REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED OCTOBER 30, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated October 30, 2001, was considered clause by clause.

Moved by Councillor Vandal,

That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15 and 16, be adopted.

Councillor Vandal requested that Clauses 1 and 2 be pulled from the Consent Agenda.

Councillor Thomas requested that Clause 14 be pulled from the Consent Agenda.

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

Proposed closing of part of Pandora Avenue West, west of Starlight Drive - East Kildonan-Transcona Community
Files DAC 5/2001 and DAC 20/2001
[c/r DASZ 24/2001]

33 - 1. The Standing Policy Committee on Property and Development has been advised that in March 2001, the Planning, Property and Development received a request from Marcel Thompson of Frontier Toyota to purchase the portion of Pandora Avenue West, west of Starlight Drive, as outlined on Misc. Plan No. 11105, in order to expand the parking on his (Frontier Toyota) property.

The street closing proposal was circulated to all affected City departments and public utilities. There have been no administrative objections to the closing and sale of this street.

The Transportation Division of the Public Works Department requires that the applicant enter into a Servicing Agreement for the construction of a replacement cul-de-sac type turnaround at the new terminus of the street as determined by and to the satisfaction of the Director of the Public Works Department.

The Water and Waste Department advised that there are several existing facilities located in the area. It will require an easement over the entire closed street for the purpose of inspecting and maintaining these facilities. Centra Gas, Manitoba Hydro and MTS Communications also identified easement requirements for the maintenance of their facilities in the street. Because of these easement requirements, the use of the street will be restricted and no permanent structures will be allowed in the area.

The area residents have expressed concerns over the traffic on Pandora Avenue West generated by the customers and employees of Frontier Toyota. The construction of a cul-de-sac at the east end of the closed street will eliminate access to the Frontier Toyota property from Pandora Avenue West and result in traffic patterns more suitable to the character of the neighbourhood.

The street must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province of Manitoba. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right-of-way status from the land and vests the ownership of the property in the City of Winnipeg's name. The City is not entitled to dispose of the land until this has been done.

Marcel Thompson owns all of the property adjacent to the portion of the street proposed to be closed, with the exception of the lands identified on Misc. Plan No. 11105 as "subject City property". The Real Estate Division of the Planning, Property and Development Department is currently processing Mr. Thompson's offer to purchase this land. In the interest of expediting Mr. Thompson's request to purchase the street, the street closing application is being submitted prior to the final approval of the offer to purchase. Should negotiations for the sale of the "subject City property" be unsuccessful, the street closing process will be terminated.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

On July 17, 2001, the East Kildonan-Transcona Community Committee considered an application under File DAC 5/2001 to close part of Pandora Avenue West, west of Starlight Drive, as outlined on Misc. Plan No. 11105, and recommended that the street closing be approved, and a cul-de-sac type turnaround be located and situated on the Applicant's property, and not in front of 1251 Pandora Avenue West.

On September 6, 2001, the Standing Policy Committee on Property and Development considered the recommendation of the East Kildonan-Transcona Community Committee regarding File DAC 5/2001, as well as a report from the Real Estate Division of the Planning, Property and Development Department concerning the terms and conditions of the sale of the closed street and the adjoining City lands identified as "subject City property" on Schedule "A". That administrative report stated that Marcel Thompson advised that the location and dimensions of the turnaround are incompatible with his intended use of the closed street.

The Standing Policy Committee on Property and Development laid over the matters of the proposed sale of the land and street closing pending a recommendation from the East Kildonan-Transcona Community Committee on an application under File DASZ 24/2001 to subdivide and rezone the lands subsequent to their sale.

On October 9, 2001, the East Kildonan-Transcona Community Committee considered another closing application under File DAC 20/2001 to close part of Pandora Avenue West, west of Starlight Drive, as outlined on Misc. Plan No. 11105/5, and was advised by the Planning, Property and Development Department of the following:

- The area residents have expressed concerns over the traffic on Pandora Avenue West generated by the customers and employees of Frontier Toyota. While the construction of a cul-de-sac at the east end of the closed street would not necessarily eliminate access to the Frontier Toyota property from Pandora Avenue West, access from Pandora Avenue West will be denied as one of the conditions of the approval of the subdivision application. This will result in traffic patterns more suitable to the character of the neighbourhood.

- When Marcel Thompson agreed to the Community Committee's recommended condition regarding the dedication of the land required for the turnaround at the July 17, 2001 meeting, he was not aware that the turnaround area would be as large as the Public Works Department required. He has advised that he cannot proceed with his plans if he is required to dedicate such a large piece of land.

- The Real Estate Division of the Planning, Property and Development Department recommended approval of the original location of the turnaround at the terminus of the street, in front of 1251 Pandora Avenue West. The turnaround will be almost entirely contained within the existing roadway, with a small portion to be dedicated from the adjoining lands to the south. This area is identified as "Opening for Relocated Turnaround" on Misc. Plan No. 11105/5, and is contained within the City property being sold to the applicant. The lands required for the turnaround will be dedicated through the subdivision and rezoning process.

On October 9, 2001, the East Kildonan-Transcona Community Committee recommended that the proposed street closing under File DAC 20/2001 be approved, subject to the following conditions:

1. That the location and dimensions of the turnaround be modified to relocate the new western limit of Pandora Avenue West twenty-five (25) feet further west.

2. That the Public Works Department be instructed to install traffic calming devices in Pandora Avenue, west of Starlight Drive and that a "Dead End Street" sign be installed at Starlight Road facing westbound traffic.

3. That the paved surface at the new Pandora Avenue west turnaround be located as close to the west boundary of the right-of-way as possible.

On October 30, 2001, the Standing Policy Committee on Property and Development considered the recommendations from the East Kildonan-Transcona Community Committee relative to the closing applications under Files DAC 5/2001 and DAC 20/2001.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed street closing under File DAC 5/2001 be filed.

II. That the proposed street closing under File DAC 20/2001 be approved, subject to the following conditions:

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

A. That the location and dimensions of the turnaround be modified to relocate the new western limit of Pandora Avenue West twenty-five (25) feet further west.

B. That the Public Works Department be instructed to install traffic calming devices in Pandora Avenue, west of Starlight Drive and that a "Dead End Street" sign be installed at Starlight Road facing westbound traffic.

C. That the paved surface at the new Pandora Avenue west turnaround be located as close to the west boundary of the right-of-way as possible.

III. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing of part of Pandora Avenue West, west of Starlight Drive, under File DAC 20/2001, in accordance with Misc. Plan No. 11105/5.

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

Moved by Councillor Vandal,
Adoption of the clause.

Moved by Councillor O'Shaughnessy,
That Clauses 1 and 2 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001 be considered conjointly.

Carried.

Moved by Councillor Lubosch,
That Clauses 1 and 2 the Report of the Standing Policy Committee on Property and Development dated October 30, 2001 be laid over until the next meeting of Council to be held on December 12, 2001.

The motion to lay over the clause was put.

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

Yea: Councillors Lazarenko, Gerbasi, Lubosch, Prystanski, Smith, Steeves, Deputy Mayor Thomas, Vandal, His Worship Mayor Murray and Councillor O'Shaughnessy. 10

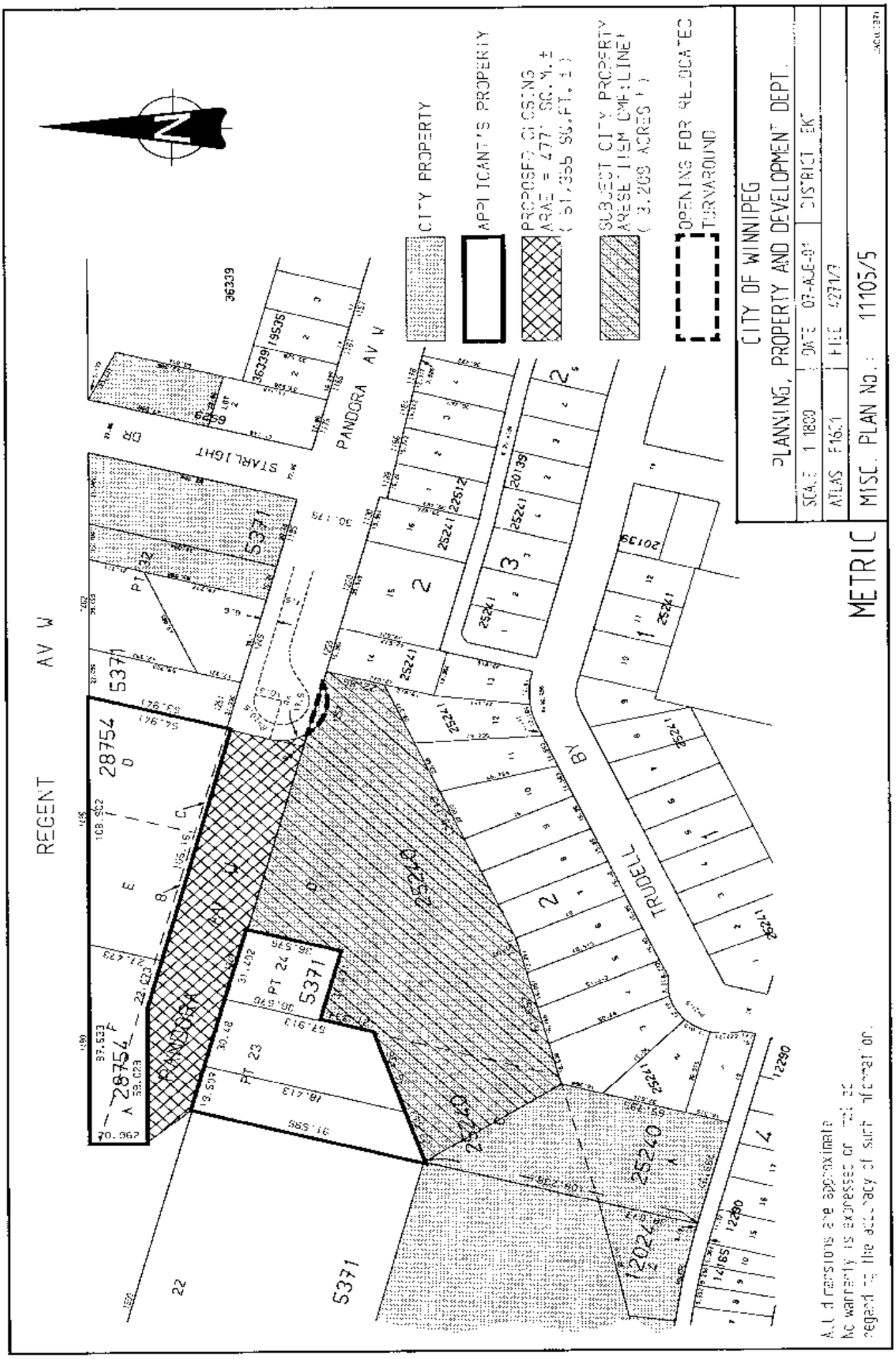
Nay: Councillor Angus, Clement and De Smedt. 3

and the motion to lay over the clause was declared carried.

(See next page for attachment)

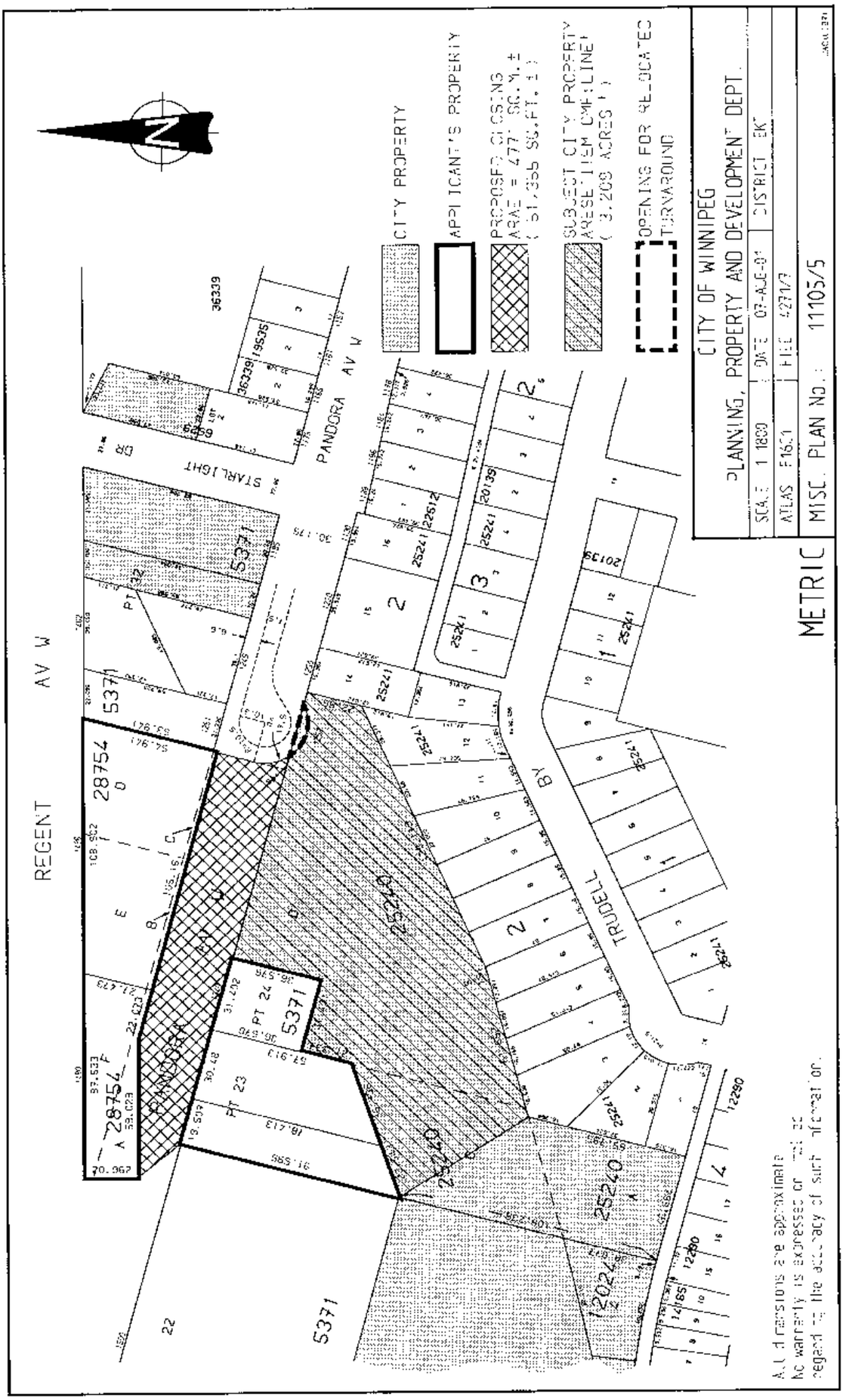
Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Appendix "A" referred to in Clause 1 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001



Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Appendix "B" referred to in Clause 1 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001



Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed Subdivision and Rezoning - land located at 1486 Regent Avenue (1262/1340 Pandora Avenue West) - East Kildonan-Transcona Community
File DASZ 24/2001 [c/r DAC 5/2001, DAC 20/2001]

34 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been received from Frontier Toyota Ltd. (Val Thompson), 1486 Regent Avenue West, Winnipeg, for approval of a plan of subdivision and related zoning change to By-law No. 6400/94 by rezoning the subject lands from an "A.5" Agricultural District and "R1-5" Residential to a "C3-1" Commercial District for an expansion of an adjacent automobile sales dealership.

Site Area
The total site being rezoned is approximately 5.5 acres. This land is to be consolidated with the Regent Avenue land on which the Frontier Toyota Dealership presently operates.

Existing Land Use and Zoning
The land being rezoned "C3-1" Commercial consists of:

- A portion of Pandora Avenue West that is to be closed. The turn-around is to be relocated further east on Pandora Avenue.
- Three parcels of private land at the west end of Pandora Avenue West that have been purchased by Frontier Toyota and are zoned "A.5" Agricultural, one of which is occupied by a residence to be torn down by Frontier Toyota.
- A parcel of land being purchased from the City that is vacant except for a single-family residence at the east end, fronting Pandora Avenue West. This land is zoned partly "A.5" Agricultural and partly "R1-5" Residential. The land on which the residence is located is to remain "R1-5" Residential.

Surrounding Land Use and Zoning

North:	Frontier Toyota fronting of Regent Avenue and two dwellings, all zoned "C3-1" Commercial.
South:	Single-family residences on Trudell Bay zoned "R1-5".
East:	Single-family residences along Pandora Avenue West, zoned "R1-5".
West:	"C2" commercial uses fronting Regent Avenue and City owned, vacant land zoned "A.5" Agricultural.

This application is to rezone private and City land being purchased by Frontier Toyota Ltd. from "A.5" Agricultural and "R1-5" Residential to "C3-1" Commercial, consistent with the present zoning of Frontier's Regent Avenue frontage. The application will also subdivide this land and consolidate it with Frontier's Regent Avenue land.

The Planning, Property and Development Department advised that this is a Neighbourhood Policy Area under Plan Winnipeg. Commercial development is appropriate.

Frontier Toyota Ltd. operates a car dealership at 1486 Regent Avenue West. The size and configuration of their lot has made it urgent that they acquire land for additional customer parking. The only adjacent land available to them is Pandora Avenue West.

This portion of Pandora Avenue West is a cul-de-sac providing access to three private lots and certain City land. Frontier Toyota Ltd. asked the City to close a portion of Pandora Avenue and sell this land for parking. The City responded that since this portion of Pandora Avenue provides access to private and City land it could only be closed if Frontier Toyota also purchased these other lands that would be made inaccessible if Pandora Avenue West is closed. Frontier Toyota Ltd. has agreed to this. They have purchased the private land and have an agreement to purchase the City land.

Frontier Toyota's only immediate plans are to build additional parking on the former Pandora Avenue, adjacent to their dealership. They have no specific plans for the remainder of the land (about 4 acres). However, since they have been forced to purchase this additional land they wish it to be rezoned commercial so that all or a portion of it may be sold at a future date.

Frontier Toyota applied for this rezoning on August 15, 2001 (shortly before the deadline for newspaper notification) and with little detail about the proposed use of the site. Given Frontier's urgent need for additional

parking space, the Administration's initial response to this application was that only the rezoning of the land adjacent to the dealership would be supported at the September 11, 2001 meeting of the Community Committee. This would allow Frontier to complete the purchase of the land and build their needed parking as soon as possible. The rezoning of the remainder of the land would be considered under a separate application following informal public discussions and with time for the Administration to consider limitations on the zoning in the absence of a clear development plan.

In a subsequent meeting with Administration, Frontier Toyota made it clear that they will only complete the purchase of this land when all rezonings are completed.

The Planning, Property and Development Department identified the following issues as relevant to this rezoning and subdivision application, namely:

Future Use of the Land

Together with Frontier Toyota's present Regent Avenue frontage, this will be a large commercial property most of which Frontier has no specific plans for. At this point it is appropriate to ensure that all of the land is consolidated into one holding and that the only access to the property will be from Regent Avenue. Frontier is rezoning in the hope that they can subdivide and sell the portion they do not need to some other commercial venture. It is also appropriate, in the absence of plans for the use and development of the land, to place limits on future uses in order to protect adjacent established commercial and residential development. These limits can be amended as required when a specific development is proposed.

Impact on Residents of Trudell Bay

Trudell Bay is a single-family residential bay. Those who purchased and built here expected to back onto some type of transportation route. The commercial uses permitted by "C3-1" will create a different, possibly adverse, impact on the use and enjoyment of these residential lots. Residents may be concerned about the view from their back yards, the proximity of large commercial buildings, noisy commercial activities and other future development possibilities. It would be appropriate to consult with Trudell Bay residents about their concerns for future development on this site and to be cautious about the type of uses that may be permitted without a specific plan.

Impact on Residents of Pandora Avenue West

The principal concern of the Pandora residents has been traffic. The closing of part of Pandora Avenue West, a prohibition on accessing the "C3" land from Pandora Avenue and a requirement to build a residential-friendly fence that clearly prevents traffic flow should reduce the traffic flow on Pandora Avenue West.

