REPORT OF THE

STANDING POLICY COMMITTEE ON

PROPERTY AND DEVELOPMENT DATED MAY 30, 2000

On motion of Councillor Vandal, Clause 9 of the Report of the Standing Policy Committee on Property and Development dated May 30, 2000, was considered.

Riverbank Stability Characterization Study of City-owned Riverbanks
File E-5.1 (Vol. 19)

388 - ***Note: Clause 9 has been laid over by the Executive Policy Committee to their April 18, 2001 meeting.***

Laid over by the Executive Policy Committee to their April 18, 2001 meeting

REPORT OF THE

STANDING POLICY COMMITTEE ON

PROPERTY AND DEVELOPMENT DATED FEBRUARY 8, 2001

On motion of Councillor Vandal, Clause 3 of the Report of the Standing Policy Committee on Property and Development, dated February 8, 2001, was considered.

Moved by Councillor Vandal,
That the Consent Agenda, Clause 3, be adopted.

Carried.

Proposal to Declare City land as Surplus and for Sale – Old Exhibition Park Site – Manitoba Lotteries Corporation – Lord Selkirk-West Kildonan Community
File FI-2.4(34) (Vol. 7)

389 - 3. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department received a Letter of Interest from the Manitoba Lotteries Corporation for the purchase of the subject City property located on the most westerly portion of the Old Exhibition Grounds, east of McPhillips Street, north of Jarvis Avenue, as outlined on Misc. Plan No. 11063/1.

The particulars of the subject property are as follows:

Location:	Located on the most westerly portion of the Old Exhibition Grounds, east of McPhillips Street, north of Jarvis Avenue.
Legal Description:	Part of River Lot 35 Parish of St. Johns lying to north of north limit of Plan 6691 and its straight production easterly and westerly and to east of east limit Plan 4791 and lying south of south limit lane Plan 7847 and to west of west limit Sinclair Street excluding Plans 15449 and 15182
Registered Owner:	The City of Winnipeg
Certificate of Title No.:	371375
Realty Roll No.:	12-3-29855
1999/2000 Assessment:	Not available
Zoning:	“PR-1” Park District
Subject Site Size/Area:	23,635 square metres (5.84 acres)
Property Description:	The subject City property is improved with a baseball pitch and football field. The football field is currently utilized by the Nomads Football Club Inc. Adjacent to the football field is a clubhouse that was originally constructed by the Winnipeg Amateur Football Club. The City took title to the clubhouse building in 2000. The baseball pitch is leased to Manitoba Softball.

The Old Exhibition Park site, as identified on Misc. Plan No. 11063/1, is located south of Flora Place, east of Sinclair Street, north of Dufferin Avenue, and east of McPhillips Street. The site is a long standing regional sports site and is approximately 36.86 acres in size.

An indoor swimming pool, hockey arena, and seniors centre are located on the far east portion of the site. The remainder portion of the site has been developed for active recreational sports purposes. Located north of the indoor swimming pool are tennis courts, which are used in the wintertime for an outdoor sponge hockey league. The sponge hockey league is operating on the site under a facility use agreement. Four of the baseball diamonds were upgraded in 1995 with funding from the City and Manitoba Lotteries. The remaining baseball diamonds and soccer field located on the eastern portion of the Old Exhibition grounds have not been upgraded. Manitoba Softball currently leases the Charlie Krupp Baseball Stadium.

Report of the Standing Policy Committee on Property and Development dated February 8, 2001

Recent Council Initiatives and Potential Old Exhibition Park Site Initiatives

- Flora Place Housing Development

The Flora Place Housing Development is located along the most northerly boundary of the Old Exhibition Park site, as outlined on Misc. Plan No. 11063/1. On June 21, 2000, Council approved the rehabilitation and relocation of thirty-three housing units to form a cluster of units at the far eastern portion of the Flora Place Housing Development. The project included the demolition of seventy-two existing houses, the rehabilitation of twenty-eight housing units, and plans for the future redevelopment of the remaining portion of the site.

Currently, the Planning, Property and Development Department (Planning and Land Use Division) is finalizing plans for a detailed feasibility study to be completed in the Spring of 2001. This study will identify the details of various housing alternatives for the site. The feasibility study will be used as a basis for initiating proposals from housing groups for potential site development. Future development of the site will be all within the parameters of the Winnipeg Housing Initiative.

- North End Wellness Project

The City of Winnipeg at the invitation of the Province of Manitoba is currently participating in a new initiative to improve the health and wellness of residents residing in the City's North End. This is a result of the closure of the North-End YM/YWCA. This initiative, in part, may focus on the enhancement and development of recreational facilities at the Old Exhibition Park site. The main focus will be concentrated around the existing swimming pool, hockey arena and seniors centre facilities. Potentially, these facilities could be integrated with additional facility development including a gymnasium and other amenities. The initiative is underway and recommendations are to be made to the Provincial Government in March 2001.

- The Winnipeg Aboriginal Achievement Centre

During the summer of 2000, the Winnipeg Aboriginal Sport Achievement Centre (WASAC) was an innovative partnership project, which operated at the Old Exhibition location. The WASAC proposal has proven to be a success and the program is continuing on a year round basis.

A variety of funding sources has been utilized including all three levels of government. In addition, partnership supports have been provided by the Manitoba Aboriginal Sport and Recreation Council, Sport Manitoba, Winnipeg Foundation and the Centre for Aboriginal Human Resource Development.

In order to assist future program and financial consideration for WASAC, a business plan for the upcoming three-year period is being developed. This plan proposes to include documentation of the positions and perspectives of supporting agencies and organizations. Building upon the significant participation of Winnipeg's Aboriginal children and youth in WASAC to date, plans for the future will continue to focus on the input and needs identified by the Aboriginal community.

General planning directives for the business plan process will ensure that WASAC's philosophy of "bridging cultures" is maintained through three primary components, which include:

1. Summer sports camps for children as a feeder mechanism to community centre sport league systems and individual Manitoba Sport Associations.

2. Involvement as participants, administrators, coaches and technical officials within youth and adult sport leagues.

3. Active linkages to the annual Manitoba Indigenous Summer Games and the 2002 North American Indigenous Games.

It is anticipated that the Old Exhibition site will become the home of the Winnipeg Aboriginal Sports Achievement Centre program on a twelve-month basis.

Proposal to sell a portion of the Old Exhibition Park site to Manitoba Lotteries Corporation for parking lot development

The Manitoba Lotteries Corporation has expressed interest as to whether the most westerly 5.84 acres of the Old Exhibition Park site could be made available for sale. Manitoba Lotteries Corporation is looking to expand their existing surface parking lot on the northeast corner of Jarvis Avenue and McPhillips Street. Manitoba Lotteries currently have access to 1,400 parking stalls to service the McPhillips Street Station Casino. Of the 1,400 stalls, Manitoba Lotteries own 600 stalls and lease approximately 800 stalls from the Days Inn located adjacent to and

Report of the Standing Policy Committee on Property and Development dated February 8, 2001

directly north of the casino. Manitoba Lotteries have approximately 10,000 patrons visiting the McPhillips Street Station on a daily basis. In comparison, Club Regent Casino experiences a similar number of visitors per day and has a total of 2,800 stalls servicing that location. The purchase of the subject City lands will allow Lotteries to expand their on-site parking by approximately 700 stalls.

In order to review the request, the Real Estate Division circulated the request and organized a meeting with representatives from the Community Services, Public Works and Planning, Property and Development Departments and the Executive Policy Committee Secretariat.

Conceptual Review of Proposal

Planning, Property and Development Department

1. Urban Planning Branch: Representatives from the Branch reviewed the subject proposal and did not have any specific concerns relative to the proposed sale. The Branch was satisfied if the User Groups (North Winnipeg Nomads, Softball Manitoba) were accommodated on site or at another location, that the parks and open space requirements would be satisfied.

2. Development Management Branch: The representative from the Branch did not express any particular concerns with the proposal to establish a parking lot on the most westerly portion of the Old Exhibition Park site. One potential area of concern is the amount of pedestrian traffic across McPhillips Street. The Department has discussed the issue with Manitoba Lotteries and they have proposed to install a wrought iron fence along McPhillips Street to channel pedestrian traffic to the signalized intersection at Jarvis Avenue.

Community Services Department

1. Community Development and Recreation Services Division: The Division reviewed the subject proposal and did not have any specific concerns with the subject proposal, however, the need to consult with the User Groups was identified as a major issue that would need to be dealt with. In addition, the Division believes that it is essential to see the proceeds from the sale of the lands reinvested back into the Old Exhibition site to satisfy the needs of the local residents as well as being instrumental in assisting the WASAC project development.

2. Community Resource, Safety and Protection Division: The Division reviewed the subject proposal and indicated a need to coordinate the proposal with other Council/ Departmental initiatives.

On January 19, 2001, the Planning, Property and Development Department along with the Community Services Department held a meeting with representatives from the Nomad's Football Club and Manitoba Softball Association. The purpose of the meeting was to discuss the potential sale of the lands to the Manitoba Lotteries Corporation and to determine if in fact the potential relocation from the site was something that both groups would be agreeable to. Both organizations indicated that on a conditional basis they would be agreeable to relocating from the site. Manitoba Lotteries have indicated that they are willing to pay for the construction of new replacement or comparable facilities for the two user groups.

Nomads Football Club

The Nomads Football Club felt that the potential relocation of their program could be beneficial as the current site has a number of deficiencies. They have indicated that the current facility is not meeting the increased demands on their football program. The Nomads Football Club currently has a total of 7 teams totaling 250 players in their program. The Nomads Football Club has indicated that they are the largest league in Western Canada. The current site is not in the catchment area of their players. The catchment area for the Nomads is focused mainly in the area north of Inkster Boulevard. In addition, parking has been an issue with the football club. They are currently parking off site and bussing the players/parents to the games. In addition, the building is small for their use and if possible the club would like to have a second field to be used as a practice field.

The Planning, Property and Development Department along with Community Services Department are reviewing the City-owned lands in the area to locate potential sites to which the Nomads can be relocated. One potential site that has been identified by the both the City and the Nomads is Shaughnessy Park adjacent to Billy Mosienko Arena located on Keewatin Street. The relocation of the Nomads would involve the construction of a new football club house, football field, parking and if possible a practice field.

The Club has indicated that they are prepared to immediately begin the process of reviewing alternative sites and planning for the construction of new facilities. The City would prepare a Facility Use Agreement that would require the Nomads to be responsible for the management and operation of a new building (including all operating costs such as insurance, utilities, repairs, maintenance, etc.).

Report of the Standing Policy Committee on Property and Development dated February 8, 2001

Manitoba Softball

Manitoba Softball currently uses the Charlie Krupp baseball pitch for fastball. Manitoba Softball has indicated that parking has also been a problem for them along with reoccurring vandalism. Manitoba Softball currently operates and manages the John Blumberg Softball Complex. They have indicated that it is time consuming to maintain both the facilities (Charlie Krupp and John Blumberg). Manitoba Softball has held internal meetings with its Facilities Committee to discuss the matter. Manitoba Softball has developed a number of potential options. The options they have discussed with the City are as follows:

- cash settlement from Manitoba Lotteries;
- installation of a field lighting system for an unlit diamond at the John Blumberg Softball Complex;
- replacement of the existing field with a fast pitch diamond in another area of the City.

On January 9, 2001, the Lord Selkirk-West Kildonan Community Committee considered the potential sale of the site and indicated its support for declaring the subject City property as surplus and sold to Manitoba Lotteries Corporation.

The Real Estate Division of the Planning, Property and Development Department discussed the potential sale and intended use of the site with the Zoning and Permits Branch of the Planning, Property and Development Department. The Zoning and Permits Branch indicated that Manitoba Lotteries Corporation would be required to re-zone the site from “PR1” Park District to “C2” Commercial District to allow for the change in use. The time required to re-zone the site would be approximately four to six months.

The Planning, Property and Development Department is in the process of completing an appraisal on the subject City property.

The Planning, Property and Development Department recommended that the “subject City property” as outlined on Misc. Plan No. 11063/1 be declared surplus to the City’s requirements, provided the lands are ultimately sold to the Manitoba Lotteries Corporation. The Department supports declaring the subject property as surplus based on the following conditions:

1. If a sale to the Manitoba Lotteries Corporation does not conclude, that the subject lands revert to non-surplus status; and,
2. The sale is subject to the satisfactory resolution of the requirements and relocation of the two current user groups located on the subject City lands, that being Manitoba Softball and the Nomads Football Club.

The Planning, Property and Development Department supported selling the site based on the following rationale:

A. The current facilities for the two user groups (Nomad’s and Manitoba Softball) are outdated and problematic;
B. The sale of the site could generate significant revenue for the City; and
C. The proceeds would be credited to the Land Dedication Reserve Account or could be reinvested back into the future plans to upgrade the North End Centennial Pool and Seniors Centre and the Old Exhibition Arena. The Community Services Department would like to see the proceeds from the sale reinvested back into the site to upgrade and add to the remaining facilities.

The Planning, Property and Development Department advised that since the foregoing requests approval to negotiate a land sale, there are no financial implications at this time.

On February 8, 2001, the Standing Policy Committee on Property and Development recommended that the subject City property be declared surplus to the City’s requirements, and made available for sale to the Manitoba Lotteries Corporation, with specified conditions.

On February 28, 2001, Council referred back Clause 3 of the Report of the Standing Policy Committee on Property and Development dated February 8, 2001.

Pursuant thereto, the Standing Policy Committee on Property and Development again considered this matter on March 8, 2001, and affirmed its recommendation of February 8, 2001, to declare the subject City property as surplus to the City’s requirements. However, as to the method of disposal of the lands, Committee amended its recommendations to incorporate either a sale or lease of the subject City property. In addition, the Standing Policy Committee amended Recommendation I.B. to include the words “within the Lord Selkirk-West Kildonan Community” at the end of recommendation.

