STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

UNFINISHED BUSINESS

On motion of Councillor Vandal, Clauses 1, 2 and 14 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001, laid over by Council on November 21, 2001, were considered.

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]

110 - 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.

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.

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

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:

   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.

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

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.

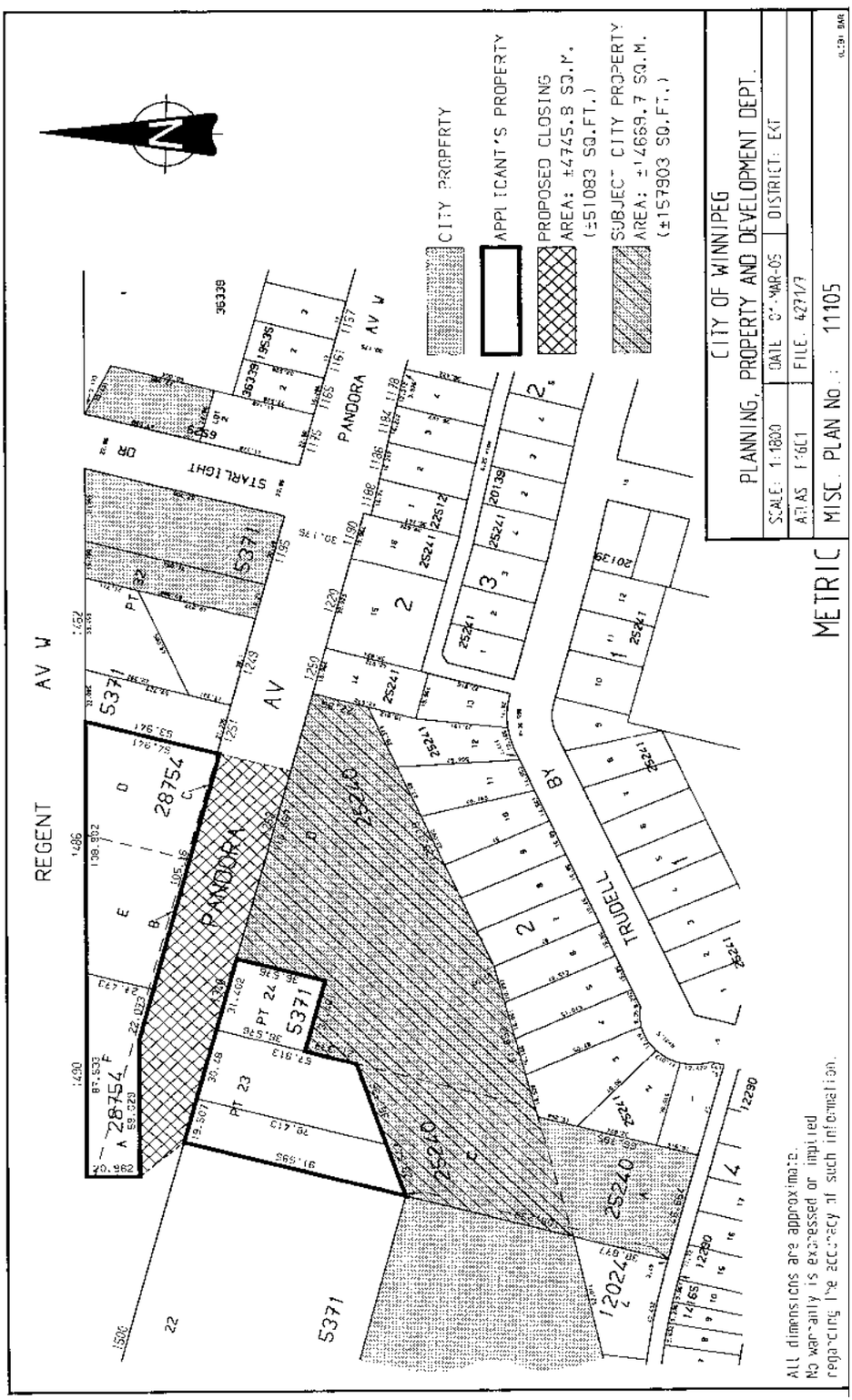
Carried.

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

(See next page for attachment)

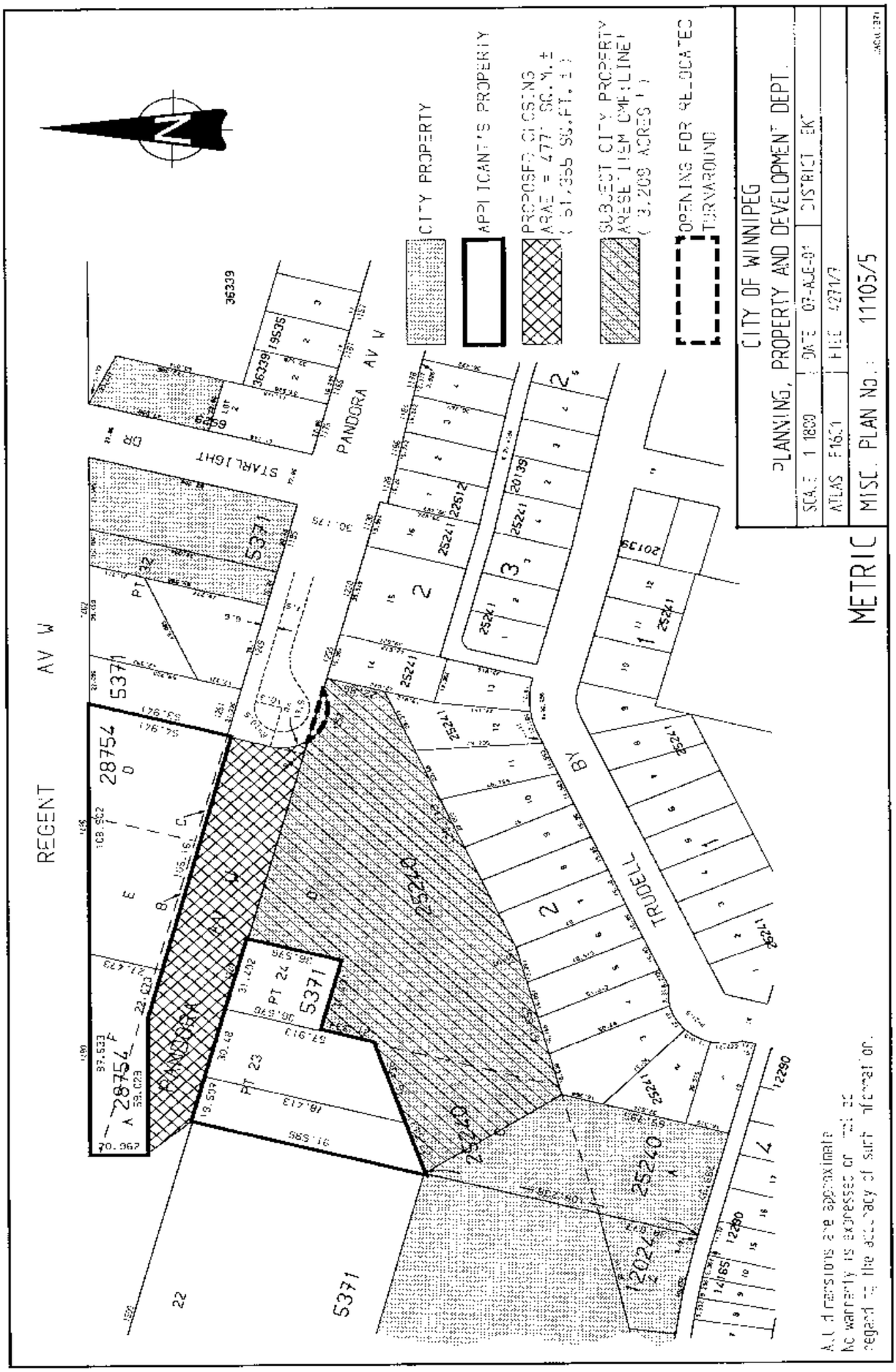
Report of the Standing Policy Committee on Property and Development dated October 30, 2001

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]

111 - 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.

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

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.
- 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.

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

- 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:

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.

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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
         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

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

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.

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,

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

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.

Moved by Councillor Vandal,
Adoption of the clause.

Carried.

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

(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. _____

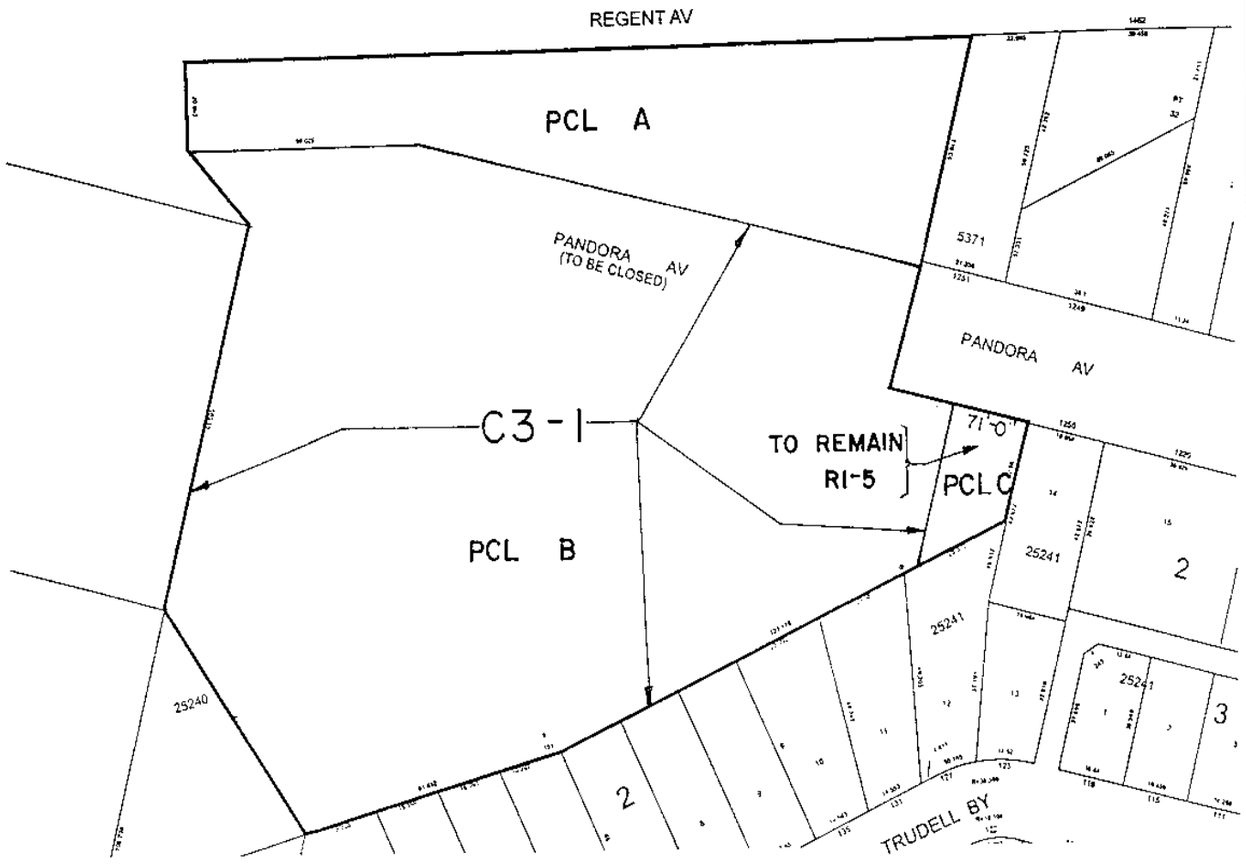
File No. **DASZ 24/01**

Atlas Sheet No. Z31

EAST KILDONAN TRANSCONA COMMUNITY

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.



