REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED JANUARY 28, 2002

On motion of Councillor Vandal, Clause 1 of the Report of the Standing Policy Committee on Property and Development dated January 28, 2002, was considered.

Moved by Councillor Vandal,
That the Consent Agenda, Clause 1, be adopted.

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

Councillor Eadie called Deputy Mayor Thomas to the Chair to participate in the debate.

Proposed Text Amendment – Downtown Winnipeg Zoning By-law No. 4800/88
File DAZ 225/2001

249 - 1. The Standing Policy Committee on Property and Development, at its meeting on December 11, 2001, instructed the Director of Planning, Property, and Development to initiate an application to consider an amendment to the text of the Downtown Winnipeg Zoning By-law No. 4800/88. Specifically, the text amendment would add the use "Sports, Entertainment, Cultural Facility" as a permitted principal use in Non-Residential Use Group C ("NRc") and Non-Residential Use Group D ("NRd"). The proposed text amendment is being initiated to provide greater clarity to the interpretation of the "NRc" and "NRd" Use Groups. The proposed amendment is consistent with policy encouraging the location of major arts, cultural, and entertainment amenities in the Downtown.

Earlier this year, True North Entertainment Centre Inc. submitted a proposal to the Planning, Property and Development Department to establish a "Multi-Use Entertainment Complex" on the site currently occupied by the former Eaton's department store (southwest corner of Portage Avenue and Donald Street). This site is located within the "NRd" Use Group of the Downtown Winnipeg Zoning By-law. Based on materials submitted by the applicant, the proposed development was deemed to comply with all zoning regulations - with the exception of requiring conditional use approval for the "Amusement Enterprise, licensed as a Sports Facility" use. The remainder (in fact, the majority) of the proposed operations were interpreted as being within the "Personal Service" and "Retail Business" uses listed in the "NRd" regulations (section 323).

The Save the Eaton's Building Coalition filed a Notice of Application in the Court of Queen's Bench on November 14, 2001, requesting an order interpreting the provisions of the Downtown Winnipeg Zoning By-law No. 4800/88. In particular, the Coalition is requesting an order determining whether an arena or a facility primarily for the staging of spectator entertainment events is a permitted principal use of the land in question. The effect of this application is to challenge the Administration's interpretation of the Downtown Winnipeg Zoning By-law.

Public hearing for the "Amusement Enterprise, licensed as a Sports Facility" conditional use application was held before the Board of Adjustment on November 15, 2001 (under File DCU 191/2001C). A Conditional Use Order was granted for this use, subject to the use being established within two years of the order being issued. The Order was appealed, and the appeal hearing was scheduled for December 6, 2001, which hearing was subsequently adjourned to January 17, 2002, and again to January 31, 2002.

On November 15, 2001, legal counsel for True North Entertainment Centre Inc. (Charles L. Chappell, Aikins MacAulay Thorvaldson) submitted correspondence to the Standing Policy Committee on Property and Development requesting the City of Winnipeg initiate a text amendment to the Downtown Winnipeg Zoning By-law designating "Multi-Use Entertainment Complex" as a permitted use under the "NRd" Use Group - or other such classification deemed appropriate. The letter states the motivation for this request is "in order to avoid continuing litigation and to address the uncertainty and ambiguity raised by" persons objecting to the proposed "Multi-Use Entertainment Complex". Representatives of True North Entertainment Centre Inc. appeared in delegation at the November 22, 2001 meeting of Standing Policy Committee.

On December 11, 2001, Standing Policy Committee on Property and Development instructed the Director of Planning, Property, and Development to initiate an application to consider an amendment to the text of the Downtown Winnipeg Zoning By-law No. 4800/88 to list "sports, entertainment, cultural facility" as a permitted principal use in the Non-Residential Use Group D "NRd" and Non-Residential Use Group C "NRc". The Standing Policy Committee also established January 8, 2002 as the date for the public hearing.

Report of the Standing Policy Committee on Property and Development dated January 28, 2002

The proposed text amendment would apply to lands within Downtown Winnipeg, as illustrated on Attachment 1. Plan Winnipeg: 2020 Vision, CentrePlan: Vision and Strategies, and CentrePlan: Development Framework, all encourage the location of major arts, cultural, and entertainment amenities in the Downtown. The proposed text amendment is consistent with this policy direction. The Planning, Property, and Development Department considers the Downtown to be an appropriate location for such facilities and that the proposed text amendment to the Downtown Winnipeg Zoning By-law can be supported from this perspective.

The Planning, Property and Development Department outlined in a Financial Impact Statement, dated December 21, 2001, that there are no known financial impacts associated with the by-law text amendment being recommended.

A Public Hearing for the proposed text amendment was held by the Standing Policy Committee on Property and Development on January 8, 2002. Four persons registered in support of the proposed text amendment, 78 registered in opposition thereto, and 5 persons registered for information thereon.

