings on lots immediately abutting the impoundment, all as determined by and to the satisfaction of the Commissioner of Works and Operations.

l) The Developer shall as part of the construction of the stormwater impoundment facility cause a soil sterilant to be applied in accordance with the laws governing such applications to areas below the normal impoundment water level elevation. If for reasons beyond the Developer's control, as determined by the Commissioner of Works and Operations, the application of the soil sterilant cannot be accomplished, the Developer shall reimburse the City for the full cost of controlling, harvesting and removing any weed growth from the impoundment for a period of two (2) years from the date of Construction Completion as determined by the said Commissioner.

PART III - Parkland Dedication, Landscaping and Services Requirements

Gross Area:		127.98 acres
Less:	Dovercourt Road Allowance	3.13 acres
	South Side of McGillivray Boulevard - Road Widening Reserve	0.59 acres
	Stormwater Impoundment Area - Lake Component	5.00 acres
	Stormwater Impoundment Area - Public Land Component *	1.25 acres
Net Area:		118.01 acres

* The Public Land Component requirement of 1.25 acres shall be provided in two locations; 0.50 acres on the east side of Dovercourt Drive and 0.75 acres as part of the "Public Reserve" parcel.

Accordingly, the Parkland Dedication, Landscaping and Services requirements for the DASZ 6/97 Net Area are as follows:

DEDICATION: 9.44 acres

LANDSCAPING: 9.44 acres (100% of costs)

SERVICES: 288 m (944')

Schedule "B" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated May 20, 1997 (continued)

DEDICATION

The Developer shall, at no expense to the City, dedicate 6.25 acres of parkland as part of the "Public Reserve" parcel. As a result, the parkland dedication deficiency is 3.19 acres (i.e. 9.44 acres - 6.25 acres = 3.19 acres).

In order to account for the deficiency, the Developer shall, at no expense to the City, install **additional** landscaping improvements in the "Public Reserve" parcel in accordance with construction plans and specifications approved, prior to installation, by the Director of Parks and Recreation. The Developer's obligation for the costs of installing the additional landscaping improvements shall be limited to the cash value of 3.19 acres of land; as determined and approved by the Committee on Finance and Administration.

LANDSCAPING

The Developer shall, at no expense to the City, grade, level and sod the 6.25 acres of parkland dedication and install irrigation/land drainage systems; all in accordance with construction plans and specifications approved, prior to installation, by the Director of Parks and Recreation. As a result, the parkland landscaping deficiency is 100% of the costs of landscaping 3.19 acres (i.e. 9.44 acres - 6.25 acres = 3.19 acres).

In order to account for the deficiency, the Developer shall, at no expense to the City, install **additional** landscaping improvements in the "Public Reserve" parcel in accordance with construction plans and specifications approved, prior to installation, by the Director of Parks and Recreation. The Developer's obligation for the costs of installing the additional landscaping improvements shall be limited to the cash value of landscaping 3.19 acres; as determined and approved by the Committee on Finance and Administration.

SERVICES

The Developer shall, at no expense to the City, install all services in the road allowances located adjacent to the "Public Reserve" parcel (approximately 215 m of frontage). As a result, the parkland services deficiency is 73 m (i.e. 288 m - 215 m = 73 m).

In order to account for the deficiency, the Developer shall, at no expense to the City, install **additional** landscaping improvements in the "Public Reserve" parcel in accordance with construction plans and specifications approved, prior to installation, by the Director of Parks and Recreation. The Developer's obligation for the costs of installing the additional landscaping improvements shall be limited to the cash value of 73 m of services; as determined and approved by the Committee on Finance and Administration.

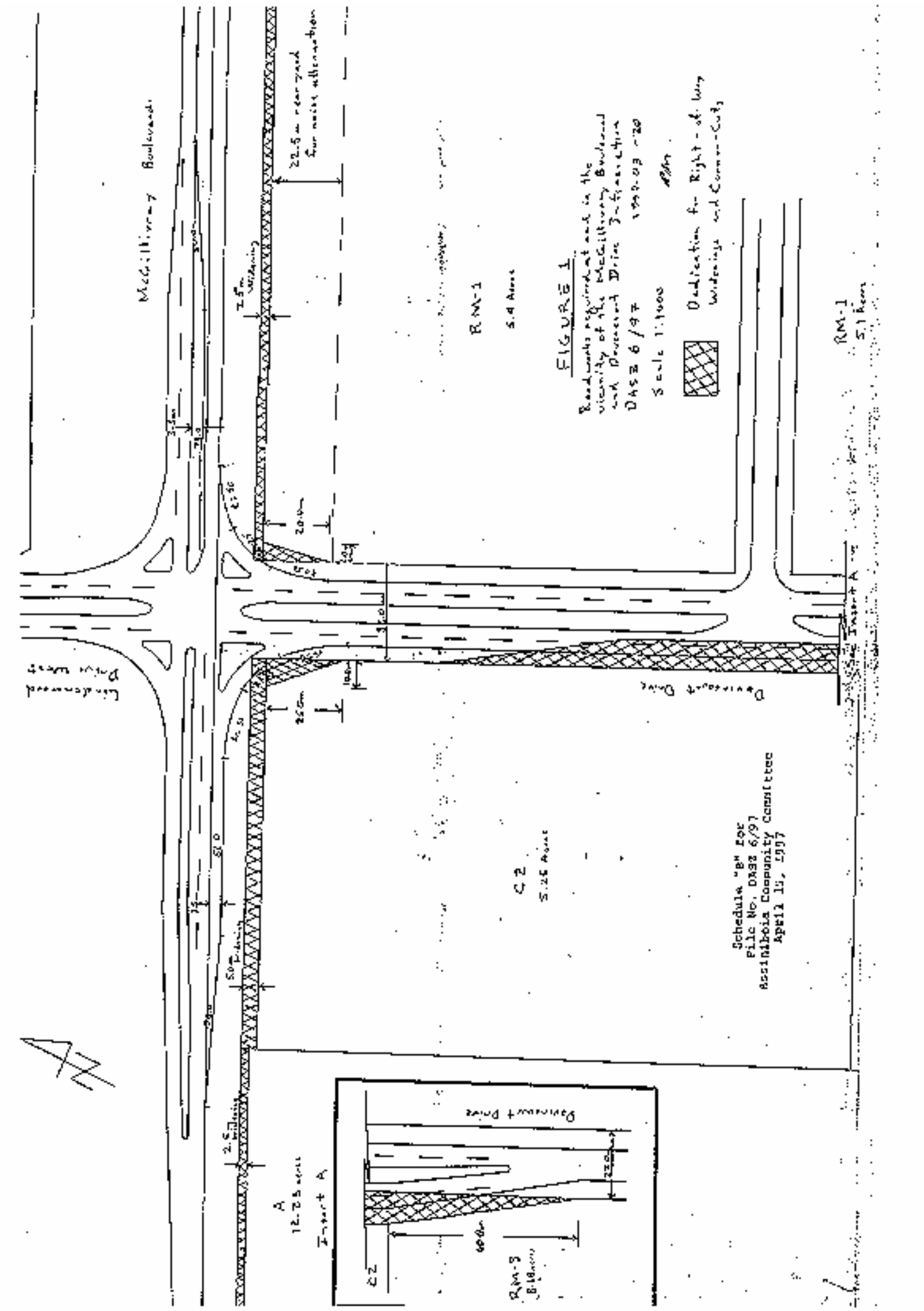
The Developer shall, at no expense to the City, maintain all park improvements for a period of one year in accordance with specifications of the Director of Parks and Recreation.