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

112 - 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.

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

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- 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.

      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.

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

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.

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**

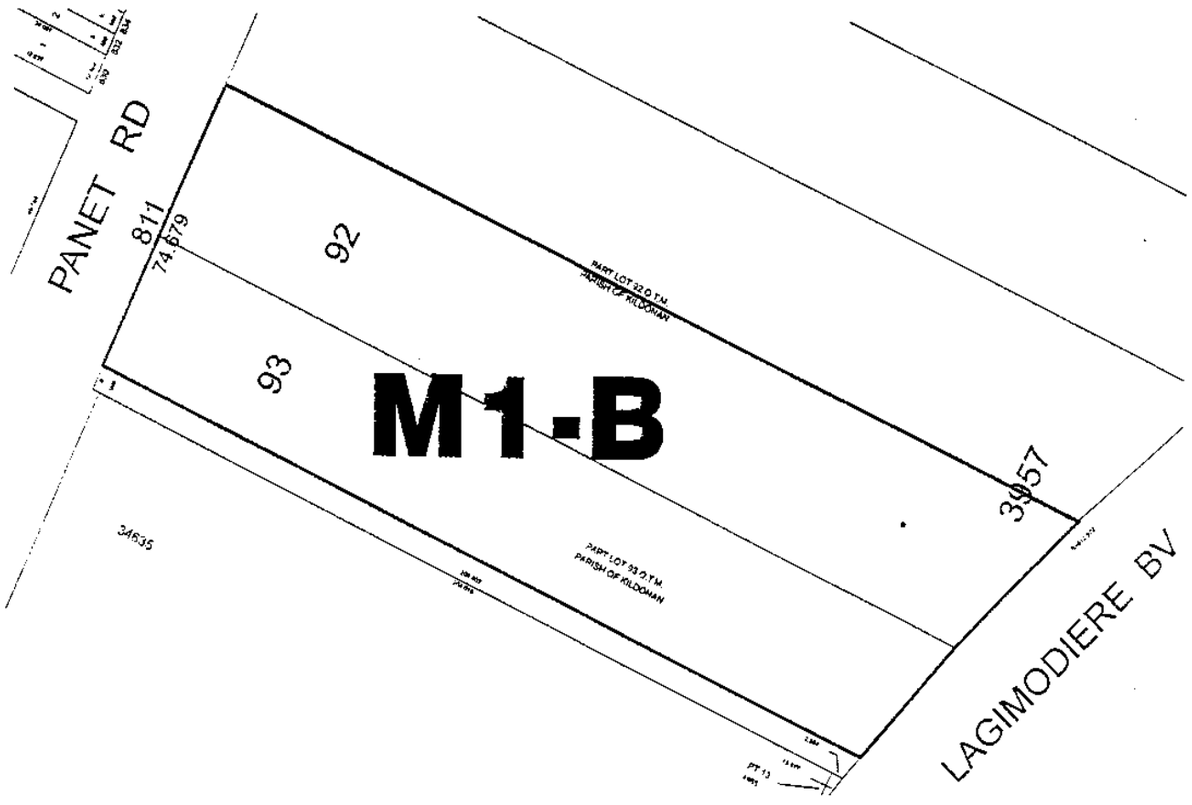
Atlas Sheet No. **Y30**

N

EAST KILDONAN TRANSCONA COMMUNITY

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.



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. _____

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

UNFINISHED BUSINESS

On motion of Councillor Vandal, Clause 5 of the Report of the Standing Policy Committee on Property and Development dated November 1, 2001, laid over by Council on November 21, 2001, was considered.

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]

113 - 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)
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.

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

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 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.

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

- 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, 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:

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

Amendment to Site Definition and Site Size to be sold

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.

Amendment to the Proposed Sale Price

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.

Request by Frontier Toyota to amend proposed Clause 23 of the Offer to Purchase

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;
- 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.

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

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 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,
Adoption of the clause.

Carried.

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

(See next page for attachment)

REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 20, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated November 20, 2001, was considered clause by clause.

Moved by Councillor Vandal,

That the Consent Agenda, Clauses 1,2,3,4 and 5, be adopted.

Councillor Steek requested that Clause 1 be pulled from the Consent Agenda.

The motion to adopt the Consent Agenda, Clauses 2,3,4 and 5 was put and declared carried.

Proposed Closing of part of Sharp Boulevard at Portage Avenue – Assiniboia Community

File DAC 12/2001

114 - 1. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has received a request from Richard Wojcik of Wojcik's Funeral Chapel and Crematorium to purchase the portion of Sharp Boulevard identified as "proposed closing" on Misc. Plan No. 11188/1.

The portion of the street adjoining the building on the property is maintained as boulevard by Wojcik's Funeral Chapel and Crematorium. The boulevard constitutes the south half of the street. The north half of the street at the rear of 2157 Portage Avenue is paved and used as part of the parking lot for the business.

The proposal has been circulated to all affected City Departments and public utilities. There were no objections to the sale of the land, subject to the following conditions.

The application as submitted by Richard Wojcik requested the purchase of the easterly 6.096 metres (20 feet) of Sharp Boulevard adjacent to his property. The Transportation Division of the Public Works Department has stated that a 4 metre by 4 metre corner of Sharp Boulevard is to be retained for street right of way. The Transportation Division has further stipulated that title to the street, once closed, is to be consolidated with the title to the purchaser's adjoining lands.

The District Planner for the Planning, Property and Development Department recommended that the parking area not be expanded beyond the existing paved area of the street that the Funeral Chapel and Crematorium is presently using, that the use of the parking area be confirmed as being in compliance with the Winnipeg Zoning By-law No. 6400/94, and that the existing grassed area be maintained.

Manitoba Hydro will require an easement for the maintenance of its pole line in the area.

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's name. The City is not entitled to dispose of the land until this has been done.

The portion of the street proposed to be closed and sold lies between the applicant's property and the existing sidewalk. The public parking area on the east side of Sharp Boulevard will be unaffected by this proposal.

The Real Property Officer of the Planning, Property and Development Department recommended, as contained in report dated August 20, 2001, that the proposed street closing be approved, and 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. 11188/1.

On September 18, 2001, the Assiniboia Community Committee considered the application under File DAC 12/2001 to close a part of Sharp Boulevard at Portage Avenue. Two persons appeared in support of the application and ten persons were registered in opposition thereto.

Report of the Standing Policy Committee on Property and Development dated November 20, 2001

The Assiniboia Community Committee did not concur with the recommendation contained in the report dated August 20, 2001 from the Real Property Officer, Planning, Property and Development Department, and recommended that the proposed street closing not be proceeded with.

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 12/2001, to close a part of Sharp Boulevard at Portage Avenue, not be proceeded with.

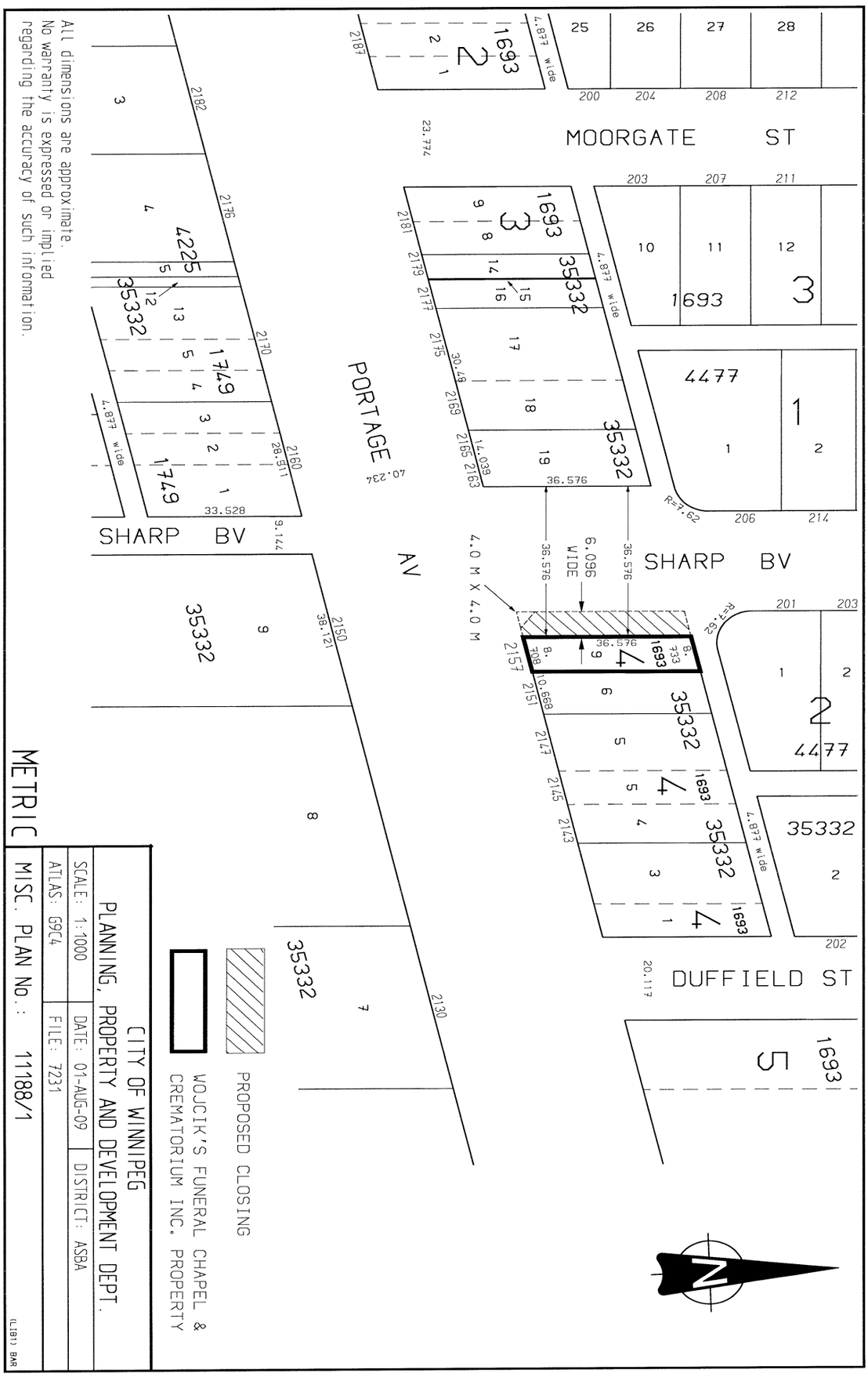
Moved by Councillor Vandal
Adoption of the clause.