Report of the Standing Policy Committee on Property and Development dated February 8, 2001

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

The Standing Policy Committee on Property and Development now recommends:

I. That the "subject City property" as outlined on Misc. Plan 11063/1 be declared surplus to the City's requirements on the following conditions:

A. If a sale or lease to the Manitoba Lotteries Corporation does not conclude, that the subject lands revert to non-surplus status.

B. The sale or lease is subject to the satisfactory resolution of the requirements and relocation of the two current user groups located on the subject City lands, that being Manitoba Softball and the Nomads Football Club, within the Lord Selkirk-West Kildonan Community.

II. That the Planning, Property and Development Department be instructed to negotiate the terms of sale or lease with the Manitoba Lotteries Corporation and report back to the Standing Policy Committee on Property and Development.

III. That the proceeds derived from the sale or lease of the subject land be directed back to the Old Exhibition Park site for the purpose of upgrading/improving the recreational facilities on the site.

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.

Note: For the information of Council, on March 14, 2001, the Executive Policy Committee requested the following information for report back, namely:

a) that the Administration meet with the Manitoba Lotteries Corporation to negotiate a long-term overall development/site plan for the McPhillips Street and Regent Avenue Casinos; and

b) that the Standing Policy Committee on Protection and Community Services and the Chief Administrative Officer be requested to provide a needs assessment of recreational facilities in the Lord Selkirk-West Kildonan Community.

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE ON

PROPERTY AND DEVELOPMENT DATED MARCH 6, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated March 6, 2001, was considered clause by clause.

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

Carried.

Proposed Closing of parts of Bishop Grandin Boulevard and Sterling Avenue, east of Dakota Street – Riel Community
File DAC 1/2000 [c/r DAS 14/2000]

390 - 1. The Standing Policy Committee on Property and Development has been advised that in 1997, the former Property and Development Services Department determined that the portions of Sterling Avenue and Bishop Grandin Boulevard shown shaded on Misc. Plan No. 9923/9 were surplus to the City's needs and, as the preliminary stage in assembling the lands for sale, initiated the street closing process.

The closing application, circulated under File DAC 14/97, was approved by Council on March 25, 1998, and the City Solicitor/Manager of Legal Services was instructed to prepare the closing by-law for enactment. On December 16, 1998, Council rescinded its instructions of March 25, 1998. The matter was placed in abeyance until March of 1999, when St. Vital Square Ltd. tendered an Offer to Purchase the portions of Bishop Grandin Boulevard identified as Parcels A and B on Misc. Plan No. 9923/35.

On January 6, 2000, the Standing Policy Committee on Property and Development accepted the Offer to Purchase, subject to negotiated terms and conditions, one of which was the adoption by Council of a street closing by-law. Since Council directed the City Solicitor/Manager of Legal Services to cease the by-law preparation in December 1998, it was necessary to initiate the street closing process again.

The new closing application under File DAC 1/2000, was circulated to all affected City Departments and public utilities. There were no objections received. Manitoba Hydro and MTS Netcom advised that they would require an easement for the maintenance of their plants in the area. The City would retain the balance of closed streets for either greenspace or future redevelopment and sale. The provision of a public walkway connecting Sterling Avenue to Dakota Street in the approximate location shown on Misc. Plan No. 9923/35 was one of the conditions of the sale of the land.

On March 14, 2000, the Riel Community Committee considered the closing application under File DAC 1/2000A and recommended that the proposed street closing as outlined on Misc. Plan No. 9923/35 not be approved. Subsequent to the recommendation of the Riel Community Committee, St. Vital Square Ltd. revised its Offer to Purchase. St. Vital Square offered to purchase the lands shown as "subject City property" on Misc. Plan No. 9923/38. On May 30, 2000, the Standing Policy Committee on Property and Development approved the sale of the subject City property, subject to negotiated terms and conditions.

On July 11, 2000, the Riel Community Committee considered another street closing application under File DAC 1/2000B. The Planning, Property and Development Department advised of the following:

- The Zoning and Permits Branch of the Planning, Property and Development Department advised that the portion of the street proposed to be closed and sold to St. Vital Square Ltd. will assume the commercial zoning of the adjoining property. The portion of the street proposed to be closed north of this area will assume the residential zoning of the adjoining property, and will be retained by the City of Winnipeg. Neither the City of Winnipeg nor St. Vital Square Ltd. has any plans to rezone these properties. The Real Estate Division of the Planning, Property and Development Department will pursue the development of the City property as a residential subdivision.

Report of the Standing Policy Committee on Property and Development dated March 6, 2001

- There were no objections to the proposed closing when the matter was circulated to all affected City Departments and public utilities in 1997. There were no objections received to the recent recirculation in 2000 of the project. Manitoba Hydro and MTS Netcom advised that they would require an easement for the maintenance of their plants in the area.

- In 1997, the street closing was approved by Council with the condition that the area residents retain the pedestrian access to Dakota Street from Sterling Avenue that they presently enjoy. St. Vital Square Ltd. is aware of this requirement, and the provision of a walkway connecting Sterling Avenue to Dakota Street is one of the conditions of the sale of the City land.

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

On July 11, 2000, the Riel Community Committee passed the following motion:

> Whereas the Riel Community Committee has been advised by the Administration that the closing of parts of Bishop Grandin Boulevard and Sterling Avenue, east of Dakota Street would result in the closed rights-of-way taking on the zoning of the properties adjacent to it; that is to say, the Dakota Street frontages would receive a commercial zoning classification, and the rearage lands, a residential zoning classification;
>
> And Whereas some of the area residents are of the view that the subject rights-of-way proposed to be closed are actually rearage lands and should therefore take on a residential zoning classification;
>
> And Whereas there is a difference of opinion as to what the end result would be if the proposed closing proceeds;
>
> And Whereas the automatic zoning of the subject rights-of-way (once closed), with no public hearing, does not give the community the opportunity to request and possibly obtain the necessary separations, landscaping, noise attenuation, mitigative measures, and/or any other conditions which may be imposed in the normal zoning process;
>
> And Whereas the Riel Community Committee is of the view the proposed closing of the subject rights-of-way will have a very detrimental impact on the value and use of the adjoining properties;
>
> Now Therefore Be It Resolved That for the reasons outlined, the Riel Community Committee recommends that the proposed closing of parts of Bishop Grandin Boulevard and Sterling Avenue, east of Dakota Street, under File DAC 1/2000B, not be proceeded with at this time.

On July 11, 2000, the Riel Community Committee also recommended that before considering any future request for the proposed street closing of parts of Bishop Grandin Boulevard and Sterling Avenue, east of Dakota Street, that public hearings be held for the proposed zoning of the rights-of-way (to be closed) to afford the community an opportunity for input and to discuss issues relating to landscaping, buffering, noise attenuation measures, and the like, to ensure that any proposed development of the closed rights-of-way will have the least detrimental impact on the adjoining properties.

On July 18, 2000, the Standing Policy Committee on Property and Development requested the Director of Planning, Property and Development to initiate an application to subdivide/rezone the subject property at the southeast corner of Dakota Street and Bishop Grandin Boulevard, with the public hearing to be held before the Riel Community Committee.

On August 29, 2000, the Standing Policy Committee on Property and Development laid over the closing applications pending the recommendation from the Riel Community Committee on the application to subdivide lands under File DAS 14/2000.

On March 6, 2001, the Standing Policy Committee on Property and Development concurred in recommendation of the Riel Community Committee to proceed with the proposed subdivision of lands under File DAS 14/2001, subject to terms and conditions, and submitted its recommendation to Council.

On March 6, 2001, the Standing Policy Committee on Property and Development again considered the closing applications under File DAC 1/2000A and DAC 1/2000B, and did not concur in the recommendations of the Riel Community Committee.

Report of the Standing Policy Committee on Property and Development dated March 6, 2001

The Standing Policy Committee on Property and Development therefore recommends:

I. That the street closing application under File DAC 1/2000A be filed.

II. 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. 9923/9, as outlined on Schedule "A" to File DAC 1/2000B.

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 Misc. Plan No. 9923 referred to in the above clause are on file in the City Clerk's Department.

Adopted by consent.

(See Minute No. 428 for attachment)

Proposed Subdivision – land located at the southeast corner of Bishop Grandin Boulevard and Dakota Street – Riel Community
File DAS 14/2000 [c/r DAC 1/2000]

391 - 2. The Standing Policy Committee on Property and Development has been advised that the Director of Planning, Property and Development made application for a plan of subdivision on the lands located at the southeast corner of Bishop Grandin Boulevard and Dakota Street to allow for both commercial and residential development.

Site Area
The total area encompasses 25,700 square metres or 6.3 acres.

Existing Land Use and Zoning
The land in question is currently vacant and undeveloped but heavily treed in places. A pedestrian pathway linking Sterling Avenue with Dakota Street traverses the site.

Surrounding Land Use and Zoning
North: To the north, the land is bounded by Bishop Grandin Boulevard.
South: To the south is an existing commercial mall zoned "C2", and a residential area zoned "R1-5".
East: To the east is a fully developed residential subdivision zoned "R1-5"
West: To the west is Dakota Street and St. Vital Shopping Centre zoned "CR" Commercial.

Should Council approve both an application under File DAC 1/2000 to close portions of Sterling Avenue and Bishop Grandin Boulevard shown shaded on Misc. Plan No. 9923/9, and the subject application under File DAS 14/2000, the land will be subdivided into ten (10) residential "R1-5" lots and one (1) commercial "C2" lot.

The proposed residential area automatically takes on a "R1-5" zoning and proposed Lot 11 is automatically zoned "C2" Commercial upon ratification of the closing application under File DAC 1/2000. Sterling Avenue is proposed to be extended west to form a cul-de-sac providing primary access to the proposed lots. Two pedestrian pathways, 4.87 metres (16 feet) wide are proposed to replace the existing pathway. One is proposed to link Sterling Avenue with the proposed commercial area and Dakota Street; the second to provide a link with the lights at the intersection of Bishop Grandin Boulevard and Dakota Street.

The proposed subdivision fully complies with the policies of Plan Winnipeg.

As background history, in 1997, the Real Estate Division of the former Property and Development Services Department determined that the portions of Sterling Avenue and Bishop Grandin Boulevard were surplus to the City's needs and, as the preliminary stage in assembling the lands for sale, initiated the street closing process.

Report of the Standing Policy Committee on Property and Development dated March 6, 2001

The closing application, circulated under File DAC 14/97, was approved by Council on March 25, 1998, and the City Solicitor/Manager of Legal Services was instructed to prepare the closing by-law for enactment. On December 16, 1998, Council rescinded its instructions of March 25, 1998. The matter was placed in abeyance until March of 1999, when St. Vital Square Ltd. tendered an Offer to Purchase the portions of Bishop Grandin Boulevard identified as Parcels A and B on Misc. Plan No. 9923/35.

On January 6, 2000, the Standing Policy Committee on Property and Development accepted the Offer to Purchase, subject to negotiated terms and conditions, one of which was the adoption by Council of a street closing by-law. Since Council directed the City Solicitor/Manager of Legal Services to cease the by-law preparation in December 1998, it was necessary to initiate the street closing process again.

On March 14, 2000, the Riel Community Committee considered the closing application under File DAC 1/2000A and recommended that the proposed street closing as outlined on Misc. Plan No. 9923/35 not be approved.

Subsequent to the recommendation of the Riel Community Committee, St. Vital Square Ltd. revised its Offer to Purchase. St. Vital Square offered to purchase the lands shown as “subject City property” on Misc. Plan No. 9923/38. On May 30, 2000, the Standing Policy Committee on Property and Development approved the sale of the subject City property, subject to negotiated terms and conditions.

Shortly thereafter, in June of 2000, the owners of St. Vital Square Ltd. organized a meeting of the local residents and members of the Administration to show the modifications that had been made to their original plans. This was done at the informal request of the Standing Policy Committee on Property and Development who were of the view that an informational meeting was a necessary requirement prior to the Riel Community Committee’s review of the new street closing application under File DAC 1/2000B at its July 11, 2000 Public Hearing.

On July 11, 2000, the Riel Community Committee recommended that the street closing application under File DAC 1/2000B be again rejected. On August 29, 2000, the Standing Policy Committee on Property and Development laid over the street closing applications pending the recommendation from the Riel Community Committee on the subdivision application (under File DAS 14/2000).

This decision was based in large part on a decision by the Zoning and Permits Branch (of the Planning, Property and Development Department) which indicated that, upon closure, that portion of the street being closed and sold to St. Vital Square Ltd. would automatically assume the “C2” Commercial zoning of the adjoining property. The portion of the street remaining to the north would assume automatically the “R1-5” Residential zoning of adjoining properties. That being the case, there would be no requirement for a follow-up rezoning application and no opportunity to hold a public hearing and address resident issues.

The Standing Policy Committee on Property and Development with the support of the Administration regards the full subdivision application (DAS 14/2000) as the only available mechanism which will allow for public review and input into the process. It should be noted at this point however, that while the subdivision process allows for a public hearing, public scrutiny and input, there are strict limitations on the types of conditions that can be included in Subdivision or Servicing Agreements. The Legal Services Division is clear in its instructions that under Section 620(1)(F) of The City of Winnipeg Act (governing Subdivision Agreements), use restrictions cannot be placed as a condition of approval in the subject agreements. Neither can there be a requirement for final Plan Approval particularly as it applies to the new commercial areas being proposed. Therefore many of the issues previously raised by local residents regarding use/lay out of the proposed commercial site cannot be addressed through any mechanism other than a Zoning Agreement which in this case is not required as there is no rezoning required. However, concerns relating to design and configuration of the proposed residential lots or the location of pedestrian pathways, etc., can be addressed accordingly in a Subdivision Agreement or in the subject sales agreement. It is the position of the Planning and Land Use Division that the proposed subdivision, at least in most respects, corresponds with the wishes of most local residents based on the response and input in meetings held with the Administration dating back to 1997.