PART IV - Miscellaneous

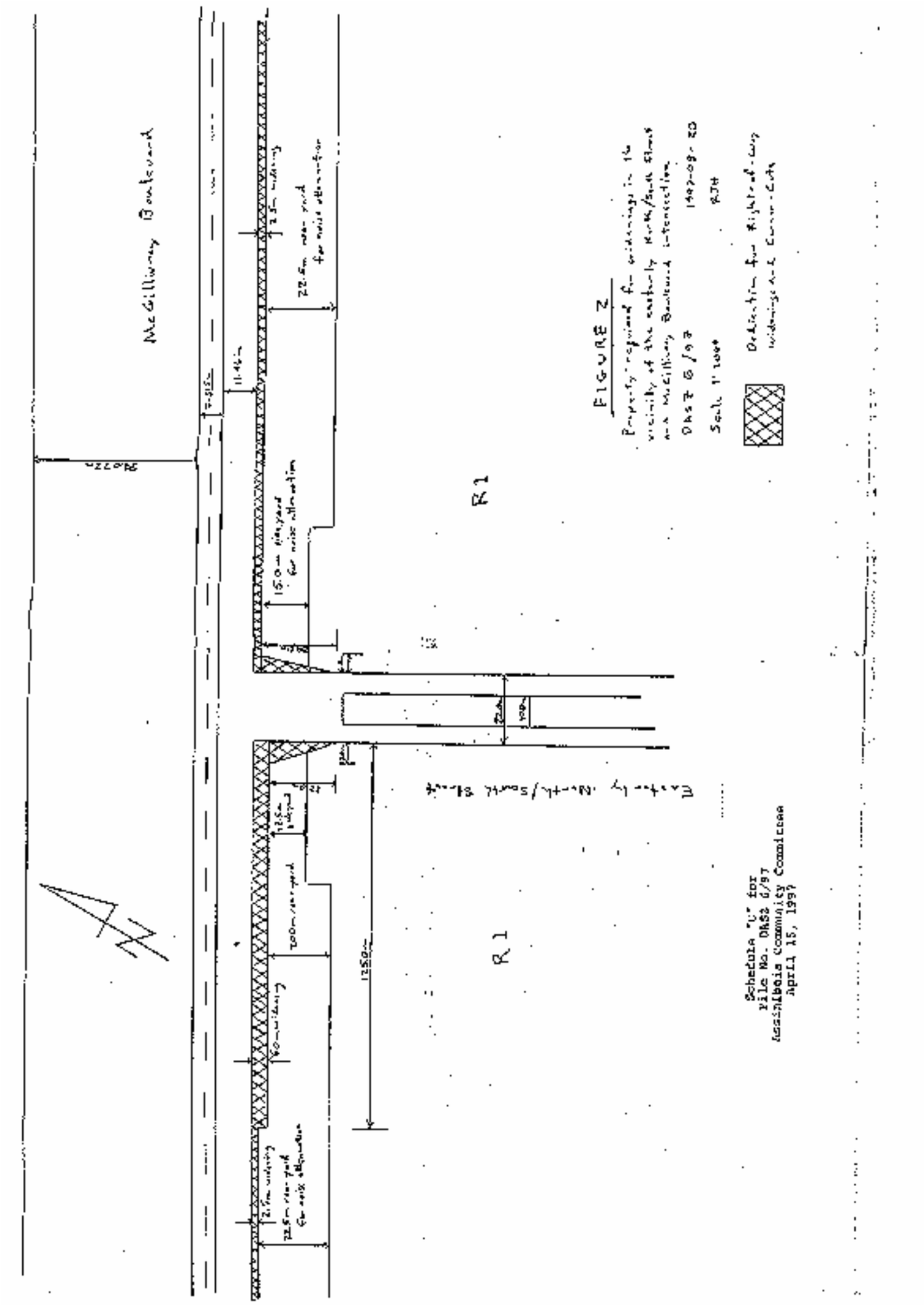
1. The Developer shall pay to the City, $1,200.00 per gross subdivision acre in lieu of the City's administrative costs associated with the preparation and implementation of the Development Agreement.

2. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of municipal services associated with and required to serve the proposed subdivision.

Schedule “C” referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated May 20, 1997



Schedule "D" referred to in Clause 4 of the Report of the Committee on Planning and Community Services dated May 20, 1997



730 - Schedule "A" referred to in Clause 5 of the Report of the Committee on Planning and Community Services dated May 20, 1997