Carried.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated November 20, 2001

Appendix "A" referred to in Clause 1 of the Report of the Standing Policy Committee on Property and Development dated November 20, 2001



Report of the Standing Policy Committee on Property and Development dated November 20, 2001

Request to Waive the Dedication Requirements - rezoning of land at 1575 Inkster Boulevard – Lord Selkirk-West Kildonan Community
File DAZ 236/2000

115 - 2. The Standing Policy Committee on Property and Development received a request from the Maples Evangelical Church to reduce the amount of dedication payable relative to the rezoning of land at 1575 Inkster Boulevard. On September 4, 2001, the Standing Policy Committee referred the request to the Administration for review.

On March 21, 2001, Council adopted Clause 11 of the Report of the Standing Policy Committee on Property and Development dated March 6, 2001, and approved the subject rezoning from an "MP-2" Industrial District to an "M1-B" Light Industrial District to permit the maintenance of an existing church.

Recommendation II. of the said Clause stipulated as follows:

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 to land dedication based on the increase in the market value of the land, if applicable.

The valuation for the dedication indicated an increase in value of $129,000.00. The dedication was therefore assessed at $12,900.00 (plus G.S.T.). The Maples Evangelical Church is now appealing this amount.

By-law No. 7809/2001 was passed by Council on March 21, 2001, and will not come into force and effect until the ten percent dedication has been paid.

At the public hearing held by the Lord Selkirk-West Kildonan Community Committee on February 13, 2001, the report from the Manager of Planning and Land Use outlined as follows:

> "… some of the uses that have been establishing along Inkster Boulevard are not listed uses under the "MP-2" zoning. Most have therefore had to be rezoned to an "M1-B" Industrial category, which has a wider range of uses but retains a high development standard regarding setbacks signage, etc. The applicants … made application for the aforementioned rezoning in order to allow them to continue operating their church activities (temporarily approved by use variance)".

The Real Estate Division of the Planning, Property and Development Department upon further review also recognized that by paying a difference in price (value) the different uses permitted by the two zoning districts would cause an increase in value of $129,000.00 for the 3.21 acre site of which 10% is $12,900.00 (plus G.S.T.).

The Maples Evangelical Church in their appeal cited the fact that they are non-profit in nature. At present the only policy with regard to waiving dedications is for Non-Profit Seniors Housing. Churches in the past have always paid the dedication if applicable.

The Church requested a reduction to the dedication amount if they are required to make a payment. The basis for their appeal to the amount is that the property tax assessments for their property as per the 2001 and 2002 assessments that they received from the City indicate that the value did not increase as much as the City has indicated for the dedication payment. The problem with this reasoning is that the 2002 assessment reflects an estimate of the increase in market value of the property but not the change in zoning that this application involves. That will be considered by the Property Assessment Department once the rezoning is into force and effect.

The Administration reviewed the calculation of the ten percent dedication valuation and reports that its figures remain unchanged. The Planning, Property and Development Department therefore recommended that ten percent (10%) dedication based on the increase in value from an "MP-1" Industrial District to an "M1-B" Light Industrial District in the amount of $12,900.00 (plus G.S.T.) not be reduced.

The Standing Policy Committee on Property and Development recommends:

I. That the ten percent (10%) dedication fee in the amount of $12,900.00 (plus G.S.T.) required with respect to the rezoning of property located at 1575 Inkster Boulevard under File DAZ 236/2000, be waived.

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.

Report of the Standing Policy Committee on Property and Development dated November 20, 2001

Proposed Plan of Subdivision and Rezoning – land located on the south side of Inkster Boulevard, east of Brookside Boulevard – Lord Selkirk-West Kildonan Community

File DASZ 7/2001

116 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from Steele Management (Maurice Steele), 121 Girton Boulevard, Winnipeg, for approval of a plan of subdivision and related zoning change to Winnipeg Zoning By-law No. 6400/94, by rezoning the subject lands from an "A1" Agricultural District to a "C3-1" Commercial District to facilitate future Highway Commercial Development.

Site Area
The overall site area totals 17.54 acres.

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

Surrounding Land Use and Zoning
North: Lands north of Inkster Boulevard are zoned "M2" Industrial and are partially developed.
South: Lands to the south of Lucas Avenue are zoned "C3-1" Commercial and "M1" Industrial and are partially developed.
East: To the east is a developed residential subdivision zoned "R1-3.5" Residential.
West: Adjacent lands along Brookside Boulevard are a combination of "A-5" Agricultural (vacant) and "C3-1" Commercial (developed).

The applicants propose to rezone the subject "A-5" Agricultural lands to a "C3-1" Commercial category and consolidate those lands with an existing "C3-1" parcel with frontage on Brookside Boulevard. A tenant is as yet undetermined but in all likelihood the site will be developed for highway commercial (possible truck terminal) uses.

Under Plan Winnipeg, the subject lands are designated for industrial/commercial development and therefore the subject application is in full compliance.

The subject parcel lies east of Brookside Boulevard between Lucas Avenue and Inkster Boulevard. It is approximately 17 acres in size, is zoned Agricultural and is currently vacant. The applicant proposes to rezone the subject lands to a "C3-1" Highway Commercial category and consolidate it with an existing "C3-1" Commercial parcel lying adjacent to Brookside Boulevard. What the applicants propose to use the land for has not been disclosed. However most of the zoned "C3-1" land along Brookside Boulevard and Oak Point Highway has been developed for trucking businesses/terminals. The area is designated Industrial under Plan Winnipeg and has good access to major trucking routes and the Winnipeg International Airport. The Planning and Land Use Division of the Planning, Property and Development Department supports the proposed rezoning and subdivision, but past experience has demonstrated that some minimum conditions have to be imposed to mitigate the impact of future development on existing residences. In this case, there are numerous dwellings lying immediately adjacent to the east. As outlined in the proposed Zoning Agreement, the Planning, Property and Development Department recommends minimum building setbacks and extensive landscaping in the proposed buffer area along the east boundary of the subject site. The proposed conditions are deemed to be the minimum required to protect existing residential homeowners from future on site development. Given the overall size of the subject lands being rezoned, the conditions are not deemed to be prohibitive or overly restrictive.

On November 6, 2001, a public hearing was held before the Lord Selkirk-West Kildonan Community Committee. Two persons appeared in support of the application and one person was registered in opposition thereto. The Community Committee recommended that the proposed subdivision and rezoning application be approved for the reason that the additional conditions of approval it recommended (as outlined in Recommendations I.A.1, I.A.2, and III.F) will afford the area residents a higher level of protection from any future commercial development of the subject property.

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

I. That the plan of subdivision proposed under File DASZ 7/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 7/01 dated October 30, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

Report of the Standing Policy Committee on Property and Development dated November 20, 2001

A. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated October 3, 2001, including the following additional conditions, namely:
   1. That no drainage from the subject property onto Barnham Crescent be permitted.
   2. That all parking areas within the subject property, including aisleways and driveways, be paved.

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

III. That the Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 7/2001 dated October 30, 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 the subject site and to contiguous land owned or leased by the applicant to include the following conditions:

A. That a 100-foot separation space/buffer area be maintained between the west boundary of the residential lots lying adjacent to the east and any proposed new buildings on the subject site.

B. That the aforementioned buffer area shall not be used for parking, display area, storage of materials or refuse or processing of any kind.

C. That there is to be extensive landscaping (coniferous trees a minimum of six (6) feet high) along the east boundary of the subject buffer zone.

D. That there shall be no approaches to or from the subject site to either Inkster Boulevard or Lucas Avenue within 200 feet of the adjacent residential boundary to the east.

E. That final plans indicating building locations and detail of approaches, parking areas, landscaping location of garbage enclosures, exterior lighting and signage be submitted to and approved by the Planning, Property and Development Department (Planning and Land Use Division) and the Lord Selkirk-West Kildonan Community Committee.

F. That the following "C3-1" Commercial District uses listed as permitted under Zoning By-law No. 6400/94, be deemed to be conditional uses, namely:

- Amusement Enterprises, outdoor and indoor: miniature golf courses, go-kart trucks, roller staking outlets
- Automobile Cleaning, Sales, Repair
- Building Materials Sales
- Stone Sales
- Tire Sales
- Truck, trailer rental sales
- Wood Products Manufacture.

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 market value of the land.

V. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within twent four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall n 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 Servicing Agreement.

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

Report of the Standing Policy Committee on Property and Development dated November 20, 2001

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 November 20, 2001

Schedule "A" referred to in Clause 3 of the Report of the Standing Policy Committee on Property and Development dated November 20, 2001

By-Law No.