Closing of Pandora and the Location of a New Turn-around

On July 17, 2001, the East Kildonan-Transcona Community Committee held a public hearing to consider an application under File DAC 5/2001 to close part of Pandora Avenue West. The recommendation at that meeting was that Pandora Avenue West should be closed but that the new turn-around should be located entirely adjacent to Frontier Toyota property. This issue is particularly important to the owners of 1251 Pandora Avenue West, immediately east of Frontier Toyota, because of their concerns about parking, access to their driveway and possible use of this turn-around. The residents say the present turn-around is sometimes the site of "parties". Frontier Toyota however says that they require all the land adjacent to their building for parking and that the turn-around must be located east of their land, in front of 1251 Pandora Avenue West.

The Administrative Coordinating Group has requested that all titles be consolidated with the Regent Avenue frontage, that a 3.0 metre wide swale easement be provided in the rear along the adjacent residential land, and that the well presently serving the residence located at the east end of the site fronting Pandora Avenue be abandoned, and that the house be connected to the water main.

At the September 11, 2001 public meeting of the East Kildonan-Transcona Community Committee, the Manager of Planning and Land Use, Planning, Property and Development Department recommended to the Community Committee that a recommendation on this subdivision/rezoning application would be premature at that meeting for the following reasons:

- The applicant has not provided plans for the development of the site.
- The applicant has not provided a plan that can be attached to a Community Committee recommendation showing all of the land that is to be consolidated.
- The applicant has not indicated the dimensions of the parcel at the east end of the site that is to remain residential.
- An informal public meeting, although planned for September 5, 2001, had not been held.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

- The Administration has not been able to consider appropriate limitations on commercial development of the site based on community concerns and Frontier Toyota's plans for the site and given the fact that the majority of the site is being rezoned on speculation for a future development.
- The applicant has challenged the July 17, 2001 recommendation of the Community Committee with respect to the location of the turn around. This issue may not be resolved until the closing applications have been dealt with by City Council.

The East Kildonan-Transcona Community Committee concurred in the recommendation from the Manager of Planning and Land Use, Planning, Property and Development Department and adjourned the public hearing to its next meeting scheduled for October 9, 2001.

On October 9, 2001, the East Kildonan-Transcona Community Committee reconvened the public hearing, and was advised by the Planning, Property and Development Department that on September 5, 2001, Frontier Toyota hosted an informal public meeting with residents of Trudell Bay to outline development plans and hear concerns of the residents. The following issues were identified:

- There should be access only from Regent Avenue West and not from Pandora Avenue West.
- There were concerns about the type of uses that may be permitted behind their property and the impact on enjoyment of their property.
- The Pandora Avenue West turnaround should be located next to the Frontier Toyota land, not next to Pandora Avenue residents.
- A berm and fence should be constructed along the Trudell Bay property to screen the residents from commercial development and protect their view.
- There was concern about how commercial lighting (e.g. parking lots) would affect their property.

The land being purchased from the City by Frontier Toyota Ltd. was originally intended as a transit corridor. Residents purchasing on Trudell Bay should have anticipated traffic noise and street lighting associate with a transit corridor to eventually develop adjacent to their property. The lots on Trudell Bay have deeper rear yards to help minimize possible impacts from this future traffic. One of the objectives in assessing this proposed change to commercial uses should be to try to ensure that future commercial development would be no more intrusive on the use and enjoyment of land by Trudell Bay residents than the transit corridor would have been.

In the absence of a specific development proposal for the majority of the land, and especially that portion next to residential uses, the Planning, Property and Development Department advised that it is appropriate to severely restrict the nature of development. The administrative recommendations tried to achieve the following objectives:

- Limit uses to those most compatible with adjacent residential development.
- Provide for a buffer along Trudell Bay property consisting of a landscaped berm to be approved by the Community Committee.
- Prohibit access from commercial land to Pandora Avenue and establish a fence as a clear residential/commercial barrier.
- Minimize impact on Trudell Bay and Pandora Avenue residents through restrictions on lighting and the location of any outdoor public address system.

It is expected that a future purchaser of the commercial land Frontier Toyota Ltd. proposes to market may wish to amend these conditions. This amendment will require a public hearing at which the residents will have the benefit of a more specific development proposal and Community Committee will have the opportunity to "fine tune" conditions that balance commercial and residential interests.

The Water and Waste Department identified the following minor development issues:

- That a 3.0 metre swale easement be provided along the rear of property fronting Trudell Bay; and
- That the well for the house on the east limit of the land be abandoned and the house be connected to the water main at that location.

At the public hearings held by the East Kildonan-Transcona Community Committee on September 11, 2001 and October 9, 2001, eight persons registered in support of the application, and fifty people registered their opposition to the application.

The East Kildonan-Transcona Community Committee recommended approval of the proposed subdivision and rezoning for the following reasons:

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

1. The application will rezone the property to a designation consistent with the present zoning of Toyota Frontier's Regent Avenue frontage and will consolidate the property into one parcel.

2. The subject property is located in a Neighbourhood Policy Area and commercial development is appropriate.

3. It is anticipated that a future purchaser of the portion of the land not being utilized for additional parking for Frontier Toyota may wish to amend the conditions imposed, which will require a public hearing at which time the residents will have the benefit of a more specific commercial development and the opportunity to "fine tune" conditions that balance commercial and residential.

4. The Administration has advised that there is no need for additional park and open space in the area.

5. There is an opportunity, when residential development is completed close or near commercial development, to protect the residential areas from any impact.

6. The business development will add tax dollars, provide employment and other opportunities, which will offset residential costs and school taxes.

7. All necessary protections have been provided and the conditions imposed will require the developer to construct a berm, as well as situate the loading zone and waste receptables and operations associated with the business, away from the residential area.

8. The provision of a berm, as well as landscaping, will result in less noise to the residential area than there would have been if the transportation corridor had been constructed.

On October 30, 2001, the Standing Policy Committee on Property and Development considered the Zoning Change Report dated October 22, 2001, from the East Kildonan-Transcona Community Committee and approved the following amendments, which have been incorporated into the recommendations set out below, namely:

- Amend Recommendation IV.E. by adding the words "by June 30, 2002" after the words "landscaped berm shall be established"

- Amend Recommendation IV. H. by adding the words "landscaped berm" after the words "fencing, exterior lighting"

The Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended, and recommends:

I. That the plan of subdivision proposed under File DASZ 24/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 24/2001 dated October 2, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That all titles for land shown in Schedule "A" be consolidated into a single lot.

II. That a 3.0 metre swale easement be provided along the rear of property fronting Trudell Bay and that the well for the house on the east limit of the land be abandoned and the house be connected to the watermain at that location.

III. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

IV. That Zoning By-law No. 6400/94 be amended by rezoning Parcel B of the subject land as shown on Schedule "A" for File DASZ 24/2001 dated October 2, 2001, to a "C3-1" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to Parcel B of the subject site and to include the following conditions:

   A. That land usage be restricted as follows:

      1. The following uses shall be permitted on the land:
         Accessory uses, not listed
         Animal Hospital, Veterinary Clinic

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Automobile, including motorcycle: Cleaning
Automobile, including motorcycle: Rental, Sales, including accessory Repair, Service, Installation of Supplies/Parts
Automobile, including motorcycle: Supplies/Parts, Sales
Bank, Credit Union, or similar financial service
Banking/Teller Machines, automated
Boat: Sales, Service
Bowling Alley
Church, Synagogue, or similar place of religious worship
Club, excluding licensed premises
Day Care Centre
Family Day Care Home, in a single-family dwelling
Flea Market
Group Day Care Home
Hardware Store
Landscape/Garden Supplies: Sales, including outside display limited to packaged supplies, plants or trees
Landscape/Garden Supplies: Sales, Landscape Contractor, production, including greenhouses or nursery, and sale of supplies, plants, trees and landscaping materials
Medical, Dental, Optical or other Precision Instruments, Prosthetics: Rental, Sale, Service
Medical, Dental, Optical or other Precision Instruments, Prosthetics: Custom Manufacture
Museum, Art Gallery
Parish Hall, accessory to a place of religious worship
Park
Printing, Photocopying, or similar service
Private Home Day Care, in a dwelling unit with a ground-level entry
Showroom, accessory to an automobile dealership
Sporting Goods: Rental, Sales, Service, Trophy Sales, including incidental assembly and engraving
Taxidermist
Upholstering, custom draperies, blinds, shades

2. That the following uses shall be conditional on the land:
Animal Pound, Animal Training, Kennel
Appliances, excluding major appliances: Rental, Sale or Service
Bakery, Baked Goods: Sales, limited to 1,000 square feet of production area
Barber Shop, Beauty Salon, or similar grooming service
Farmers' Market limited to between April 1 and September 30
Funeral Chapel or Parlour, Mortuary
Furnishings, Household or Office, including carpet and furniture: Sales, Rental
Laundry, Linen Supply/Service, including accessory Depot
Hospital, or similar treatment centre
Luggage: Rental, Sale, Service
Office
Pet Sales, Pet Supplies Sales, Pet Grooming
Photographic Developing/Printing
Reducing Salon, Health Spa, Steam Bath, Tanning Salon, or other similar facility
Second-Hand Store
Sign, Advertising
Storage Compound for New Automobiles
Studio, Motion Picture
Trade School, Business College
University, College, Technical School

B. That no building shall be erected within one hundred (100) feet of the rear property line.

C. That there shall be no access to Pandora Avenue from the property.

D. That a 6.5 foot solid fence shall be established and maintained along Pandora Avenue, as shown on a plan approved by the East Kildonan-Transcona Community Committee.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

E. That a landscaped berm shall be established by June 30, 2002, and maintained along the south property line adjacent to lots fronting Trudell Bay (Lots 3 to 12 of Plan 25241), as shown on a plan approved by the East Kildonan-Transcona Community Committee.

F. That any parking lot or security lighting shall be directed away from adjacent residential land, as shown on a plan approved by the East Kildonan-Transcona Community Committee.

G. That no outdoor public address system shall be used except within 150 feet of Regent Avenue and shall be directed away from residential areas on Pandora Avenue and Trudell Bay.

H. That prior to the issuance of any development permits, plans showing the site layout including pedestrian and vehicular access, building location and elevations, facia and free-standing signage, parking, landscaping, existing and proposed trees, fencing, exterior lighting, landscaped berm, and garbage enclosure be submitted for the approval of the East Kildonan-Transcona Community Committee.

I. That any loading facilities or garbage enclosures associated with new development, shall be located on the north or west side of the building, away from the residential areas.

J. That the height of any building shall not exceed two (2) storeys.

K. That no signage shall be permitted on the south and east walls of any building on the site or be visible from the residential areas.

V. 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 dedication based on the increase in market value of the land.

VI. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

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

VIII. That the zoning section of the by-law shall come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands, provided that the said filing occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

IX. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) 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.

See Clause 1 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001 for Disposition.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Schedule "A" referred to in Clause 2 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

By-Law No. _____

File No. DASZ 24/01

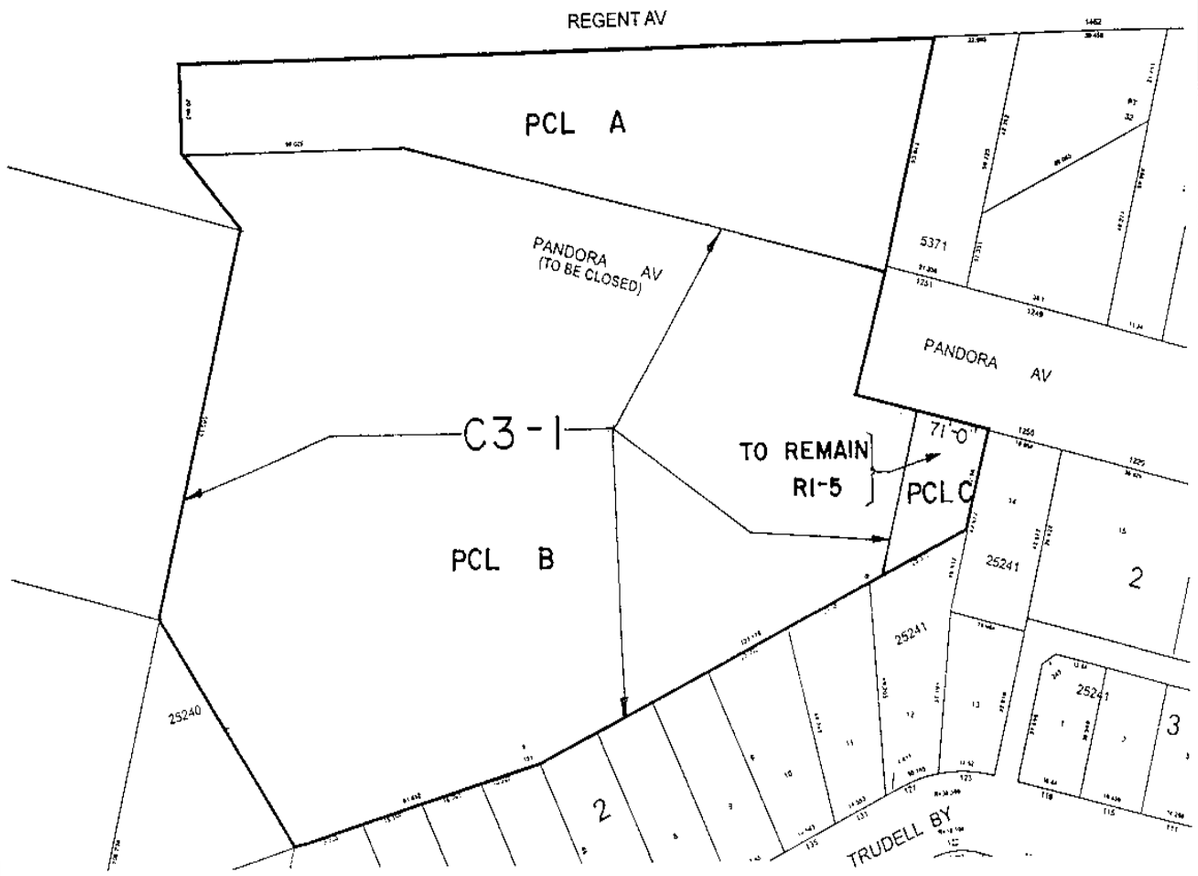
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land at 1262/1340 Pandora Avenue West from an "A.5" AGRICULTURAL DISTRICT and an "R1-5" SINGLE-FAMILY DISTRICT to a "C3-1" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No. Z31

N

EAST KILDONAN TRANSCONA COMMUNITY



Schedule "A"
for file DASZ 24/2001
East Kildonan -Transcona
Community Committee
October 2, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed closing of part of Somerset Avenue, east of Pembina Highway – Assiniboia Community
File DAC 15/2001

35 - 3. The Standing Policy Committee on Property and Development has been advised that in April 2001, the Development and Inspections Division of the Planning, Property and Development Department received a request from 3616061 Manitoba Ltd. (Perry Ginakes) to purchase a portion of Somerset Avenue, east of Pembina Highway, identified as "proposed closing" on Misc. Plan No. 11138.

The applicant (Perry Ginakes) owns the property adjacent to the north, and is considering constructing a commercial building at the south end of his property, and therefore would like to purchase the subject portion of Somerset Avenue for use as a parking area.

The street closing proposal was circulated to all affected City Departments and public utilities under File DAC 6/2001. The following objections were received.

- The Traffic Assessment Engineer for the Transportation Division of the Public Works Department advised that he objected to the closing as the subject area is currently used for 90-degree parking by the general public who may be attending to matters at one of the businesses on Pembina Highway. He stated that the parking is particularly important during those times when "stopping" is not allowed on Pembina Highway.

- The Senior Planner for the Planning and Land Use Division of the Planning, Property and Development Department advised that he objected to the closing because the long-standing use of the area for parking for the customers - and probably the staff - of the area businesses. He advised that the Assistant Manager of the Canadian Imperial Bank of Commerce on the south side of Somerset Avenue had told him that the Bank maintains the parking lot by snow removal when required. The Senior Planner recommended that the present status of the street as a parking area be continued.

In view of the foregoing, the Planning, Property and Development Department recommended that the proposed street closing not be approved.

On May 15, 2001, the Assiniboia Community Committee concurred in the administrative recommendation that a part of Somerset Avenue, east of Pembina Highway not be closed, and forwarded the matter to the Standing Policy Committee on Property and Development. The Standing Policy Committee concurred in the Assiniboia Community Committee's recommendation, and on June 20, 2001, Council adopted the recommendation from the Standing Policy Committee.

In July 2001, Peter Ginakes submitted a second request to close the street. The applicant maintains that this portion of the street is not primarily used for public purposes and retained the services of Quest Investigation Group to monitor the parking area twice a day from June 4 to June 8, 2001, to prove that it is, in effect, a parking lot for the employees of the adjacent businesses. He feels that if the land is not being used for public purposes, it should be available for purchase.

A copy of the Quest Investigation Group report was forwarded to the Transportation Division of the Public Works Department for review. The Traffic Assessment Engineer had the following comments.

1. The street is used for public parking; there is no signing in place or any other indication that the right of way is for the use of any specific business or individuals. There are numerous locations throughout the city where essentially the same people - customers or employees - park in the same general area on a regular basis. This does not mean that the street is not available for parking by the general public. On street parking is on a first come basis.

2. All the survey indicates is that there is a low turnover in parking in this location. This situation occurs in many locations in the city. If there is a concern with parking turnover the area could be signed with limited time parking (1 or 2 hour limit or whatever is deemed appropriate).

3. If the public parking is lost due to the closure and sale of the right of way it will likely result in vehicles parking further east into the residential area and provoking complaints from the residents.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

4. It is noted that the investigator's observations generally ended at approximately the time of the start of the afternoon peak hour parking restrictions (3:30 to 5:30 p.m.) on Pembina Highway, the period when the parking is most needed by the Pembina Highway businesses. On only one day did the observations extend to 4:00 p.m.

5. Even if the area of the proposed closing was not providing much-needed parking for the businesses on Pembina Highway, the Public Works Department would not support the closing and sale of the property as it would result in a substandard right of way of only 14.117 metres, leaving no space available for snow storage, boulevard landscaping or a sidewalk.

6. In the event that the Assiniboia Community Committee recommended approval of the closing application, the Public Works Department recommends:

    a. That a 6.0 metre by 6.0 metre corner cut be retained to permit the maintenance of the existing pavement geometry (radius).
    b. Through a Servicing Agreement, the applicant be responsible for the removal of the pavement within the area to be closed and for the restoration of the curb and boulevard along Somerset Avenue between Pembina Highway and the public lane immediately to the east, as determined by and to the satisfaction of the Director of Public Works.
    c. The street right of way proposed to be closed be consolidated with the purchaser's adjoining lands.

The portion of the street proposed to be closed has been in use as a parking area for local businesses and area residents for 25 years or more.

The Public Works Department maintains that there are numerous areas in the City where employees use the street for parking during working hours. Closing the street will cause increased parking in the residential area to the east.

The closure of the street is opposed by the Public Works Department, which is responsible for the use of streets, and by the Planning, Property and Development Department, which is responsible for ensuring that projects such as the one considered in this report do not conflict with the quality of life in the neighbourhood.

The recommendation of the Administration that the proposed street closing under File DAC 15/2001 not be approved is based on these objections.

On September 15 and October 16, 2001, the Assiniboia Community Committee considered the application under File DAC 15/2001 to close a part Somerset Avenue, east of Pembina Highway. No one registered in support of the application, and four persons registered in opposition thereto. The Assiniboia Community Community recommended that the application for street closing not be approved.