By-Law No. _____

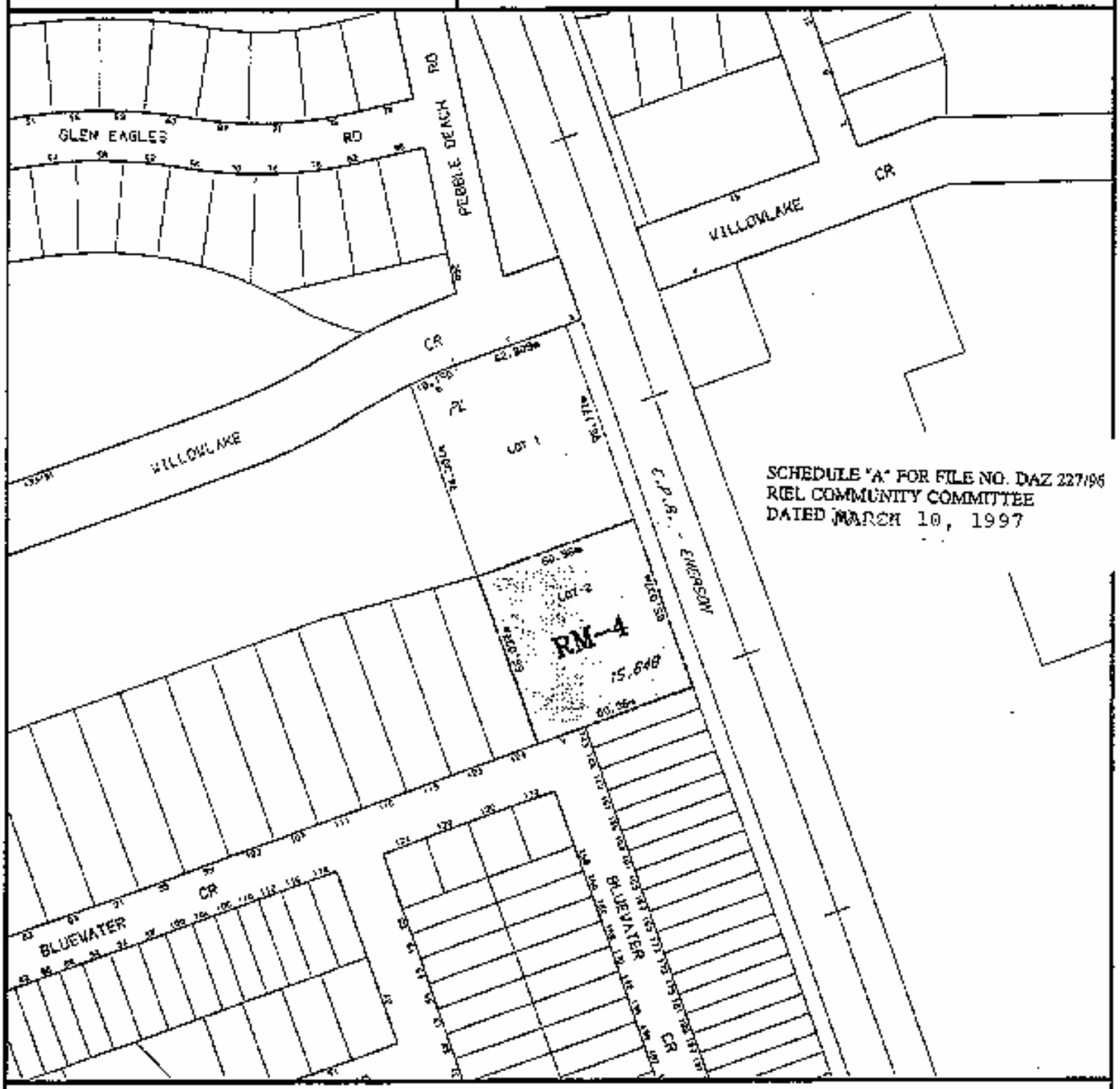
File No. DAZ 227 / 96

Explanation:

A proposed zoning change to By-law No. 6400/94 by rezoning the land on the north side of Bluewater Crescent, south of Willowlake Crescent from an "R2" TWO-FAMILY DISTRICT to an "RM-4" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No. AF 29

RIEL COMMUNITY



THIRD READING: _____ EFFECTIVE DATE: _____

ZONING AGREEMENT: YES ☐ NO ☐ CAVEAT No. _____

731 - Schedule "A" referred to in Clause 6 of the Report of the Committee on Planning and Community Services dated May 20, 1997

Issue 1: Zoning is supposed to protect, not destroy neighbourhoods

Depending upon your perspective, land use zoning is either a boon or a bane to urban growth and development. The first zoning ordinances responded to serious public health and safety concerns in industrializing cities in Europe. In North America, early zoning efforts were tarnished by attempts to use it in conjunction with building codes and restrictive covenants to protect the social and physical exclusivity of middle-and upper-class residential neighbourhoods. Today, people continue to regard zoning as a way of protecting property values and a means of excluding what are perceived to be undesirable housing types and land uses.

Is zoning an effective planning tool? There are arguments for and against this notion. Supporters of zoning argue that it separates incompatible land uses, and is responsible for ensuring orderly growth during periods of rapid urbanization and, especially, in relation to the changing face of urbanization. There is some truth to this. In the case of commercial development, corner stores gave way over time to strip malls, which have given way to big-box retailers. What remains an integral part of older neighbourhoods like Crescentwood has, with good reason, been relegated to the fringe of suburban neighbourhoods like Linden Woods. What was once pedestrian-oriented has, along with our cities, become auto-oriented. Unfortunately, in post-war suburbs, this trend towards auto-dependency saw sidewalks follow neighbourhood stores into oblivion. Today, walking in suburban neighbourhoods is not transportation - to work, to church, to shop - it is exercise. Children do still walk to school, but they do not design subdivisions. And while zoning did not create suburbia, its tendency to segregate land uses with little regard for compatibility, continues to define it.

Traditional zoning may work well in the uniform landscape of suburbia, but our current land use categories are too rigid to reflect the complexity and diversity of older, inner-city neighbourhoods with their pedestrian orientation and variety of land uses and building types. The most livable neighbourhoods contain a mix of land uses in which low intensity commerce is welcomed, and the appropriateness of a particular use depends less on type than on scale. In relation to the current application, the question for the neighbourhood should not be, "is a tailor shop appropriate at 215 Stafford Street," but rather, "at what scale is a tailor shop appropriate at 215 Stafford Street?" Finally, it is important to remember the roughly 1 in 6 households in Winnipeg contains a home-based business. So business already plays a greater role in the life of our residential neighbourhoods than many residents realize.

The position of the Community Planning Division is that rezonings are sometimes necessary in order to accommodate the kinds of changes and transitions that inner-city neighbourhoods experience as they age and mature. By preventing change, inappropriate or inflexible zoning can deprive older neighbourhoods of the kind of investment needed to maintain property values and enhance neighbourhood stability and vitality. For it is lack of investment, on the part of homeowners, the business community, and property developers, that sends neighbourhoods into decline, first physically, then economically and socially. American inner cities did not crumble when Whites left, they crumbled when banks left.