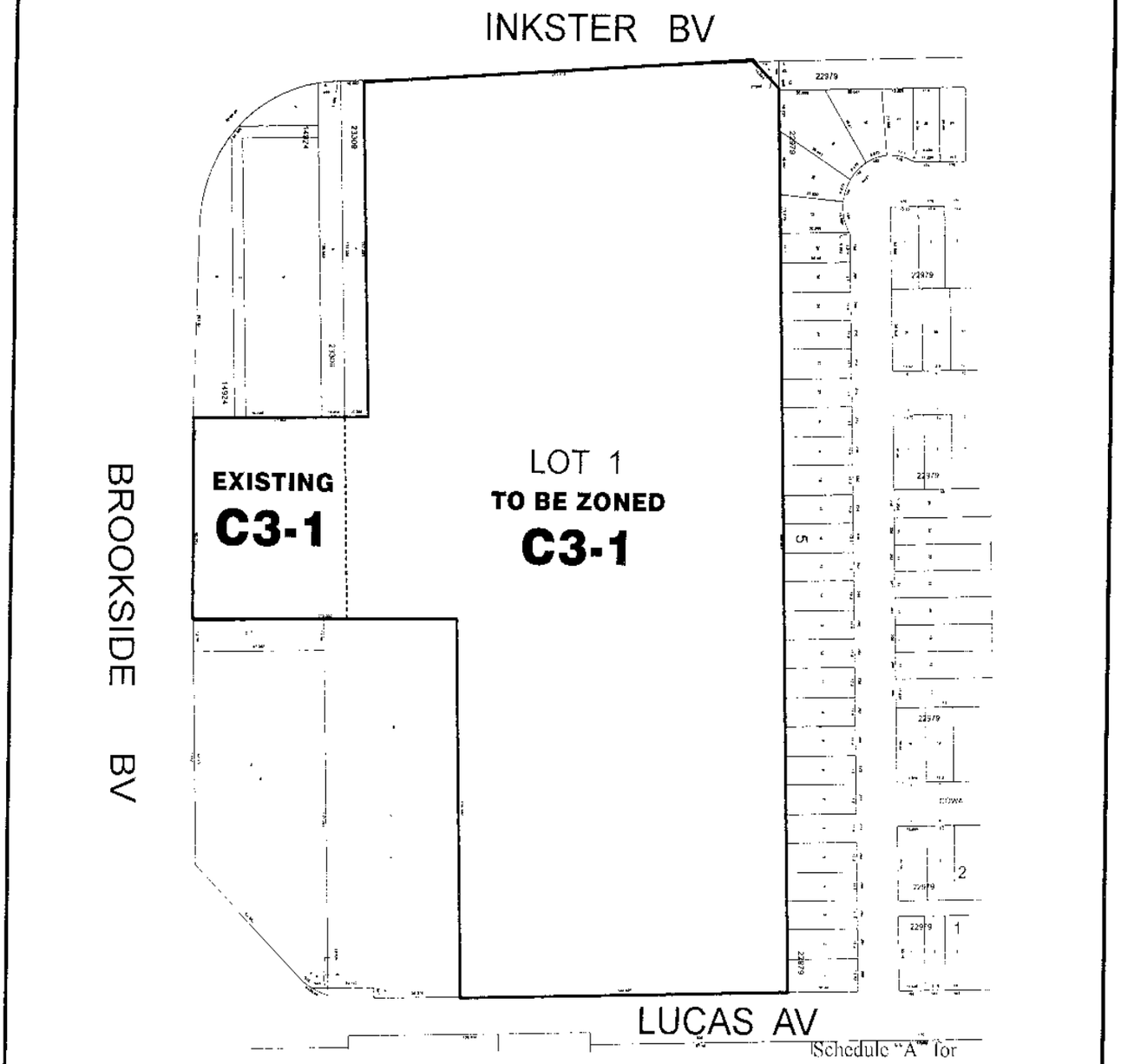
File No. **DASZ 7/2001**

Atlas Sheet No. **T18 & U18**
LORD SELKIRK
WEST KILDONAN
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 on the south side of Inkster Boulevard east of Brookside Boulevard from an "A.5" AGRICULTURAL DISTRICT to a "C3-1" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for
File DASZ 7/01
Lord Selkirk-West Kildonan
Community Committee
October 30, 2001

THIRD READING :

EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐

CAVEAT No.

Report of the Standing Policy Committee on Property and Development dated November 20, 2001

Proposed Rezoning – land located at the southeast corner of Inkster Boulevard and Brookside Boulevard - Lord Selkirk-West Kildonan Community
File DAZ 208/2001

117 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from the Planning, Property and Development Department to amend Winnipeg Zoning By-law No. 6400/94 by rezoning the subject lands from an "A-5" Agricultural District to a "C3-1" Commercial District to allow for future Highway Commercial Development.

Site Area
The overall site area is approximately 2.4 acres. The lot is approximately 416 feet by 250 feet.

Existing Land Use and Zoning
The subject property is zoned "A-5" Agricultural and is vacant.

Surrounding Land Use and Zoning
North: Lands north of Inkster Boulevard are zoned "M2" Industrial and are partially developed.
South: Lands to the south along Brookside Boulevard are zoned "C3-1" Commercial and are partially developed.
East: To the east are privately owned vacant lands zoned "A-5" Agricultural.
West: To the west is the Rural Municipality of Rosser.

The current owner, the City of Winnipeg, proposes to rezone the subject lands to a "C3-1" Highway Commercial Category. Once rezoned, the City will presumably market the lands for sale. There is no conditional purchaser at this time.

Under Plan Winnipeg the land is designated for Industrial/Commercial Development. The application is therefore in full compliance with Plan Winnipeg Policy.

The subject property lies at the southeast corner of Brookside Boulevard and Inkster Boulevard. It is currently owned by the City of Winnipeg and is approximately 2.4 acres in size. The City proposes to rezone the land to a "C3-1" Commercial category consistent with the zoning of much of the frontage land along both Brookside Boulevard and Oakpoint Highway. Most of that land has been developed for cartage and trucking operations and the reason that lands in this area are attractive locations for trucking terminals has a great deal to do with proximity to major trucking routes and proximity to the Winnipeg International Airport. The City does not, at this juncture, have a prospective purchaser, but once rezoned, the lands will be quickly marketed and sold. One interested purchaser might be Steele Management, which owns the 17 acres lying adjacent to the east, and is currently making similar application to rezone their lands to a "C3-1" Commercial category (under File DASZ 7/2001).

The Planning and Land Use Division of the Planning, Property and Development Department fully supports the proposed rezoning. The "C3-1" zoning is fully compliant with Plan Winnipeg Policy and the site is deemed to be appropriate for highway commercial development.

On November 6, 2001, a public hearing was held before the Lord Selkirk-West Kildonan Community Committee. One person appeared in support of the application and no one was registered in opposition thereto. The Community Committee recommended that the proposed rezoning be approved for the reason that the subject application complies with Plan Winnipeg Policy.

On November 20, 2001, the Standing Policy Committee on Property and Development considered the Zoning Change Report dated November 13, 2001, from the Lord Selkirk-West Kildonan Community Committee, and approved the following amendments, which have been incorporated into the recommendations set out below, namely:

- Amend Recommendation I. by deleting the words "subject to any purchaser entering into a Servicing Agreement with the City containing all of the conditions outlined in the report dated October 3, 2001, from the Administrative Coordinating Group."

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

I. That the Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 208/2001 dated October 30, 2001, to a "C3-1" Commercial District.

Report of the Standing Policy Committee on Property and Development dated November 20, 2001

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 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 November 20, 2001

Schedule "A" referred to in Clause 4 of the Report of the Standing Policy Committee on Property and Development dated November 20, 2001

By-Law No. _____

File No. - DAZ 208/01 -

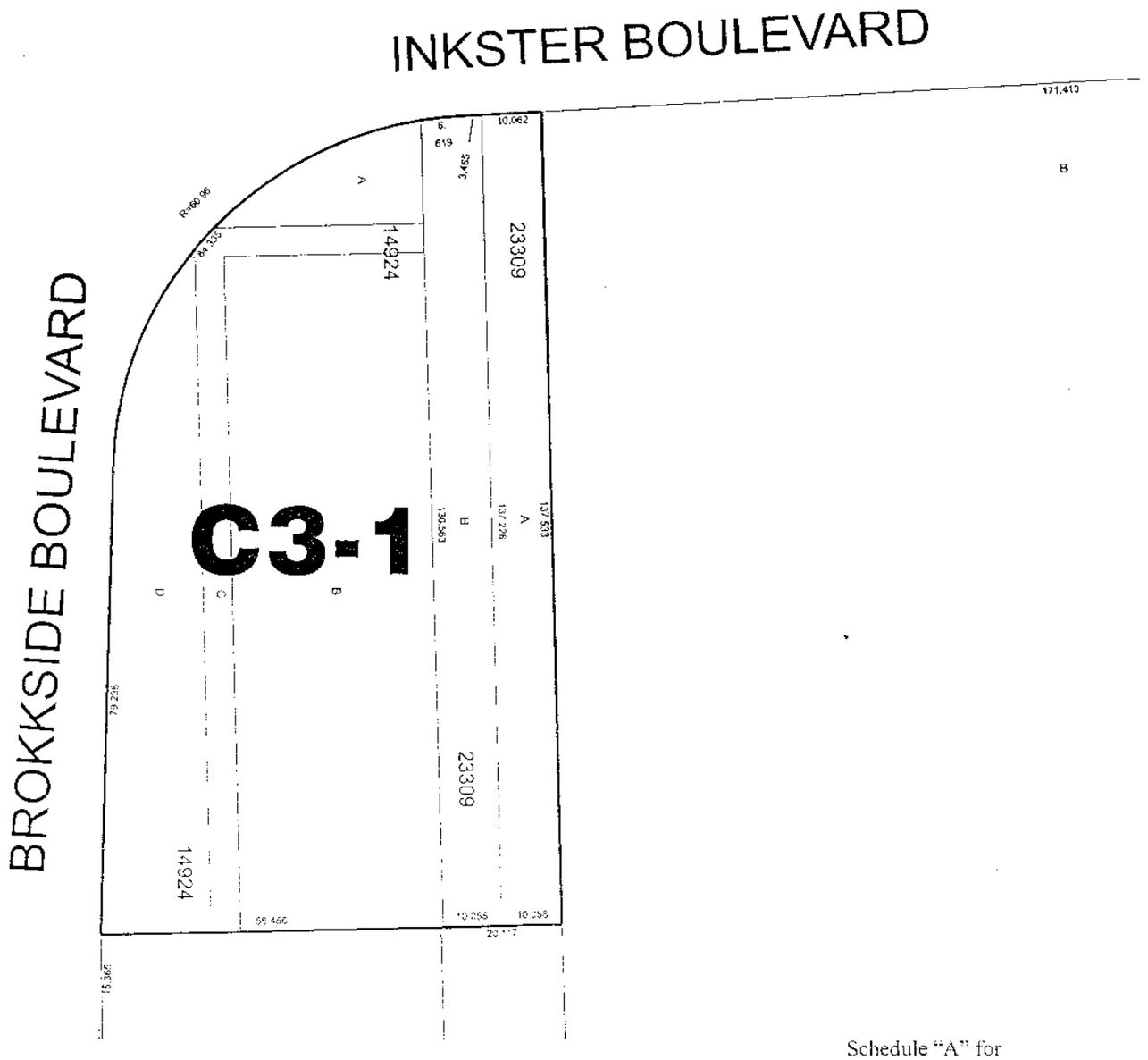
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land at the southeast corner of Brookside Boulevard and Inkster Boulevard from an "A" AGRICULTURAL DISTRICT to an "C3-1" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No. T18

N

LORD SELKIRK
WEST KILDONAN
COMMUNITY



Schedule "A" for
File DAZ 208/01
Lord Selkirk-West Kildonan
Community Committee
October 30, 2001

THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

Report of the Standing Policy Committee on Property and Development dated November 20, 2001

Council Appointment to the Riverbank Management Committee
Files E-5.1 (Vol. 20) and GC-7 (Vol. 31)

118 - 5. Council at its Organizational Meeting held on November 7, 2001, appointed Councillor Lazarenko as Chairperson to the Riverbank Management Committee.