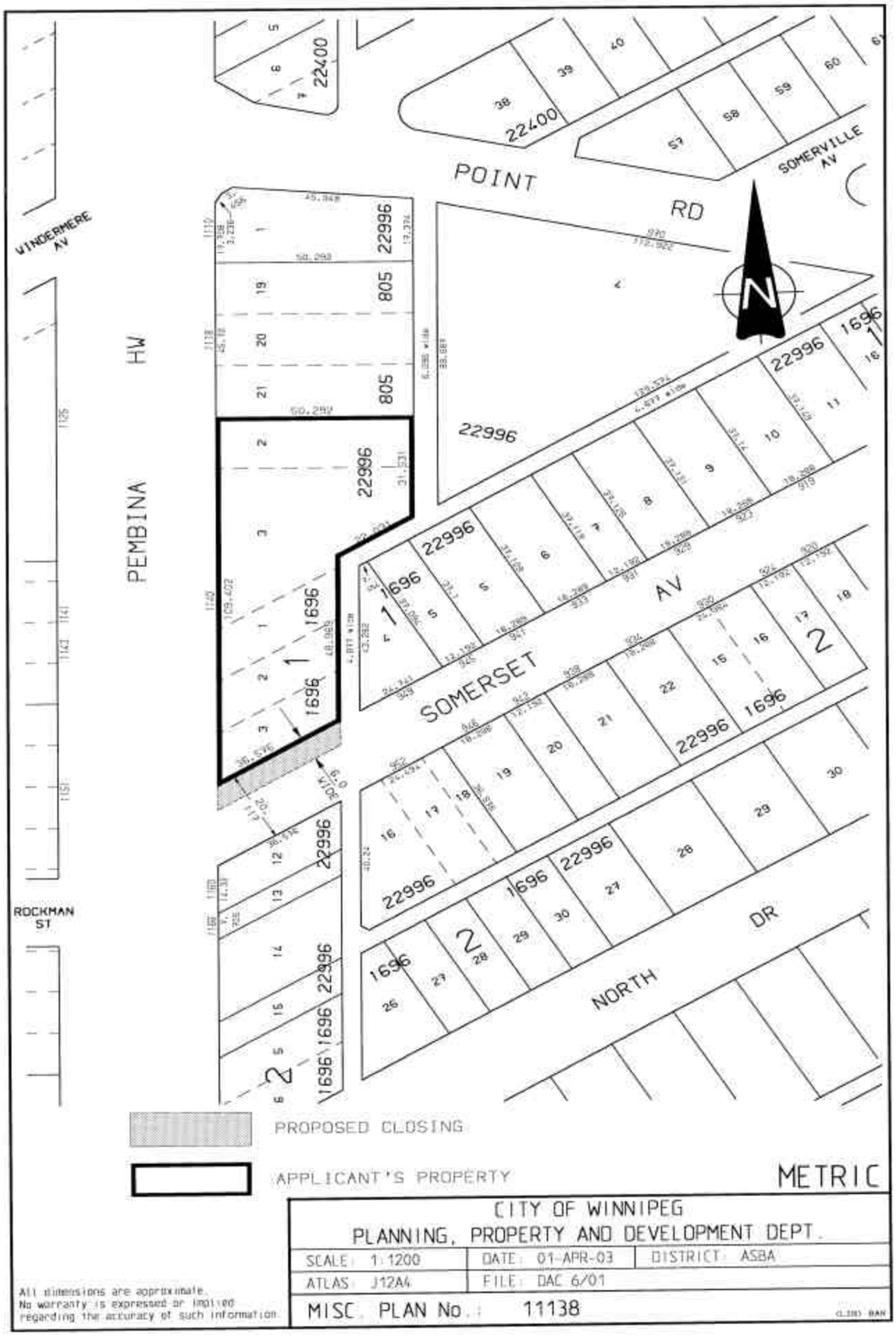
The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and recommends that the application under File DAC 15/2001, to close a part of Somerset Avenue, east of Pembina Highway, not be proceeded with.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Appendix "A" referred to in Clause 3 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001



Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed Closing of Pentonville Place, Ravensden Drive, Roehampton Lane, Cedarcroft Crescent, Uppingham Road, Harding Crescent, Wainwright Drive, Cotswold Road, Wimbourne Lane, Twickenham Circle, Guernsey Lane, Upavon Road, the public lane between Twickenham Circle and Cotswold Road, and part of Aldgate Road - Riel Community Committee
File DAC 16/2001 [c/r DASZ 21/2001]

36 - 4. The Standing Policy Committee on Property and Development has been advised that Qualico Developments (Winnipeg) Ltd. submitted an application to subdivide the lands identified as "File DASZ 21/2001" on Misc. Plan No. 11246. The reconfiguration of the street pattern in the new subdivision will render the existing streets obsolete, and thus Qualico Developments (Winnipeg) Ltd. submitted the application to close the portions of the streets and lane as outlined on Misc. Plan No. 11245. These rights of way do not physically exist, and there is no apparent public use of the property.

The matter has been considered by all affected City Departments and public utilities. There are no administrative objections to the street closing proposal.

The area of the streets and lanes being closed is less than the area of the streets being opened by the subdivision. In accordance with City Policy, the closed streets and lane will be transferred to the applicant for $1.00.

Any requirements for easements for utilities or for costs for the removal, relocation or replacement of any service or improvement will be addressed through the subdivision approval process.

The streets and lanes must be legally closed before they may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province of Manitoba. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right-of-way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

On October 15, 2001, the Riel Community Committee considered the street closing application under File DAC 16/2001. Two persons registered in support of the application, one person registered in opposition thereto, and two persons registered for information thereon. The Community Committee recommended that the proposed street closing be approved.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street/lane closings in accordance with Misc. Plan No. 11245.

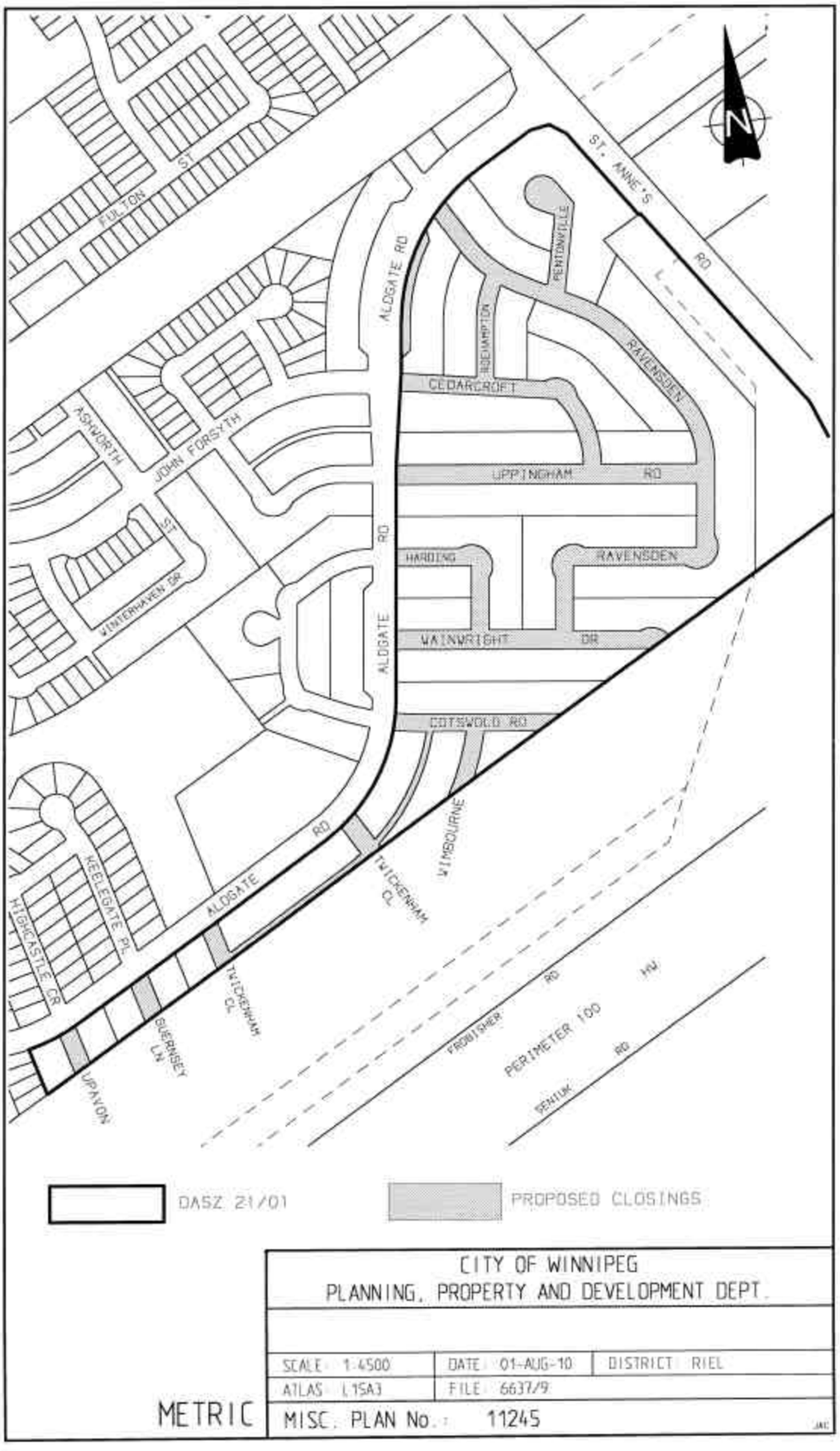
II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Appendix "A" referred to in Clause 4 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001



Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed Subdivision and Rezoning - land located south of Aldgate Road between St. Anne's Road and Upavon Road - Riel Community

File DASZ 21/2001
[c/r DAC 16/2001, DASZ 31/84]

37 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Qualico Developments (Winnipeg) Ltd. (Eric Vogan), 30 Speers Road, Winnipeg, for approval of a plan of subdivision and related zoning change to By-law No. 6400/94 by rezoning the subject lands from an "A.5" Agricultural District to an "R1-3.5" Single-Family District and an "RM-2" Multi-Family District to allow for future residential development.

Site Area
The overall area of the subject site is 53.3 acres.

Existing Land Use and Zoning
The land is currently vacant, undeveloped and zoned "A.5" Agricultural.

Surrounding Land Use and Zoning

North:	Lands to the north are a mix of developed "R1-4" Residential and "A.5" Agricultural".
South:	Lands to the south are vacant "A.5" Agricultural lands extending to the Perimeter Highway.
East:	Lands to the east of St. Anne's Road are largely vacant; zoned "A.5" Agricultural.
West:	To the west are some developed "R1-5" Residential areas and some "PR-1" Parks and Recreational zones.

The proposed plan by Qualico Developments (Winnipeg) Ltd. allows for fixing of road rights-of-way off of Aldgate Road and the rezoning of the bulk of the area to an "R1-3.5" Residential category. Provision has been made for a five (5) acre parcel at the southwest corner of St. Anne's and Aldgate Roads to be rezoned to "RM-2" Multiple-Family category. Applications for short-form subdivisions will be required in order to establish individual lots in the future.

The proposed rezoning and use of the land fully complies with Plan Winnipeg Policy for designated neighbourhood areas.

The applicants, Qualico Developments (Winnipeg) Ltd., are proposing to rezone the subject 53.3 acre site into a large "R1-3.5" Single-Family area and a small five (5) acre multiple-family site ("RM-2") at the southwest corner of Aldgate Road and St. Anne's Road. The subject lands are one of the last remaining undeveloped parcels between St. Mary's Road and St. Anne's Road and south of Aldgate Road. The proposed application highlights future road rights-of-way and the location of a multiple-family site (low-medium density) adjacent to St. Anne's Road. The Administration supports the proposed application subject to all conditions outlined in Administrative Coordinating Group report dated September 26, 2001, and the Zoning Agreement.

The Administration noted that applications for short-form subdivisions (DASSF) will be required in order to establish individual lots on proposed new streets in the future. It should further be noted that the proposed streets were registered previously under File DASZ 31/84 and that a number of servicing conditions were also covered previously under Development Agreement AG 31/84.

On October 15, 2001, the Riel Community Committee held a public hearing to consider the proposed subdivision and rezoning. Two persons registered in support of the application, one person registered in opposition thereto, and two persons registered for information thereon. The Community Committee recommended that the proposed subdivision and rezoning be approved for the following reason:

1. The proposed rezoning and use of the land fully complies with Plan Winnipeg Policy for designated neighbourhood areas.

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

I. That the plan of subdivision proposed under File DASZ 21/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2001 dated September 11, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

A. That the Developer be required to enter into an addendum to Development Agreement AG 31/84 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 26, 2001.

II. That a minimum setback of 16 metres be established for all residential development abutting St. Anne's Road.

III. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

IV. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2001 dated September 11, 2001, to an "R1-3.5" Residential District and an "RM-2" Multiple-Family District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site to include the following conditions:

A. That final site plans for the proposed "RM-2" Multiple-Family site at the southwest corner of St. Anne's and Aldgate Roads showing building locations, building profiles, approaches, parking areas, landscaping, fencing, exterior lighting and garbage receptacle locations shall be submitted to and approved by the Riel Community Committee prior to the issuance of any building permits.

V. That dedication of land under File DASZ 21/2001 is not applicable as this has been fully satisfied under Development Agreement AG 31/84.

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

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

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

IX. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

X. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

XI. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) 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 next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Schedule "A" referred to in Clause 5 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

By-Law No. _____

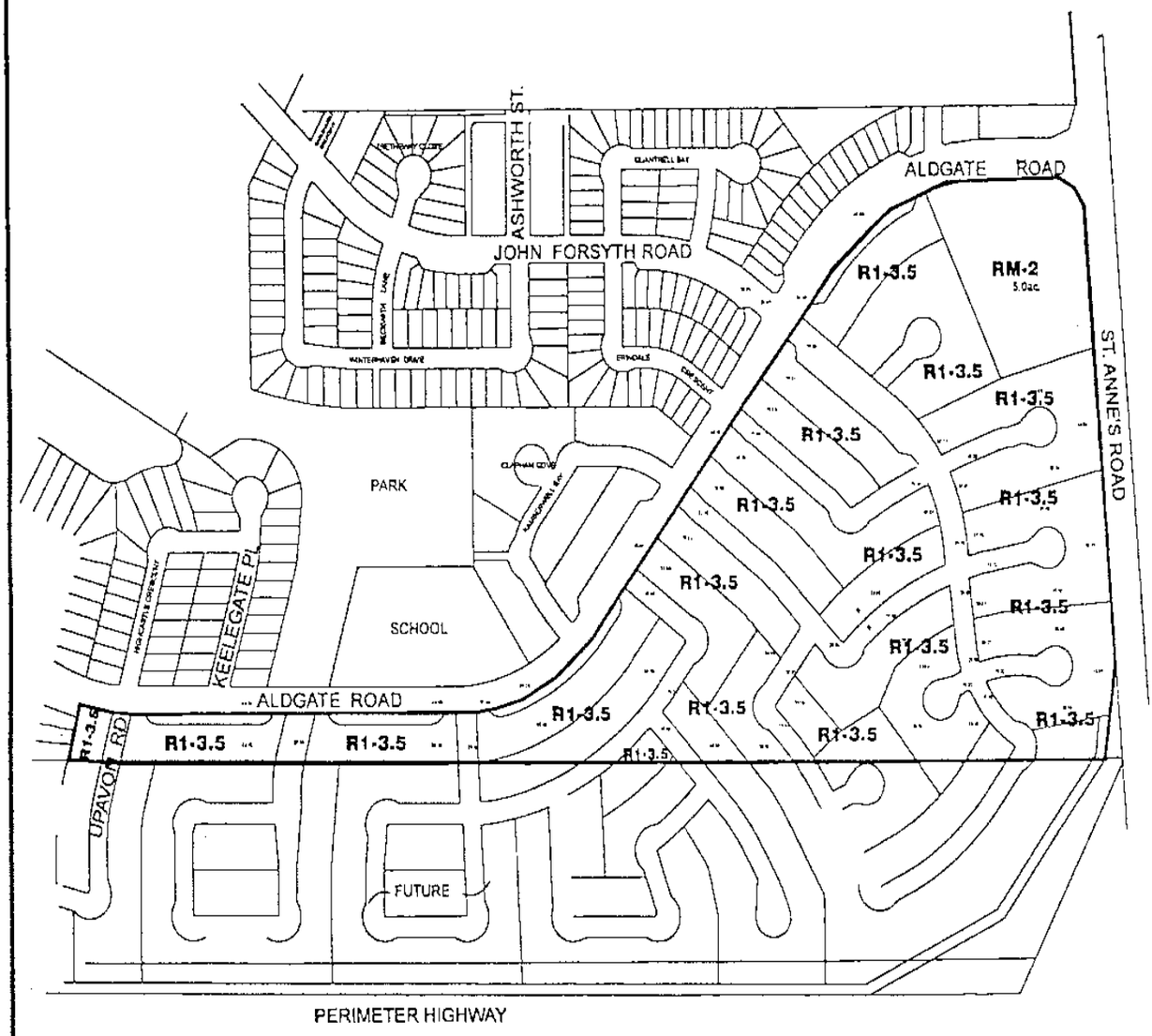
File No. DASZ 21/01

Atlas Sheet No. AL27 RIEL COMMUNITY

N

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located south of Aldgate Road between St. Anne's Road and Upavon Road from an "A.5" AGRICULTURAL DISTRICT to an "R1-3.5" SINGLE-FAMILY DISTRICT and an "RM-2" MULTIPLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for
File DASZ 21/01
Riel Community Committee
September 11, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed reconfiguration of Craigmohr Drive, Kinlock Lane and Fenwick Place - Proposed closing of the public lane north of Sandusky Drive and west of Bairdmore Boulevard - Proposed opening of parts of Bairdmore Boulevard and Sandusky Drive - Riel Community

File DAOC 3/2001

38 - 6. The Standing Policy Committee on Property and Development has been advised that Ladco Company Ltd. (Ken Oblik), 200-40 Lakewood Boulevard, Winnipeg, submitted a request to alter the existing street pattern in the subject area by reconfiguring, opening and closing the streets and lane as outlined on Schedules "A" and "B". The streets and lane were dedicated twenty-five years ago by the original subdivision. This portion of the subdivision has never been developed. These rights-of-way do not physically exist, and there is no apparent public use of the property.

This proposal arises primarily out of the designation of Keslar Road as a collector street to accommodate transit connections in the neighbourhood. The secondary purpose is to replace the rear lane north of Sandusky Drive with a frontage road.

Keslar Road has been widened by 5.7 metres to meet the standard for a collector street. Ladco Company Ltd. has offered the land required for the widening of Keslar Road and the lands shown as "proposed openings" on Misc. Plan No. 11237 in exchange for the lands shown as "proposed closings" on Misc. Plan No. 11236. The City will receive more property than it gives in this exchange. In accordance with City Policy, the closed streets and lane will be transferred to Ladco for the nominal sum of $1.00.

The proposal has been considered by all affected City Departments and public utilities. There are no administrative objections to the street closing.

The streets and lane must be legally closed before they may be transferred. Title to all public rights of way in Manitoba is vested in the name of the Province of Manitoba. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right-of-way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

On October 15, 2001, the Riel Community Committee considered the proposed street openings and closings. One person appeared in support of the application and no one was registered in opposition thereto.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the openings in accordance with Misc. Plan No. 11237 and the closings in accordance with Misc. Plan No. 11236.