The residential component with proposed lots of equivalent size as the surrounding neighbourhood would appear to be an efficient use of the land and an orderly extension of Sterling Avenue.

Public Hearings were held by the Riel Community Committee on September 12, October 10, November 7, 2000 and February 20, 2001. Two persons were heard in support of the application, twenty-eight registered in opposition thereto, and one person registered for information thereon. The Riel Community Committee recommended that the proposed subdivision be approved for the following reasons:

Report of the Standing Policy Committee on Property and Development dated March 6, 2001

1. Leaving the subject property vacant is not an option, and the Riel Community Committee is of the opinion this development proposal will be the least intrusive on the surrounding residential neighbourhood as it contains the least commercial component.

2. Building Restriction Agreement Caveats on the subject property will ensure that houses to be constructed on the residential property will be compatible and consistent with development standards of the residential neighbourhood.

On March 6, 2001, the Standing Policy Committee on Property and Development considered the Report from the Riel Community Committee dated February 26, 2001, and approved the following amendments which have been incorporated in the recommendations set out below:

- Recommendation I. be amended by adding the following:

  B. That a Subdivision Agreement be entered into, and caveated against the land once the City of Winnipeg is no longer the owner, containing the following:
     (i) Detailed site plans, demonstrating compliance with the Winnipeg Zoning By-law No. 6400/94 standards and the Building Restriction Agreement Caveat conditions, showing the location, size and height of any commercial buildings, the location and design of garbage receptacles serving the commercial property, parking areas, approaches, fencing and landscaping of the commercial property, to be submitted for the approval of the Riel Community Committee, prior to the issuance of any building permit.

and in doing so, delete Recommendation II.A.F. in its entirety.

- Recommendation II.A.5. (pertaining to the prohibition of restaurant use on the site) be deleted in its entirety.

- Recommendation II. be amended by adding the following:

  F. That no emissions of odour, dust or smoke, be allowed to become offensive or obnoxious or create a nuisance at or beyond the limits of the “C2” land.

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

I. That the plan of subdivision proposed under File DAS 14/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DAS 14/2000 dated August 30, 2000, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. The plan of subdivision be in accordance with the report of the Administrative Coordinating Group dated August 31, 2000, with the following amendment, namely:

      (i) That Clause 1.a) be deleted. [Clause 1.a) pertained to eliminating the walkway to the commercial site].

   B. That a Subdivision Agreement be entered into, and caveated against the land once the City of Winnipeg is no longer the owner, containing the following:

      (i) Detailed site plans, demonstrating compliance with the Winnipeg Zoning By-law No. 6400/94 standards and the Building Restriction Agreement Caveat conditions, showing the location, size and height of any commercial buildings, the location and design of garbage receptacles serving the commercial property, parking areas, approaches, fencing and landscaping of the commercial property, to be submitted for the approval of the Riel Community Committee, prior to the issuance of any building permit.

II. That any sale of the land be made subject to the purchaser entering into and registering against the land a Building Restriction Agreement Caveat, which agreement would include the following terms:

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A. A prohibition of the following uses:
   1. Contractors establishments
   2. Automobile repair, service, installation of supplies and parts as a principal use
   3. Automobile sales, washing drive-thru or self-service
   4. Hotels with or without beverage rooms

B. No building to be constructed on the land exceeding thirty-five (35) feet in height.

C. No building on the land shall have any door opening providing vehicular egress or ingress in the east wall of any proposed building.

D. No building to be constructed or located within the easterly thirty-five (35) feet of the subject land.

E. No mobile signage to be permitted within twenty-five (25) feet of the Bishop Grandin Boulevard right-of-way.

F. That no emissions of odour, dust or smoke, be allowed to become offensive or obnoxious or create a nuisance at or beyond the limits of the "C2" land.

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

IV. 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.

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

VI. 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.

VII. 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 Minute No. 429 for attachment)

Proposed Closing of part of John Hirsch Place – City Centre Community
File DAC 9/2000

392 - 3. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department received an application from the Number 10 Architectural Group, representing the Manitoba Theatre Centre, to close the portion of John Hirsch Place, as outlined on Schedule "A".

The Manitoba Theatre Centre (MTC) requires the west end of the property to accommodate a freight elevator and loading dock to be added to the rear of the building. The MTC plans to use other areas in this addition to accommodate wardrobe, rehearsal, and storage rooms. The balance of the land, presently used as sidewalk, will be used for access and parking for the vehicles delivering materials to the theatre. The sidewalk will be replaced with pavement. The existing trees in the area will be removed.

The Development Management Branch of the Planning Property and Development Department advised that the Historic Winnipeg Advisory Committee is supportive of MTC's requirement to add a new loading facility and enhance the operational efficiency of the theatre. The Historic Winnipeg Advisory Committee does not feel, however, that the design of the freight elevator/loading dock is consistent with the existing building. The Committee has suggested that the design be modified to address the following concerns:

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1. That the height and scale of the addition be reduced by adding only those elements which can be accommodated, i.e., the loading dock and freight elevator. The removal of the wardrobe, rehearsal, and storage rooms will effect this reduction in the area of the addition.
2. That the addition not obscure key building elements in the existing façade.
3. That the detailing and use of materials either be more consistent with the existing building, or alternatively that the addition have its own distinctive character so it is set apart from the existing building.

The Development Management Branch of the Planning, Property and Development Department, recommended the Standing Policy Committee on Property and Development authorize the Director of Planning, Property and Development to approve the design of the proposed addition so that final design review could be completed by the Historic Winnipeg Advisory Committee. On June 27, 2000, the Standing Policy Committee on Property and Development, in its capacity as the Downtown Design Board, approved in principle the design under File DDB 55/2000 for the premises at 174 Market Avenue, subject to stated criteria, and subject to the final design detail being submitted to the Director of Planning, Property and Development for approval prior to the issuance of any building permit.

The Transportation Division of the Public Works Department advised that:

1. The portion of the street proposed to be closed is used for temporary snow storage in the winter. If the street is closed, the Maintenance Division will have to haul the snow from the street at an additional cost.
2. The construction of a pavement of sufficient strength to accommodate vehicles using the freight elevator/loading dock must be as determined by and to the satisfaction of the Director of Public Works. The MTC will be required to enter into a Servicing Agreement with the City.
3. As the closure will result in a right-of-way of less than 9.114m (30 feet) this section of John Hirsch Place will no longer be a street under the Private Approaches By-law and a private approach approval will not be necessary.
4. John Hirsch Place was originally developed as a pedestrian friendly environment. The loss of the sidewalk and the accommodation of large trucks backing down John Hirsch Place from Rorie Street is not in keeping with that concept.
5. The removal of the trees will require the approval of the Area Councillor.

The Water and Waste Department advised that there is a 375 mm clay combined sewer, constructed in 1943, within the closing area. Relocation of this sewer is likely, and would be acceptable to the Department under the following conditions:

1. A report confirming the necessity of a relocation is prepared by a reputable engineering consulting firm.
2. If a relocation is required, the report should specify the design and exact location of the relocated sewer to the satisfaction of the Director of the Water and Waste Department.
3. All of the costs of the study, design, and relocation of the sewer are to be the responsibility of the Manitoba Theatre Centre.

The Zoning and Permits Branch of the Planning, Property and Development Department advised that:

1. The loading dock will require a Conditional Use approval. The hearing date for this approval will be scheduled after the decision of the Community Committee regarding the closing.
2. Leasing the land to the MTC, as opposed to selling the land, would necessitate encroachment licenses.
3. Title to the lane, once closed, is to be consolidated with the title to the applicants'adjoining property.
4. The Fire Paramedic Service should be consulted regarding any potential safety factors that might arise from the increased parking area being created by this closing.

The Real Estate Division of the Planning, Property and Development Department advised that purchasing the property appears to be more beneficial to both parties than leasing the land.

Winnipeg Hydro, MTS, Centra Gas, and Videon Cable have advised that their services will not be affected by this proposal.

The Manitoba Theatre Centre (MTC) is seeking authority to proceed with the addition to their building as soon as possible. Approval of this closing will not provide that immediate authority. As noted, the MTC will be required to provide an engineering study on the feasibility of relocating the sewer line in the street and to enter into a servicing agreement for the construction of the pavement that will replace the sidewalk. In addition, approval by the Area Councillor of the removal of the trees, approval of a Conditional Use application for the loading dock/freight elevator,

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approval by the Director of Planning, Property and Development and the Historic Winnipeg Advisory Committee of the proposed changes to the addition, and approval by the Standing Policy Committee on Property and Development of the terms and conditions of the acquisition or lease of the land are all required before this closing may proceed.

On July 4, 2000, the City Centre Community Committee considered the application to close a portion of John Hirsch Place. Four persons appeared in support of the application, and three persons appeared in opposition thereto. The Community Committee recommended approval of the proposed street closing as outlined below.

On October 26, 2000, the Standing Policy Committee on Property and Development laid over the matter to the meeting scheduled for November 21, 2000, to allow the applicant to consult with the area residents. Awaiting the outcome of the consultation process, the Standing Policy Committee laid over the matter on November 21, 2000, January 9, 2001, February 6, 2001 and February 8, 2001.

On March 6, 2001, the Standing Policy Committee on Property and Development considered a supplementary report dated March 2, 2001, providing information on the negotiations between the Manitoba Theatre Centre and the Ashdown Warehouse Condominium Association.

The Standing Policy Committee on Property and Development was advised that the Ashdown Warehouse Condominium Association expressed concerns about the proposed expansion, and suggested that the design would negatively impact its residents. The Association also feels there has been inadequate notice about the closure and insufficient consultation with the neighbours. Finally, the Ashdown Residents feel that John Hirsch Place was intended to be a well-lit, landscaped pedestrian/vehicle route. They feel that this vision of a pedestrian friendly environment has not been realized and that the proposed development will make it worse.

CentreVenture Development Corporation, in its interest of promoting effective mixed-use development in the Exchange District, undertook to mediate a resolution of the dispute.

On March 1, 2001, CentreVenture Development Corporation advised that an agreement has been reached. Under the agreement the Ashdown Warehouse Condominium Association Board will support the Manitoba Theatre Centre project with the expectation that the original plans for John Hirsch Place be moved closer to completion. This should include the addition of trees and lighting and improvement to the parking lot between Pantages Theatre and the Manitoba Theatre Centre. According to CentreVenture, MTC has agreed to some of these improvements, and have approached the Manitoba Centennial Corporation (owners of the parking lot) for some improvements. The Planning, Property and Development Department is considering supporting some work on John Hirsch Place as part of a streetscaping program.

With this apparent resolution of issues between MTC and the Ashdown Residents, the nature of the design and the way this proposed addition will be used is now clear. The road closing application can now proceed, development applications can now proceed to the Board of Adjustment for approval, and final design issues can be resolved.

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

I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing of part of John Hirsch Place, in accordance with Misc. Plan No. 10961, as outlined on Schedule “A”.

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

Adopted by consent.

(See Minute No. 430 for attachment)

Report of the Standing Policy Committee on Property and Development dated March 6, 2001

Request to Amend Normand Park Development Agreement AG 4/87 – 75626 Manitoba Ltd. – Riel Community
File DASZ 4/87

393 - 4. The Standing Policy Committee on Property and Development has been advised that Clause 5.d) in Section I of Schedule "C" of Development Agreement AG 4/87 between the City of Winnipeg and 75626 Manitoba Ltd. reads as follows:

> "5.d) The Developer shall construct a paved vehicle turnaround at the terminus of each temporarily dead-ended street and provide any necessary right-of-way or easements therefore, all as determined by and to the satisfaction of the Commissioner of Works and Operations."

Accordingly, the Public Works Department acting on behalf of the former Commissioner of Works and Operations during the fall of 2000 requested the Developer to construct a temporary paved turnaround at the terminus of Brambleforde Crescent in accordance with current standards, and to provide the necessary easements where the turnaround will encroach beyond the street right-of-way. It is noted that standard temporary turnarounds are constructed in asphalt with a paved radius of 10.5 metres identical to that of permanent concrete cul-de-sac. Further noting that the right-of-way width is 18 metres it is readily seen that the total required easement for the pavement will be 3 metres.

Generally temporary asphalt turnarounds are cheaply constructed and unlike concrete street pavement have a very limited life. Where the Developer has control over the phasing of development (i.e. control over street pavement extensions) the longevity of the temporary turnaround is a non-issue. In the case of Brambleforde Crescent, the lands to the north are not Developer controlled and it is not know when they will be developed, consequently the turnaround to be provide at the terminus of Brambleforde Crescent must be constructed with a longevity consideration. To this end the Public Works Department has asked the Developer to provide geotech fabric between the base course material and the subgrade at a nominal cost to extend the life of the temporary turnaround. This incidentally is a current practice adopted by the City for its own street works when asphalt pavements are constructed. The relative low cost and availability of geotech fabrics in recent years has made their use economically viable.

The Developer is agreeable to constructing an asphaltic concrete turnaround but not to current standards. On December 4, 2000, the Developer stated that they are still prepared to install the turnaround in the spring (of 2001) but not with new and much more expensive standards and special lot easements for the enlarged size that were not part of the original agreement budget.