Council referred to the Standing Policy Committee on Property and Development the appointment of the three remaining Council-at-large members to the Riverbank Management Committee.

The Standing Policy Committee on Property and Development therefore recommends that Councillors Gerbasi, Lubosch, Steeves be appointed as the three (3) Council-at-large members to the Riverbank Management Committee.

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED NOVEMBER 22, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated November 22, 2001, was considered clause by clause.

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

Carried.

Proposed Transfer of Jurisdiction of City-owned Property located south of Pacific Avenue, west of Paulin Street from the Public Works Department to the Planning, Property and Development Department - Lord Selkirk-West Kildonan Community

Files FI-2.2(32) (Vol. 7) and FI-2.2(34) (Vol. 4)

119 - 1. The Standing Policy Committee on Property and Development has been advised that the subject property is currently under the jurisdiction of the Public Works Department and is being held for the future extension of Hargrave Street. The Public Works Department advised that this project is no longer part of the long-range transportation plan and would not object to the transfer of property to the Planning, Property and Development Department. Therefore, the Planning, Property and Development Department reported on an initiative to create an expanded parking lot at the subject location and the necessity to transfer control of the land to the Department. Council approval of the transfer of jurisdiction is required.

The particulars of the subject property are as follows:

Location:	Between Pacific and Ross Avenues, west of Paulin Street
Registered Owner:	The City of Winnipeg
Legal Description:	Lots 1 to 3, Plan 51; Lots 6-8, Plan 51; Parcel B, Plan 13049, Lots 61-68, Plan 32037
Certificate of Title No.:	1386683, 1386630, 1386687, 1386688, and 1386629, G25983, E26319B
Zoning:	“M-1” Light Industrial; “R-2” Two-Family Residential
Site Size/Area:	7,818.7± square metres (84,159.9± square feet)
Property Description:	Part of the property, shown outlined on Misc. Plan No. 10775/2, already operates as a serviced parking lot. The western portion is open green space.

Most of the subject property was acquired in 1979-1980 from the Urban Renewal Partnership Corporation for development as a parking lot and other suitable uses and for street right-of-way purposes (i.e. the proposed Hargrave-Carlton Extension Project).

The portion shown outlined on Misc. Plan 10775/2 was leased to private sector users for parking purposes from 1981 to 1991.

Then from 1991 until the present time the Parking Administration Branch operated this property as a non-accessory parking lot providing parking to City employees. The site is asphalt paved, fenced and has on site lighting and security. Ingress/egress is via Pacific Avenue. The western portion of the subject property has remained as open green space.

Over the years the City had received several requests to either purchase or lease the subject property but because this property was required for Public Works, no sale materialized.

Although the subject property is in the CentreVenture program area, this property is not included as a property to be optioned to CentreVenture Development Corporation in the City/Centre Venture Asset Agreement.

Report of the Standing Policy Committee on Property and Development dated November 22, 2001

In mid December 1999, the Real Estate Division of the Planning, Property and Development Department received a request from Shelter Canadian Properties Limited (via CentreVenture Development Corporation) wishing to lease the subject property. On February 3, 2000, the Standing Policy Committee on Property and Development, amongst four decisions on this matter, did not approve a parking lease of the City-owned properties located at the northwest corner of Ross Avenue and Paulin Street and a portion of the former Transfer Track Lands between James and McDermot Avenues, outlined and identified as "subject City property" respectively on Misc. Plan 10775 and 10776, to Shelter Canadian Properties Limited.

On January 25, 2001, the Real Estate Division received a communication from the Parking Administration Branch, Support Services Division of the Planning, Property and Development Department advising that they would like to actively pursue use of the City-owned vacant lands to the west of the existing surface parking lot at Paulin Street and Ross Avenue. They advised that with the impending loss of the lots at Adelaide Street and Elgin Avenue and Amy and James Streets, used for employee parking, and the construction of the Red River College Downtown Campus, expansion of the lot at Paulin's along with changes to the operation of the Civic Centre Car Park, would allow them to effectively respond to the impending increased demand of the public for parking in the area, along with the City's corporate needs.

A circular letter was sent to other Civic Departments to determine if they had any objections or comments in regard to this matter. The following responses were received:

The Public Works Department advised that the northerly extension of Hargrave Street is no longer part of their long-range transportation plan. Hence, the subject property is surplus to the Department's needs and they would not object to the sale thereof.

The Development Management Branch, Development and Inspections Division of the Planning, Property and Development Department advised that they would like to flag the possibility that this property could be used for parking in conjunction with the Red River Community College (RRCC) development on Princess Street. They requested that the disposal of this property be put on hold until the parking issue is explored with the RRCC stakeholders.

The Urban Planning Branch, Planning and Land Use Division of the Planning, Property and Development Department advised that the property (the western portion) is zoned "R2" Two-Family District. It is grassed and is used informally as passive green space by residents of the adjacent housing development (to the west). Surface parking lots have been developed to the immediate east (City-owned) and to the north (across Pacific Avenue). A variety of warehouse, manufacturing, and residential uses are also evident in the immediate vicinity. The area to the west exhibits evidence of substantial investment in public or non-profit housing (circa late 1970s-1980s).
The Urban Planning Branch also advised that any redevelopment of this property would have to respect the residential context to the west. This residential area is not a vestige of an older neighbourhood in decline. Instead, it is a neighbourhood comprised of relatively recent vintage housing and associated neighbourhood amenities - including playgrounds, daycares, etc.

Redevelopment of the property for parking purposes could, if it is respectful of and sensitive to its context, be an asset to this area-especially given its proximity to the Red River College Princess Street Campus. This property is located less than a five-minute walk from the intersection of Princess Street and William Avenue. Because of its location at the edge of a residential neighbourhood, and because no building demolition would be required, redevelopment as a parking facility could be ideal.

The Urban Planning Branch further advised that consideration should be given to the development of a multi-level parking facility at this location, integrated with the City-owned parking lot to the east. Consideration should also be given to how such a parking facility would be utilized. For example, should the priority be for establishing casual (hourly) parking, or should parking spaces be leased on a monthly basis? Also, would users other than those generated by the RRC Campus be accommodated? Although a multi-level parking facility would be preferable, any proposed surface parking facility would be required to meet the minimum parking area standards. These standards include: paved (asphalt or concrete) surface, land drainage (catch basins, etc.), perimeter fencing (lightproof, wood or metal, definitely no chain link with barbed wire), landscaping, controlled private approaches, etc. It should be noted, non-accessory parking facilities (surface or multi-level) are not permitted in "R2" zoned districts.

The Water and Waste Department advised that there is a 300mm combined sewer located within the property and that an easement would be required if the property were finally sold.

The Civic Accommodations Division of the Planning, Property and Development Department advised that they would have no objection to the proposed transfer of jurisdiction.

Report of the Standing Policy Committee on Property and Development dated November 22, 2001

The Zoning Branch, Development and Inspections Division of the Planning, Property and Development Department advised that if a parking structure or lot is to be developed on the lands, rezoning to "C" Commercial would be required. The Parking Administration Branch would be prepared to initiate this process. Further, as a buffer would be required between the residential property to the west and the intended parking lot development, the Branch will begin discussions to achieve this, if the transfer of jurisdiction is approved.

If the proposed parking lot expansion project were not to proceed or it was determined that the College would best be served by proceeding with development on their own then a potential sale could be considered at that time.

Considering the aforementioned information, it would appear appropriate to transfer jurisdiction of the subject property from the Public Works Department to the Planning, Property and Development Department (i.e. the Parking Administration Branch, Support Services Division).

On November 1, 2001, the Standing Policy Committee on Property and Development considered the foregoing administrative commentary, and was verbally advised that immediately prior to the Standing Policy Committee meeting a local developer had approached the CentreVenture Development Corporation with regard to developing a housing project on this site. Subsequently the Standing Policy Committee laid over the matter over and requested the Planning, Property and Development Department to submit a supplementary report.

On November 22, 2001, the Standing Policy Committee on Property and Development was advised of the following:

A Possible Residential Development Project

The Planning, Property and Development Department contacted the CentreVenture Development Corporation to attempt to obtain more information about the potential residential development project. As a consequence, the Department was able to discuss the matter with a local developer (who wishes to remain anonymous at this time) who has a vision of constructing a multi-residential housing project on this site (i.e. row housing, townhouses). His vision would include rental housing for Red River College students/professors as well as affordable housing for the community as a first phase and possibly ownership as a second phase. He would like to see area community groups as well as the local businesses taking an active role in the development in order to meet the needs of the community.

The proponent believes four things are needed in order to have a successful housing project:

- Land
- Sponsoring Group
- Need
- Financing

This developer would also like to see CentreVenture Development Corporation be actively involved in the development negotiations. He recognizes that CentreVenture has had some success in the development of the downtown and are building momentum and he, speaking as a developer is comfortable in dealing with CentreVenture.

This developer also recognizes that there is a lack of parking in this area and this will increase once the Red River College Campus is in full operation.

He also admits that the majority of students of the Red River Community College Campus will not be looking for permanent housing in this area.

There was no indication that a formal application would be forthcoming.

The subject city property is not located within the Centre Venture program area.

The Current Utilization of the Westerly Portion of the Subject City Property

The prior administrative commentary indicating that the western portion of the subject property has remained as open green space. A concern might be the issue of removing "open green space" from the community and replacing it with a parking lot.

A Real Estate Division field inspection indicates that this part of the property is a vacant field and does not appear to be utilized as either a passive or active green space.

The Planning and Land Use Division has advised that there are already four small-developed park spaces within two blocks of the subject property. The Division has confirmed its opinion that the subject city property is not required for additional parks space.

Report of the Standing Policy Committee on Property and Development dated November 22, 2001

Development of the City-owned Vacant Lands to the west of the Existing Surface Parking Lot for Parking Purposes
The Real Estate Division also consulted with the Support Services Division of the Department which advised on November 6, 2001 that Support Services was asked to assist in finding or addressing the parking supply related to the Red River College project. One option, deemed to be cost effective in its development, provides potential for positive economic return and is seen to be suitably located in the view of Red River College's administration, was the expansion of the Pacific Avenue and Paulin Street parking lot.

Acquisition and development of this property would allow the City to relocate a certain number of customers now parking at the Civic Centre Car Park and thus liberate a number of casual and monthly spaces at this structure. A good number of the newly acquired spaces at the Paulin Avenue and Pacific Street lot will also be available for students and staff of Red River College. The College favours the idea of a nominally adjacent surface lot, as parking rates are expected to be less on the peripheral of the campus area than they will for covered and heated spaces nearest the college.