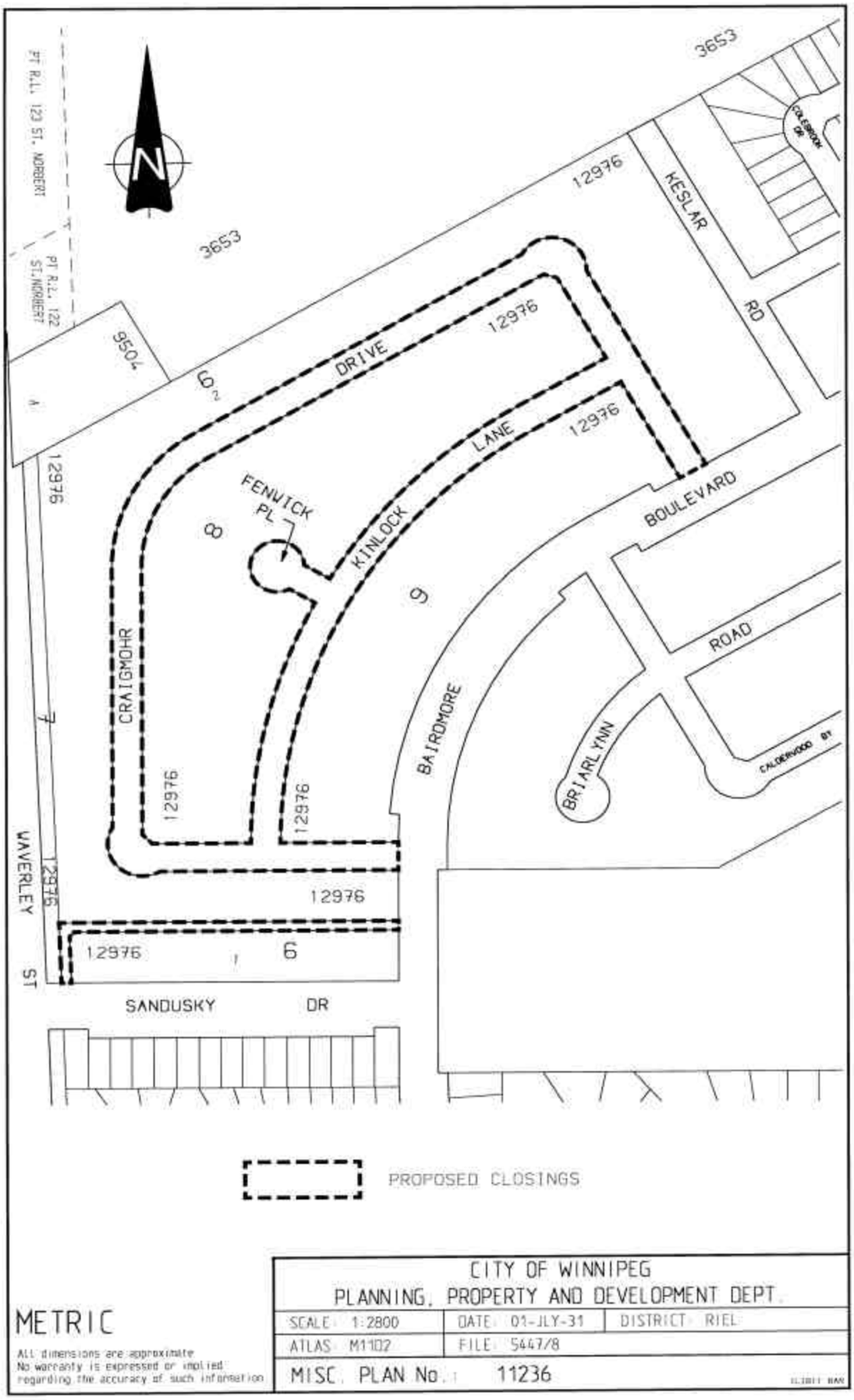
II. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing, including the execution of any documents related thereto.

Adopted by consent.

(See next page for attachment)

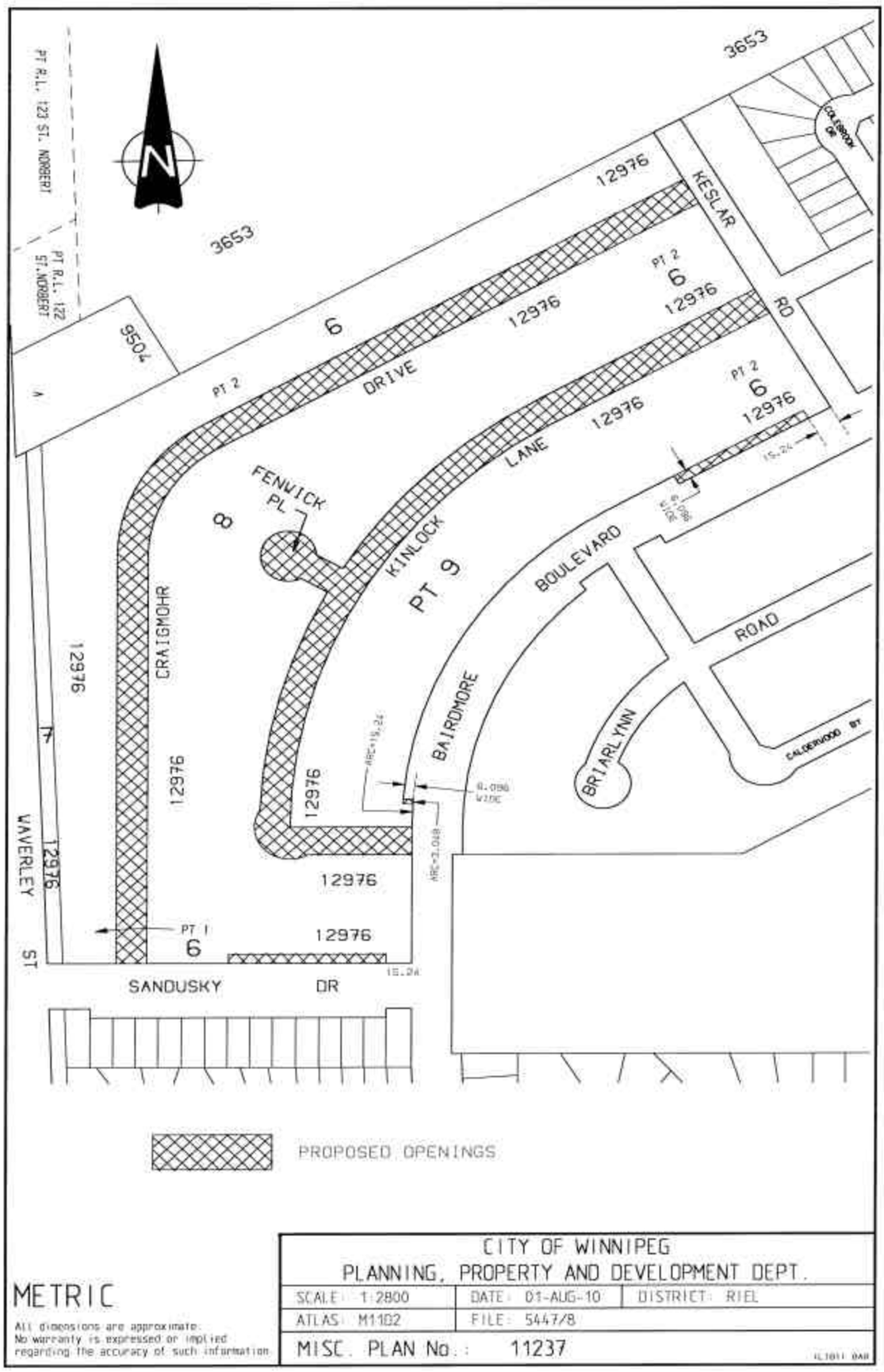
Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Appendix "A" referred to in Clause 6 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001



Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Appendix "B" referred to in Clause 6 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001



Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed Amendment to Subdivision and Rezoning on land located at 1965 DeVries Avenue - Easterly Extension of Strongberg Drive - East Kildonan-Transcona Community
File DASZ 13/2000

39 - 7. The Standing Policy Committee on Property and Development has been advised that the East Kildonan-Transcona Community Committee considered a request from Doug Henne Planning Services on behalf of North Grassie Properties Inc. to amend conditions of approval under File DASZ 13/2000 dealing with the closing of McIvor Avenue at DeVries Avenue.

On May 14, 2001, the East Kildonan-Transcona Community Committee referred the request to the Administration for report back, including the following:

1. The City's policy with respect to funding the costs of closing McIvor Avenue at DeVries Avenue.
2. The engineering requirements for the east end of McIvor Avenue.
3. The capital requirements of the City with respect to asphalt paving in front of the lots to the west end of the flankage property on Strongberg Drive.

On October 9, 2001, the Community Committee considered a report dated August 30, 2001, from the Land Development Engineer, Planning, Property and Development Department, in this connection.

It was initially envisaged by the Administration that the City would bear the cost associated with the legal closing of McIvor Avenue, i.e. survey, plans and by-laws and also the cost of physically closing McIvor Avenue, i.e. barricades, signs, drainage and walkway.

The Developer has already diverted the drainage flowing easterly from the ditch on the north side of McIvor Avenue to the ditch on the south side of McIvor Avenue. This was accomplished by installing a new 450mm culvert across the McIvor Avenue roadway approximately 30 metres west of Strongberg Drive and by replacing an existing 300mm culvert in the south ditch with a new 450mm culvert to accommodate the increased flow toward the DeVries Avenue ditch. The ditch on the north side of McIvor Avenue east of Strongberg Drive has been partially filled in to create a shallower swale directing minor flows to the DeVries Avenue ditch. The ditch on the north side of McIvor Avenue will ultimately be eliminated and replaced with a pedestrian walkway. This ditch will not be completely filled in until it is no longer required to provide the sub-base drainage for the McIvor Avenue roadway.

The Developer's Consulting Engineer has advised that to date $6,900.00 has been spent in connection with the drainage diversion works. That Consulting Engineer has also provided estimates for the cost of constructing asphalt pavement within the McIvor Avenue right-of-way as currently stipulated in the Development Agreement in the amount of $8,500.00 and for the cost of constructing a 2 metre wide asphalt walkway to DeVries Avenue in the amount of $3,500.00. In order to create a building lot within the closed portion of McIvor Avenue wastewater sewer and watermain services would have to be installed at an estimated cost of $7,500.00 although it will not be possible to create a viable building lot without including additional lands to the south.

On October 9, 2001, the East Kildonan-Transcona Community Committee recommended that Recommendation I.A.(a) of Clause 3 of the Report of the Standing Policy Committee on Property and Development dated January 9, 2001, and adopted by Council on January 31, 2001, be amended as set out below.

The Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and recommends:

I. That Clause 3 of the Report of the Standing Policy Committee on Property and Development dated January 9, 2001, and adopted by Council on January 31, 2001, be amended by deleting Recommendation I.A. a) therein and substituting the following, namely:

   a. The Developer shall be responsible for the closure of McIvor Avenue at DeVries Avenue including any reasonable land drainage works required when Strongberg Drive is physically continuous from McIvor Avenue to the existing Strongberg Drive, and that property on the north side of the McIvor Avenue right-of-way be retained for a walkway at a width to be determined by Council.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

b. The Developer shall be given the option to acquire the residual closed McIvor Avenue right-of-way as a buildable lot at no cost provided that in the event the Developer exercises this option, the Developer shall be required to extend the sewer and watermains to service the lot as well as install asphalt pavement in front of the lot and the walkway as an extension of the pavement in the approach to Strongberg Drive, and asphalt the walkway.

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.

Adopted by consent.

Proposed Amendment to Dedication Requirements payable under the Plan of Subdivision and Rezoning for land located on the west side of McPhillips Street between Templeton Avenue and Court Avenue – Lord Selkirk-West Kildonan Community
File DASZ 4/2001

40 - 8. On June 20, 2001, Council passed the Subdivision and Rezoning By-law No. 7850/2001. Since that time, the Applicant has submitted a proposal to satisfy the requirement for the provision of dedication under File DASZ 4/2001. In order to accept the Applicant's proposal, Council must amend its instructions of June 20, 2001, to include the conveyance of land outlined on Schedule "B" along with the payment of $100,000.00 (plus G.S.T.).

As background history, on June 20, 2001, Council adopted Clause 4 of the Report of the Standing Policy Committee on Property and Development dated June 5, 2001, and approved a plan of subdivision and rezoning application under File DASZ 4/2001 to a "C4" Commercial District (outlined on Schedule "A") to allow for the creation of a proposed shopping center.

Recommendation IV. contained in the said Clause stipulated:

IV. That a ten percent (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.

The original valuation for the ten percent (10%) cash dedication was calculated to be $239,770.00 plus G.S.T. The solicitor for the registered owner, Timothy Taylor of Deeley Fabri Sellen, 903 - 386 Broadway, Winnipeg, has been in negotiations and discussions with the Real Estate Division of the Planning, Property and Development Department to have the original valuation re-evaluated. The valuation was reviewed by the Planning, Property and Development Department and has been reduced to $193,100.00 plus G.S.T. on the basis of additional information that the applicant provided. The applicant now proposes to make a payment of $100,000.00 plus G.S.T. of the aforementioned amount in cash and provide the remainder of the dedication in land presently in his client's name, which will be transferred to the City. Council's original instructions dated June 20, 2001 would require an amendment in order to accept this proposal and to allow the subject rezoning and subdivision application to be completed.

The Planning, Property and Development Department has agreed to the above mentioned arrangement for satisfying the requirement for dedication as the City's interests remain secured and circumstances leading to the revised dedication amount are unchanged.

On October 9, 2001, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation contained in the report dated September 21, 2001, from the Subdivision Officer, Planning, Property and Development Department and recommended that the approval given by Council on June 20, 2001 for File DASZ 4/2001, be amended to replace Recommendation IV., as set out below.

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

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

I. That Clause 4 of the Report of the Standing Policy Committee on Property and Development dated June 5, 2001 and adopted by Council on June 20, 2001, be amended to replace Recommendation IV. of the said Clause as follows:

II. That the requirement for dedication be made as follows:

A. A cash payment of $100,000.00 (plus G.S.T.);
B. Dedication of approximately 4.14 acres of land valued at $22,500.00 an acre, as outlined on Schedule "B"; and,
C. All/any costs associated with subdividing of the parcel referred to in Recommendation IV.B. above and transferring it to the City of Winnipeg be borne by 429361 Manitoba Ltd.

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.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Proposed Plan of Subdivision and Rezoning - land located on Breckenridge Close, Setterington Bay and St. Albans Road - Assiniboia Community
File DASZ 17/2001

41- 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from Qualico Developments Ltd. (Lyne Jones), 30 Speers Road, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from an “A” Agricultural District to an “R1-4” Single-Family District to allow for the establishment of sites for single family development.

Existing Land Use and Zoning
Vacant land zoned “A” Agricultural District

Surrounding Land Use and Zoning
Single-family housing zoned “R1-4” Residential District

Qualico Developments (Winnipeg) Ltd. has acquired additional lands permitting the extension of streets and the completion of housing development in the northwest corner of Whyte Ridge bordering the CPR La Riviere Subdivision. The subdivision would permit the construction of 98 single-family dwellings.

The application complies with Plan Winnipeg.

The Planning, Property and Development Department supports the application as being in accordance with the concept plan for the Whyte Ridge Community.

On September 18, 2001, a public hearing was held before the Assiniboia Community Committee. Three persons appeared in support of the application and one person was registered in opposition thereto. The Community Committee recommended that the proposed plan of subdivision be approved for the reason that the subject development is compatible with the area.

On October 30, 2001, the Standing Policy Committee on Property and Development considered the Zoning Change Report from the Assiniboia Community Committee, and approved the following amendments which have been incorporated into the recommendations set out below, namely:

- Amend Recommendation II. by deleting the following words “and that such fees be phased-in as each bay is developed” and substituting therefore the following words “and that all fees identified in the Administrative Coordinating Group Report dated September 5, 2001, be phased-in as each bay is developed”.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

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

I. That the plan of subdivision proposed under File DASZ 17/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 17/2001 dated August 14, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into an Addendum to Development Agreement AG 58/85 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 5, 2001;with the following amendment:

1. That the lands where the current bus loop is located not be developed until such time as a replacement bus loop is constructed, the cost of which shall be borne by the developer.

II. That the Developer be required to pay to the City ten percent (10%) cash dedication in lieu of land dedication in accordance with the Development Agreement, and that all fees identified in the Administrative Coordinating Group Report dated September 5, 2001, be phased-in as each bay is developed.

III. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

IV. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 17/2001 dated August 14, 2001, to an "R1-4" Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to include the following conditions:

A. That the developer construct and maintain a uniform, 2.0 metre (6.5 foot) ornamental wooden fence along the north westerly limit of the lands adjacent to the rights-of-way for Centra Gas and the CPR La Riviere Subdivision.

V. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

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

IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) 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 next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Schedule "A" referred to in Clause 9 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

By Law No. _____

Subsection (205)

Atlas Sheet No. AJ19

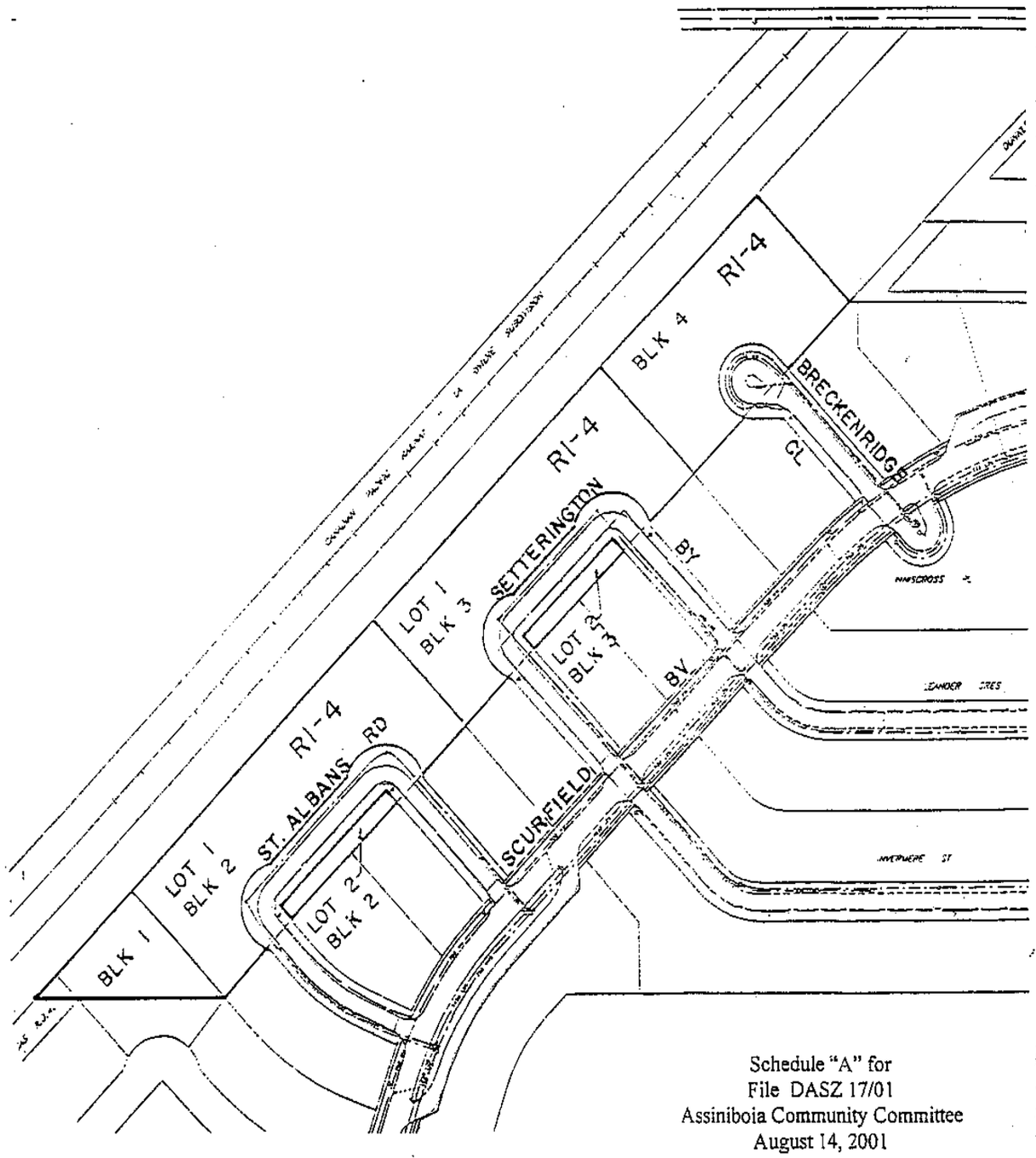
N

ASSINIBOIA COMMUNITY

File No. DASZ 17/2001

Explanation

An application for the plan of subdivision shown outlined below and for a proposed zoning change to By-law No.6400/94 by rezoning the land on Breckenridge Close, Setterington Bay and St. Albans Road from an "A" AGRICULTURAL DISTRICT to an "R1-4"SINGLE-FAMILY DISTRICT as shown outlined below.



Schedule "A" for
File DASZ 17/01
Assiniboia Community Committee
August 14, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed Plan of Subdivision and Rezoning - land located on the north side of Shoreline Drive and east of Brentcliffe Drive - Assiniboia Community
File DASZ 18/2001

42 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Genstar Development Company (Jerry Klein), 218 - 905 Waverley Street, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "A" Agricultural District to an "R1-6" Single-Family District to allow for the creation of sites for residential development.