In view of the disagreement between the City and the Developer in this mater, in order for the turnaround to be constructed in accordance with the Developer's proposal, Development Agreement AG 4/87 would have to be amended to state that the turnaround at the terminus of Brambleforde Crescent shall be constructed as per the design submitted by the Developer's Consulting Engineers.

On February 20, 2001, the Riel Community Committee considered report dated January 29, 2001, from the Land Development Engineer, Planning, Property and Development Department which recommended that Development Agreement AG 4/87 not be amended, and that the Developer be instructed to construct the turnaround in accordance with the plans approved by the Director of Public Works and to also execute the related easement agreement.

The Community Committee did not concur in the administrative recommendation, and recommended that Development Agreement AG 8/87 be amended as required to state that the turnaround at the terminus of Brambleforde Crescent be constructed in accordance with the design submitted in 2000 by the Developer's Consulting Engineer.

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

I. That Development Agreement AG 8/87 be amended as required to state that the turnaround at the terminus of Brambleforde Crescent be constructed in accordance with the design submitted in 2000 by the Developer's Consulting Engineer.

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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 Subdivision and Rezoning – land located at 10 MacBell Road – Riel Community

File DASZ 21/2000

394 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Douglas Pleshko, 10 MacBell Road, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands outlined from an "A1-5" Agricultural District to an "R1-9" Residential District to facilitate the subdivision and development of fifteen (15) new lots.

Site Area
Overall site area is approximately seven (7) acres.

Existing Land Use and Zoning
The site is generally vacant but is occupied by a single dwelling at the south periphery of the property. The land is zoned "A-5" Agricultural District.

Surrounding Land Use and Zoning

North: Lands to the north are largely undeveloped, and are zoned "A-5" Agricultural District.
South: There are several private homes, privately accessed on large river lots south of the subject property, zoned "A-5" Agricultural District.
East: To the east is the Red River.
West: Large lot residential development – zoning is a combination of "A-5" Agricultural District and "R1-20" Residential District.

The applicant proposes to rezone and subdivide the subject lands to accommodate a fifteen lot subdivision. Access to five of the lots will be via MacBell Road. Access to the remaining ten lots will be via a new road to be constructed off of Cloutier Drive.

The proposed development falls within a designated Neighbourhood Policy Area and complies with the following Plan Winnipeg policy: 5A-14 promoting Compact Development. The City is committed to promoting compact development by encouraging the infilling of vacant land with new development which both adjoins and is compatible with existing development.

The subject parcel of land is located at the southeast corner of MacBell Road and Cloutier Drive and is approximately seven (7) acres in overall size. The land is currently zoned "A-5" Agricultural District and occupied with a single dwelling which is accessed off of MacBell Road. Much of the adjoining land along the south side of Cloutier Drive and along Stormont Drive has been already subdivided and developed for large lot single-family housing. Some new lots have been created by zoning variances and remain "A-5" Agricultural District, while most have been rezoned to an "R1-20" (minimum half acre) zoning category. Undeveloped areas north of Cloutier Drive remain zoned "A-5" Agricultural District. The applicant proposes to rezone his land to an "R1-9" Residential District category (minimum 9,000 square foot lots) in order to create a maximum fifteen new lots. Five of the proposed lots will front onto MacBell Road; the remaining ten (10) along a new internal street off of Cloutier Drive. As outlined on the report of the Administrative Coordinating Group dated December 29, 2000, full watermain, land drainage, and waste water sewers are to be installed to serve each new lot in the proposed subdivision. Street surfacing is to be of a concrete standard, and asphaltic concrete turnarounds are to be installed at the termini of both the proposed new street and MacBell Road. At least a portion of the river frontage lots below the Floodway Line are to be dedicated as Public Reserve. The existing dwelling will presumably be moved from its present location to be re-sited on a lot abutting Cloutier Drive.

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It is the position of the Planning and Land Use Division of the Planning, Property and Development Department that the proposed subdivision is generally in character with existing development on both Stormont Drive and Cloutier Drive. The design and lay out makes provision for future street extensions into adjoining lands to the south, should those lands at some time be assembled for residential development purposes. In all likelihood, because of projected street and underground infrastructure costs, development will probably occur in phases. Frontage lots along MacBell Road will likely be constructed and in place before the proposed new road is established.

On January 16, 2001, a public hearing was held by the Riel Community Committee. Three persons appeared in support of the application, no one registered in opposition thereto, and one person appeared for information purposes.

The Riel Community Committee recommended that the proposed subdivision and rezoning be approved for the reason that the conditions of approval imposed will address the concerns raised and make the proposed development compatible with the surrounding residential neighbourhood.

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

I. That the plan of subdivision proposed under File DASZ 21/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 21/2000 dated January 8, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 29, 2000, with the following amendments:

1. Delete recommended plan revisions 1 and 2 and replace with the following: "That the applicant revise the plan by widening the new street and MacBell Road to 24 metres".

2. Delete condition numbered 2 and replace with the following:
"The Developer shall, at no expense to the City, construct grassed drainage ditches in the new street and in MacBell Road, including a piped outfall to the Red River, as determined by and to the satisfaction of the Director of Water and Waste."

3. Delete condition numbered 4, and replace with the following:
"The Developer shall, at no expense to the City, construct asphaltic concrete roads to a width of 24', with a minimum shoulder of 5' in width on each side of the travelled roadway in the new street and in MacBell Road to the satisfaction of the Director of Public Works in accordance with the City's RR-2 standards."

4. Delete condition numbered 6.

5. Delete condition numbered 13.a) and replace with the following:
"13.a) The Developer shall pay cash in lieu of 10% dedication of land for public open space as determined by the Director of Planning, Property and Development."

6. Add a new condition numbered 16, namely:
"16. The Developer shall, at no expense to the City, plant pine or cedar trees, a minimum of 6' in height, at approximately 15' intervals along the south side of proposed Lot 15, and the side yards of proposed Lots 5 and 6".

7. Add a new condition numbered 17, namely:
"17. That an easement, for purposes of flood protection, be granted to the City of Winnipeg by the future purchasers of proposed Lots 11, 12, 13, 14 and 15".

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 21/2000 dated January 8, 2001, to an "R1-9" Residential District.

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IV. 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.

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

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

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

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

IX. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See Minute No. 431 for attachment)

Proposed Subdivision and Rezoning – land located at 933 Summerside Avenue – Riel Community

File DASZ 25/2000
[c/r DCU 316/2000D and DAV 49/2000D]

395 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from MMP Architects (Orest Sedun), 500-321 McDermot Avenue, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an “RM-1” Multiple-Family District to a “RM-3” Multiple-Family District to accommodate a seniors housing project in affiliation with an existing church (Trinity United Church).

Site Area
The proposed new lot, which is being split off from the overall site, has 134 feet of frontage on Caledon Road and 234 feet of frontage on Mapleridge Avenue (approximately 31,356 square feet in total area).

Existing Land Use and Zoning
Part of the subject parcel is used as a gravel parking area; the remainder is grass. The land is zoned “RM-1” Multiple-Family District.

Surrounding Land Use and Zoning

North: To the north are single-family homes in an area zoned “RM-1” Multiple-Family District.
South: The southern extremity of the property is zoned “RM-1” Multiple-Family District and is occupied by Trinity United Church.
East: To the east is a school and playground area zoned “PR-1” Public Reserve District.
West: To the west is a multiple-family housing project zoned “RM-1” Multiple-Family District.

The applicants, acting on behalf of Trinity Church, propose to construct a life lease seniors complex attached to the north side of the existing church. The proposed structure will have approximately twenty-seven (27) units and stand thirty-nine (39) feet high at its peak. Underground parking is provided.

The subject location falls within a designated Neighbourhood Policy Area Plan. Plan Winnipeg Policy (5A-14) promotes the infilling of vacant lands with new residential development that adjoins and is compatible with existing development.

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Trinity United Church, which is located at the northwest corner of Caledon Road and Summerside Avenue, proposes to construct a connected seniors housing complex on the north half of its property. The proposed structure (life lease) will have multi-purpose and meeting rooms and a maximum twenty-seven (27) proposed suites. A corridor will connect the two buildings. There are twenty-seven (27) underground parking stalls proposed and surface parking areas to accommodate an additional forty-three (43) stalls. Access to the surface parking areas (which can be used for both the church and seniors housing complex) will be off of Summerside Avenue. The underground parking area is to be accessed off the public lane to the west.

The proposed building is to be three (3) storeys high, 39 feet at its highest point. Seniors housing projects in association with existing churches of all denominations are becoming more and more common. A similar project was recently approved at the northwest corner of Kirkbridge Drive and Marrington Road, a project affiliated in that instance with a Catholic Church existing at that location. The plans proposed in this instance have been reviewed by the Development Management Branch of the Planning, Property and Development Department, who have determined that they are of a very high calibre. The proposed building will, if approved, be of a very high standard. Likewise, it is of an acceptable density, one which will not have significant impact on surrounding neighbourhoods. Much of the land south and west of the subject property is currently already zoned and developed for multiple-family housing. The area to the east is occupied with a school and large open area. Access via Caledon Road to Killarney Avenue is more than adequate to meet traffic needs. For this type of seniors complex, it is felt that the parking provided, both surface and underground, is satisfactory.

On January 16, 2001, a public hearing was held by the Riel Community Committee. One person appeared in support of the application and no one registered in opposition thereto.

The Riel Community Committee recommended that the proposed subdivision and rezoning be approved, for the reason that the proposed development will be a welcome addition to the community.

On March 6, 2001, the Standing Policy Committee on Property and Development considered the Report from the Riel Community Committee dated February 16, 2001, and approved the following amendments which have been incorporated in the recommendations set out below:

- Amend Recommendation VII. by deleting the following words “execution by the City of Winnipeg of the Development Agreement” and substituting therefor “registration of the Plan of Subdivision in the Winnipeg Land Titles Office”.

- Delete Recommendation VIII. in its entirety, and substitute therefor
  VIII. That the rezoning by-law shall become effective when the Zoning Agreement has been registered 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, failing which the by-law shall become of no force and effect unless the deadline for registration is extended by a resolution of Council.

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

I. That the plan of subdivision proposed under File DASZ 25/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule “A” for File DASZ 25/2000 dated January 6, 2001, for registration in the Winnipeg Land Titles Office.

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule “A” for File DASZ 25/2000 dated January 6, 2001, to an “RM-3” Multiple-Family District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act, to include the following conditions:

   A. That final site plans outlining details regarding building locations, parking, approaches, garbage enclosures, exterior lighting, landscaping/fencing, etc., be reviewed and approved by the Riel Community Committee and the Planning and Land Use Division of the Planning, Property and Development Department prior to the issuance of any building permits.

   B. That the maximum number of dwelling units be limited to twenty seven (27).

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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 twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

VII. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

VIII. That the rezoning by-law shall become effective when the Zoning Agreement has been registered 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, failing which the by-law shall become of no force and effect unless the deadline for registration is extended by a resolution of Council.

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 Minute No. 432 for attachment)

Proposed Subdivision and Rezoning – land located on the south side of Peter Herner Bay, east of Riverwest Road – Lord Selkirk-West Kildonan Community
File DASZ 27/2000

396 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from the Novament Development Corporation (Dave Scutter) 647 – 167 Lombard Avenue, Winnipeg, for the approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an “R1-20” Residential District to an “R1-4” Residential District to facilitate development of five (5) residential lots.

Site Area
The parcel in its entirety encompasses an area of 27,400 square feet. There are 200 feet of frontage along Peter Herner Bay and 137 feet of side yard frontage along Riverwest Road.

Existing Land Use and Zoning
The property is vacant land, currently zoned “R1-20” Residential District.

Surrounding Land Use and Zoning
North: Undeveloped, but approved for subdivision and construction.
South: Partially developed housing mix, zoned “R1-20” Residential District.
East: Mix of “R-120, R1-4, R1-3.5” housing lots, almost fully developed.
West: Mix of housing and commercial development along Main Street, zoned “R1-20” Residential District.

The applicant proposes to rezone the subject property to an “R1-4” Residential category and then split it into five (5) equivalent sized lots. The subdivision will constitute the next to last piece being developed in the overall plan for the area.

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This development is supported by Plan Winnipeg and finds more specific support from Plan Winnipeg through the following policy: "(5A-14) Promote Compact Development: The City shall promote compact urban development by encouraging the infilling of vacant lands, the revitalization of vacant lands and supporting new development which adjoins and is compatible with existing development." The site falls within a designated Neighbourhood Policy Area.

The subject property is located at the southeast corner of Peter Herner Bay and Riverwest Road. The applicant, Novamet Development Corporation, proposes to rezone and subdivide the existing parcel into 5 lots, all of which will front onto Peter Herner Bay. The 5 proposed lots are all 41.7 metres (137 feet) deep and 12.1 metres (40 feet) wide. The proposed subdivision is virtually the last infill subdivision in the area north of Riverbend Avenue. All of the proposed lots are consistent in size with existing lots to the west and south, many of which are fully developed. The Planning, Property and Development Department is supportive of the proposed rezoning and subdivision.

On January 9, 2001, a public hearing was held by the Lord Selkirk-West Kildonan Community Committee. One person appeared in support of the application and no one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed subdivision and related rezoning be approved for the following reasons:

1. Approval of the application is compatible with the surrounding area and is the last infill subdivision in the area north of Riverbend Avenue.

2. All of the proposed five lots are consistent in size with the existing lots to the west and south.

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 27/2000 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 27/2000, dated January 2, 2001, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an Addendum to Development Agreement AG 43/87 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 29, 2000.

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DASZ 27/2000, dated January 2, 2001, to an "R1-4" Residential District.

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.

V. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of 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 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 Addendum to Development Agreement AG 43/87.