Issue 2: The property should be restored for use as a single-family dwelling

It would be a mistake to rezone property based solely on economic principles used in real estate appraisal including highest and best use. But it would be equally wrong to ignore the visible indications that a land use may no longer be appropriate for a particular area or location. In the current situation, the signs that properties flanking Stafford Street are no longer the premier residential location they once were are clearly evident in the level of maintenance of some of the housing stock. A transition zone is emerging between the heavily travelled street and the adjacent residential areas. What is no longer attractive for housing becomes very attractive for commerce. This is not some sinister plot. This is simply how cities grow. The job of planners is to look for opportunities to accommodate urban growth and change in a way that is sensitive to the character and needs of affected neighbourhoods. The Community Planning Division believes that the current proposal affords just such an opportunity.

Schedule "A" referred to in Clause 6 of the Report of the Committee on Planning and Community Services dated May 20, 1997 (continued)

Issue 3: A commercial development is out-of-character with the neighbourhood

Neighbourhood character has many dimensions, among them age and heritage, building architecture, vegetation, street layout, development density, population demographics, land use diversity, and so on. To focus on one dimension as being paramount, can be misleading. The David Penner house at the corner of Yale Avenue and Stafford Street is "in character" with the neighbourhood as a single-family dwelling, but the same cannot be said of its bold and, to some, controversial architecture. A narrow definition of neighbourhood character, especially one which fixates on land use, fails to reflect the true diversity and complexity of mature neighbourhoods.

Would another form of housing at 215 Stafford Street be more "in character" with the neighbourhood? The site could easily accommodate a three or four unit apartment building without exceeding the neighbourhood character in terms of building height and bulk. Multi-family housing is an obvious candidate for the site. Plan Winnipeg supports the location of multi-family housing along bus routes and regional streets. Residential neighbourhoods all undergo redevelopment at higher densities as they mature. But the current structure would have to be demolished, and it is unlikely that a multi-family rezoning of the property would meet with any less resistance from area residents than a commercial proposal.

The Community Planning Division believes that the neighbourhood would be best served by restoration of the existing building for low-intensity commercial use while maintaining its residential look. This achieves two objectives by enhancing the appearance of the area and honouring the character of the neighbourhood.

Issue 4: A commercial development will lower property values

To what extent do vacant, derelict building enhance property values? Physical deterioration is what lowers property values in neighbourhoods, of the kind that is becoming more noticeable along Stafford Street as traffic increases and as the quality of life of the adjacent residential environment gradually erodes.

When investment in property maintenance stops, it is time for planners to ask why. Why is pride-of-ownership slipping? At what point do property owners decide it is not worth their while to paint the house, or replace the broken window, or repair the fence, or plant flowers? What signals does this send about conditions in the neighbourhood? Is it widespread, perhaps attributable to demographics, or is it localized, possibly linked to a busy intersection? Above all, what can be done to reverse the decline?

Maybe the population is aging, and people can no longer care for their homes. Solutions here might involve programs to assist with home maintenance, construction of retirement housing, or financial aid to first-time home buyers. Maybe traffic is a problem, in which case street improvements or improved traffic management might provide solutions. Or, maybe the zoning in a particular area is no longer appropriate, and should be changed in order to encourage new investment in the neighbourhood.

The Division believes that this neighbourhood needs the Lionetti's investment, that their development plans will enhance property values in the area, and that the proposed land use is low-intensity and will not negatively impact the adjacent residential environment.

Issue 5: A commercial rezoning will set a dangerous precedent

To date, the Planning Division has consistently recommended against rezoning applications such as this for fear of setting a precedent which could be applied to similar properties along Stafford Street. Perhaps it is time to rethink this position, and to consider the precedent which is set by continually opposing people's attempts to invest and become stakeholders in the neighbourhood. What has the Division's historic stance actually done for the neighbourhood? Has it stopped the gradual decline of residential properties along the street? Has it provided any incentive for people to renovate or restore vacant or dilapidated single-family dwellings? Has it led to reduced traffic flow on the street in order to improve the residential environment? Has it encouraged better enforcement of by-laws which can actually force owners to maintain their properties? The current precedent, which is to steadfastly maintain obsolete zoning while buildings like 215 Stafford Street slowly deteriorate, is harming not helping the neighbourhood.

Schedule "A" referred to in Clause 6 of the Report of the Committee on Planning and Community Services dated May 20, 1997 (continued)

There are specific reasons why the Division is prepared to support this application where it would not have in the past:

- The building is vacant and beyond repair as a single-family dwelling.
- The building was designed to front onto Stafford Street.
- The use is low intensity. In fact, our zoning by-law lists "tailor" as one of the very few "permitted" home occupations. As a custom tailor, Lionetti's daily customer volume is low (5 to 10 on a usual day) and mostly by appointment, and hours of operation are limited including Sunday closings. The applicants would also like the option of leasing a single office on the second floor for a professional person such as a lawyer, engineer or architect.
- Staffing levels are low. In addition to the owners, Lionetti's employs a tailor who has been with the owners for 21 years.
- The lot is wide enough to obtain 5 parking stalls off the lane, sufficient parking for this type and scale of business, including staff.
- The extensive renovations and landscaping will enhance the appearance of the area and maintain the residential character of the building and property.
- Visual indications of commercial use will be minimized through controls over the outward design of the building and identification signage.
- The character of the owners and the nature business are known quantities, having been a part of the community for over two decades.
- The applicants have agreed to limit the use of the building by caveat to a "clothing" store and professional office, which are permitted "C1", neighbourhood commercial uses.