Existing Land Use and Zoning
The subject site is vacant land zoned "A" Agricultural District.

Surrounding Land Use
The subject site is surrounded by single-family housing.

Genstar Development Company has acquired additional lands permitting consolidation and subdivision into two building lots with frontage on Shoreline Drive.

The application complies with Plan Winnipeg. The Planning, Property and Development Department is in support of the application as being consistent with surrounding development. Land dedication is not owing on this application and it is covered by the existing Linden Woods Development Agreement.

On October 16, 2001, a public hearing was held before the Assiniboia Community Committee. Two persons appeared in support of the application, and no one was registered in opposition thereto. The Community Committee recommended that the proposed subdivision and rezoning be approved for the reason that the application is consistent with surrounding development.

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

I. That the plan of subdivision proposed under File DASZ 18/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 18/2001 dated October 9, 2001, for registration in the Winnipeg Land Titles Office.

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 18/2001 dated October 9, 2001, to a "R1-6" Single-Family Residential District.

IV. That the ten percent (10%) cash dedication in lieu of park dedication not be applied as the applicant has satisfied the open space dedication requirements for the entirety of the their Linden Woods holdings.

V. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

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.

VIII. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) 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 (24) 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 next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Schedule "A" referred to in Clause 10 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

By-Law No. _____

File No. DASZ 18/2001

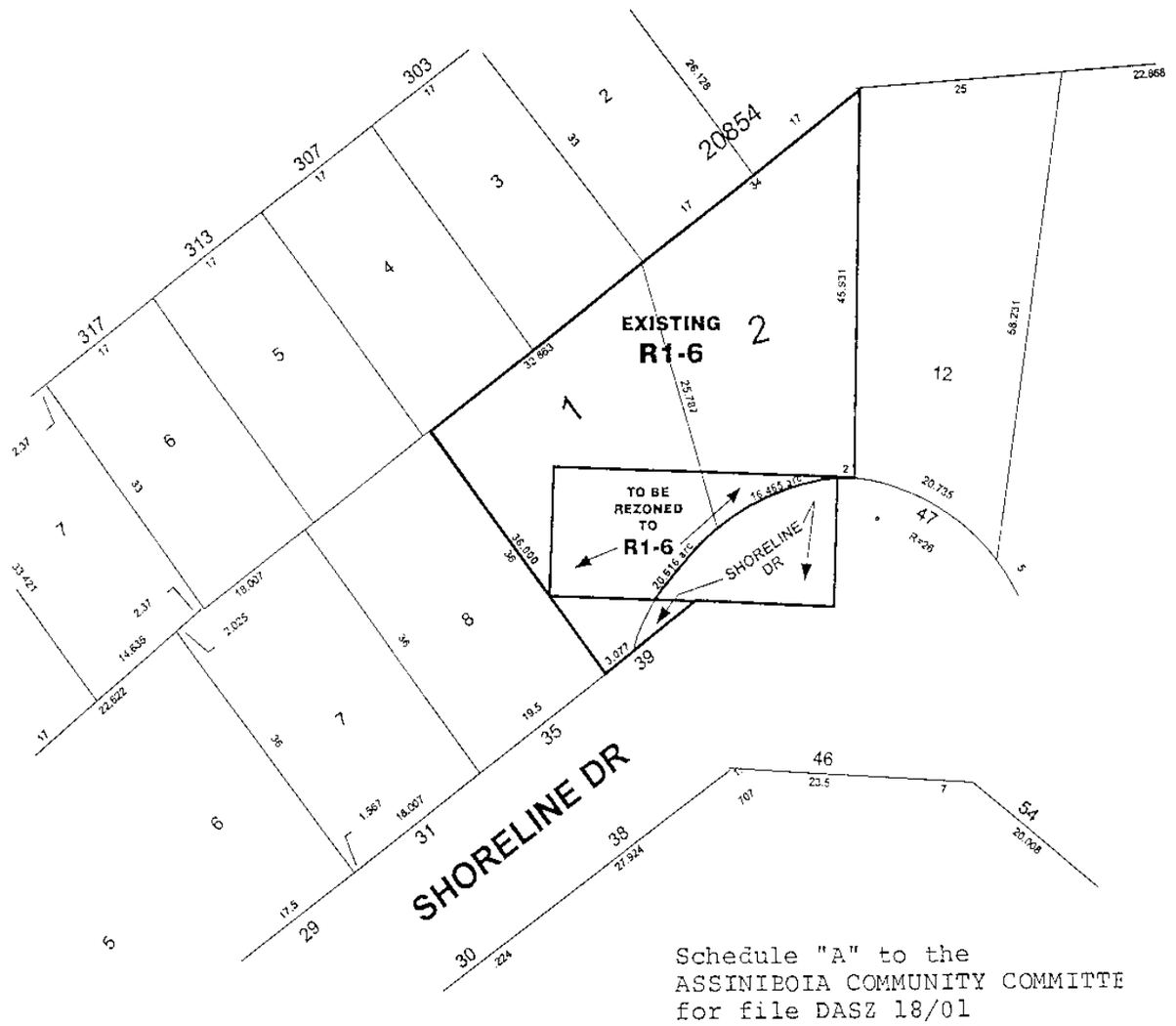
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land on the north side of Shoreline Drive, east of Brentcliffe Drive from an "A" AGRICULTURAL DISTRICT to an "R1-6" SINGLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No. S19

N

LORD SELKIRK
WEST KILDONAN
COMMUNITY



Schedule "A" to the
ASSINIBOIA COMMUNITY COMMITTE
for file DASZ 18/01
dated October 9, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed Plan of Subdivision and Rezoning - land located east of Lindenwood Drive West and south of Marksbridge Drive - Assiniboia Community
File DASZ 19/2001

43 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from Genstar Development Company (Greg Jasper), 218 - 905 Waverley Street, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "A" Agricultural District to an "R1-5" Single-Family District to allow for the creation of sites for single family development.

Site Area
The subject site is 19 plus acres.

Existing Land Use and Zoning
The subject site is vacant land zoned "A" Agricultural District

Surrounding Land Use and Zoning
The subject site is surrounded by single-family residential; zoned for 40 foot and 50 foot lots.

The subdivision is Phase 14 of the Linden Woods residential community. It is proposed to create 69 fifty-foot building lots.

The application complies with Plan Winnipeg. The Planning, Property and Development Department supports the application as being in accordance with the concept plan for the Linden Woods community.

On October 16, 2001 a public hearing was held before the Assiniboia Community Committee. Two persons appeared in support of the application and no one was registered in opposition thereto. The Community Committee recommended that the proposed subdivision and rezoning be approved for the reason that the application is consistent with the surrounding development.

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

I. That the plan of subdivision proposed under File DASZ 19/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 19/2001 dated October 9, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated September 25, 2001.

II. That the Director of Planning, Property and Development 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 19/2001 dated October 9, 2001, to a "R1-5" Single-Family Residential District.

IV. That the ten percent (10%) cash dedication in lieu of park dedication not be applied as the applicant has satisfied the open space dedication requirements for the entirety of the their Linden Woods holdings.

V. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

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 subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

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

IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) 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 next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Schedule “A” referred to in Clause 11 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

By-Law No. _____

File No. DASZ 19/01

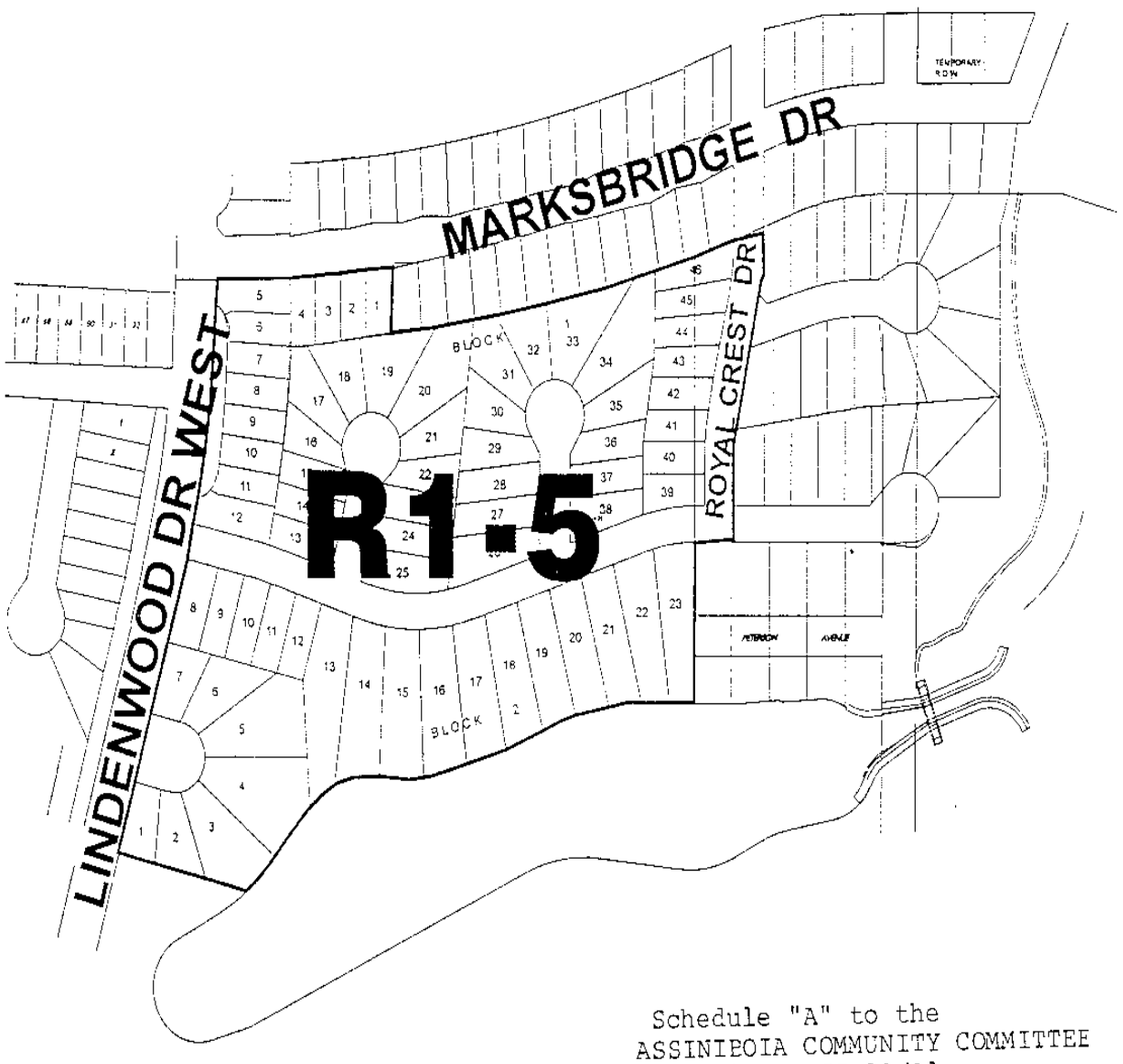
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land east of Lindenwood Drive West and south of Marksbridge Drive from an "A" AGRICULTURAL DISTRICT to an "R1-5" SINGLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No. S19

N

LORD SELKIRK
WEST KILDONAN
COMMUNITY



Schedule "A" to the
ASSINIBOIA COMMUNITY COMMITTEE
for file DASZ 19/01
Dated October 9, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed Plan of Subdivision and Rezoning - 474 Wellington Crescent - City Centre Community
File DASZ 23/2001 [c/r DAV 663/2001D]

44 - 12. The Standing Policy Committee on Property and Development has been advised that an application was received from Aikins, MacAulay and Thorvaldson (Charles Chappell), 30th Floor, 360 Main Street, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "RM-2" Multiple-Family District and an "R1-9" Single-Family District to an "RM-L" Multiple-Family District.

Site Area
The subject site is 54,415 square feet; roughly 275 feet of frontage on Wellington Crescent and 200 feet of flankage on Kingsway Avenue.

Existing Land Use and Zoning
The subject site is zoned "RM-L" Multiple-Family District and "R1-9" Single-Family District; and is a vacant house containing two dwelling units.

Surrounding Land Use and Zoning

North:	Across Kingsway Avenue, single-family dwelling at 514 Wellington Crescent zoned "R1-9" Single-Family District (Note: For reference, throughout this document, the north limit of the property is taken as Kingsway Avenue.)
South:	Single-family dwelling at 466 Wellington Crescent zoned "R1-9" Single-Family District
East:	Across Wellington Crescent, public park zoned "PR-1" Parks and Recreation District
West:	Across the back lane, single-family dwellings at 12 Kingsway Avenue, and 18 and 20 Ruskin Row zoned "R1-9" Single-Family District

The property contains a 2.5-storey, brick century home designed with two self-contained dwelling units. The property is in two titles. The northerly title contains the house and was rezoned, amidst considerable controversy, to "R3" under By-law No. 16502 to permit its conversion to three condominium units. The preamble to the Zoning Agreement describes the resultant density of one unit per 13,330 square feet of lot area as being consistent with existing housing in the area. The rezoning was regarded as a way of preserving a building listed on the Historical Buildings Inventory. It was hoped that the rezoning would also serve as a model for recycling old mansions into multiple-family dwellings while preserving the residential character of the neighbourhood. The Zoning Agreement went on to limit the number of units on the site to three (3), and to limit the height of buildings to three storeys or 42 feet. The Zoning Agreement does not make the rezoning contingent upon the preservation of the existing house.

The northerly property title was rezoned under the Winnipeg Zoning By-law No. 6400/94 to "RM-L" Multiple-Family District, the lowest density multiple-family district in the by-law. The southerly title retains the "R1-9" designation, and would be rezoned to "RM-L" under the current application.

The current owner acquired the property in 1994. The house has been vacant on-and-off since and is in a deteriorated condition with reported structural problems. Upgrading the home would require a substantial investment in the areas of heating, cooling, plumbing, electrical service, foundation stabilization, and interior decorating, as well as windows, exterior building elements and site landscaping. The applicant maintains that converting the building to three residential units would be uneconomical and, in fact, has a structural engineer's report claiming that it would be cheaper to demolish and reconstruct the house in accordance with the original plans rather than undertake the necessary repairs and renovations to the existing structure.

In 1999, the building was reviewed by the Historical Buildings Committee, which recommended that the building be placed on the Building Conservation List as a Grade III structure. The then Standing Committee on Property and Development and, ultimately, City Council, did not concur in the recommendation of the Historical Buildings Committee, thereby enabling demolition of the house.

The current proposal would involve construction of a three-storey condominium apartment building containing fifteen (15) units and underground parking for thirty-three (33) vehicles. The building appearance might be categorized as "Chateau " style with turret elements and a mansard roof. The mansard roof was chosen in order to minimize the height of the building. A pitched or ridge roof would be more consistent with the "Chateau" style, but would increase the effective height of the structure. It is noteworthy that the numeric height of the two roof styles for zoning purposes can be similar in that mansard roofs are measured at the roof-line (in this case 46 feet) whereas pitched roofs, although effectively taller, are measured halfway between the eave and the ridge board.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Architectural elements, like turrets and steeples, are exempt from the height requirements under the by-law as long as they do not exceed a height of ten (10) feet above the measured roofline.

In comparison to the 46-foot height of the proposed structure, the Winnipeg Zoning By-law prescribes a maximum height of 30 feet in "RM-L" zones, the same as single-family zones including the "R1-9" zone. The existing house is in the order of 37.5 feet high, measured halfway up the pitch (zoning measurement), and 45 feet high at the ridge board.

At 15 units, the density of the proposed development is one unit per 3,628 square feet of lot area. The maximum achievable density under the "RM-L" designation is one unit per 2,500 square feet of lot area, or 21 units.

The parking requirement in "RM-L" zones is 1.5 stalls per dwelling unit with ten percent (10%) assigned to visitors. The proposed development would provide underground parking for upwards of 33 vehicles and surface parking for four vehicles, for a parking ratio of 2.5 stalls per dwelling unit.

To avoid increasing traffic on the adjacent public lane, access to the underground parking would be provided off Kingsway Avenue. Access to the front door of the building and visitor parking would be provided via a one-way loop off of Wellington Crescent using existing approaches.

It is proposed to construct a 6.5-foot wrought-iron fence with brick piers around the perimeter of the property. Where possible, existing mature elm trees will be preserved, although the site plans show the likely removal of nine trees in order to accommodate the enlarged building footprint. A proper landscaping plan showing plant species and specifications and fencing details would be required prior to the release of any development permits.

The selection of exterior building materials is preliminary at this point but is expected to consist of a combination of smooth-faced tyndall stone and a neutral coloured drivet or cultured stone and metal roofing. The condominium units would range in area from 2,135 to 2,380 square feet, and would be arranged in semi-circular fashion around an exterior, west or rear-facing courtyard. The building would be serviced with two elevators.

The proposed rezoning complies with Plan Winnipeg.

The Planning, Property and Development Department is prepared to support this application for the following reasons:

- The proposed development is in character with the mixed-housing character of the McMillan and Crescentwood neighbourhoods.
- The existing house was not protected by City Council and is in deteriorated condition with little prospect for rehabilitation.
- The site is large enough to comfortably support the proposed density, and the height and bulk of the building will not overwhelm adjacent housing due to the separation distances.
- The development will retain sufficient mature trees to help screen the building and soften its appearance from adjacent properties and streets.
- The parking provided is mostly underground and well in excess of the by-law requirement.
- With the exception of the special front yard (determined from the setback of the existing house and adjacent houses), the development provides substantial yards in comparison to typical infill developments in older neighbourhoods.
- The target market for the prospective owners is upper income singles and couples whose life-styles would be compatible with residents in the immediate area.
- Wellington Crescent east of Academy Road has changed in character over the past century from a quiet, mansion-lined street to a busy thoroughfare developed with a variety of uses including apartment buildings, single- and multi-family houses. Development in the immediate vicinity of the site includes the Hampton Park condominiums at 525 Wellington Crescent, the recently opened restaurant at 529 Wellington Crescent, St. Mary's Academy, and the Shaarey Zedek Synagogue. The Planning, Property and Development Department is of the opinion that the proposed development compliments the evolving, mixed-use character of the street and maintains an appropriately high standard of development.
- At fifteen (15) units, the development will not have an appreciable impact on area traffic. Sensitive infill development is supported by Plan Winnipeg as a key element in maintaining the stability of older neighbourhoods.
- Given the building separations, the orientations of surrounding homes, and the mature landscaping on and around the site, the adjacent and adjoining properties will not, in the opinion of the Planning, Property and Development Department, be adversely impacted by the proposed development. This is not, of course, meant to diminish the loss to the neighbourhood and City of the existing house and setting that has been a Crescentwood landmark since 1912.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

In view of the foregoing, the Manager of Planning and Land Use of the Planning, Property and Development Department recommended as follows:

1. That the plan of subdivision proposed under File DASZ 23/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 23/2001 dated September 12, 2001, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 23/2001 dated September 12, 2001, to an "RM-L" Multiple-Family District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site to include the following conditions:

   A. The height of the building is limited to three storeys or 46 feet.

   B. The number of residential units is limited to fifteen (15) with underground parking for a minimum of thirty (30) vehicles and surface parking for a maximum of five (5) vehicles.

   C. The development shall provide minimum yards of 40 feet against Wellington Crescent, 45 feet against the adjacent property to the south, 27 feet against the public lane at the southwest corner of the building increasing to 44.5 feet at the northwest corner of the building, and 41 feet against Kingsway Avenue.

   D. Vehicular access to the underground parking is restricted to Kingsway Avenue.

   E. Prior to the issuance of a demolition or development permit, plans showing the layout of the development including site layout and access, building elevations and materials, landscaping and fencing, and site lighting be submitted for the approval of the City Centre Community Committee.

   F. Outside garbage enclosures are prohibited.

4. That Caveat No.1552690, being Zoning Agreement By-law No. 5947/92, be discharged.

5. That a ten percent (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 market value of the land.

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

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

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

9. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) 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.