Summary Opinion of the Planning, Property and Development Department
In considering the aforementioned information the Department is still of the opinion that there is a demonstrated need and departmental support for the continued operation and City ownership of these lands, and would still recommend transferring the subject property from the Public Works Department to the Planning Property and Development Department in order to develop the western portion of the subject property as a parking lot in conjunction with the existing parking facility on the eastern portion. The Department supports this recommendation on the basis of the following reasons:

- To effectively respond to the impending increased demand for parking in this area, viewed as addressing the parking requirements of both employees in the City Hall area, and students of the Red River Downtown Campus, once it opens in the fall of 2002.
- The Parking Administration Branch has had discussions with both representatives of the college and the Province of Manitoba and have agreed that the most promising solution to meeting both their estimated initial requirements and the City's present demands for parking is a combination of the subject property and the Civic Centre Car Park with the City continuing as owner.
- If it were determined that the College would best be served by proceeding with development on their own the potential sale could be considered at that time.
- Both the Development Management Branch and the Urban Planning Branch of the Planning, Property and Development Department favour redevelopment of the property for parking purposes, if respectful of and sensitive to its context given its proximity to the Red River College Campus.
- Because its location being at the edge of a residential neighbourhood, and because no building demolition would be required, redevelopment as a parking facility could be ideal.
- A sufficient number of parks already exist in this area.
- Although residential development is a consideration, all parties, including the aforementioned developer would agree that this area is in need of parking especially with the anticipated opening of the Red River College Campus.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed transfer of jurisdiction of the City-owned property as shown on Misc. Plan No. 10775/2 from the Public Works Department to the Planning, Property and Development Department be approved.

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 Surplus City Property - north and south sides of Sterling Avenue, east of Dakota Street - Riel Community File FI-2.4(35) (Vol. 10)

120 - 2. The Standing Policy Committee on Property and Development has been advised that the subject properties outlined as Parcels A to N on Misc. Plan No. 11309, are being created by a further residential subdivision of the surplus lands to the east of Dakota Street, north and south of Sterling Avenue.

Report of the Standing Policy Committee on Property and Development dated November 22, 2001

In addition to creating ten single-family building sites, the balance of the land is being subdivided in order to allow the adjoining owners to increase their holdings, if they so choose, and to allow the City to dispose of excess property. One of the transactions involves an exchange of lands that will allow the City to have a regular-sized building lot. Through the subdivision process under File DAPS 8/2001, it has been determined that no easements are required.

To date, five of the adjoining owners have returned signed Offers to Purchase, the particulars of which are common to all are briefly outlined as follows:

Location:	North and south sides of Sterling Avenue, east of Dakota Street
Zoning:	"R1-5" Single-family Residential
Roll No.:	Not assigned
Certificate of Title:	1798254
Purpose:	Addition to adjoining holding
Property Description:	Vacant land

The following are the particulars relevant to each individual Officer to Purchase, namely:

Legal Description:	Part Parcel C, Plan 39433 shown as Parcel D on Misc. Plan No. 11309
Size:	Irregular - 90.9 square metres (979 square feet)
Assessed Value:	$3,950.00
Price Offered:	$1.00
Applicants:	Leon Cole, 62 Sterling Avenue

Legal Description:	Part Parcel C, Plan 39433 shown as Parcels E and F on Misc. Plan No. 11309
Legal Description of Land to be transferred to City:	
	Part Lot 1, Plan 19019 shown as Parcel E1 on Misc. Plan No. 11309
Size:	Irregular – 90.9 square metres (979 square feet)
Assessed Value:	$3,950.00
Price Offered:	$1.00
Applicants:	Ian and Margaret Norquay, 77 Sterling Avenue

Legal Description:	Part Parcel C, Plan 39433 shown as Parcel G on Misc. Plan No. 11309
Size:	Irregular – 90.9 square metres (979 square feet)
Assessed Value:	$3,950.00
Price Offered:	$1.00
Applicants:	Ying Sheung Young, 81 Sterling Avenue

Legal Description:	Part Parcel C, Plan 39433 shown as Parcel H on Misc. Plan No. 11309
Size:	Irregular - 90.9 square metres (979 square feet)
Assessed Value:	$3,950.00
Price Offered:	$1.00
Applicants:	Twylla Pawlinsky, 85 Sterling Avenue

Legal Description:	Part Parcel C, Plan 39433 shown as Parcel N on Misc. Plan No. 11309 and Lot 10, Plan 12439
Size:	Irregular - 90.9 square metres (979 square feet)
Assessed Value:	$3,950.00
Price Offered:	$1.00
Applicants:	Maria and Delfino Vieira, 119 Sterling Avenue

The terms and conditions of the five Offers to Purchase plus the outstanding Parcels are as contained in Schedule "A".

Pursuant to City Policy with regard to the sale of City-owned small parcels or lots to be used for residential purposes (Council authority October 31, 1977 as amended February 13, 1991), the subject properties would normally be sold for one-half the assessed value plus administrative costs. However, the Standing Policy Committee on Property and Development as successor to the Committee on Finance and Administration may give consideration (approve), when circumstances warrant, to the sale of small parcels of land for $1.00 plus administrative costs.

During the initial negotiations for the sale of these properties, it was determined that none of the adjoining owners were interested in acquiring additional property at one-half the assessed value.

Report of the Standing Policy Committee on Property and Development dated November 22, 2001

The Planning, Property and Development Department is supportive of these sales at a price of $1.00 for the following reasons:

- due to the size and shape, these lots are not marketable to anyone other than the adjoining owner;
- the exchange of Parcels E and F for Parcel E1 will allow the City to create building lot;
- these properties will be on the Tax Roll upon the closing of the sale;
- each Purchaser has agreed to consolidate title to the Parcel being acquired with the title to his adjoining property;
- the sale will eliminate the liability for the City associated with holding these parcels of vacant land; and
- the approval of the land exchange with the owner of 77 Sterling Avenue and of the sale of the land adjoining 62 Sterling Avenue is crucial to defining the building lots to be created and is a prerequisite to the registration of the City's Plan of Subdivision for the westerly lands.

The Planning, Property and Development Department does not propose to charge these Purchasers the $250.00 contribution to Administrative Costs, in this instance, as the cooperation of these Purchasers has facilitated the finalization and registration of the City's Plan of Subdivision and as there are only very minor extra costs to include these lands in the Plan of Subdivision.

The owners of 46, 50 and 54 Wakopa Place have been offered Parcels A to C and are considering the matter. They have been advised that all three adjoining owners must agree to the purchase so that the rear lot lines of both their property and the City property will be consistent.

The Director of Planning, Property and Development has the authority to sell residential lands for consolidation with adjoining holdings, subject to the sale price being at market value or at one-half the assessed value in accordance with the Council Policy on the Sales of Small Unbuildable Parcels. However, the Offers outlined are outside of the authority and therefore these proposed sales require the consideration and approval of the Standing Policy Committee on Property and Development.

On November 22, 2001, the Standing Policy Committee on Property and Development concurred in the recommendation of the Director of Planning, Property and Development and accepted the Offers to Purchase Parcels D/E, E/F and N, as outlined on Misc. Plan No. 11309 at the price of $1.00 per parcel and in accordance with negotiated terms/conditions, consistent with the Council Policy on the Sales of Small Unbuildable Parcels.

Further, the Planning, Property and Development Department recommended that the Chief Administrative Officer or designate be delegated the authority to accept Offers to Purchase on the remaining surplus properties providing the terms and conditions are similar to those outlined in Schedule "A".

The Standing Policy Committee on Property and Development recommends:

I. That the Chief Administrative Officer or her designate be delegated the authority to accept Offers to Purchase on the remaining surplus properties providing the terms and conditions are similar to those outlined in the said Schedule "A".

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 City Property located south of Meadowcrest Bay and Knotwood Crescent - Lord Selkirk-West Kildonan Community

File FI--2.4(34) (Vol. 8)

121 - 3. The Standing Policy Committee on Property and Development has been advised that the Director of Planning, Property and Development has the authority to sell residential lands for consolidation with adjoining holdings, subject to the sale price being at market value or at one-half the assessed value in accordance with the Council Policy on Small Unbuildable Parcels. As these Offers are not in accordance with existing Policy, these proposed sales will require the consideration and approval of Council.

Report of the Standing Policy Committee on Property and Development dated November 22, 2001

The subject City property was acquired in 1996 in tax sale from Draco Developments, the developer of the northerly adjoining subdivision. The City property is encumbered by a right-of-way in favour of John Whiteway who owns land southeast of the subject property. Draco Developments had been unsuccessful in negotiating with Mr. Whiteway for the removal of the right-of-way.

The property was circularized to all appropriate City departments and the utilities. No objections were received and no easements are required.

The matter was brought to the attention of the Lord Selkirk-West Kildonan Community Committee at its meeting held on September 15, 1998. The Committee advised it had no objections to the sale of the property.

Subsequently, the City entered into negotiations with the adjoining owners. The Planning, Property and Development Department recommended a sale price in accordance with the City Policy as applicable to the sale of small unbuildable parcels, i.e. one-half of the assessed value, which ranged from $420.00 to $926.00 depending on location. Given that the Purchasers would be unable to fence the property, there was insufficient interest in purchasing these lands at these prices and so the Real Estate Division of the Planning, Property and Development Department offered the property to the adjoining owners for $1.00, subject to approval by Council.

To date, eleven of the sixteen adjoining owners have agreed to purchase the said property. Particulars of the Offers, which are common to all are briefly outlined as follows:

Location:	South of Meadowcrest Bay and Knotwood Crescent, east of Main Street
Zoning:	"R1-20" Single-family Residential
Roll No.:	5-37203
Certificate of Title:	1475095
Terms:	$1.00 plus $250.00, deposited, towards Plan of Survey
Adjustments:	Date of approval by the City
Purpose:	Addition to residential holding
Property Description:	Vacant land

The following are the particulars relevant to each individual Officer to Purchase, namely:

Legal Description:	Part Parcel C, Plan 22052 shown as Parcel G on Misc. Plan No. 10197
Size:	5.24 metres x 6.096 metres (50 feet x 20 feet = 1,000 square feet)
Assessed Value:	$530.00
Applicant:	Lorena Wall, 52 Meadowcrest Bay
Price Offered:	$1.00

Legal Description:	Part Parcel C, Plan 22052 shown as Parcel H on Misc. Plan No. 10197
Size:	Irregular - 120 square metres (1,292 square feet)
Assessed Value:	$680.00
Applicant:	Robert and Anita Viktoruk, 56 Meadowcrest Bay
Price Offered:	$1.00

Legal Description:	Part Parcel C, Plan 22052 shown as Parcel J on Misc. Plan No. 10197
Size:	Irregular - 141.5 square metres (1,523 square feet)
Assessed Value:	$800.00
Applicant:	Gary and Moira Cole, 60 Meadowcrest Bay
Price Offered:	$1.00

Legal Description:	Part Parcel C, Plan 22052 shown as Parcel K on Misc. Plan No. 10197
Size:	Irregular - 147.3 square metres (1,586 square feet)
Assessed Value:	$840.00
Applicant:	Stephen and Marion Hrab, 64 Meadowcrest Bay
Price Offered:	$1.00