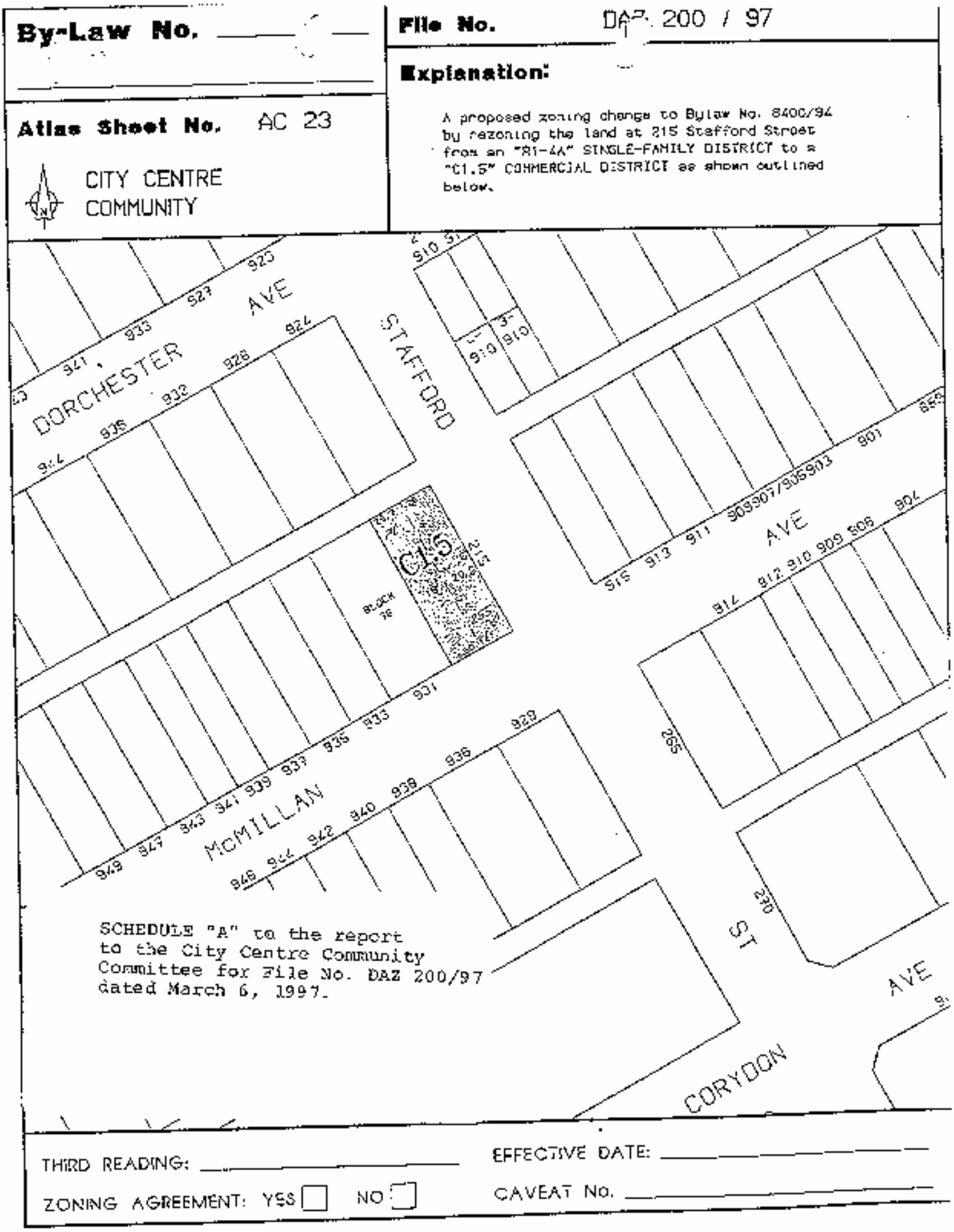
This list of criteria is specific enough to enable the Division to say no if necessary to the next application for commercial rezoning along Stafford Street. The precedent argument is largely vacuous in any event. This is a public hearing, not a court of law, and consistency can become a dangerous habit for planners who manage complex, ever-changing urban environments. And, if a precedent is set, let it be that the Community Planning Division is prepared to change inappropriate land use zoning in order to stimulate investment and revitalize neighbourhoods in this City.

Issue 6: Vacant commercial space is already available close by

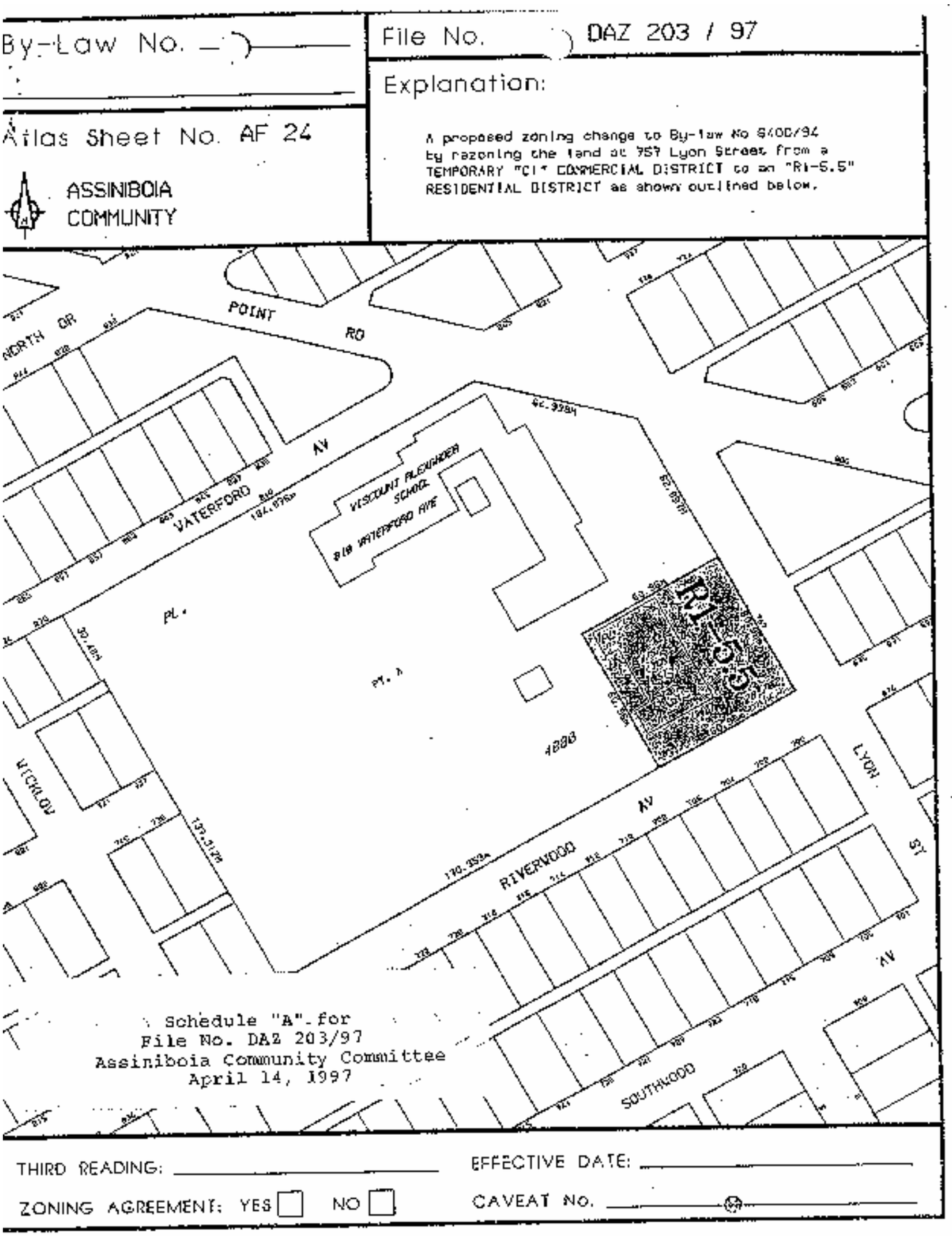
The current application involves a property on Stafford Street; not Corydon Avenue or Osborne Street or Portage Avenue. Our obligation, as Planners, is to examine the merits of the application before us, not use it to regulate the real estate market. The success of Lionetti's at this location may help to revitalize the shopping node at Grosvenor Avenue and Stafford Street. It is this very process of "successful association" which has led to the commercial renaissance of Corydon Avenue.