On October 2, 2001, a public hearing was held before the City Centre Community Committee. Twenty persons registered in support of the application and thirty-nine persons appeared in opposition thereto. The Community Committee recommended that the proposed plan of subdivision and rezoning application not be proceeded with for the following reasons:

1. A large number of area residents appeared in opposition to the proposed development.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

2. Although a significant amount of discussion took place prior to the Public Hearing, a full public consultation was not held.
3. Concerns were expressed with respect to the provision of parking on site as well as increased traffic.
4. Concern was also expressed with respect to access to the site both from Kingsway Avenue and the back lane.
5. The problems with the development are not due to the square footage of the subject site but rather the specific location of the property.

The Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and recommends that the application under File DASZ 23/2001 for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "RM-2" Multiple-Family District and an "R1-9" Single-Family District to an "RM-L" Multiple-Family District, not be proceeded with.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Schedule "A" referred to in Clause 12 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

By-Law No. _____

Subsection (205)

File No. DASZ 23/2001

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land at the southwest corner of Wellington Crescent and Kingsway from an "R1-9" SINGLE-FAMILY DISTRICT to an "RM-L" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No.

AC23
CITY CNTRE
COMMUNITY



Schedule "A" for
File DASZ 23/01
City Centre
Community Committee
September 12, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Request for Extension of Time - Proposed Rezoning of land located at 5920 Roblin Boulevard - Assiniboia Community File DAZ 225/98

45 - 13. The Standing Policy Committee on Property and Development has been advised that Barry Roy, Habing Roy, solicitor for the applicants (Ronald and Debra Porath) advised the Planning, Property and Development Department that his clients received the zoning agreement for execution and registration but did not fully comprehend the importance of the agreement and the steps to be followed to effect its registration. The agreements were then misplaced and finally found by the Poraths on July 12, 2001. They have now retained the services of Habing Roy to complete the registration of the aforementioned documents in order to bring the subject rezoning into effect. Therefore, they are requesting an extension of time to December 31, 2002 in order to complete the subject rezoning application.

On September 9, 1998, Council adopted Clause 7 of the Report of the Standing Policy Committee on Property and Development dated August 24, 1998, and approved an application under File DAZ 225/98 to rezone land located at 5920 Roblin Boulevard to a "C2" Commercial District to allow for commercial development, subject to the execution of a zoning agreement.

Recommendation IV. contained in the said Clause stipulated:

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

Recommendation VI. contained in the said Clause further stipulated:

> That the Rezoning By-law shall become effective 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 twenty-four (24) months from the date that the said Rezoning By-law is adopted by Council.

On July 19, 1999, Council passed Rezoning By-law No. 7480/99. The enactment section of the by-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by July 21, 2001, failing which the by-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

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

On September 18, 2001, the Assiniboia Community Committee considered report dated August 1, 2001, from the Subdivision Officer, Planning, Property and Development Department, which recommended that an extension of time to December 31, 2002 be granted in order to provide for the enactment of Rezoning By-law No. 7480/99 under File DAZ 225/98. The Community Committee recommended approval for an extension of time of six (6) months for the enactment of the said Rezoning By-law.

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

I. That an extension of time to June 30, 2002, be granted in order to provide for the enactment of Rezoning By-law No. 7480/99 under File DAZ 225/98.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed Rezoning - 811 Panet Road -
East Kildonan-Transcona Community
File DAZ 202/2001

46 - 14. The Standing Policy Committee on Property and Development has been advised that an application has been received from Pre-Con Builders (Rob Lee), 1540 Taylor Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land from a "C3-1" Commercial District to an "M1-B" Industrial District to allow for the maintenance and expansion of a plastics manufacturing facility.

Site Area
The subject site is 4.1 acres (16,625.473 square metres).

Existing Land Use and Zoning
The subject site is currently a fuel kiosk, plastic manufacturing facility, and a storage compound for poly tanks, trucks and trailers, zoned "C3-1" Commercial District.

Surrounding Land Use and Zoning

North:	Church, zoned "C3-1" Commercial District
South:	Revy Home and Garden Centre, zoned "C3-1" Commercial District
East:	Lagimodiere Boulevard
West:	Across Panet Road, multi-tenant shopping centre, zoned "C2" Commercial District and row houses, zoned "RM-1" Residential District.

The applicant proposes to maintain a plastic manufacturing facility on the subject property in order to manufacture and store poly septic tanks.

The subject property is located with a Neighborhood Policy Area of Plan Winnipeg. The proposed continuation of the plastic manufacturing facility will generally comply with Plan Winnipeg by virtue of Policy 5A-12, which states that the City shall allow mixed uses in neighborhoods which may include (iii) light industrial development at industrial park standards to act as a buffer between residential development, major traffic arteries or railways, or other incompatible uses.

The septic tank manufacturing use and outside storage of tanks were originally established by Variance Order DAV 55/90 for a two-year period and to permit no more than thirty tanks to be stored outside on the site. The use was subsequently permitted to continue until April 8, 1998 through a temporary change of use (under Variance Order DAV 169/93C) that imposed a condition that the subject manufacturing business not be physically expanded beyond its existing scale, within the existing building.

An addition to the building was constructed in December 2000 without a permit and it was this event that prompted the Zoning and Permits Branch of the Planning, Property and Development Department to realize the septic tank manufacturing business was no longer legally established on the property. The rear of the property is accommodating well over one hundred poly tanks, far in excess of the thirty tank limit originally imposed. The property is also functioning as a storage yard for several trucks and trailers, a use not permitted under "M1B" Industrial district regulations and conditional in a "C3-1" Commercial zoning district.

The property was also subject to a landscape plan as approved by the East Kildonan-Transcona Community Committee on April 24, 1990. The landscape plan concerns the most westerly 40 feet of the property and includes 3 shubert chokecherry (8 foot, 2 inch calliper), 8 globe cedars (2 foot), 5 blue junipers and 28 potentilla (22 to 24 inches). There is no evidence that this landscaping requirement has been maintained on the property.

In order for the septic tank manufacturing operation to continue on this property, zoned "C3-1" Commercial District, the property must be rezoned for the industrial use. As a Neighborhood Policy Area in Plan Winnipeg, light industrial development is permitted provided it is developed to industrial park standards. In order to achieve the intent of industrial park standards, an "M1B" Industrial District is appropriate. Under the Zoning By-law, development in "M1B" would also require approval of development plans by the Building Design Board.

On the subject property, the intent of the "M1B" Industrial District can be met through implementation of the following site development standards as well as the scrutiny of the Building Design Board, namely:

1. A solid opaque fence should be installed along the north and east property lines, which may include some relocation of the fence to incorporate landscaping as described below.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

2. Substantial landscaping should be provided between the property line and the fence along the entire east side of the property to fully screen the rear yard / outside storage from Lagimodiere Boulevard. The landscaping should be installed to cover at least 20 feet west of the east property line and wrap around the northeast and southeast corners of the property, about 20 feet south of the north property line for the easterly most 50 feet and 20 feet north of the south property line for the easterly most 50 feet. Landscaping should include a mix of coniferous (minimum 8 feet high) and deciduous (minimum 3 inch calliper) trees in two rows twenty feet on center. Details about plant bed preparation should be included with plans submitted to ensure trees are well established.

3. A comprehensive landscape plan should be re-established for the Panet front yard, to incorporate a mix of coniferous and deciduous trees and shrubs.

4. The height of all outside storage should not exceed the height of the fence and the outside storage to be maintained in an orderly conditional at all times. This is a specific by-law requirement in the "M1B" Industrial district.

5. The truck and trailer compound is not legally established at this time and is not permitted in an "M1B" Industrial district. All stored trucks and trailers should be removed from the site.

The Water and Waste Department advised that there is a full range of underground services existing in Panet Road abutting the subject site. The Public Works Department advised that the subject site abuts the temporary asphaltic concrete pavement section constructed by Revy Home and Garden Centre. The Administration recommended that the owner of the subject property as conditions of any rezoning of the land be required to enter into a servicing agreement to address the costs of servicing the site.

Given the nature of the area, particularly the evolution of commercial development south of the property east of Panet Road and the residential neighbourhood to the west, Planning and Land Use Division of the Planning, Property and Development Department recommended that the area is not suitable for industrial development over the long term. The property is most suitable for commercial development and the recommended landscaping treatments will provide an investment toward the future development of the property for commercial purposes. For this reason, the recommended Zoning Agreement includes a clause that will cause the zoning to revert to "C3-1" Commercial District at that time the septic tank manufacturer ceases to operate at this location. Alternatively, The City of Winnipeg Act allows a period of time to define the termination of the temporary use. This may be more appropriate if the business has specific plan to relocate.

The East Kildonan-Transcona Community Committee held public hearings on May 14, June 19 and July 17, 2001, to consider the subject application for rezoning and heard public representations on this matter.

On October 9, 2001, the East Kildonan-Transcona Community Committee continued the public hearing process, and considered a supplementary administrative report dated October 2, 2001, from the Manager of Planning and Land Use, Planning, Property and Development Department, summarizing that it is the intent of the City that this land should be developed for commercial, not industrial uses. The City accommodated the establishment of an industrial use (septic tank manufacturing and storage) on a temporary basis through two variances. The applicant did not meet the conditions of those variances when he expanded the manufacturing business without a permit. The uses on this site are now in conflict with the Winnipeg Zoning By-law.

Given the long history of industrial type uses on the site, the current low demand for commercial development at this location and the investment made in the septic tank manufacturing business, the Planning, Property and Development Department supports a zoning change to resolve this conflict. However, since this is a Neighbourhood Policy area under Plan Winnipeg, any industrial zoning must meet industrial park standards. These standards are intended to create an open, well-landscaped, attractive industrial environment. In this instance the focus will be on the appearance from Panet Road and from Lagimodiere Boulevard.

On the basis of discussion with the applicant, the Administration recommended that certain changes be made to the recommendations contained in the report dated May 4, 2001 from the Manager of Planning and Land Use. These changes are:

- An opaque fence will not be required along the north and east property line. Screening of this industrial use from Lagimodiere Boulevard will be accomplished by development of a minimum 10-foot extensively landscaped strip according to plans to be approved by the East Kildonan-Transcona Community Committee. The chain link fences may remain but the fence along the east property line shall be relocated to accommodate the approved landscaping.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

- A date be added (June 30, 2002) by which landscaping must be completed.

- Parking trailers will not be prohibited on the site but will be limited to two (2) trailers associated with a highway tractor repair business.

Although there are only minor changes, in order to avoid any confusion, the Administration recommended that its recommendations for approval of the proposed rezoning contained in the May 4, 2001 report be replaced with those outlined in the October 2, 2001 supplementary report.

As outlined above, on May 14, June 19, July 17 and October 9, 2001, public hearings were held by the East Kildonan-Transcona Community Committee to consider the subject rezoning application. Three persons registered in support of the application, and no one registered in opposition thereto. The Community Committee recommended approval of the proposed rezoning for the following reasons:

1. Given the long history of industrial type uses on the site, the current low demand for commercial development at this location and the investment made in the septic tank manufacturing business, the Planning, Property and Development Department supports a zoning change to resolve this conflict.

2. Since this is a Neighbourhood Policy area under Plan Winnipeg, any industrial zoning must meet industrial park standards, which are intended to create an open, well landscaped, attractive industrial environment.

3. The focus will be on the appearance of the site from Panet Road and Lagimodiere Boulevard.

On October 30, 2001, the Standing Policy Committee on Property and Development considered the Zoning Change Report dated October 24, 2001, from the East Kildonan-Transcona Community Committee and approved the following amendments, which have been incorporated into the recommendations set out below, namely:

- Recommendation III be deleted in its entirety and replaced with the following:
  III. That the City Solicitor/Manager of Legal Services be requested to prepare a by-law for submission to Council, pursuant to Section 518 of The City of Winnipeg Act to provide that no building or structure shall be placed on the applicant's land within 1.825 metres (5.988 feet) of the Panet Road right-of-way, along the Panet Road frontage of the property.

- Recommendation I.A. be amended by adding the following sub-clause:
  7. That pursuant to a by-law passed by Council, pursuant to Section 518 of The City of Winnipeg Act, no building or structure shall be erected on the land within 1.825 metres (5.988 feet) of the Panet Road right-of-way, along the Panet Road frontage of the property.

The Standing Policy Committee on Property and Development concurred in the recommendations of the East Kildonan-Transcona Community Committee, as amended, and recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 202/2001 dated May 4, 2001, to an "M1-B" 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 zoning on the property shall revert to a "C3-1" Commercial District upon cessation of the septic tank manufacturing use on this property.

      2. That no buildings, structures or works shall be erected or located on the land and no building permit issued for construction on the land unless and until plans showing the location and design of the proposed buildings, the location and design of accessory parking areas, loading areas, private approaches, driveways, fencing, garbage enclosures, exterior lighting, facia signs, free-standing signs, landscaping, including details about planting bed preparation, are submitted to and approved by the East Kildonan-Transcona Community Committee, and the Chief Administrative Officer or designate under the designations as Schedule "A" to Zoning Agreement DAZ 202/2001, maintained thereafter to the satisfaction of the Director, Planning, Property and Development, and no buildings, structures or works shall be constructed or placed on the land except in accordance with Schedule "A" to the Agreement.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

3. That the east, north east, and south east edges of the property shall be extensively landscaped with trees in accordance with Condition No. 2 and that said landscaping shall be established not later than August 30, 2002, and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

4. That the front yard shall be extensively landscaped, in accordance with Condition No. 2 and that said landscaping shall be established not later than June 30, 2002 and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

5. That not more than two (2) highway transport trailers may be stored on the site in conjunction with a highway tractor repair business.

6. That with the exception of highway transport trailers, no outside storage shall exceed the height of the fence.

7. That pursuant to a by-law passed by Council, pursuant to Section 518 of The City of Winnipeg Act, no building or structure shall be erected on the land within 1.825 metres (5.988 feet) of the Panet Road right-of-way, along the Panet Road frontage of the property.

II. That the owner of the subject property shall enter into a Servicing Agreement in accordance with Land Development Engineer's Report dated May 2, 2001, amended as follows:

"That the following be added to Condition No. 1, at the end thereof:

The above share shall be adjusted to take into account previous Local Improvement Levies assessed for sidewalks, ornamental street lighting and concrete pavement, including boulevards, pursuant to By-law Nos. 6113/93, 7152/98 and 7356/99 respectively."

III. That the City Solicitor/Manager of Legal Services be requested to prepare a by-law for submission to Council, pursuant to Section 518 of The City of Winnipeg Act to provide that no building or structure shall be placed on the applicant's land within 1.825 metres (5.988 feet) of the Panet Road right-of-way, along the Panet Road frontage of the property.

IV. That a ten percent (10%) dedication be made by a payment of sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

V. That, in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (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.

VI. 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.

VII. 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 twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

IX. 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 Vandal,
Adoption of the clause.

Moved by Deputy Mayor Thomas,
Seconded by Councillor Vandal,

THAT the clause be laid over until the next meeting of Council to be held on December 12, 2001.

Carried.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Schedule “A” referred to in Clause 14 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

By-Law No. _____

File No. **DAZ 202/01**

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land at 811 Panet Road from a "C3-1" COMMERCIAL DISTRICT to an "M1-B" INDUSTRIAL DISTRICT as shown outlined below.

Atlas Sheet No. **Y30**

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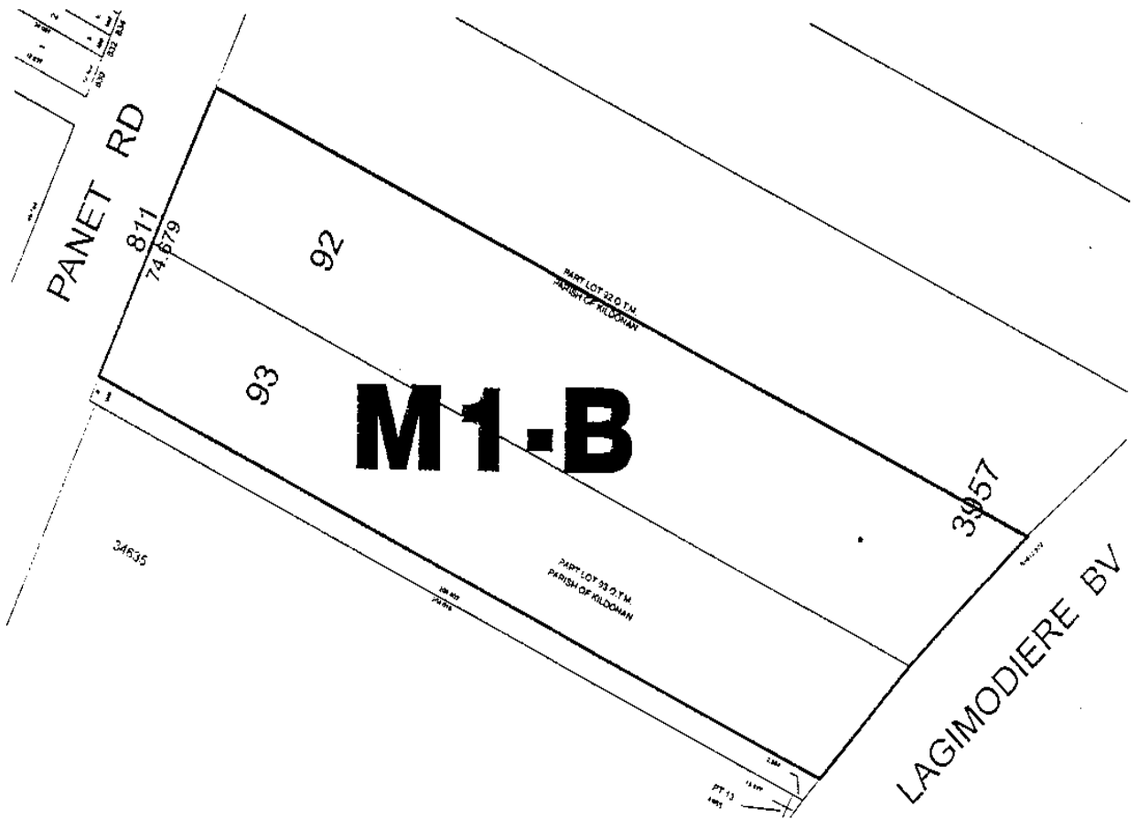
EAST KILDONAN TRANSCONA COMMUNITY



Schedule "A" for
File DAZ 202/2001
East Kildonan – Transcona
Community Committee
May 4, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed Rezoning - land located at 1301 - 1357 Kenaston Boulevard - Assiniboia Community
File DAZ 215/2001
[c/r DAV 268/2001D and DASSF 539/99]

47 - 15. The Standing Policy Committee on Property and Development has been advised that an application has been received from Tuxedo Business Park Inc. (Bill Kerr), 1 Terracon Place, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the land outlined from an "M3" Industrial District to an "M2" Industrial District to allow for a broader range of uses.

Site Area
The subject site is about 21 acres.

Existing Land Use and Zoning
The subject site is vacant land zoned "M3" Industrial District.

Surrounding Land Use and Zoning

North:	CN Intermodal Yard zoned "M3" Industrial District
South:	Across City right-of-way, Lafarge Canada Inc. lands zoned "M3" Industrial District
East:	Rothwell Road/Lawson Street industrial subdivision zoned "M3" Industrial District
West:	Fort Whyte Nature Centre zoned "A" Agricultural District

The proposal is to rezone about twenty-one (21) acres of land for the construction of several single- and multi-tenant industrial buildings. The project is the first stage of what the applicant calls the Tuxedo Business Park. The development was made possible by the decision of Lehigh Portland Cement Limited to dispose of their surplus lands. The entire holding spanned some 228 acres. The company retained sufficient lands for the continued operation of their cement product unloading, storage, and distribution facility. Some of the surplus lands were acquired by the Fort Whyte Nature Centre for the expansion of the nature preserve, and by the City of Winnipeg for land drainage purposes. The applicant acquired the lands fronting Kenaston Boulevard comprising about 75 acres. The subdivision was dealt with under File DASSF 539/99.

The applicant's concept plan for the business park illustrates the construction of a number of free-standing and strip buildings and related parking areas buffered by landscaped strips interspersed with small storm water retention ponds. Access to Kenaston Boulevard would occur via a westerly extension of Rothwell Road, initially as a private roadway. For construction of the adjoining phase of the business park, a second point of access to Kenaston Boulevard would be provided via City right-of-way bounding the lands on the south and currently used by the City for access to their snow dump.