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

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

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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 Minute No. 433 for attachment)

Request for Extension of Time – Proposed rezoning of land located on the west side of St. Mary's Road, north of Normand Avenue – Riel Community

File DAZ 279/88

397 - 8. The Standing Policy Committee on Property and Development has been advised that the solicitor for the registered owner, Gordon Pullan, Q.C. of Pullan Kammerloch Frohlinger, Barristers and Solicitors, advised the Administration that an offer to purchase for the subject property was accepted however the prospective purchaser was unable to secure the necessary financing and that transaction is not proceeding. However, Gordon Pullan indicated that his client now has several perspective purchasers that they are negotiating with and that an offer to purchase will be forthcoming shortly. Therefore, they are requesting a further one year extension of time in order to complete the subject rezoning application.

On April 17, 1989, Council adopted Clause 5 of the Report of the former Committee on Planning and Community Services dated April 3, 1989, which Clause recommended approval of the subject rezoning to an "RM-2" Multiple Family District as outlined on Schedule "A" to allow for the construction of a multiple family development.

The Council approval contains the following condition:

> "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.

An extension of time was previously granted December 31, 2000. This extension has now expired.

The Administration has reviewed the applicant's request, and is of the opinion that the approval for an extension of time would be acceptable in view of the fact that the City's interests remain secured.

On February 20, 2001, the Riel Community Committee considered report dated December 15, 2000, from the Subdivision Officer, Planning, Property and Development Department, which recommended that the time limit to provide for the enactment of the necessary rezoning by-law under File DAZ 279/88 be extended to January 31, 2002.

The Riel Community Committee did not concur in the administrative recommendation, and recommended that the extension of time not be granted for the following reasons:

- a considerable amount of time has lapsed since the original zoning application was approved (twelve years); and
- a new public hearing for the proposed development will afford the area residents an opportunity for input.

On March 6, 2001, the Standing Policy Committee on Property and Development heard representation from Christine Common-Singh and Nick Carter, The Committee to Protect the Henteleff Tree Nursery lands, in opposition to granting an extension of time for the enactment of the necessary rezoning by-law under File DAZ 279/88.

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

I. That an extension of time to provide for the enactment of the necessary rezoning by-law under File DAZ 279/88 not be granted.

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

Adopted by consent.

Proposed Amendment to Servicing Agreement AG 209/96 – Home Depot site - northwest corner of Bishop Grandin Boulevard and St. Anne's Road – Riel Community

File DAZ 209/96

398 - 9. The Standing Policy Committee on Property and Development has been advised that the Servicing Agreement AG 209/96 between the City and 2871220 Canada Limited, which deals with access to the St. Anne's Road Home Depot site, contains the following clauses:

"3. Traffic Improvements
The median opening on St. Anne's Road servicing the St. Vital Knights Villa at 537 St. Anne's Road shall be maintained until such time as an alternative safe access has been negotiated with representatives of the St. Vital Knights.

6. Improvements in Lavalee Road
The Developer be required to contribute to the cost of paving Lavalee Road, that is necessary to provide additional safety to the surrounding area, the amount of which contribution is to be determined by the Commissioner of Works and Operations in consultation with the ward Councillor."

The above clauses were inserted upon the recommendation of the Riel Community Committee and are related in that it was contemplated at the time that if and when a second access to the St. Vital Knights Villa could be established off Lavalee Road, the median opening on St. Anne's Road would be closed.

The City is currently holding a letter of credit in the amount of $84,150.00 and will not reduce or release this surety until such time as Council provides further direction to the Administration.

The Public Works Department advised the Planning, Property and Development Department that they have no objections to deleting both clauses and releasing Home Depot from their security requirements related to these items. There are no other outstanding matters related to the Home Depot servicing agreement.

In a report dated May 25, 1999, the Land Development Engineer of the Planning, Property and Development Department originally referred the matter to the Riel Community Committee for its consideration and recommendation to the Standing Policy Committee on Property and Development. After a number of layovers, the Riel Community Committee, on April 11, 2000, forwarded the matter to the Standing Policy Committee on Property and Development with the following recommendations:

1. That Servicing Agreement AG 209/96 be amended to delete Clauses 3 and 6 and authorize the Administration to release the Letter of Credit in the amount of $84,150.00 held by the City in connection with the aforesaid Servicing Agreement, on the condition that the median opening that was installed on St. Anne's Road, on a trial basis to serve the St. Vital Knights Villa at 537 St. Anne's Road, will be maintained on a permanent basis.

2. That the Administration be requested to provide a report to the Standing Policy Committee on Property and Development addressing the issue of whether or not the said median opening will be maintained on a permanent basis.

On May 2, 2000, the Standing Policy Committee on Property and Development requested the Administration to provide a report to the appropriate Committee of Council addressing the issue of whether or not the median opening to serve the St. Vital Knights Villa at 537 St. Anne's Road will be maintained on a permanent basis.

On November 28, 2000, the Standing Policy Committee on Public Works received as information a report from the Director of Public Works dated June 27, 2000, which outlined in part as follows:

Report of the Standing Policy Committee on Property and Development dated March 6, 2001

> "The Public Works Department is not aware of any traffic operational or safety problems as a result of the subject median opening at this time; however, as traffic volumes increase along this section of St. Anne's Road, as a result of increasing development in the South St. Vital and South St. Boniface areas, traffic operational or safety problems could arise that would require the closure of the subject median opening. As such, the Public Works Department cannot guarantee that the subject median opening will be maintained on a permanent basis. At such time as traffic conditions warrant closure of the median opening, the Public Works Department would report on the issue to the Standing Policy Committee on Public Works."

On January 9, 2001, the Standing Policy Committee on Property and Development received the Standing Policy Committee on Public Works' advice of November 28, 2000, and referred the matter to the Administration for appropriate action.

On February 20, 2001, the Riel Community Committee concurred in the recommendation contained in report dated January 25, 2001, from the Land Development Engineer, Planning, Property and Development Department, and recommended that Servicing Agreement AG 209/96 between the City and 2871200 Canada Limited be amended as set out below.

On March 6, 2001, the Standing Policy Committee on Property and Development considered the recommendation of the Riel Community Committee and the report dated January 25, 2001, from the Land Development Engineer.

The Standing Policy Committee was also advised that due to the uncertainty of if and when the traffic conditions will warrant closure of the median opening and also uncertainty that the Standing Policy Committee on Public Works would then order such closure, it is unreasonable that the Developer under Servicing Agreement AG 209/96 remain responsible for the cost of providing a second access to the St. Vital Knights Villa at 537 St. Anne's Road from Lavalee Road for an undetermined period of time for something which may never happen.

As well, providing a second access from Lavalee Road via the rear lane may no longer be practical or even feasible. The only other way of providing access off Lavalee Road is through the park situated some 600 feet east of St. Anne's Road. This solution is highly unlikely.

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

I. That Servicing Agreement AG 209/96 between the City of Winnipeg and 2871200 Canada Limited be amended by deleting therefrom Clauses 3. and 6. which read as follows:

> "3. <u>Traffic Improvements</u>
> The median opening on St. Anne's Road servicing the St. Vital Knights Villa at 537 St. Anne's Road shall be maintained until such time as an alternative safe access has been negotiated with representatives of the St. Vital Knights.
>
> 6. <u>Improvements in Lavalee Road</u>
> The Developer be required to contribute to the cost of paving Lavalee Road, that is necessary to provide additional safety to the surrounding area, the amount of which contribution is to be determined by the Commissioner of Works and Operations in consultation with the ward councillor."

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.

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Proposed Rezoning – land located at 348 Ross Avenue, south side between Princess and Ellen Streets – Lord Selkirk-West Kildonan Community
File DAZ 235/99 [c/r DCU 40/2000D]

399 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from the Association of Pakistani Canadians of Manitoba Inc. (Hamid Rahman), 348 Ross Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the land located at 348 Ross Avenue from a “R-2” Residential District to a “C1-5" Commercial District to allow for the maintenance of a private club.

Site Area
The lot upon which the club is situated is approximately 28 feet wide by 108 feet deep.

Existing Land Use and Zoning
For a number of years, the existing club has been operating as the result of a variance obtained in 1992 (File DAV 588/92C). The property is currently zoned “R-2" Residential District.

Surrounding Land Use and Zoning
North: Lands to the north are a mix of “M-1" Industrial and “R-2" Residential District.
South: Properties to the south along Elgin Avenue are a mix of industrial and residential uses.
East: There is a residential duplex zoned “R-2” Residential District on the adjacent property to the east.
West: There is an old building occupying the land to the west, also zoned “R-2” Residential District.

The proposed application fully complies with Plan Winnipeg policy.

In 1992, the applicants applied for a use variance in order to establish a private club (licensed) at the subject address. It was granted for five years and expired in 1997. Because the private club use is categorized as a commercial use under Zoning By-law No. 6400/94 and the lot is zoned for residential use, no extension to or additional use variance applications can be made. Therefore, in order to continue operating their club at the subject location, a commercial zoning must be obtained and is the only viable option.

In this case, the applicant has opted for “C1-5” Neighbourhood Commercial category which makes provision for private clubs as conditional uses. Customarily, private clubs are situated on major thoroughfares like Arlington Street or Isabel Street. Occasionally they are situated in residential areas or in mixed-use areas. Invariably problems occur usually because of either inadequate parking or the noise and rowdiness associated with banquets, etc. However in most cases, the Planning and Land Use Division of the Planning, Property and Development Department would recommend approval for a limited period of time in order to monitor the activities of the club over a period of years.

If there are issues that arise with the neighbourhood, then quite simply variances are not renewed until there is evidence that the problems identified can and have been addressed and resolved to everyone’s satisfaction. In this particular case, there have been numerous complaints associated with parking problems directly linked to the private club. The subject use has limited parking on site at the rear of the building, therefore as a result, the membership has regularly used (without authorization) private parking areas in and around the neighbourhood. There may or may not be a solution to this problem but in the Department’s view; however, the proposed rezoning which will allow the private club to be maintained and possibly expanded should either: 1) be rejected out right, or 2) laid over indefinitely until the applicants/owners provide a clear indication of how they propose to address the parking issue.

On June 6, 2000, a public hearing was held by the Lord Selkirk-West Kildonan Community Committee. Eight persons were heard in support of the application, and two persons were heard in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed rezoning not be proceeded with for the following reasons:

1. Since June 6, 2000, the Lord Selkirk-West Kildonan Community Committee has requested the applicant to resolve the issue of parking, and several months later, the issue still remains unresolved.

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2. Approval of the application will be injurious to the adjoining property owners and by rejecting the application the Lord Selkirk-West Kildonan Community Committee is endeavouring to avoid any further incidents of confrontation between the members of the Association of Pakistani Canadians of Manitoba Inc. and the adjoining property owners.

The Standing Policy Committee on Property and Development concurred with the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommends that the application under File DAZ 235/99 for a zoning change to Zoning By-law No. 6400/94 by rezoning the land as outlined on Schedule "A" dated May 29, 2000, from a "R-2" Residential District to a "C1-5" Commercial District to allow for the maintenance of a private club, not be proceeded with.

Adopted by consent.

(See Minute No. 434 for attachment)

Proposed Rezoning – land located at 1575 Inkster Boulevard - Lord Selkirk-West Kildonan Community
File DAZ 236/2000 [c/r DAV 529/2000]

400 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from Maples Evangelical Church (Max Deleon), 1575 Inkster Boulevard, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject lands from an "MP-2" Industrial District to an "M1-B" Industrial District to allow for a church.

Site Area:
The subject area is approximately three (3) acres.

Existing Land Use and Zoning
The existing structure is currently occupied by Maples Evangelical Church, approved temporarily under File DAV 529/2000.

Surrounding Land Use and Zoning
North: Established "R1-5/R-14" Single-Family housing neighbourhood
South: Established Industrial areas zoned "MP-2"
East: Established Industrial areas zoned "MP-2"
West: Established Industrial areas zoned "MP-2"

Under a receipt application (under File DAV 529/00) the applicants acquired the right to convert the existing industrial buildings into a church, at least on a temporary basis. As a condition of approval, they were required in the interim to make the necessary rezoning application.

There is no apparent conflict with Plan Winnipeg. There is provision for churches as permitted uses in the "M1-B" Industrial zoning category.

The subject property is located on the north side of Inkster Boulevard between Sheppard Street and Mandalay Drive. The property and the immediate vicinity is zoned "MP-2" Industrial Park District. Located on the site is a vacant one storey brick and cinder block industrial building which was previously occupied by Apotex – Healthcare Co. The building has a floor area of approximately 14,790 square feet and is situated on a 3.2 acres parcel of land. A previous variance application allowed for the establishment of a church and a reduction in the number of on site parking spaces provided. The church has 329 members or 82 families and 28 single individuals.

Inkster Industrial Park is a carefully planned area characterized by a high standard of strictly controlled industrial uses. The park was established by the City of Winnipeg with the objective of stimulating industrial development, which was reflected in the initial selling price of the industrial park lands. There is a constant effort to maintain the high standards of building design in the industrial park. As of late there has been continual pressure within the industrial park for the establishment of retail and other commercial uses. However, due to the fact that Inkster Boulevard is a major feeder street connecting Brookside Boulevard and McPhillips Street with significant volumes of traffic, certain types of commercial and institutional outlets are viewed as appropriate uses along Inkster Boulevard.

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Procedurally, however, some of the uses that have been establishing along Inkster Boulevard are not listed uses under the "MP-2" Industrial zoning. Most have therefore had to 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 specified by the Board of Adjustment made application for the aforementioned rezoning in order to allow them to continue operating their church activities (temporarily approved by use variance.)