The Community Planning Division believes that land use is not static. What was once suitable for residential development 50 years ago may not be now. Quite simply, the subject property has run its course as a single-family dwelling, but can continue to contribute to the life and appearance of the neighbourhood under the current proposal.

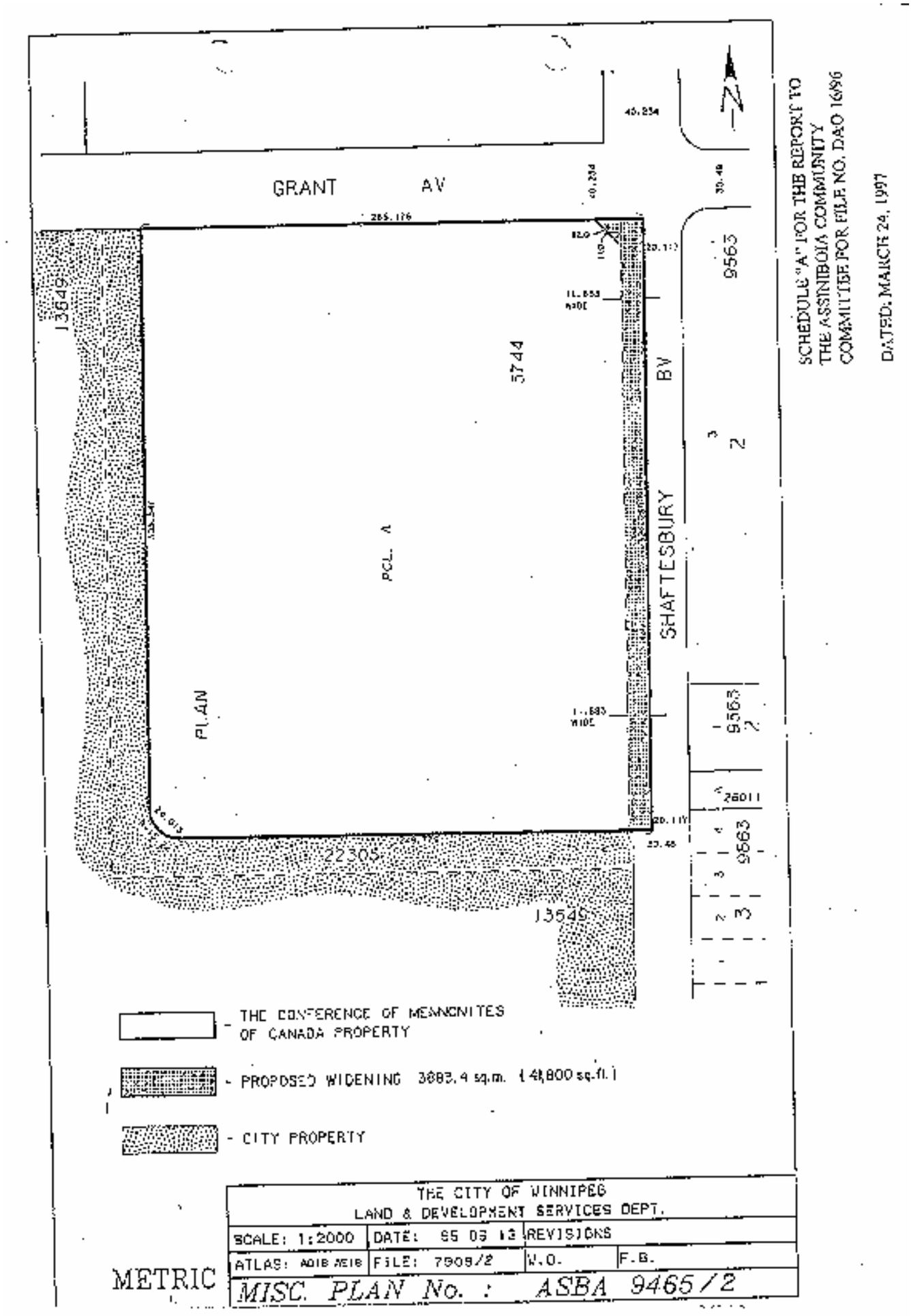
Schedule "B" referred to in Clause 6 of the Report of the Committee on Planning and Community Services dated May 20, 1997