The requirements for land dedication or cash-in-lieu have been satisfied by the applicant in that lands were deeded to the City for land drainage purposes as detailed in the Development Agreement AG 539/99. The land dedication clause has therefore been omitted from the recommendations for approval.

A related zoning variance under File DAV 268/2001D would permit the establishment of offices as a principal use of land within the subject "M3" lands in anticipation of Council approval of DAZ 215/2001. The Planning, Property and Development Department recommended against the application for reasons outlined below.

The application to rezone the subject lands to "M2" Industrial District technically complies with Plan Winnipeg in that the rezoning from "M3" to "M2" is occurring within an Industrial Policy Area. Moreover, Policy 5A-32 encourages the development of "privately developed industrial park subdivisions" within Industrial Policy Areas. However, the Planning, Property and Development Department is of the opinion that the application may conflict with the objective in Plan Winnipeg of protecting industrial policy areas from the encroachment of non-industrial uses. Although the applicant is calling his development a "Business Park", the proposed "M2" zoning would allow the proliferation of suburban office and retail uses. Plan Winnipeg states that the City's industrial areas should be "supported in a manner which makes them stable and attractive and able to meet market demands".

The Development Management Branch of the Planning, Property and Development Department is of the opinion that the current application could further erode the industrial land base of the City by allowing the proliferation of non-industrial uses like office buildings and retail outlets. This development would also occur at the expense of the existing commercial zones in the downtown and suburban areas, further fragmenting such development within the City.

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

The Planning, Property and Development Department is generally supportive of the applicant's plans to develop a business park on the subject lands, depending upon the definition of "business park". The lands are upwind of the Linden Woods residential community. The current "M3" zoning would permit several heavy industrial uses that could be detrimental to the residential environment. Also, the development of a business park implies a higher standard of building design and site landscaping. This is appropriate on Kenaston Boulevard as the street provides primary access to the Whyte Ridge residential community and the burgeoning commercial sector at the intersection of Kenaston and McGillivray Boulevards.

At the same time, the Planning, Property and Development Department is concerned about the proposed "M2" rezoning as it allows for a proliferation of retail and office uses. The Department is of the opinion that the lands should be retained primarily for industrial or wholesale users requiring a combination of office, warehouse, storage, manufacturing, fabrication and assembly space. A more appropriate zoning district for the lands, given their prominent location, would be "MP-1" Industrial District. The Winnipeg Zoning By-law No. 6400/94 describes the "MP-1" zoning district as providing for "development to industrial park standards" (Section 800-5). For instance, "MP-1" does not permit outside operations or storage and any new construction within the zone requires Building Design Board approval.

The "MP-1" district does not permit retail uses or offices as a principal use of land. The Planning, Property and Development Department is of the opinion that the "M2" Industrial District's flexibility in allowing office and retail uses can be detrimental to industrial users by inflating the cost of land and rents and by introducing uses which, by nature of their hours of operation and traffic generation, conflict with industrial operations. These problems have emerged in recent decades coincident with suburban residential expansion and the decentralization of commercial and office uses. The Department is of the opinion that Fort Garry has sufficient lands for commercial expansion and enough existing "M2" zoning within the Whyte Ridge and Chevrier industrial areas.

It is the recommendation of the Planning, Property and Development Department that the application to rezone the lands to "M2" Industrial District be denied, and that the lands be rezoned "MP-1" Industrial District. The Development Management Branch of the Planning, Property and Development Department is of the opinion that a rezoning to "MP-1" could be recommended for approval as it is a more restrictive zoning category than the one advertised.

If the lands are rezoned "MP-1", a Zoning Agreement would not be required. However, should the lands be rezoned to "M2" Industrial District, the Administration recommends that a Zoning Agreement be entered into prohibiting, in particular, office and retail uses and outside storage or operations.

On July 10 and September 18, 2001, a public hearing was held before the Assiniboia Community Committee. Two persons appeared in support of the application, and no one was registered in opposition thereto.

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

1. The subject application will downzone the property from the current "M3" which permits several heavy industrial uses that could be detrimental to the residential environment.
2. The proposed development will be much more compatible with the surrounding area.
3. The development of a business park implies a higher standard of building design and site landscaping which will be appropriate on Kenaston Boulevard.

The Standing Policy Committee on Property and Development concurred in the recommendation 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 215/2001 dated June 25, 2001, to an "M2" 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 prior to the issuance of a development permit, detailed plans showing site layout, parking, access, building elevations and materials, signage, landscaping, fencing, and garbage enclosures be submitted for the approval of the Assiniboia Community Committee.

      2. That the following uses be prohibited on the lands:
         - Amusement devices, accessory
         - Animal pound, kennel

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

- Art/crafts/hobby: instruction, sale of supplies
- Auction yard
- Bank, credit union
- Banquet hall, dance hall
- Barber shop, beauty salon
- Bicycle: rental, sale service
- Bingo parlour
- Bowling alley
- Cabaret
- Cocktail lounge
- Dating and escort service
- Drive-through facility
- Florist
- Gift store
- Grocery, confectionary
- Hotel, motel
- Jeweller, watchmaker
- Musical instruments, sale, service, instruction
- Parish hall
- Pawn shop
- Pet sales, supplies, except wholesale
- Restaurant over 3,500 square feet
- Drive-through restaurant
- Sign, advertising
- Theatre, cinema, concert hall
- Toy sales

3. That free-standing signage be limited to a height of eight (8) feet and a maximum sign surface area of forty-eight (48) square feet.

4. That a landscaped yard of twenty-five (25) feet be provided adjacent to City rights-of-way including Kenaston Boulevard.

5. That the following minimum yards be provided:
   - front yard: 25 feet
   - rear yard: 25 feet;
   - interior side yard: 15 feet
   - corner side yard: 20 feet.

II. That a ten percent (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.

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

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 twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Schedule "A" referred to in Clause 15 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

By-Law No. _____

File No. DAZ 215/01

Explanation

A proposed change to By-law No. 6400/94 by rezoning the land at 1301 - 1357 Kenaston Boulevard from an "M3" INDUSTRIAL DISTRICT to an "M2" INDUSTRIAL DISTRICT as shown outlined below.

Atlas Sheet No. AG19 ASSINIBOIA COMMUNITY

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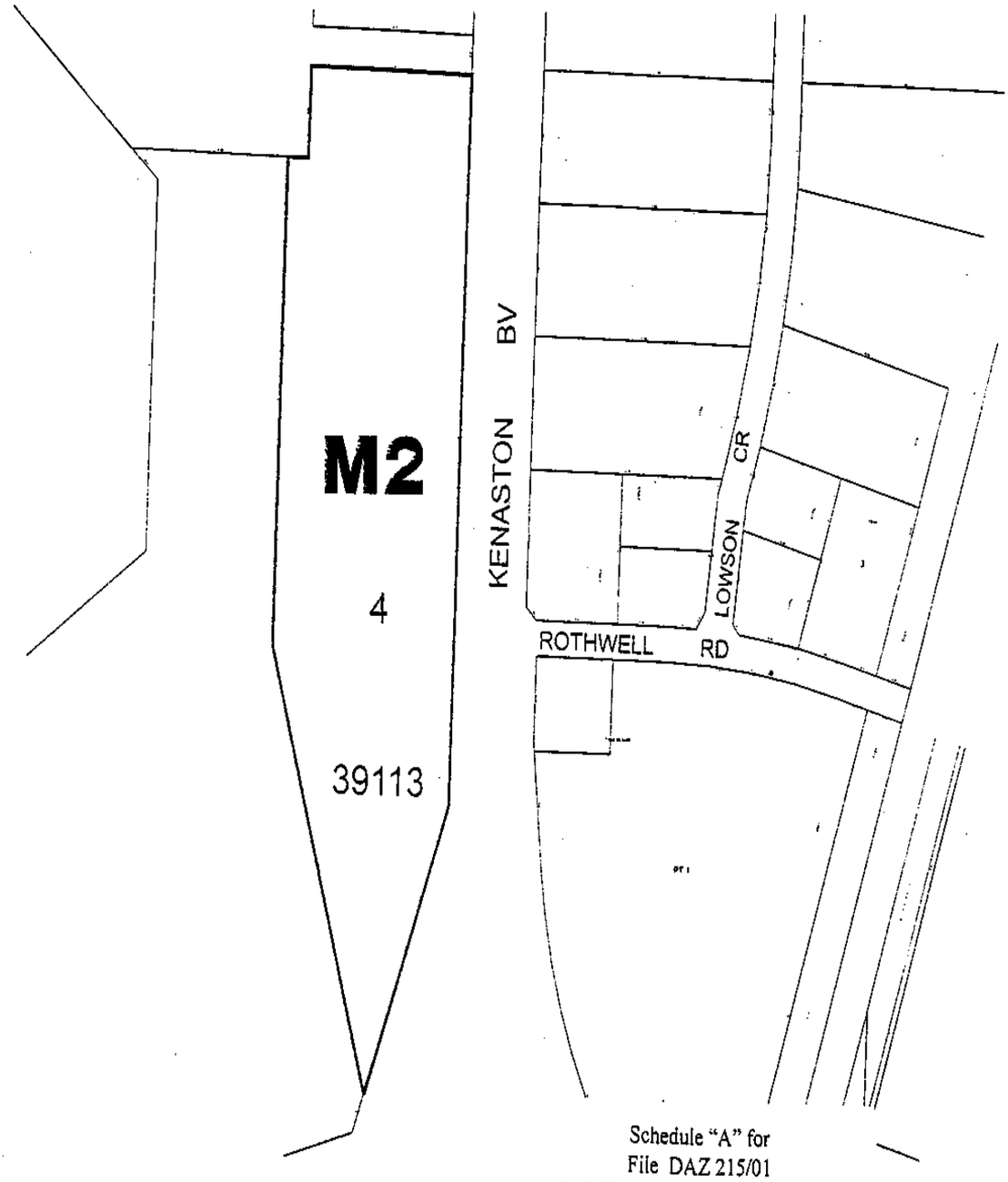

Schedule "A" for
File DAZ 215/01
Assiniboia Community Committee
June 25, 2001

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Disposition of City Park Property adjacent to 154 Seine Street – Riel Community

File FI-2.4(35) (Vol. 10)

48 - 16. The Standing Policy Committee on Property and Development has been advised that in 1999 the owner of 154 Seine Street offered the rear portion of his property plus a payment to the City representing the value differential, in exchange for the adjacent parks property frontage as outlined on Misc. Plan No.6859/4.

The Planning, Property and Development Department felt that the opportunity to acquire riverbank lands in exchange for street frontage would not compromise public access to the river park lands and was in the best interests of the City.

On October 20, 1999, Council adopted the following recommendations of the Standing Policy Committee on Property and Development:

1. That the parks property adjacent to 154 Seine Street, identified as "City Land Proposed for Exchange" on Plan No. 01/27/99, be declared surplus to parks and recreation needs.

2. That the Property and Development Services Department be authorized to negotiate the exchange of the rear portion of 154 Seine Street, plus a payment to the City representing the value differential, for the adjacent City frontage as outlined on Plan No. 01/27/99, and report back to the Standing Policy Committee on Property and Development. The amount of the value differential is to be credited to the Riel Community Land Dedication Reserve Fund.

3. 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.

On February 7, 2001, a proposal regarding the exchange was sent to the owner of 154 Seine Street.

In late March 2001, the Administration and the Ward Councillor began to get enquiries from residents in the area stating their opposition to the loss of the subject park property.

On June 15, 2001, the owner of 154 Seine Street submitted a counter proposal regarding said land exchange. Because of significant resident opposition to the proposed exchange, the Planning, Property and Development Department took the opportunity, upon receipt of the counter proposal, to advise the applicant that the entire matter would now have to be reviewed to determine what was in the City's best interests.

The owner of 154 Seine Street approached the City to propose the land exchange as outlined on Misc. Plan No. 6859/4. The City would acquire the riverbank portion of 154 Seine Street (Parcel A), plus a payment to the City representing the value differential, for the adjacent Park frontage (Parcel B). Negotiations regarding the subject exchange have been ongoing.

In March 2001, residents from the immediate area began to contact the Ward Councillor and the Administration with concerns regarding this land exchange. Seventeen of the 71 residents of the area (24%) called to express their strong opposition to the loss of the green space fronting on Seine Street as outlined on Misc. Plan No. 6859/4 (Parcel B). Consultations between the Ward Councillor and the Administration have led to the recommendation that Parcel B be retained for the purpose of parks and open space.

The Standing Policy Committee on Property and Development recommends:

I. That Council rescind its decision of October 20, 1999 regarding the proposed land exchange involving park lands adjacent to 154 Seine Street, and declare that the subject park property not be surplus to its requirements.

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.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 1, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated November 1, 2001, was considered clause by clause.

Moved by Councillor Vandal,
That the Consent Agenda, Clauses 1,2,3,4 and 5, be adopted.

Councillor Vandal requested that Clause 5 be pulled from the Consent Agenda

The motion to adopt the Consent Agenda, Clauses 1,2,3 and 4, was put and declared carried.

Proposed Amendment to the Development Procedures By-law – Delegation of Authority to Director of Planning, Property and Development
File EP-1 (Vol. 20)

49 - 1. The Standing Policy Committee on Property and Development at its meeting on July 5, 2001, instructed the Planning, Property and Development Department to review the Development Procedures By-law so as to streamline approvals in Downtown Winnipeg. Section 607 of The City of Winnipeg Act enables Council, by by-law, to authorize a designated employee to grant or refuse a variance order.

The Administration has prepared a draft by-law to amend the Development Procedures By-law, which authorizes the Director of Planning, Property, and Development or designate to make an order on variance applications for any development occurring within the boundaries of the Downtown Winnipeg Zoning By-law No. 4800/88. This course of action is consistent with direction expressed in CentrePlan: Development Framework, and CentrePlan: Vision and Strategies, to simplify development review procedures and streamline development approvals in Downtown Winnipeg.

The Development Procedures By-law currently authorizes the Director of Planning, Property, and Development or designate to make an order to allow or reject variances of a minor nature (tolerances) citywide and to allow or reject specified variances within the boundaries of Winnipeg Zoning By-law No. 6400/94 - outside the Downtown Winnipeg Zoning By-law No. 4800/88 boundaries. At present, the Board of Adjustment has jurisdiction to allow or reject variances within the boundaries of the Downtown Winnipeg Zoning By-law, with appeals of Board of Adjustment decisions heard by the Council appointed Appeals Committee.

The proposed amendment of the variance approval process is intended to streamline development review processes in Downtown Winnipeg. The mechanism for appeals of Director (or designate) decisions, heard before the Council appointed Appeals Committee, will remain in place.

It should be noted that this amendment is proposed within the context of the comprehensive review of the Development Procedures By-law requested by the Standing Policy Committee on Property and Development on July 5, 2001. The draft by-law is a first step in instituting more sweeping changes to Downtown Winnipeg development review and approval processes, expected to result in more integrated decision making.

The amended Development Procedures By-law clause would read as follows:

14(2) The Director may make an order allowing or rejecting any of the following variances:

Downtown
(1) Any variance of the applicable zoning rules in any zoning district contained within the Downtown Winnipeg Zoning By-law No. 4800/88.

The Standing Policy Committee on Property and Development recommends:

Report of the Standing Policy Committee on Property and Development dated November 1, 2001

I. That the Development Procedures By-law No. 5893/92 be amended as outlined, so as to authorize the Director of Planning, Property and Development or designate to make an order allowing or rejecting any variance application within the Downtown Winnipeg Zoning By-law No. 4800/88.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-law for submission to Council.

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

Adopted by consent.

Appointment of New Alternate Member from the Manitoba Historical Society to the Historical Buildings Committee
File G-3.1 (Vol. 7) [c/r GC-7 (Vol. 13)]

50 - 2. The Standing Policy Committee on Property and Development has been advised of the resignation of Joyce Goodhand, the alternate member representative from the Manitoba Historical Society to the Historical Buildings Committee.

On June 26, 2001, the Manitoba Historical Society nominated Ashleigh Drewett-Laird as the alternate member to fill the vacancy left by Joyce Goodhand. The Chairperson of the Historical Buildings Committee recommended that the Standing Policy Committee on Property and Development give favourable consideration to this appointment.

The Standing Policy Committee on Property and Development recommends that Ashleigh Drewett-Laird be appointed as the alternate member representative from the Manitoba Historical Society to the Historical Buildings Committee.

Adopted by consent.

Proposed Disposition of a portion of the Old Exhibition Park Site - Lord Selkirk-West Kildonan Community
File FI-2.4(34) (Vol. 8)

51 - 3. Council at its meeting held on September 26, 2001, ruled automatic referral of the following motion to the Standing Policy Committee on Property and Development:

Moved by Councillor Smith,
Seconded by Councillor Lazarenko,

WHEREAS on March 21, 2001, Council declared a portion of the Old Exhibition Park Site as surplus to the City's requirements, and for sale/lease to the Manitoba Lotteries Corporation;

AND WHEREAS one of the conditions of this declaration was that the sale/lease be subject to the satisfactory resolution of the requirements and relocation of the two current user groups located on the City lands, that being Manitoba Softball and the Nomands Football Club, within the Lord Selkirk-West Kildonan Community;

AND WHEREAS the community was not consulted, that is the residents of the neighbourhood were not asked for their view on the proposed reduction in park land;

THEREFORE BE IT RESOLVED that Council reconsider its decision to declare a portion of the Old Exhibition Park Site as surplus to its requirements.

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The Standing Policy Committee on Property and Development recommends that Council grant an extension of time of ninety (90) days to allow for consideration of this matter.

Adopted by consent.

Proposed Additional Lease of a portion of City-owned Property located west of Regatta Road, south of Sun Valley Drive for Playground Purposes - Kinderworld Daycare Inc. -East Kildonan-Transcona Community

File FI-2.2(33) (Vol. 2)

52 - 4. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has negotiated a Lease Agreement in favour of Kinderworld Daycare Inc. respecting the use of the City-owned property identified as "Additional Lease" on Misc. Plan No. 7764/2.

The subject City-owned property was acquired by dedication from Qualico Developments Limited and is part of a water retention pond site. That portion of the property shown and identified as "Existing Lease" on Misc. Plan No. 7764/2 has been leased since 1990 to Kinderworld Daycare Inc. for the maintenance of a playground in conjunction with its adjoining daycare operation located in the Sun Valley Shopping Centre.

On May 4, 2000, the Standing Policy Committee on Property and Development approved the lease renewal for playground purposes in favour of Kinderworld Daycare Inc. Briefly the terms of lease were for a five (5) year term at an annual rental of $1.00 plus an amount equivalent to realty taxes commencing on April 25, 2000 and expiring on April 24, 2005.

Details of the subject property are as follows:

Location:	West of Regatta Road, south of Sun Valley Drive
Legal Desccription:	Part of Block 18, Plan 12,955
Certificate of Title:	1336603
Realty Roll Number:	04 68416
Assessment:	$3,000.00
Realty Taxes:	Currently Exempt
Zoning:	"PR1" Parks and Recreation District
Site Size:	464.5 square metres (5,000 square feet)

Recently, Kinderworld Daycare Inc. has advised that it wishes to utilize that portion of City-owned lands identified as "Additional Lease" on Misc. Plan No. 7764/2 for the construction and maintenance of a playgound area comprising of a fenced area for games and for riding tricycles.

The Water and Waste Department has indicated that it has no objections to the proposed lease.
The Parks and Open Space Division of the Planning, Property and Development Department advised that they met with the representatives of Kinderworld Daycare Inc. and the area residents to discuss the proposed lease and a lease solution was agreeable to all concerned subject to the following:

- two gates will be locked in the open position when the daycare is not using the space and will be closed but unlocked while the daycare is utilizing the space;
- the tricycle track will be constructed of crushed limestone and will be four (4) feet wide;
- that the fence be constructed to Parks and Open Space specifications at Kinder world's expense;
- that Kinderworld Daycare Inc. maintains the grass within the leased area.