Legal Description:	Part Parcel C, Plan 22052 shown as Parcel L on Misc. Plan No. 10197
Size:	Irregular - 117.4 square metres (1,264 square feet)
Assessed Value:	$670.00
Applicant:	Stephen and Caroll Sukich, 32 Knotwood Crescent
Price Offered:	$1.00

Report of the Standing Policy Committee on Property and Development dated November 22, 2001

Legal Description:		Part Parcel C, Plan 22052 shown as Parcel M on Misc. Plan No. 10197
Size:		Irregular - 154.8 square metres (1,666 square feet)
Assessed Value:		$880.00
Applicant:		Richard and Rita Sukkau, 36 Knotwood Crescent
Price Offered:	$1.00	

Legal Description:		Part Parcel C, Plan 22052 shown as Parcel N on Misc. Plan No. 10197
Size:		Irregular - 114.1 square metres (1,228 square feet)
Assessed Value:		$650.00
Applicant:		Dave and Lori McMillan, 40 Knotwood Crescent
Price Offered:	$1.00	

Legal Description:		Part Parcel C, Plan 22052 shown as Parcel P on Misc. Plan No. 10197
Size:		15.612 metres x 6.096 metres (51.22 feet x 20 feet=1,025 square feet)
Assessed Value:		$540.00
Applicant:		Richard and Martha Cinch, 44 Knotwood Crescent
Price Offered:	$1.00	

Legal Description:		Part Parcel C, Plan 22052 shown as Parcel Q on Misc. Plan No. 10197
Size:		15.5 metres x 6.096 metres (50.85 feet x 20 feet=1,017 square feet)
Assessed Value:		$540.00
Applicant:		Tracy and Larry Blanchard, 48 Knotwood Crescent
Price Offered:	$1.00	

Legal Description:		Part Parcel C, Plan 22052 shown as Parcel R on Misc. Plan No. 10197
Size:		16 metres x 6.096 metres (52.5 feet x 20 feet=1,050 square feet)
Assessed Value:		$550.00
Applicant:		Larry W. Clark, 52 Knotwood Crescent
Price Offered:	$1.00	

Legal Description:		Part Parcel C, Plan 22052 shown as Parcel S on Misc. Plan No. 10197
Size:		16 metres x 6.096 metres (52.5 feet x 20 feet = 1,050 square feet)
Assessed Value:		$550.00
Applicant:		Andrew and Shirley Radawetz, 56 Knotwood Crescent
Price Offered:	$1.00	

The terms and conditions of the above eleven Offers to Purchase and for the five outstanding Offers are as contained in Appendix "A".

Given that the Purchasers cannot fence the property nor place any obstructions, e.g. a shed, on the property, the Real Estate Division of the Planning, Property and Development Department offered the property for $1.00 plus Plan of Survey costs of $250.00. This eliminates the need for the City to continue to maintain this property indefinitely. In addition, the Purchasers will have to consolidate the City property with their own and incur any and all costs associated therewith.

Therefore, the Planning, Property and Development Department is in favour of these sales for the following reasons:

- The property is not developable on its own.
- The property is encumbered, over the entire length and width, with a right-of-way.
- The property will be on the tax roll upon the closing of the sale.
- The Purchaser will pay his fair share of the cost of the necessary subdivision of the land.
- The Purchaser has agreed to consolidate title to the lands being acquired with title to his adjoining holding.
- The sale will eliminate the liability for the City associated with holding this parcel of vacant land.
- The sale will bring to a conclusion a long and difficult series of negotiations which started in 1998.

Further, the Planning, Property and Development Department recommends the delegation of authority to the Chief Administrative Officer or her designate to accept Offers to Purchase on the remaining surplus properties. As well, the Planning, Property and Development Department intends to seek a further delegation from the Chief Administrative Officer to the Director of Planning, Property and Development and to his designate.

Report of the Standing Policy Committee on Property and Development dated November 22, 2001

The Standing Policy Committee on Property and Development recommends:

I. That Council's Policy of July 21, 1993 requiring that small unbuildable parcels be sold for one-half the assessed value be waived in this instance.

II. That the Offers to Purchase as outlined in the report and in accordance with the terms and conditions contained in Schedule "A, be accepted at the price of $1.00 per parcel.

III. That the Chief Administrative Officer or designate be delegated the authority to accept Offers to Purchase on the remaining surplus properties providing the terms and conditions are similar to those outlined in Schedule "A".

IV. 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 Asset Management Strategy – Declaration of Lands and Buildings known as the "Former Winnipeg Canoe Club" at 50 Dunkirk Drive as Surplus - Authority to Proceed with a Request For Proposals - Riel Community

PR-2.4.1 (Vol. 3)

122 - 4. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department prepared an asset management strategy for the land and buildings known as the "former Winnipeg Canoe Club", and is submitting same for consideration by Council.

In 1991, the former Winnipeg Canoe Club approached the City for assistance regarding a realty tax arrears issue and financial operating concerns at the Club. Amongst other financial obligations, the Club had a substantial mortgage with the Great West Life Assurance Company. Subsequently that same year the City approved a subdivision application to create a condominium project at the former Winnipeg Canoe Club site to provide an opportunity for the Club to generate revenue to address its financial difficulties.

In 1994, the former Winnipeg Canoe Club lands and buildings were acquired by the City, pursuant to tax sale proceedings.

In 1995, the City entered into a Management Agreement with the Germanic Cultural Centre of Manitoba Inc. for the operation of the facility and also entered into a separate lease agreement for the operation of the adjacent golf course lands.

In the mid 1990's, a Winnipeg Sports Facility Grant in the amount of $194,000.00 was made to the Germanic Cultural Centre of Manitoba Inc.

The Planning, Property and Development Department understands that between 1995 and 1999, approximately $2.6 million consisting of Federal, Provincial and Municipal grants along with private donations from members of the Germanic Cultural Centre Inc., was apparently invested into the former Winnipeg Canoe Club facility. The Department does not have access to source data to verify the exact amounts.

In 2000, the Germanic Cultural Centre of Manitoba Inc and a private hospitality consortium approached the City for assistance regarding the Cultural Centre's default of the Management Agreement and ongoing financial and operating problems at the former Winnipeg Canoe Club facility. The proposal involved the potential capital expenditure of another $2.5 million, inclusive of a $220,000.00 funding request to the City. This resulted with the City entering into an Agreement dated June 30, 2000 with the proponents to facilitate redevelopment; however, the proponents did not implement the proposal.

On May 25, 2001, the Germanic Cultural Centre of Manitoba Inc. voluntarily surrendered possession of the facility to the City.

Report of the Standing Policy Committee on Property and Development dated November 22, 2001

On July 11, 2001, the Executive Policy Committee concurred in the July 5, 2001 recommendation of the Standing Policy Committee on Property and Development which instructed the Director of Planning, Property and Development to conduct such investigations and preparation necessary leading to declaring the former Winnipeg Canoe Club facility property (not including the golf course lands) as surplus to the City's requirements, and to report back thereon to the Standing Policy Committee on Property and Development.

Part 1: The Property (former Winnipeg Canoe Club Building and adjacent lands)

Property and Building Description

As identified on Misc. Plan 4750/16, the former Winnipeg Canoe Club building and lands are located at 50 Dunkirk Drive. The building has been primarily used for recreation and cultural purposes. The building is approximately 50,000 square feet in size and is comprised of: indoor badminton courts, indoor racquet ball courts, indoor squash courts, a fitness room, steam rooms, locker rooms, a banquet/multi-purpose room, a restaurant/ kitchen area, a daycare room, washrooms, front reception and office area.

The primary building and land site also has other amenities and additional outdoor structures. An outside storage building is located to the north of the building, which is currently used by the Prairie Fire and Rowing Centre for the storage of rowing boats. A vehicle parking lot is located to the east of the building that is fully improved with lighting, asphalting and fencing. An outdoor clay tennis court facility is located to the east of the building consisting of ten (10) tennis courts. During the 2001 season, the Winnipeg Canoe Club Tennis Players Association operated the tennis court facility. Lastly, an outdoor in-ground swimming pool is located to the south of the building.

The particulars of the subject property as outlined on Misc. Plan No 4750/16 are as follows:

Owner:	City of Winnipeg
Location:	50 Dunkirk Drive
Legal Description:	Lots 2/3, Plan 27760, Pt Lot 20, Plan 8959, Lots 1,2 and Pt Lots 28-33,Block 2, Plan 1250, Pt Lots 1-7, Block 3, Plan 1250, Pt Lots 1-10, Block 3, Plan 1268, former streets and lanes now closed.
Zoning:	"PR2" Parks and Recreation
Size:	+/-6.0 acres

Part 2: Site Use and Development Considerations

A. Responses to Circular Enquirying as to Civic Need

An internal canvass of City Departments did not identify any municipal need for this property. The following responses provided additional information relative to this project.

The Planning and Land Use Division of the Planning, Property and Development Department advised that although the existing main structure may have outlived its usefulness, the removal of the building would be upsetting to the existing residents due to a concern over what the replacement might be and to the loss of the facility and that all potential uses of the building should be examined. In the event the building is not useable, the Division advised that the vacant building site could be consolidated with the adjacent parking lot and possibly tennis court area to create a developable site. The Division also advised that the riverbank area should be retained as public open space and that a cluster condominium development would be the highest and best use of the lands in any rezoning or redevelopment proposal. Such proposal would have to incorporate and provide access to and from the golf course and existing condominium development. Moreover, the Division advised that the low density residential is probably the only alternative land use that would be acceptable in the community; however, any proposed redevelopment would be subject to a full public hearing and review.

The Public Works Department advised that it had no objection to the continued use of the existing approach on Dunkirk Drive to serve the site (right in-right out). The Department would not support left turn access to or from Dunkirk Drive. Any change to the existing access to a redeveloped site would have to be reviewed by the Public Works Department.

The Water and Waste Department advised that the former Winnipeg Canoe Club Building is served by a 200 mm watermain and a 300 mm combined sewer located within Dunkirk Place. Also, there is a 200 mm watermain that crosses the parking lot. In the event the parking lot is sold, the Department would require a 5 metre wide easement to access the watermain pipe.

The Water and Waste Department also advised that the primary dyke crosses this site, extending south from Dunkirk Place right of way, southeasterly. The dyke area is protected by an easement agreement and any proposed redevelopment of the site would have to incorporate this requirement. As well, any development within the

Report of the Standing Policy Committee on Property and Development dated November 20, 2001

Floodway Fringe Area must be in accordance with the flood-proofing criteria as specified in the City of Winnipeg Act. No construction would be allowed in the floodway area.