On February 13, 2001, a public hearing was held by the Lord Selkirk-West Kildonan Community Committee. Nine persons appeared in support of the application, and no one registered in opposition thereto. The Community Committee recommended that the proposed rezoning be approved for the following reasons:

1. The proposed rezoning is appropriate at this location.

2. There is no opposition to this application and substantial support, including support from surrounding businesses.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A", for File DAZ 236/2000 dated February 6, 2001, to an "M1-B" Industrial.

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, if applicable.

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 Minute No. 435 for attachment)

Proposed Street Name Change – Herman Avenue to Gauthier Avenue, east of Camp Manitou Road – Assiniboia Community
File SC-3.14(31) (Vol. 3)

401 - 12. The Standing Policy Committee on Property and Development has been advised that it has recently been brought to the attention of the Planning, Property and Development Department that there are two Herman Avenues within the City of Winnipeg. The first being Herman Avenue, east of Camp Manitou Road, the second being located north of Manitoba Avenue east of King Edward Street. The former street contains no dwelling units, while the latter has a number of homes on it.

Under present Council Policy, duplication of street names is not permitted. The problem can be a serious inconvenience for the street system users such as delivery vehicles, visitors and taxis, but more particularly in emergency situations. As no dwellings presently exist on this portion of Herman Avenue (east of Camp Manitou Road), the Planning, Property and Development Department recommend that it would be in order to rename it at this time.

On February 20, 2001, the Assiniboia Community Committee concurred in the recommendations contained in report dated January 17, 2001, from the Subdivision Officer, Planning, Property and Development Department, and recommended that the currently registered street name "Herman Avenue", east of Camp Manitou Road, as outlined on Schedule "A" dated January 17, 2001, be renamed to "Gauthier Avenue".

Report of the Standing Policy Committee on Property and Development dated March 6, 2001

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

I. That the currently registered street name "Herman Avenue", east of Camp Manitou Road, as outlined on Schedule "A" dated January 17, 2001, be renamed to "Gauthier Avenue", and that in doing so, Council authorize the following:

A. That the Director of Planning, Property and Development be requested to provide the necessary legal description to the City Solicitor for the purpose of preparing a by-law.

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

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

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

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

Adopted by consent.

(See Minute No. 436 for attachment)

Proposed Street Name Change – Four Mile Road to Wyper Road – Assiniboia Community

File SC-3.14(31) (Vol. 3)

402 - 13. The Standing Policy Committee on Property and Development has been advised that there are several rights-of-way in the City of Winnipeg known as Four Mile Road. Some of these streets exist only in a legal sense (there is no physical road). Two of the rights-of-way in the City are known as Four Mile Road have residences fronting on them.

Once of these streets is located in the St. Norbert Ward between the Floodway and Prairie Grove Road. This street has thirteen homes on it. The other is located in the Charleswood-Fort Garry Ward and contains a single home number as 353 Four Mile Road.

The Planning, Property and Development Department has been in consultation with the sole occupants of Four Mile Road in the Assiniboia Community Committee, and they have expressed concern over the problems they have faced with mail delivery, service vehicles, delivery vehicles, etc. As duplication of street names is not permitted under the present Council Policy, the Department recommends that the Four Mile Road which has only one dwelling be changed.

The Nikonchuk's (the current occupants) were provided with a copy of the Assiniboia Street Name Reserve List and have chosen the name "Wyper" from that list. They have indicated that the Wyper's were the original owners of the lands fronting on Four Mile Road.

The Planning, Property and Development Department has no objection to the street name request as "Wyper Road" as it does not duplicate or sound like any existing streets. This name was chosen from the Assiniboia Community Committee street name reserve list.

Report of the Standing Policy Committee on Property and Development dated March 6, 2001

On February 20, 2001, the Assiniboia Community Committee concurred in the recommendations contained in report dated January 29, 2001, from the Subdivision Officer, Planning, Property and Development Department, and recommended that the currently registered street name of "Four Mile Road", as outlined on Schedule "A" dated January 29, 2001, be changed to "Wyper Road".

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

I. That the currently registered street name of "Four Mile Road", as outlined on Schedule "A" dated January 29, 2001, be changed to "Wyper Road", and that Council authorize the following:

A. That the Director of Planning, Property and Development be requested to provide the necessary legal description to the City Solicitor for the purpose of preparing a by-law.

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

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

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

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

Adopted by consent.

(See Minute No. 437 for attachment)

Proposed Street Name Change – Public Road south of the Perimeter Highway be renamed to "Sioux Road" – Road Allowance north of the Perimeter Highway be renamed to "Sioux Road West" – Riel Community
File SC-3.14(35) (Vol. 2)

403 - 14. The Standing Policy Committee on Property and Development has been advised that it has recently been brought to the attention of the Planning, Property and Development Department that the commonly known streets of Sioux Road and Sioux Road West are legally designated as Public Road under registered Plan No. 5384. The balance of the right-of-way was created by Plan 12 (Provencher) when the Canadian National Railway went through and is designated as Road Allowance.

In order to legitimize the use of the existing street names of Sioux Road as Sioux Road West, the Planning, Property and Development Department recommends that the legal name of these rights-of-way be made consistent with its common use to avoid any possible confusion.

On February 20, 2001, the Riel Community Committee concurred in the recommendations contained in report dated February 8, 2001, from the Subdivision Officer, Planning, Property and Development Department, and recommended that the currently registered name of "Public Road", located south of the Perimeter Highway, be designated to "Sioux Road", and the currently registered name of "Road Allowance", located north of the Perimeter Highway, be designated as "Sioux Road West", both as outlined on Schedule "A" dated February 8, 2001.

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

Report of the Standing Policy Committee on Property and Development dated March 6, 2001

I. That the currently registered name of "Public Road", located south of the Perimeter Highway, be designated to "Sioux Road", and the currently registered name of "Road Allowance", located north of the Perimeter Highway, be designated as "Sioux Road West", both as outlined on Schedule "A" dated February 8, 2001, and that Council authorize the following:

A. That the Director of Planning, Property and Development be requested to provide the necessary legal description to the City Solicitor for the purpose of preparing a by-law.

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

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

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

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

Adopted by consent.

(See Minute No. 438 for attachment)

Proposed Zoning Agreement Amendment – land located at 1950/1954 Henderson Highway – East Kildonan-Transcona Community
File ZAA 12/2000 [c/r DAV 982/2000D]

404 - 15. The Standing Policy Committee on Property and Development has been advised that an application has been received from Andrew Wach Architects, 204–100 Osborne Street South, Winnipeg, to amend the Zoning Agreement affecting the property at 1950/1954 Henderson Highway, to permit the construction of fifty-three (53) dwelling units on the land instead of fifty-two (52) dwelling units as permitted, and to permit sixteen (16) visitor parking stalls at grade instead of ten (10) parking stalls.

Site Dimensions
The subject site is 61.17 metres (200.1 feet) by 104.18 metres (341.8 feet) average.

Site Area
The subject site area is 6,372.7 square metres (1.57 acres).

Existing Land Use and Zoning
Five-storey, twenty-nine (29) unit condominium on the northwest corner of the site zoned "RM-2" Multiple Family District

The applicant proposes to develop twenty-four (24) additional units for Phase II of the Harbourside condominiums, for a total of fifty-three (53) units. Phase II is proposed to be three floors of condominium units with grade level parking on the main level.

The condominium development on the subject property was approved in 1996 following a subdivision and rezoning application under File DASZ 15/95 and an amendment to the North Henderson Secondary Plan under File SPA 41/95. The subject property was previously in an area of the Secondary Plan designated for a maximum residential density of twelve (12) units per acre. The East Kildonan-Transcona Community Committee recommended approval of the amendment to permit a maximum of thirty (30) units per acre, but included in their rationale that the approval was based on the fact that densities would remain consistent with adjacent developments by further restricting the maximum number of units in the Zoning Agreement.

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Plans submitted with the application indicate that Harbourside Phase II proposes an additional twenty-four (24) condominium units instead of the permitted twenty-three (23) additional units. Twenty-seven (27) units were built in Phase I of Harbourside. The subject of this Zoning Agreement Amendment application is the additional unit, which is a minor addition to the density (a change from 23.11 units per acre to 23.56 units per acre) and which would not affect the size or appearance of the proposed multi-family building. The applicant indicates that the space in the building would remain vacant if it were not a residential unit.

The 1996 approval of the subdivision and rezoning of this property was subject to a limit of ten surface parking stalls with the intent of encouraging the majority of parking to be underground. An additional six surface parking stalls would result in more pavement and less green space on the site. The applicant contends that there has been a significant demand for surface parking for visitors and the ten existing parking stalls have been used by visitors to the existing twenty-seven units from Phase I. The six proposed additional parking stalls are located interior to the condominium development and will impact only users of the condominiums, as they would not be visible from adjacent properties.

The Planning and Land Use Division of the Planning, Property and Development Department has two main concerns regarding the proposed Phase II development: the additional pavement necessary for extra surface parking, and the blank wall created by grade level parking on the main floor of the proposed building, particularly adjacent to Henderson Highway. Plans submitted with this application show the garage roof at eleven (11) feet above grade with a 25-foot setback from the front property line. This situation does not support a pedestrian-friendly route along the west side of Henderson Highway, particularly as there is a bus stop at this location. It is suggested that there could be an attempt to maintain the existing stand of mature trees and provide some relief to minimize the effect of the eleven-foot high wall.

Significant landscaping can mitigate some of the negative effect of these two problems. The landscape plan must be presented for Schedule A Plan Approval and can be evaluated at that time.

On January 23, 2001, a public hearing was held by the East Kildonan-Transcona Community Committee. Three persons appeared in support of the application and fourteen persons registered in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning agreement amendment to permit the construction of 53 dwelling units be approved as it would not have an adverse effect on the surrounding neighbourhood. The Community Committee did not recommend approval of the proposed zoning agreement amendment to permit 16 visitor parking stalls at grade.

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

I. That Zoning Agreement DASZ 15/95 (By-law No. 6755/96) dated July 31, 1996, be amended to permit the construction of 53 dwelling units instead of 52 dwelling units.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 15/96 (By-law No. 6755/96) dated July 31, 1996, as approved in Recommendation I.

III. That the Proper Officers of the City be authorized to execute said Amending Agreement.

IV. 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.

Report of the Standing Policy Committee on Property and Development dated March 6, 2001

Proposed Zoning Agreement Amendment – land located at 920 Jefferson Avenue – Lord Selkirk-West Kildonan Community
File ZAA 14/2000

405 - 16. The Standing Policy Committee on Property and Development has been advised that an application has been received from Electra Signs, 398 Daly Street North, Winnipeg, to amend the Zoning Agreement affecting the subject property at 920 Jefferson Avenue by amending Clause 2.5 to permit a free-standing sign to have a height of 46.8 feet instead of a maximum height to 35 feet.

Site Dimensions
The overall site area is 482 feet in width by 600 feet in depth.

Site Area
The subject area is approximately seven (7) acres in size.

Existing Land Use and Zoning
The primary tenant at the subject location is a Safeway Store. Zoning is currently "C2" Commercial.

Canada Safeway proposes to relocate a pylon sign currently situated at 40 - 3605 Portage Avenue (Unicity Mall) to the subject location at 920 Jefferson Avenue.

The proposed sign replacement requires a zoning agreement amendment in view of the fact that the sign exceeds the maximum height permitted under Zoning By-law No. 6400/94. The proposed sign does not appear to be out of character with signage on adjacent sites along McPhillips Street.

On February 13, 2001, a public hearing was held by the Lord Selkirk-West Kildonan Community Committee. No one appeared in support of the application, nor registered in opposition to the application. The Community Committee recommended that the proposed zoning agreement amended be approved inasmuch there was a positive administrative recommendation in this matter.

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

I. That Zoning Agreement DAZ 322/79 (By-law No. 3012), be amended by permitting a free-standing sign having a height of 46 feet 8 inches instead of the maximum 35 feet.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 322/79 (By-law No. 3012), as approved in Recommendation I.

III. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

IV. 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.

REPORT OF THE

STANDING POLICY COMMITTEE ON

PROPERTY AND DEVELOPMENT DATED MARCH 8, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated March 8, 2001, was considered clause by clause.

Moved by Councillor Vandal,

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

Councillor Vandal requested that Clause 3 be pulled from the Consent Agenda.

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

Pantages Playhouse Theatre Management Agreement – Performing Arts Consortium of Winnipeg Inc. - 180 Market Avenue
File F-6 (Vol. 10)

406 - 1. Council, on November 19, 1997, approved a Management Agreement with a non-profit organization, the Performing Arts Consortium of Winnipeg Inc. (PAC), for the operation of the Pantages Playhouse Theatre at 180 Market Avenue. The agreement provided for a twenty year period incorporating an initial three year term ending January 2001, at which time the Performing Arts Consortium of Winnipeg Inc. could either opt to continue for a second 17 year term or terminate the agreement.

Prior to the existing Management Agreement, the City had incurred operating expenses in excess of revenue in the range of $150,000.00 annually. The Performing Arts Consortium of Winnipeg Inc. was offering to manage the theatre at essentially no cost to the City.

While the Performing Arts Consortium of Winnipeg Inc. has increased use of the Pantages Playhouse Theatre over the past three years, they have also absorbed losses in the range of $100,000.00 to $240,000.00 annually. With little prospect for an immediate turn around and a five-year business plan which contemplates substantive renovations and the establishment of an Endowment Foundation to cover future funding shortfalls, the Performing Arts Consortium of Winnipeg Inc. is requesting an annual management fee of $100,000.00 per annum for the next five years.