In this regard, the proposed terms and conditions of lease, which Kinderworld Daycare Inc. has agreed to, are as follows:

Term:	Five (5) year term, commencing on a mutually acceptable date
Purpose:	Construction and maintenance of a children's playground area in connection with Kinderworld located in the adjoining Sun Valley Shopping Centre subject to the aforementioned conditions as specified by the Parks and Open Space Division

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Rental:	$1.00 per annum, plus an amount equivalent to realty taxes and an administrative fee of $250.00 plus applicable G.S.T.
Insurance:	Comprehensive General Liability Insurance of at least $2,000,000.00 naming the City of Winnipeg as additional insured and containing a Cross Liability Clause
Cancellation:	Ninety (90) days notice by either party

On February 27, 2001, the East Kildonan-Transcona Community Committee considered this matter and referred the matter back to the Administration to report on the possibility of relocating the daycare's current lease on the south side of the building further east to the City-owned lands directly behind the daycare and Regatta Road. Kinderworld Daycare Inc. has confirmed that it wishes to continue its lease identified as "Existing Lease" on the Misc. Plan No. 7764/2 and to enter into an additional Lease Agreement to utilize that portion of City-owned lands identified as "Additional Lease" for the construction and maintenance of a playground area.

On October 9, 2001, the East Kildonan-Transcona Community Committee advised that it had no objection to an additional lease agreement of the City land identified as "Additional Lease", as outlined on Misc. Plan No. 7764/2, for the construction and maintenance of a playground area.

As information, the Real Estate Division of the Planning, Property Development Department has negotiated the proposed rental in accordance with the approved non-profit organization policy (i.e. $1.00 per annum plus an amount equivalent to realty taxes). As the daycare is currently exempt from realty taxes, it is the Planning, Property and Development Department's opinion that an administrative fee be charged in an attempt to recover expenses incurred by the City in formalizing a Lease Agreement. By providing for the collection of an amount equivalent to realty taxes, it should be noted that the proposed rental agreement protects the City's interests should ever any amendments to The Municipal Assessment Act deem the daycare to be taxable.

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

The Standing Policy Committee on Property and Development recommends:

I. That a lease agreement in favour of Kinderworld Daycare Inc., for playground purposes within the area shown as "Additional Lease" on Misc. Plan No. 7764/2 be approved, in accordance with the terms and conditions as negotiated; and such other terms and conditions as are deemed necessary by the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services to protect the City's interests and to achieve the intent of Council.

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.

Adopted by consent.

Proposed Sale of a portion of the Pandora Avenue West right-of-way and City-owned Adjacent Lands – East Kildonan-Transcona Community
File DAC 20/2001
[c/r DAC 5/2001, DASZ 24/2001]

53 - 5. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department is in receipt of proposed terms and conditions for the purchase of the area highlighted as "proposed closing" and "subject City property" on Misc. Plan Nos. 11105/5 and 11105/7. As Council has not yet authorized the proposed street closure in its entirety, the proposed terms of sale will require Council approval.

The particulars of the subject property are as follows:

Location:	The west-end of Pandora Avenue West at Regent Avenue West
Registered Owner:	The City of Winnipeg
Legal Description:	Part of Parcel C, and Parcel D, Plan 25240 and a portion of the Pandora Avenue West right-of-way
Certificate of Title No.:	1161032 (Part of Parcel C & Parcel D, Plan 25240)

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Zoning:	"A-5" Agricultural; "R1-5" Residential
Site Size/Area:	Part of Parcel C, and Parcel D – 12,986.25 square metres (139,784 square feet); Pandora Avenue West right-of-way – 4,771 square metres (51,355 square feet)
Property Description:	The subject City property is located directly south of the applicant's property at 1486 Regent Avenue West. The property to be sold contains a portion of the Pandora Avenue West right-of-way and lands further south up to the single-family homes located on Trudell Bay. Located at 1262 Pandora Avenue West is a single family home that is included in the sale. The home is occupied by a tenant.

The subject City property, not including the subject portion of the Pandora Avenue West right-of-way, was acquired in a number of stages in the 1970's and early 1980's. The lands were assembled for the proposed Eastern Thoroughfare, which was to provide an alternate traffic route to connect downtown to the Transcona area. The Public Works Department have confirmed that this proposed traffic route has been cancelled and the lands are now surplus to City requirements.

On February 27, 2001, the Planning, Property and Development Department received a request from Frontier Toyota Ltd. to purchase a portion of the Pandora Avenue West right-of-way and the adjacent City lands to the south. Frontier Toyota would like to increase the size of their site highlighted as "Applicant's Property" on Misc. Plan 11105/5 to expand their car dealership.

The initial request from Frontier Toyota was to purchase all of Parcel C, Plan 25240. The request was reviewed by the Real Estate Division's Land Enhancement Program and it was determined that the sale of all of Parcel C would negatively impact the future development of the remaining City lands to the south-west. It was determined that Parcel C should be sub-divided to ensure the remaining City lands would be developable. The Land Enhancement Program in consultation with the Ward Councillor and the District Planner have prepared a number of potential residential development scenarios for the remaining City lands. The remaining City lands are approximately 19.2 acres and offer good potential as a future residential sub-division. (Drawings labelled "Potential Sub-Division I and II" illustrate potential development scenarios for the remaining City lands.)

The Planning and Land Use Division of the Planning, Property and Development Department indicated that they would support the proposed development of the subject lands for commercial use. The only area of concern is that a landscape buffer be installed at the southern portion of the site to protect the residents along Trudell Bay. The District Planner indicated that the design and type of buffer would be a condition placed on the rezoning of the site. The applicant will be required to apply to rezone the site as it is currently zoned "A-5" Agriculture and "R1-5" Residential.

The proposed closing is advantageous to the residents along Pandora Avenue West, as it would significantly reduce the amount of commercial traffic on Pandora Avenue West driving to and from the Frontier Toyota site. The area residents have expressed concern over the years at the amount of traffic on Pandora Avenue West generated by the customers and employees of Frontier Toyota. The construction of a cul-de-sac at the east end of the closed street will eliminate access to the Frontier Toyota property from Pandora Avenue West and result in traffic patterns more suitable to a residential neighbourhood.

The proposed street closing application was circulated to all affected City Departments. The Water and Waste Department advised that they would require an easement over the most southerly fifteen (15) metres of the proposed closing for a wastewater sewer and water main. The Water and Waste Department have requested that the easement agreement state that no structures are to be located within the easement area. In addition, easements will be required for Manitoba Hydro, MTS Communication Inc. and Centra Gas Manitoba for the maintenance of its underground services located in the area to be closed.

On July 17, 2001, the East Kildonan-Transcona Community Committee indicated no objections to declaring the "subject City property" as outlined on Misc. Plan 11105/5 as surplus to City requirements and offering the subject property for sale to Frontier Toyota. At the same Community Committee meeting an application for a proposed street closing under File DAC 5/2001 was recommended for approval. The closing approval was to be subject to a "cul-de-sac type turnaround be located and situated on the applicant's property, and not in front of 1251 Pandora Avenue West". The home owner located at 1251 Pandora Avenue West appeared at the meeting and had concerns that the proposed turn around was to be located in front of his property. Frontier Toyota at the meeting agreed to have the turnaround located further west and not in front of 1251 Pandora Avenue West.

Upon further review and consideration Frontier Toyota decided they would like to have the turnaround located as per Misc. Plan No. 11105/5. This would locate the turnaround in front of 1251 Pandora Avenue West. Frontier Toyota was seeking to have the decision of the Community Committee amended to obtain the necessary approvals to have the turnaround located as per Misc. Plan No. 11105/5. In view of the foregoing, in August 2001, the

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Planning, Property and Development Department recommended that the Standing Policy Committee direct the closing back to the East Kildonan-Transcona Community Committee to further review the matter. The land sale is subject to Frontier Toyota obtaining the necessary approvals to locate the turnaround as per Misc. Plan No. 11105/5.

On August 9, 2001, the Planning, Property and Development Department received the terms and conditions for the sale and purchase of the closed right-of-way and adjacent City lands. The principle terms and conditions are as follows:

Purchaser:	Frontier Toyota Ltd.
Principles:	Marcel and Val Thompson
Proposed closing:	Thirty (30) days following the latter of the approval of the rezoning or thirty (30) days following the enactment of the closing by-law.
Purchase Price:	$440,000.00
Deposit:	$44,000.00

In addition to the City's standard terms and conditions for the sale of City lands and closed rights of way, the following conditions are contained in the Offer to Purchase:

- The purchaser is to consolidate the certificate of title of the subject lands with the title(s) to the applicant's adjacent lands.

- The purchaser at its sole cost and effort is to relocate the existing turnaround. The design and specifications are subject to the approval of the Director of Public Works.

- The purchaser will have sixty (60) days from the Date of Approval to obtain estimates for the cost of the relocated turn-around. If the costs are not acceptable to the purchaser, the purchaser has the ability to cancel the sale.

- The purchaser acknowledges that the property being acquired includes the single-family home at 1262 Pandora Avenue West and that a tenant occupies the home. Any termination notice to the tenant must be done in accordance with The Residential Tenancies Act.

- The purchaser acknowledges that there is an abandoned wastewater sewer located in the subject lands and that the purchaser accepts full responsibility for any and all costs or liability related to the abandoned wastewater sewer.

- The purchaser has 180 days to apply and secure the necessary re-zoning and/or conditional use variances to permit the construction and operation of an automobile dealership for the sale, repair and service of vehicles upon terms and conditions satisfactory to the purchaser. All dedication fees payable are the responsibility of the purchaser.

- The purchaser at its sole cost and effort will apply to sub-divide Parcel C, Plan 25240 as per Misc. Plan. No. 11105/5.

- The sale is subject to the Purchaser obtaining the necessary approvals to close the portion of Pandora Avenue West as outlined on Misc. Plan No. 11105/5. The Department recommended that the Standing Policy Committee direct the closing application back to the East Kildonan-Transcona Community Committee to approve the changes as requested by the Purchaser for the relocated turnaround.

In addition to the negotiated terms and conditions, the purchaser has requested that they retain the interest earned on their deposit. Given the amount of the deposit and that the closing will be delayed until the subject site is rezoned, the Planning, Property and Development Department would support the payment of interest on the deposit. The deposit will be placed in an interest bearing trust account and all interest earned will accrue to the benefit of the Purchaser. The City has allowed the payment of interest in prior transactions.

There are no commissions payable on the sale of this property to Frontier Toyota Ltd .

The offer of $440,000.00 is supported by the appraisal that was completed on the subject property.

The sale of a portion of the Pandora Avenue West right-of-way is subject to the approval of the road closing by Council and the successful enactment of the required by-law to effect the road closing. The Planning, Property and Development Department recommended that subject to the approval of the closing and enactment of the by-law,

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that the subject City lands be declared surplus. The Department also supports the sale of subject City lands to Frontier Toyota Ltd. for the following reasons:

- The Offer received is well supported by the appraised value of the property
- The sale will result in the property going on the Tax Roll.
- The closing of the subject portion of the Pandora Avenue West right of way will alleviate the traffic concerns for the residents on Pandora Avenue West.

On September 6, 2001, the Standing Policy Committee on Property and Development considered the foregoing, and laid over the matter pending recommendation by the East Kildonan-Transcona Community Committee on a proposed subdivision and rezoning application under File DASZ 24/2001.

On October 30, 2001, the Standing Policy Committee on Property and Development concurred in the October 9, 2001 recommendation from the East Kildonan-Transcona Community Committee that the street closing under File DAC 20/2001 be approved, subject to the following conditions:

1. That the location and dimensions of the turnaround be modified to relocate the new western limit of Pandora Avenue West twenty-five (25) feet further west.
2. That the Public Works Department be instructed to install traffic calming devices in Pandora Avenue, west of Starlight Drive and that a "Dead End Street" sign be installed at Starlight Road facing westbound traffic.
3. That the paved surface at the new Pandora Avenue West turnaround be located as close to the west boundary of the right-of-way as possible.

The Standing Policy Committee also recommended 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. 11105/5. (Refer to Clause 1 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001)

On October 30, 2001, the Standing Policy Committee on Property and Development also concurred in the October 9, 2001 recommendation of the East Kildonan-Transcona Community Committee, and recommended that the proposed plan of subdivision and rezoning application under File DASZ 24/2001 be approved, subject to terms and conditions. (Refer to Clause 2 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001)

On November 1, 2001, the Standing Policy Committee on Property and Development was advised that as a result of the East Kildonan-Transcona Community Committee's October 9, 2001 recommendations, the following amendments to the proposed terms and conditions of sale are required:

<u>Amendment to Site Definition and Site Size to be sold</u>
The East Kildonan-Transcona Community Committee recommended the modification of the proposed closing by relocating the new western limit of Pandora Avenue West twenty-five (25) feet further west. As a result of this revision the site area of the proposed street closure will be reduced from 51,355 square feet to 48,933 square feet. The recommended revised definition of the proposed street closure and of the reduced site size is now shown on Misc. Plan No. 11105/7. Therefore it will be necessary to amend the Offer to Purchase by substituting all references to Misc. Plan No. 11105/5 with Misc. Plan No. 11105/7.

<u>Amendment to the Proposed Sale Price</u>
The reduction in the site area will result in a reduction in the proposed sale price. The revised proposed price will be $434,427.00. As a result it will be necessary to amend the Offer to Purchase by substituting all references to the proposed price of $440,000.00 with the proposed price of $434,427.00.

<u>Request by Frontier Toyota to amend proposed Clause 23 of the Offer to Purchase</u>
The Planning, Property and Development Department is in receipt of a letter from Frontier Toyota which requests the City to delete the covenant in Clause 23 of the Offer to Purchase which requires the Purchaser to be "responsible for all dedication fees that may be payable."

In its letter, Frontier Toyota supports its request by advising that it has experienced difficulties over the long term by reason of the City's 1992 widening of Regent Avenue and alteration of the traffic movements in its vicinity. Frontier states that:

- its on-site functionality has been restricted for customer and service purposes;
- neighbourhood traffic is using its site as a pass-through from Regent Avenue West to Pandora Avenue west;

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- there is increased traffic along Pandora Avenue West to the detriment of those residential properties;
- there is an increase in vehicle damage both on its lot and on Regent Avenue West by way of accidents directly in front of its property.

Furthermore, Frontier Toyota advised that

- It did not fully comprehend the implications of the proposed Clause 23;
- the purchase of this property is vital to enable its continued occupation and operation at this location;
- it is purchasing more property than it absolutely requires and will need to incur the associated holding costs for an indefinite period of time;
- its total land assembly costs to enable this project were not anticipated;
- if it were not for the Frontier project, the City's land would "have relatively low-value, in comparison, to any other purchaser";
- it has already expended significant costs in pursuing the rezoning application;
- a significant amount of the land to be purchased from the City will be utilized for a cul-de-sac, drainage swale, and a berm with fencing and landscaping along the boundary with the residential properties. Frontier has estimated the cost of these improvements to be in excess of $100,000.00.

The Planning, Property and Development Department had the following observations and comments relative to the Frontier Toyota letter and request:

1. The City did in fact expropriate land from this property for the widening of Regent Avenue West. The matter of the negotiation and payment of "due compensation" has been settled and no further compensation is owing.

2. The size and shape and location of the Frontier Toyota property appears to be problematic to the efficient operation of a business such as this.

3. The Department believes that the matter of the responsibility of the payment of "dedication fees" in Clause 23 had been fully disclosed and discussed.

4. It agrees with Frontier that the shape and location of the City's lands render those lands problematic for other uses and that a sale to Frontier as part of a larger assembly for consolidation into the Frontier property would represent its highest and best use. Indeed, it is on the basis of this very reason that the Department defined this parcel of land for sale purposes.

5. The total of all land assembly and rezoning costs, inclusive of the administrative costs and of the improvement costs pursuant to the subdivision/rezoning application hearing process, as stated in the October 15, 2001 letter is approximately $804,000.00 ($3.33 per square foot overall). This estimate does not include payment of the estimated dedication fees.

6. The Department originally appraised the value and negotiated the sale of these city-owned surplus lands at this location based on a value estimate for lands assembled for commercial sites at a somewhat higher value than land limited to residential use, but, also somewhat lower than the low end of the value range for rearage commercial property.

7. The Department has now estimated the dedication costs to rezone the assembled lands from "A-5" and "R1-5" to "C3-1" at an amount of $25,730.00. When this cost is added to Frontier's land assembly costs of $804,000.00 Frontier's overall cost then becomes $829,730.00 for an overall rate of $3.44 per square foot, which rate is, in the Department's opinion, representative of the low end of the value range for "C3-1" zoned rearage lands in this vicinity. Consequently, the Department does not support the deletion of the covenant within Clause 23, which requires Frontier to pay the dedication fees.

8. Should the Standing Policy Committee on Property and Development decide to approve Frontier's request to amend Clause 23, then the Department advised that Frontier should still be required, at the very least, to pay the dedication fees as are applicable to the rezoning of non-City-owned property, which is also included in the subdivision/rezoning application (File DASZ 24/2001). The portion of the dedication attributed to the privately owned properties purchased by Frontier Toyota is $5,789.00 (excluding G.S.T.).

On November 1, 2001, the Standing Policy Committee on Property and Development concurred with the Planning, Property and Development Department's recommendation to remove from further consideration its previous recommendation that the proposed street closing be directed back to the East Kildonan-Transcona Community

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Committee to approve the changes requested by the Purchaser with respect to the location of the new turnaround, inasmuch as the Community Committee has given consideration to a second street closing application (under File DAC 20/2001), and a subdivision and rezoning application (under File DASZ 24/2001) at its public meetings held on September 11 and October 9, 2001.

The Standing Policy Committee on Property and Development also concurred in the Planning, Property and Development Department's recommendation that the October 15, 2001 request of Frontier Toyota Ltd. to amend Clause 23 of the Offer to Purchase to delete the requirement to pay dedication fees, be denied.

The Standing Policy Committee on Property and Development therefore recommends that subject to the approval of the road closing by Council, and the enactment of the road closing by-law:

I. That the area highlighted as "proposed closing" and "subject City property" on Misc. Plan No. 11105/7 be declared surplus to the City's requirements.

II. That the proposed sale to Frontier Toyota Ltd. at a price of $434,427.00 be approved in accordance with the negotiated terms and conditions, with the deposit of $43,442.70 being placed in an interest bearing account with any and all interest earned thereon to accrue to the benefit of the purchaser.

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.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Moved by Councillor Vandal,
That the clause be laid over until the next meeting of Council to be held on December 12, 2001.

Carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

54 - On motion of Councillor Vandal, 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. 7926/2001, a by-law of The City of Winnipeg to widen the east side of Keewatin Street between the CPR Mainline and Selkirk Avenue. File DAO 20/87

By-law No. 7927/2001, 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 Shoreline Drive east of Brentcliffe Drive in the Assiniboia Community. File DASZ 18/2001

By-law No. 7928/2001, 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 on the west side of Kenaston Boulevard opposite Rothwell Road in the Assiniboia Community. File DAZ 215/2001

By-law No. 7929/2001, a by-law of The City of Winnipeg to regulate and control the distance from a street right-of-way (Panet Road) within which a building or structure shall not be placed. File DAZ 202/2001

On motion of Councillor Vandal, the rule was suspended and By-law No. 7933/2001, a by-law of The City of Winnipeg to amend By-law No. 5893/92, being the Development Procedures By-law, was read a first, second and third time, the rule being suspended for the third reading, and was passed and ordered to be signed and sealed. File EP-1 (Vol. 20)

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

55 - Councillor Clement questioned the status of the sale of some railway properties in River Heights.

Councillor Vandal noted that in camera matters were not to be debated on the floor of Council and the Speaker ruled the question out of order.

Councillor Clement questioned if the Planning, Property and Development Department had been directed to ask Frontier Toyota to purchase three pieces of property or the City would not sell them property off Pandora.

The Speaker ruled the question out of order and Councillor Clement challenged the ruling of the Chair.

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

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

Yea: Councillors Lazarenko, Angus, Gerbasi, Smith, Steeves, Deputy Mayor Thomas, Vandal, His Worship Mayor Murray and Councillor O'Shaughnessy 9

Nay: Councillor Clement 1

and the ruling of the Chair was sustained.