B. Relationship of the Golf Course site to the Subject Lands To Be Declared Surplus

By agreement dated April 1, 2000, the City of Winnipeg entered into a lease agreement with Don Ferguson Maintenance Services for the operation of the former Winnipeg Canoe Club Golf Course. The agreement, which does not expire until March 31, 2005, provides for a shared use of the existing parking lot as shown on Misc. Plan 4760/16. As such, any redevelopment of the lands will require that golfer parking be accommodated during this lease period and possibly beyond, dependent upon future golf course operational arrangements made.

The Planning, Property and Development Department has determined that the Golf Course Special Operating Agency (SOA) plans to conduct an asset management review of all of its golf courses within the next four years and will ultimately make a recommendation on whether the Canoe Club Golf Course should continue to be used for this purpose or if conversion to alternate land uses should be considered.

Inasmuch as the Committee directives of July 5 and 11, 2001 were to exclude the golf course lands, the golf course lands were not the subject of the administrative report, and thus have not been included in administrative recommendations.

C. Relationship with adjacent Condominium Development

In accordance with the terms and conditions of DASSF 506/91 and DAZ 204/91, the City approved a subdivision of land to create a condominium site located immediately south of the Canoe Club building. This development is illustrated on Misc. Plan No. 4750/16. A cross access agreement was subsequently registered to provide access over the existing parking lot. As such, any redevelopment of these affected lands will consider and require that an access agreement be provided to the Owner of Lot 1, Plan 27,760.

D. Proposed Definition of City-owned Property to be Declared Surplus

In view of the foregoing information, the Planning, Property and Development Department suggests that the 6.007 acre site shown as "Land to be Declared Surplus" on Misc. Plan No. 4750/16, be declared surplus. The sale of this property would be subject to a Cross-Access Agreement in favour of the adjacent condominium development and subject to the protection of a parking area for the golf course operation.

Part 3: Proposed Request for Proposals

A. Processes and Timelines

The process for conducting a Request for Proposal (RFP) includes:

- the assembly and organization of background information on the building and site;
- the development of a comprehensive Request For Proposal document together with appropriate appendices;
- the public advertisement and administration of the proposal call, and;
- the evaluation of the forthcoming Proposals;
- the submission of the subsequent administrative report to the Standing Policy Committee on Property and Development with recommendation.

Prior to initiating the Request for Proposals process, it is necessary that a decision be made to declare the property as surplus to civic requirements.

The Planning, Property and Development Department initiated and has undertaken the following tasks to prepare for the RFP:

1.	Circularization as to Corporate Need	Completed
2.	Environmental Site Assessment	Awarded and awaiting report
3.	Engineering Assessment of Building	Obtained proposals and quotes To award by November 15, 2001
4.	Geo-technical Assessment	Obtained proposals and quotes To award by November 15, 2001
5.	Review of Property titles, associated encumbrances and legal surveys:	Continuing. A Building Location Certificate, Easement Plans, Access Agreements, etc. need to be produced

Report of the Standing Policy Committee on Property and Development dated November 20, 2001

6.	Conducting an Appraisal of Building Lands	To be undertaken upon conclusion of and the aforementioned investigations

The proposed RFP could be accomplished in accordance with the following suggested schedule:

- Standing Policy Committee on Property and Development consider the report dated November 14, 2001, from the Planning, Property and Development November 22, 2001
- Council considers the recommendations of the Standing Policy Committee on Property and Development December 12, 2001
- Planning, Property and Development Department drafts RFP and Reports to Standing Policy Committee on Property and Development February 7, 2002
- Advertise and Conduct proposal call February 8 to March 8, 2002
- Evaluation of responses received March 9 to March 23, 2002
- Report back to Standing Policy Committee on Property and Development April 2, 2002
- Council consideration of Standing Policy Committee on Property and Development's recommendations April 24, 2002

The Planning, Property and Development Department points out that the suggested time-lines are very aggressive. The process is highly complex and time consuming. As a result, given workloads, other priorities and available resources, the subject time-line can be subject to change.

Funding Requirements
Any costs to be incurred in the financing of the proposed RFP will be charged to the Land Operating Reserve Account being as the property was acquired by tax sale and is under the jurisdiction of the Planning, Property and Development Department. Furthermore, the Department advises that the net proceeds from the sale of the subject lands would be credited to the Land Operating Reserve Account and subsequently transferred to the City's General Revenue Account. The costs for undertaking the required studies and the conduct of the RFP are estimated at $45,000.00.

Consultation with the Riel Community Committee
The Planning, Property and Development Department is acting on the instructions of the Executive Policy Committee dated July 11, 2001. As such, the Department advised that it has not consulted with the Riel Community Committee on this matter.

Pursuant to Section 156(2) of The City of Winnipeg Act, the disposal 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 the property identified as "Land to be Declared Surplus" on Misc. Plan 4750/16 be declared surplus to the City's requirements.

II. That the Director of Planning, Property and Development be directed to proceed to prepare a Request For Proposals (RFP) in accordance with the process outlined.

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.

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED DECEMBER 11, 2001

On motion of Councillor De Smedt, the rule was suspended and the Report of the Standing Policy Committee on Property and Development dated December 11, 2001, was considered.

Proposed Amendment to the Development Procedures By-law No. 5893/92

File EP-1 (Vol. 20)

123 - 1. The Standing Policy Committee on Property and Development has been advised that the Development Procedures By-law No. 5893/92 makes no provision for an appeal of a decision by the Director of Planning, Property and Development to reject an application which does not conform to Plan Winnipeg.

The Standing Policy Committee on Property and Development has the responsibility to advise Council on matters relating to the Development Procedures By-law. Pursuant to the City Organization By-law No. 7100/97 jurisdiction regarding Plan Winnipeg is assigned to Executive Policy Committee.

Subsection 3(3) of the Development Procedures By-law provides that an application for a development by-law or approval of a plan of subdivision that does not conform with Plan Winnipeg and any secondary plan for the area shall be rejected by the Director of Planning, Property and Development.

There is currently no provision for an appeal of the Director's decision. Some Plan Winnipeg policies are open to a certain degree of interpretation. The Legal Services Branch of the Corporate Services Department has recommended that any disagreements between an applicant and the Administration concerning such interpretations are best resolved at a hearing, with the attendant safeguards in place as to notice to the applicant and other issues of procedural fairness.

There are other types of rejections by the Director of Planning, Property and Development, which can be appealed. There does not seem to be any legal or policy reason to exclude rejections pursuant to subsection 3(3) of the Development Procedures By-law.

Appeals of rejections by the Director under the Winnipeg Zoning By-law No. 6400/94 and for reasons other than non-compliance with Plan Winnipeg lie to the Standing Policy Committee on Property and Development.

However, because the central issue in any appeal pursuant to subsection 3(3) of the Development Procedures By-law would be an interpretation of Plan Winnipeg, it is preferable that Executive Policy Committee be named as the hearing body. This would be consistent with Executive Policy Committee’s jurisdictions under Section 4 of the City Organization By-law to deal with Capital Region matters, general formulation of policy, and providing advice to Council with respect to Plan Winnipeg.

In addition, there have been instances in which the Administration has requested an interpretation of Plan Winnipeg; for example, in connection with the rezoning of 2245 Brookside Boulevard in October of 1999 (File DAZ 220/99 - Maple Leaf Construction). To date, Executive Policy Committee has dealt with those requests.

The Legal Services Branch has also recommended that the City Organization By-law also be amended to specify that Executive Policy Committee has that responsibility, for consistency and the avoidance of doubt.

On December 11, 2001, the Standing Policy Committee on Property and Development considered the report dated November 5, 2001 from the Director of Planning, Property and Development. The Committee was of the opinion that the Standing Policy Committee on Property and Development, as opposed to Executive Policy Committee should be the appeal body for an appeal of a decision by the Director of Planning, Property and Development to reject a development application which does not conform to Plan Winnipeg.

The Standing Policy Committee on Property and Development therefore recommends:

I. That the Development Procedures By-law No. 5893/92 be amended to provide for an appeal to Standing Policy Committee on Property and Development, of a decision by the Director of Planning, Property and Development to reject a development application which does not conform to Plan Winnipeg.

Report of the Standing Policy Committee on Property and Development dated December 11, 2001

II. That the City Organization By-law No. 7100/97 also be amended to clarify Standing Policy Committee on Property and Development's role as the appeal body.

III. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-laws.

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

The Executive Policy Committee does not concur in recommendations I. and II. of the Standing Policy Committee of Property and Development and recommends that they be replaced with the following, namely:-

I. That the Development Procedures By-law No. 5893/92 be amended to provide for an appeal to Executive Policy Committee, of a decision by the Director of Planning, Property and Development to reject a development application which does not conform to Plan Winnipeg.

II. That the City Organization By-law No. 7100/97 also be amended to clarify Executive Policy Committee's role as the appeal body.

Moved by Councillor De Smedt,
Adoption of the clause.

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

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

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

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

124 - 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. 7930/2001, 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 at 811 Panet Road in the East Kildonan – Transcona Community. File DAZ 202/2001

By-law No. 7935/2001, a by-law of The City of Winnipeg to close part of Craigmohr Drive, Kinlock Lane, Fenwick Place and the public lane north of Sandusky Drive and to open an alternate part of Craigmohr Drive, Kinlock Lane, Fenwick Place, Bairdmore Boulevard and Sandusky Drive. File DAOC 3/2001

By-law No. 7936/2001, 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 southeast corner of Inkster Boulevard and Brookside Boulevard in the Lord Selkirk – West Kildonan Community. File DAZ 208/2001

By-law No. 7937/2001, 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 north of Murray Avenue, west of Main Street in the Lord Selkirk – West Kildonan Community. File DASZ 19/98

By-law No. 7938/2001, 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 south of Murray Avenue, west of Main Street in the Lord Selkirk – West Kildonan Community. File DASZ 20/98

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

On motion of Councillor Vandal the rule was suspended and 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. 7947/2001, a by-law of The City of Winnipeg to amend By-law No. 1996/78 being a by-law relating to cemeteries. File PC (Vol. 5)

By-law No. 7948/2001, a by-law of The City of Winnipeg to amend By-law No. 5893/92, being the Development Procedures By-law. File EP-1 (Vol. 20)

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

125 - In reference to the Building Community Places Program commencing in 2002, Councillor Steek questioned when the Administration would be available to work with the communities that want to develop demonstration projects.

Councillor Vandal advised that the administration would be on board in January to oversee the grant program for all six neighbourhoods, with staff ready to move forward with the community groups in the River Heights Ward by March or April 2002.

Councillor Steek further questioned if there had been any criteria set relative to demonstration projects, namely the potential amount that could be realized on an initial demonstration project.

Councillor Vandal noted that the potential amount was $250,000.00 on a demonstration project. The key criterion was genuine neighbourhood consultation and that everyone represented in the neighbourhood was made aware of the program and the process established to choose a project from a series of options.