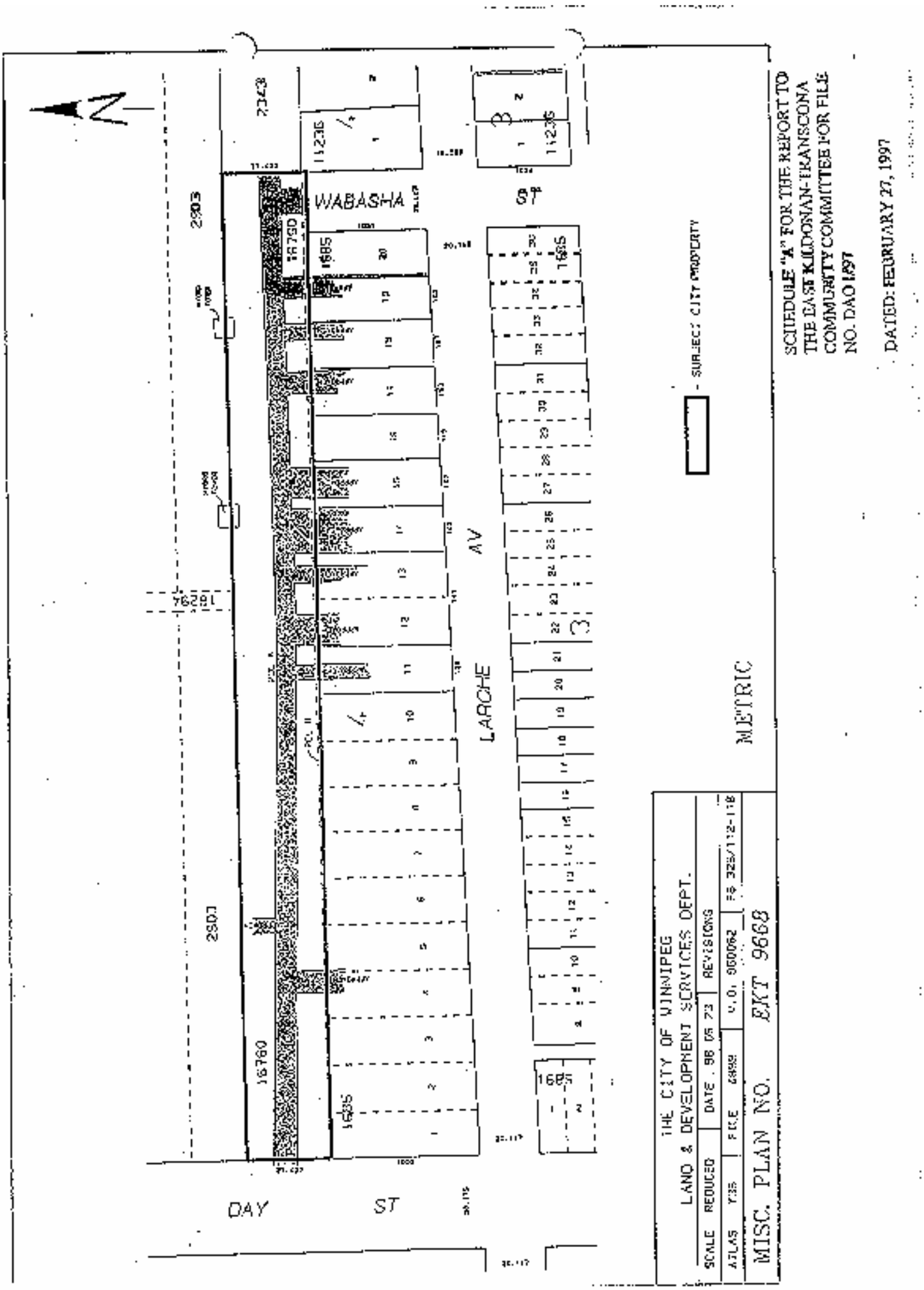
732 - Schedule "A" referred to in Clause 7 of the Report of the Committee on Planning and Community Services dated May 20, 1997



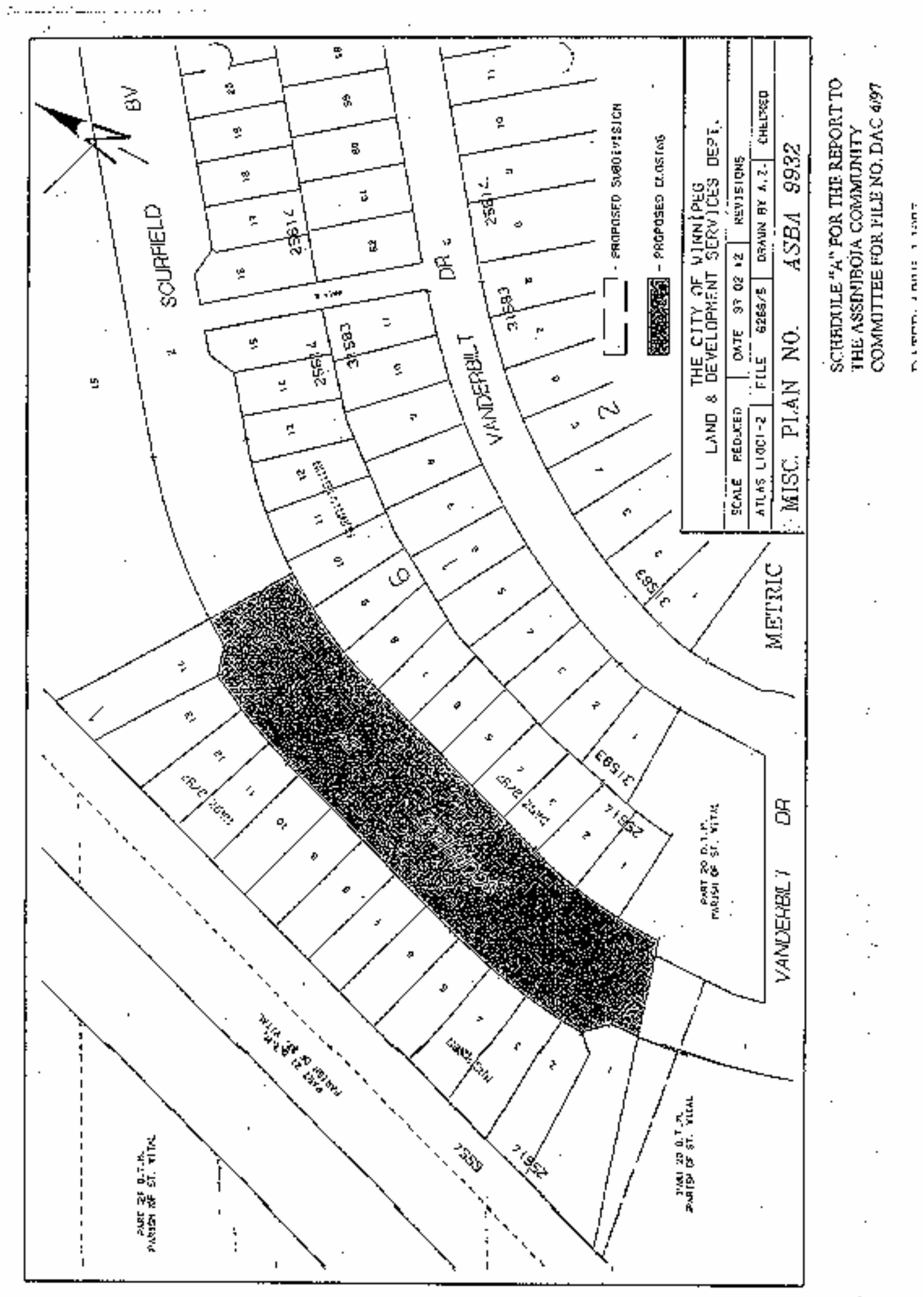
733 - Schedule "A" referred to in Clause 8 of the Report of the Committee on Planning and Community Services dated May 20, 1997