The Pantages Playhouse Theatre was originally constructed in 1913. Upon acquisition via tax sale on July 31, 1944, Council determined that “it is desirable that music, art and culture should be fostered and promoted by the City of Winnipeg for the advancement of its inhabitants …” The building was placed under the jurisdiction of the former Civic Buildings Department in 1977 and declared a Grade II Heritage Building in 1981.

On May 8, 1985, Council approved the purchase of additional adjoining lands and the eventual restoration/addition to the Pantages Playhouse Theatre resulting in a capital outlay of approximately $6.3 million.

The highlights of this Agreement, where the Performing Arts Consortium of Winnipeg Inc. is managing the Theatre on the City’s behalf, include the following:

Ownership:	The city to retain ownership. Any construction and/or rehabilitation vests with the City.
Term:	First Period, 3 years to January 31, 2001 Second Period, 17 years to January 31, 2018
Use:	Primarily as a venue for non-profit live performing arts and for the benefit and use of the community at large.

Report of the Standing Policy Committee on Property and Development dated March 8, 2001

The Manager:	Shall act as an independent contractor, employing all staff and being fully responsible for all benefits related thereto. Maintain the Theatre in a satisfactory manner. Act on the City's behalf with respect to the second floor office leases. Provide annually to the City detailed financial statements. Establish and maintain beginning in Year 6 a "Capital Maintenance Sinking Fund" to pay for repairs and replacements to the Theatre. Advertising, insurance, operating expenses, etc.
The City:	Structural repairs to such items as the foundation, interior and exterior bearing walls, structural elements, roof and roof membrane. Any extraordinary cost of repair or maintenance related to historic preservation.
Realty Taxes:	In the event that the City shall issue demand for payment of real property taxes, the Manager, upon notice may, at its option, cancel the agreement.

On November 16, 2000, the General Manager of the Pantages Playhouse Theatre submitted a proposal to revise the Management Agreement, and requested that the following items be discussed, namely:

- That the agreement be renewed for a period of 5 years
- That the City of Winnipeg pay a management fee of $100,000.00 per year for these 5 years, quarterly in advance.
- That the Board of Directors of the Performing Arts Consortium undertake a Capital Campaign for the restoration and upgrading of the Pantages Playhouse Theatre; and
- That the Board of Director of the Performing Arts Consortium establish an Endowment Foundation that would ensure adequate income to cover future operating deficits.

The Planning, Property and Development Department submitted the following two alternatives to the Standing Policy Committee on Property and Development for consideration:

Alternative No. 1 – Revise the Management Agreement

Accept the Performing Arts Consortium of Winnipeg Inc.'s offer to revise the Management Agreement, the terms of which would incorporate the following:

a) The Performing Arts Consortium of Winnipeg Inc. to launch a Capital Campaign for the restoration and upgrading of the Theatre budgeted to raise $3.5 million.

b) The Performing Arts Consortium of Winnipeg Inc. to establish an Endowment Foundation to raise $2.0 million, the interest to be used to cover future operating losses.

c) A term of five years, with the City to pay a management fee of up to $100,000.00 annually, payable quarterly in advance, to cover operating losses.

d) Such other terms and conditions as are deemed acceptable (necessary) by the City Solicitor/Manager of Legal Services to achieve the intent of Council.

No provision has been made in the Civic Budget for this purpose. Approval of a request for over-expenditure (additional appropriation) would be required for 2001. Some active Civic participation would likely be in order to assist in the success of the Capital Campaign/Endowment Foundation.

Alternative No. 2 - Terminate the Agreement

a) The City of Winnipeg to resume operation of the Pantages Playhouse Theatre. In the past, Civic management has not been as cost effective as the current manager and staff. The City can also be restricted in its marketing efforts when competing with private sector establishments in a market which is currently over supplied; or

Report of the Standing Policy Committee on Property and Development dated March 8, 2001

b) Extend the Management Agreement with the Performing Arts Consortium of Winnipeg Inc. or use City employees to manage the Theatre for one year during which a Request for Proposals, to solicit offers to manage the Theatre is advertised, administered and approved. Although no interest has been shown by any other organization, this would ensure a level playing field with any one interested in the management of the Theatre. The Performing Arts Consortium of Winnipeg Inc. recognizes the need for a long term view and as such would likely not agree to less than five years; or

c) Extend the Management Agreement with the Performing Arts Consortium of Winnipeg Inc. or use City employees to manage the Theatre for one year and sell the property. Again the Consortium would likely not agree to a shortened Agreement and given the City's current investment in excess of $6.3 million, this option would not be economically viable; or

d) Convert the building to an alternative Civic use. Meeting rooms, a training centre, offices are in demand but realistically there are superior choices for these uses.

No provision has been made in the Civic budget for interim management. Approval of a request for our expenditure (additional appropriation) would be required in the range of $200,000.00 to $250,000.00 in 2001 and subsequent years.

The Planning, Property and Development Department is currently budgeting $50,000.00 per year for this property to reflect the City's obligations related to structural repairs / historic restoration.

A Financial Impact sheet is on file in the City Clerk's Department.

The Standing Policy Committee on Property and Development recommends:

I. That the Pantages Playhouse Theatre Management Agreement with the Performing Arts Consortium of Winnipeg Inc. be amended to include the following:

A. The Performing Arts Consortium of Winnipeg Inc. to launch a Capital Campaign for the restoration and upgrading of the Theatre budgeted to raise $3.5 million.

B. The Performing Arts Consortium of Winnipeg Inc. to establish an Endowment Foundation to raise $2.0 million, the interest to be used to cover future operating losses.

C. A term of five years, with the City to pay a management fee of up to $100,000.00 annually, payable quarterly in advance, to cover operating losses.

D. Such other terms and conditions as are deemed acceptable (necessary) by the City Solicitor/Manager of Legal Services to achieve the intent of Council.

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

Adopted by consent.

Contract for the Management and Supervision of the Harbour View Golf Course and Recreation Complex - East Kildonan-Transcona Community
File PR-6 (Vol. 8)

407 - 2. The Standing Policy Committee on Property and Development has been advised that contract for the management and supervision of the Harbour View Golf Course and Recreation Complex with Harry Brotchie (Lakeland Golf Management Inc.) expires March 31, 2001.

As background history, on August 19, 1981, Council authorized that the management and operation of Harbour View Complex be conducted by a combination of private contractor and civic staff.

Report of the Standing Policy Committee on Property and Development dated March 8, 2001

On April 14, 1982, Council approved an award of a two-year contract for the management and supervision of the facility to Harry Brotchie. Council subsequently approved contracts in 1984 (2-year); 1986 (2-year); 1988 (3-year); 1991 (3-year); 1-year extensions for each of 1994 and 1995; 1996 (5-year with a five year renewal option). The current contract expires March 31, 2001.

Harry Brotchie (Lakeland Golf Management Inc.) has provided management and supervision services for the Harbour View Golf Course and Recreation Complex for 19 years (1982 to present). During this period, the City has received high quality service through qualified on-site staff and a high degree of customer satisfaction has been experienced. Mr. Brotchie has fulfilled all contractual obligations to the satisfaction of the City and the user public.

Under the conditions of the current contract, Harry Brotchie receives an annual retainer from the City of $55,000.00 (unchanged since 1991) paid in regular monthly installments. In addition, the contractor retains 10% of Green Fee revenues and 83% of Sport Activity revenues (driving range, mini golf, equipment rentals, tennis, shuffleboard, horseshoe pitch, boat rentals, cross country ski equipment rental). The City retains the balance of revenues, that being 90% of Green Fees and 17% of Sport Activities. Appendix "1" summarizes the revenues retained by the City in comparison to budget projections over the past 5 years. In each year the revenues exceeded the budget projection.

The current revenue sharing formula provides incentive to the contractor and the City to increase rebounds of golf played and revenues from sport activities. In addition, the City benefits from increased traffic at the site by retaining all food and beverage profits.

There is no financial impact associated with this recommendation. The retainer fee and projected revenues are in keeping with the 2001 adopted budget and the 2002 and 2003 projections.

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

The Standing Policy Committee on Property and Development recommends:

I. That the City exercise its option to renew the contract for the management and supervision of the Harbour View Golf Course and Recreation Complex with Lakeland Golf Management Inc. for a period of five years commencing April 1, 2001 and ending March 31, 2006.

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

Adopted by consent.

Offer to Purchase and Leave and Licence Agreement of City-owned lands located north of Provencher Boulevard, between McTavish Street and Dawson Road North - Loveday Mushroom Farms Ltd. - Riel Community
File FI-2.4(35) (Vol. 9)

408 - 3. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department is in receipt of an Offer to Purchase for the subject City property located on the north side of Provencher Boulevard, east of McTavish Street, west of Dawson Road North, as outlined on Misc. Plan No. 10997/3.

The particulars of the subject property are as follows:

Location:	North side of Provencher Boulevard, east of McTavish Street, west of Dawson Road North
Legal Description:	Part of Lot 20, Lots 21-23, Block 7, Plan 1306, Lots 24-29, Block 10, Plan 1306, Part of Lot 30, Block 10, Plan 1306, all of rue Laurier, and a portion of an open lane
Registered Owner:	The City of Winnipeg
Zoning:	"M3" Industrial District

Report of the Standing Policy Committee on Property and Development dated March 8, 2001

Site Size/Area:	5,064.5 square metres (1.2515 acres)
Property Description:	Vacant industrial zoned lots and unimproved open public rights-of-way (rue Laurier and public lane)

The property was acquired by the City for an eastern thoroughfare. On June 1, 2000, the Public Works Department confirmed that the project would not be proceeding and, as such, the property was not required for street purposes.

The Real Estate Division, Planning, Property and Development Department, currently has the following Offer to Purchase for the subject property:

Offer submitted by:	Loveday Mushroom Farms Ltd.
Principals:	Burton Loveday, Betty Loveday and Fred Loveday
Proposed Closing:	Thirty (30) days or sooner after the completion of the road closing, to be performed by and at the expense of the Purchaser
Use:	Expansion of current operations. Use meets current zoning
Offering Price:	$65,270.00
Deposit:	$ 6,550.00
Special Conditions:	The sale is contingent upon the Purchaser's successful application to close the open right-of-way. The Purchaser is responsible for all closing applications and survey plan costs. The Purchaser is to confirm with the Property Assessment Department the class code for the subject lands.

Loveday Mushroom Farms Ltd. is looking to expand its operations. It currently owns the adjacent 5.48 acre industrial site where it is in the business of cultivating and selling mushrooms.

The Purchaser will be responsible for submitting a formal application to the City to close the street. In addition, the Purchaser, at its sole cost, will be required to have prepared all necessary survey plans.

The subject site is within the Mission Combined Sewer District and will be subject to the applicable land drainage trunk service rate (TSR) charge. The total TSR charges that will be payable by the Purchaser on the subject site is approximately $17,925.00.

To facilitate an early possession of the lands, the applicant would like to enter into a Leave and Licence Agreement. The intent is that upon the closing of the affected rights-of-way, the subject City property will be purchased by the applicant.

The proposed terms and conditions for the Leave and Licence Agreement which the Planning, Property and Development Department recommended for approval are as follows:

Term:	One (1) year term, commencing upon the execution of the Leave and Licence Agreement by both the City and Loveday Mushroom Farms Ltd.
Purpose:	Outside storage
Rental:	$6,527.00 per annum, plus an amount equal to realty taxes
Insurance:	Public liability insurance of at least $1,000,000.00 naming the City of Winnipeg as additional named insured and containing a cross-liability clause
Cancellation:	Ninety (90) days notice by the City of Winnipeg

The District Planner of the Planning, Property and Development Department, had some concerns with the odour level from the current operations of the applicant. The Planner was concerned that the City would be encouraging the problem by selling additional lands to this applicant.

The Planning, Property and Development Department has discussed the odour issue with Loveday Mushroom Farms Ltd. and has been advised that the odour is from compost which is used as a food base in the growing of mushrooms. The compost is comprised of straw and manure. The odour occurs when the compost is moved either on-site or in and out of the growing houses. Loveday Mushroom Farms Ltd. indicated that there is technology that could be used to mitigate the odour problem, however, this option is very expensive and economically unfeasible for their business at this time. This would involve constructing buildings and moving the compost indoors.

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The Mushroom Farm's operations are licensed under The Environmental Act which is regulated by the Province of Manitoba. The Planning, Property and Development Department discussed the matter with the Manitoba Department of Conservation. The Province of Manitoba indicated that they have had a number of complaints about the odour problem. Upon the purchase of the additional lands, the Province of Manitoba would consider it an expansion of their operations and would request Loveday Mushroom Farms Ltd. to submit a proposal to review its License. The Province of Manitoba would place a number of conditions on the renewal of the license, and the most important condition would be prohibiting a "nuisance odour". This would be enforced by the Province of Manitoba and is monitored based on the number of complaints they receive. Loveday Mushroom Farms Ltd. may dispute any potential conditions placed on the renewal of their license.

The Planning, Property and Development Department circulated the proposal to the appropriate internal Departments as to the civic need for the property. The Departments which responded declared no need for the subject property, however, the Public Works Department requested that the City retain ownership in the southwest corner of the site for a future corner cut. This is highlighted on Misc. Plan No. 10997/3 as "City lands to be retained for opening". In addition, the Public Works Department requested that the Purchaser convey the northwest corner of its site to the City for a future corner cut. This is highlighted on Misc. Plan 10997/3 as "Applicant's property to be conveyed to the City for opening". The offer contemplates the requirements of the Public Works Department for the above described corner cuts.

The Planning, Property and Development Department completed an appraisal on the subject City property. The appraisal indicated the highest and best use of the subject site was for industrial development. The applicant's Offer to Purchase, at a price of $65,270.00, is well supported by the appraised value.