734 - Schedule "A" referred to in Clause 9 of the Report of the Committee on Planning and Community Services dated May 20, 1997



735 - Schedule "A" referred to in Clause 10 of the Report of the Committee on Planning and Community Services dated May 20, 1997



736 - Exhibit "A" referred to in Clause 1 of the Report of the Committee on Protection, Parks and Culture dated May 20, 1997

Proposed Declaration of Surplus Park Property - West Side of Garden Park Drive, South of Farlinger Bay - Chochinov Park
File FI-2.4(34) (Vol. 2)

7. The Committee on Protection, Parks and Culture has been advised that on March 3, 1997, the Committee on Finance and Administration considered report dated February 17, 1997, from the Director of Land and Development Services, in connection with an offer to purchase City-owned park property located on the west side of Garden Park Drive, south of Farlinger Bay, known as Chochinov Park.

The Committee on Finance and Administration directed the Administration to refer the matter to the Lord Selkirk-West Kildonan Community Committee and the Committee on Protection, Parks and Culture for determination as to the property being declared surplus to the parks and recreation requirements. The Committee also directed the Administration to continue negotiations with respect to the purchase price of the property.

On March 18, 1997, the Lord Selkirk-West Kildonan Community Committee considered a Subdivision and Rezoning application respecting the subject property and an adjacent property held under Option by the applicant. The Community Committee recommended to the Committee on Planning and Community Services that the Subdivision and Rezoning application not be proceeded with.

On March 27, 1997, the Land and Development Services Department received a revised offer to purchase the subject City-owned property from 3470921 Manitoba Ltd. (Asper Properties Ltd.) at a proposed purchase price of $400,000.00.

On April 11, 1997, the Committee on Finance and Administration considered report dated March 27, 1997, from the Director of Land and Development Services, with respect to the above proposed sale, concurred in the following four recommendations, and referred same to the Committee on Protection, Parks and Culture for consideration at its meeting on April 14, 1997, namely:

1. *That the Committee on Finance and Administration refer the matter of declaring the subject City-owned property, as shown on Misc. Plan No. 9786, surplus to the City's parks and recreation requirements, to the Committee on Protection, Parks and Culture for its consideration and recommendation to Council.*

2. *That Council, subject to receipt of the Report of the Committee on Protection, Parks and Culture as to Recommendation No. 1 preceding, consider the sale of the subject City-owned property, as shown on Misc. Plan No. 9786, to 3470921 Manitoba Ltd. at a purchase price of $400,000.00, and in accordance with the terms of the Offer to Purchase shown on Exhibit 3, subject to:*

    (a) *Term 10(3) not being amended as requested by the purchaser and the City's standard term being confirmed as applicable in this instance;*

    (b) *Term 1 on Schedule "C" of the Offer to Purchase being amended to require the rezoning process to be concluded within 180 days of the date of approval of the sale, failing which the transaction will be null and void.*

3. *That the Proper Officers of the City be authorized to do all things necessary to implement the foregoing and to execute any and all documents necessary to conclude this proposed sale, said documents to include such other terms and conditions as are deemed necessary by the City Solicitor/Manager of Legal Services to protect the interests of the City and to implement the intent of Council.*

4. *That the City Solicitor/Manager of Legal Services be instructed to register a caveat at the Winnipeg Land Titles Office against the Certificate(s) of Title of the subject lands in respect of this sale and with regard to the purchasers obligations respecting the maintenance of the northerly 130 feet of the subject City property as "Chochinov Park".*

On April 14, 1997, the Committee on Protection, Parks and Culture heard representation from Douglas Brown, Andrea Leibl-Hochman, Avrum Katz and Dennis Wawrykow, residents of Farlinger Bay, in opposition to declaring Chochinov Park surplus to the City's parks and recreation requirements. The Committee also heard representation from Robert M. Akman, President, 3470921 Manitoba Ltd. (Asper Properties Ltd.) and Ken Yee, Stevenson & Co. on behalf of the Canadian Tire Corporation, in support of declaring the subject property surplus.

Exhibit "A" referred to in Clause 1 of the Report of the Committee on Protection, Parks and Culture dated May 20, 1997 (continued)

On April 14, 1997, the Committee on Protection, Parks and Culture passed the following resolution, namely:

> *WHEREAS Council approved a policy for reviewing unsolicited offers to purchase publicly owned park property in May of 1989;*
>
> *AND WHEREAS the unsolicited offer to purchase the park property known as Chochinov Park had not been subject to the policy and process as adopted by Council;*
>
> *AND WHEREAS the residents of West Kildonan both adjacent to Chochinov Park and in the surrounding community are opposed to the sale of the subject property;*
>
> *NOW THEREFORE BE IT RESOLVED that the Committee on Protection, Parks and Culture recommend that the City-owned lands located on the west side of Garden Drive Park, south of Farlinger Bay, known as Chochinov Park, not be declared surplus to the City's parks and recreational requirements.*

A copy of Misc. Plan No. 9786 is on file in the office of the City Clerk.

Pursuant to Section 156(2) of The City of Winnipeg Act, the approval of at least two-thirds majority of Council is required for the sale of property designated or acquired for park purposes.

The Committee on Protection, Parks and Culture therefore recommends that the City-owned lands located on the west side of Garden Park Drive, south of Farlinger Bay, known as Chochinov Park, ***not*** *be declared surplus to the City's parks and recreation requirements.*