The Offer to Purchase requires the applicant to consolidate the subject City property with the applicant's existing site. The Offer also requires the applicant to prepare, at its expense, a new plan of subdivision incorporating the subject City property and the applicant's lands into one lot.

The remaining City property at the northwest corner of Dawson Road North and Provencher Boulevard is not included in the sale. The Planning, Property and Development Department approached the neighbor to the north of the City property, Ivory Plastering (1971) Co. Ltd., with a proposal to purchase the remaining lands. The remaining site is .388 acres and was offered to Ivory Plastering (1971) Co. Ltd. at the same per square foot price that Loveday Mushroom Farms Ltd. agreed to pay. The proposed price for the remaining City lands was $20,300.00. Ivory Plastering (1971) Co. Ltd. showed interest in acquiring the remaining lands; however, during discussions, made the decision to sell their existing building on Dawson Road North to H. Kroeker & Sons Ltd., the adjoining property owner to the north. The Department provided to Mr. Kroeker a proposal to purchase the remaining City lands and has been told that Mr. Kroeker could not afford to purchase the lands at this time. The Department believes the remaining City land is a marketable industrial site given its size, corner location and "M3" industrial zoning.

The Planning, Property and Development Department supports the recommendations of the Technical Advisory Committee on City Properties for the following reasons:

1. The offer is well supported by the appraised value.
2. It appears the best use of the property is for further industrial development.
3. The subject property will be re-instated on the assessment roll.

On January 16, 2001, the Riel Community Committee recommended that the subject land be declared surplus and sold to Loveday Mushroom Farms Ltd. on the condition that the land not be used to expand its current operations, and be used solely for parking purposes.

The Planning, Property and Development Department supports the sale of the City lands to Loveday Mushroom Farms Ltd. provided that the lands are used for parking purposes only. The applicant would be required to enter into a Use Restriction Caveat to restrict the use of the subject City lands for parking purposes only. The terms and conditions of the Use Restriction Caveat would be subject to the approval of the Director of Planning, Property and Development and the City Solicitor/Manager of Legal Services.

Under this scenario the use restriction (for parking purposes only) would apply to the City-owned land proposed to be sold to Loveday Mushroom Farms Ltd. This would not in itself preclude Loveday Mushroom Farms Ltd. from making the appropriate applications to modify or expand its facilities and operations on the balance of the site. On February 6, 2001, Loveday Mushroom Farms Ltd. advised that they reaffirmed their interest in acquiring the subject City property adjacent to their current operation to meet their parking and storage requirements.

Report of the Standing Policy Committee on Property and Development dated March 8, 2001

The subject property contains legally (but not physically) open public right-of-ways and requires Council to declare the lands as surplus to the City's needs, as well as approve the proposed Leave and Licence Agreement. The terms and conditions of sale require the approval of the Standing Policy Committee on Property and Development.

A financial impact sheet is on file in the City Clerk's Department.

The Standing Policy Committee on Property and Development recommends:

I. That the subject City property as outlined on Misc. Plan No. 10997/3, which contains legally (but not physically) open public rights-of-way, be declared surplus to the City's requirements.

II. That the sale of the subject City property to Loveday Mushroom Farms Ltd. be approved in accordance with the terms and conditions as negotiated, and be in a form satisfactory to the City Solicitor/Manager of Legal Services.

III. That in order to facilitate early possession of the subject City property by the Purchaser, the Director of Planning, Property and Development be authorized to enter into a Leave and Licence Agreement with Loveday Mushroom Farms Ltd. for use of the subject property, in accordance with the terms and conditions as negotiated, and be in a form satisfactory to the City Solicitor/Manager of Legal Services.

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

Moved by Councillor Vandal,

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

Carried.

Friends of Elmwood Cemetery Inc. - Renewal of the Servicing Agreement for the Ongoing Operation at the Elmwood Cemetery
File PC (Vol. 5)

409 - 4. Council, on May 26, 1999, authorized a one (1) year Agreement with the Friends of Elmwood Cemetery Inc. to provide ongoing operation works at the Elmwood Cemetery, including burials, disinterments and maintenance, and authorized the use of City equipment and labour, priority of service to municipal cemetery. The Agreement included such other terms and conditions deemed appropriate and in the best interests of the City by the City Solicitor/Manager of Legal Services in order to fulfill the intent of Council. The Service Agreement covered the period May 26, 1999 to May 25, 2000.

During the period of May 26, 2000 to the present, the Cemeteries Branch of the Planning, Property and Development Department provided service work at the Elmwood Cemetery under the previous terms and conditions of the Service Agreement even though Council has approved no formal request.

On October 16, 2000, at the Elmwood Cemetery, representatives from the Province of Manitoba, the City of Winnipeg, including Council's Secretary of Intergovernmental Affairs, the Chief Financial Officer, the Manager of Taxation and Revenue (Corporate Finance Department), the Cemeteries Administrator (Planning, Property and Development Department) and a Solicitor from the Legal Services Division, along with the Friends of Elmwood Cemetery Inc., held a discussion regarding the continued financial and operational assistance from both the Province of Manitoba and the City of Winnipeg. It was preliminary agreed that both parties would continue their support of the Elmwood Cemetery for the next two (2) years.

On November 9, 2000, the Friends of Elmwood Cemetery Inc. submitted an executed Service Agreement for 1999 and requested that a similar agreement with the City for the years 2000 and 2001.

Since May of 1999, the Cemeteries Branch has continued to provide excellent burial and maintenance operations at the Elmwood Cemetery. The Friends of Elmwood Cemetery Inc. are extremely pleased with the efforts of the City staff and of the good working relationship between the City, the Elmwood Cemetery staff person and themselves.

Report of the Standing Policy Committee on Property and Development dated March 8, 2001

Previous to 1999, the cemetery suffered from several years of neglect including: unkept graves; over-grown shrubs and bushes surrounding many headstones; trees that required extensive pruning; graves that were sunken requiring leveling; headstones that were toppling over; extensive weeds and overgrowth; roadways containing numerous potholes; fences that were bent over and containing extensive growth; and debris scattered throughout the cemetery.

Since the Cemeteries Branch began providing maintenance service on May 1, 1999, the Elmwood Cemetery has returned to a "park like setting", the roadways have been repaired, the trees have been pruned, the fences have been repaired and painted (along Henderson Hwy.), the sunken graves have been leveled, fallen and slanting headstones have been repaired, the extensive leaves and debris have been picked up, the irrigation system has been repaired, the grass has been restored with regular mowing practices and there has been regular snow clearing operations.

With these improved maintenance practices, the over-all appearance of the cemetery has improved dramatically and as a result, the public has renewed its confidence in the operation of the cemetery. Many families who have loved ones buried in the cemetery and who frequent the cemetery on a regular basis, have made very favourable comments about the facility's appearance to the Friends of Elmwood Cemetery and support staff. In addition, the memorial dealer adjacent to the cemetery has changed the name of his company back to "Elmwood Memorials" from "Interlake Memorials." Several local church and school groups have held special "clean-up days" at the cemetery during the past two years and this demonstrates the renewed sense of pride and concern the community has for the cemetery. The Cemeteries Branch recovers all related costs for providing maintenance services.
In addition, the average number of burials has increased during the past two years. During the private-sector period of 1997, 1998 and 1999 (4 months), there were 422 burials for an average of 15.07 burials per month during the 28-month period. During the City-operated period of 1999 (8 months) and 2000, there were 369 burials for an average of 18.45 burials per month during the 20-months period. This represents a 22.42% increase in the number of burials per month. This again shows the renewed interest the community and the Funeral Homes have with the upgraded cemetery operation.

Schedule "A" outlines the Conditions and Procedures followed by the Cemeteries Branch with respect to burial and maintenance operations at the Elmwood Cemetery. These conditions have recently been updated to reflect the current procedures.

The City of Winnipeg derives a considerable return on the monies used in the funding provided to the Friends of Elmwood Cemetery. For the past two years, the Cemeteries Branch has recovered all costs related to the provision of burial and maintenance services at the Elmwood Cemetery as follows:

Year	Burials	Maintenance	Total Recovery
1999 (8 months)	$ 57,970.00	$ 73,902.00	$ 131,872.00
2000 (12 months)	$ 81,078.00	$ 64,243.00	$ 145,321.00
Totals	$139,048.00	$138,145.00	$ 277,193.00
Estimated Recoveries:			
2001	$ 81,335.00	$ 69,725.00	$ 151,060.00

The Standing Policy Committee on Property and Development recommends:

I. That the Service Agreement for burial and maintenance operations at the Elmwood Cemetery by the Municipal Cemeteries Branch (of the Planning, Property and Development Department) for The Friends of Elmwood Cemetery Inc. be renewed for the period May 26, 2000 to May 25, 2002.

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.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor Angus,
Seconded by Councillor Vandal,

410 - WHEREAS Council on March 22, 2000 amended and adopted Clause 3 of the Report of the Standing Policy Committee on Property and Development dated October 26, 1999, "Declaration of a Portion of the Henteleff Tree Nursery land as Surplus – Riel Community";

AND WHEREAS Recommendation I (a), as amended on March 22, 2000, directed:

> That A & S Builders and The City of Winnipeg (Standing Policy Committee on Property and Development) shall agree as to what conditions, including applicable relocation costs of the City Tree Nursery, shall apply to such switch by September 22, 2000, failing which this declaration that the City lands are surplus to its requirements shall be automatically rescinded;

AND WHEREAS Council on September 20, 2000 extended the September 22, 2000 deadline by 90 days until December 21, 2000;

AND WHEREAS Council on December 13, 2000 extended the December 21, 2000 deadline by 90 days until March 21, 2001;

THEREFORE BE IT RESOLVED that the March 21, 2001 deadline be extended by 90 days until June 21, 2001 to allow the City to finalize the proposed land exchange with an alternative purchaser subject to securing a Release and Quit Claim or equivalent documentation in a form satisfactory to the City Solicitor.

The Deputy Speaker ruled automatic referral to the Standing Policy Committee on Property and Development in accordance with Rule 16.1 of the Procedure By-law.

Moved by Councillor Angus,
That the rule be suspended to allow consideration of the motion at this time.

Carried.

The motion was put and declared carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

411 - 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. 7805/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the south side of the Perimeter Highway between Sioux Road and Lagimodiere Boulevard in the Riel Community. File DASZ 8/2000
>
> By-law No. 7806/2001, 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 at 1965 De Vries Road in the East Kildonan-Transcona Community.
> File DASZ 13/2000
>
> By-law No. 7807/2001, a by-law of The City of Winnipeg to approve a Plan of Subdivision and to amend Zoning By-law No. 6400/94 for the enactment of a zoning change on land located on the southeast corner of Dovercourt Drive and Falcon Ridge Drive in the Assiniboia Community. File DASZ 23/2000

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

By-law No. 7809/2001, 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 1575 Inkster Boulevard in the Lord Selkirk-West Kildonan Community. File DAZ 236/2000

By-law No. 7811/2001, a by-law of The City of Winnipeg to close part of Public Street Plan 14328 and part of Bernadette Avenue, east of Dakota Street and south of Bishop Grandin Boulevard. File DAC 1/2000B

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

412 - Councillor Prystanski noted that the Tenant's Association of Gilbert Park Housing Complex had its funding cut by the Provincial Government and questioned if Councillor Vandal was privy to any discussions with the Minister of Family Services and Housing, or anyone within the Provincial administration, regarding the criteria or rational for the change, to which Councillor Vandal replied in the negative.

In reference to the fact that the Tenant's Association acted on behalf of the citizens of Winnipeg to help maintain the housing complex, Councillor Prystanski inquired if Councillor Vandal would undertake to have discussions with the Minister of Housing to identify why the funds were cut from the Tenant's Association and why The City of Winnipeg was not consulted on the matter.

Councillor Vandal agreed to do so, noting that he would be meeting with the Minister of Housing within two weeks.

Councillor Steek inquired if anything had been done to expedite the permits required to facilitate a development project by a Mr. Poletta.

Councillor Vandal concurred that action would be taken to resolve the issue and suggested that from a policy perspective the entire system for plan approval required review in order to simplify it while protecting public safety.

Councillor Steek questioned if the Chairperson of the Standing Policy Committee on Property and Development had been advised that there was a shortage of staff in the Planning, Property and Development Department, and that that was the reason for the delay regarding Mr. Poletta's development application.

Councillor Vandal stated that he had not been advised of that specifically but added that key performance areas would be improved to facilitate development applications. He further added that when the report comes forward from the administration, action would be taken.

Councillor Steek asked what an acceptable timeframe would be to address the issues that exist in the Planning, Property and Development Department.

Councillor Vandal suggested that the issue would be addressed imminently inasmuch as an administrative report was forthcoming and noted that Mr. Poletta's development application issue would be resolved shortly.

Councillor Clement noted that he was informed that meandering streams and lakes were going to be created at the former Canada Packers site relatively soon and inquired where funding for that initiative would come from.

Councillor Vandal identified "the Criteria for Stormwater Management" report, which was referred to the Standing Policy Committee on Property and Development and the Standing Policy Committee on Public Works for comment and report back within 30 days to the Executive Policy Committee, to permit alternative technologies such as streams for land drainage.

Standing Policy Committee on Property and Development – Question Period (continued)

Councillor Steek inquired if Councillor Vandal was aware of the length of time to obtain a City of Winnipeg building permit for a conventional 1,200 square foot bungalow, to which Councillor Vandal replied in the negative.

Councillor Steek questioned if Councillor Vandal agreed that inordinate delays in the Planning, Property and Development Department undermined the confidence of the citizens of Winnipeg.

Councillor Vandal noted that certainly there was room for improvement in all departments and agreed that he was committed to solving the problem and making The City of Winnipeg more efficient.