On January 8, 2002, the Standing Policy Committee heard and concluded receipt of public representations. Committee adjourned the public hearing to January 28, 2002, and requested the Director of Planning, Property and Development, in consultation with the Legal Services Division, to submit a supplementary report outlining a definition of the proposed permitted use "sports, entertainment, cultural facility", including therein commentary on any possible adverse affects on areas where this type of zoning use would not be appropriate. The supplementary report was also to include, but not be limited to, commentary to clarify the language utilized for the proposed text amendment, incorporating the proposed text amendment into the proposed review of the Downtown Winnipeg Zoning By-law, and possibly speeding up the process for the proposed review.

On January 28, 2002, the Standing Policy Committee reconvened the public hearing, and considered the following information contained in the supplementary report dated January 21, 2002, from the Director of Planning, Property and Development.

Definition

If the application under File DAZ 225/01 is approved, Planning, Property, and Development Department recommends "Sports, Entertainment, Cultural Facility" be added to the Definitions portion (section 210) of the Downtown Winnipeg Zoning By-law.

"Sports, entertainment, cultural facility" means a use of land, building, or structure including an arena or other similar improvement for spectator events, including but not limited to: cultural, entertainment, and/or sporting events, but excluding uses in the zoning designation listed as Conditional or Secondary.

Possible Adverse Affects

Plan Winnipeg: 2020 Vision, CentrePlan: Vision and Strategies, and CentrePlan: Development Framework, all encourage establishment of major arts, entertainment, sports, and cultural uses in Downtown Winnipeg. These policy documents also encourage high quality urban design, a variety of commercial experiences, concentration of office uses, and enhanced residential neighbourhoods in the downtown. The introduction of "sports, entertainment, cultural facility" uses can encourage investment, bring people downtown, generate spin-off benefits for downtown businesses, and extend activity beyond office hours.

Such "sports, entertainment, cultural facilities" will have a number of effects on their immediate location, on the local area, and on the downtown in general - both for the current downtown context and for its future. These effects depend on the size and scale of the facility, the nature of its operations (hours of business, number of events annually, multiple users), the design of the facility (relationship to the public realm, connections to adjacent uses, fit with local area), traffic generation (pedestrians, automobiles, transit), and so on. On balance, "sports, entertainment, cultural facility" uses should be located, designed, and operated in such a way that positive effects predominate - with negative effects minimized or mitigated. It should be noted that the proposed text amendment does not alter or eliminate other applicable Downtown Winnipeg Zoning By-law regulations: Residential Use, Bulk, Parking and Loading, Signage, and Urban Design. These regulations, along with Non-Residential Use regulations, are intended to ensure that developments make a positive contribution to Downtown Winnipeg.

It should also be noted that "sports, entertainment, cultural facility" uses are not permitted within the "NRa" (Central Park and South Broadway), "NRb" (Broadway and Legislature), and "NRf" (riverbank) Use Group areas.

Downtown Winnipeg Zoning By-law Review

On July 5, 2001, Standing Policy Committee on Property and Development made the following motion:

> Whereas Council, through policies established in Plan Winnipeg, has emphasized the importance of Downtown Winnipeg to the ongoing health and vitality of the City of Winnipeg;

Report of the Standing Policy Committee on Property and Development dated January 28, 2002

And Whereas Council has endorsed CentrePlan Vision and Strategies, CentrePlan Action Plans, and CentrePlan Downtown Development Framework to provide direction and a clear planning framework for downtown;

And Whereas Council has established the CentreVenture Development Corporation to provide leadership in implementation actions;

And Whereas each of these Council endorsed policies and initiatives have indicated the importance of providing simple and clear development standards, and appropriate and timely approval processes for Downtown Winnipeg;

And Whereas there has been no comprehensive review of the Downtown Winnipeg Zoning By-law No. 4800/88 since its adoption in 1988;

Therefore Be It Resolved that the Planning, Property, and Development Department be instructed to review the Downtown Winnipeg Zoning By-law and the Development Procedures By-law, so as to streamline development regulations and approval processes in the Downtown, and submit a report outlining recommended improvements to the Standing Policy Committee on Property and Development within 120 days.

The Planning, Property, and Development Department submitted a report for Standing Policy Committee consideration at their December 11, 2001 meeting, outlining a concept for a new Downtown Winnipeg Zoning By-law - rather than revisions to the existing zoning by-law. Its substance was also presented at a Council Seminar on January 21, 2002. Due consideration will be provided to “sports, entertainment, cultural facility” uses in any proposed new zoning regulations for Downtown Winnipeg.

The current Downtown Winnipeg Zoning By-law consists of six overlapping layers, each providing regulations for specific aspects of development, such as: residential use, non-residential use, bulk, parking/loading, signage, and urban design. The proposed new zoning by-law is organized on the basis of areas of interest; that is, zoning districts with regulations specific to their geographic area, reflecting primary function or built environment - with direction from Plan Winnipeg: 2020 Vision, CentrePlan: Development Framework, and CentrePlan: Vision and Strategies. “Sports, entertainment, cultural facilities” will likely - pending consultation with Council, downtown interests, and staff - be considered permitted in the proposed “Central Business District”, which includes the area bounded approximately by Ellice Avenue; Memorial Boulevard; Broadway; Main Street - and in portions of the proposed “Character Districts” (Exchange District, Chinatown, The Forks) and “Office/Cultural Districts” (Legislature, Broadway, Civic Centre). Facilities of this nature will likely be considered not permitted in the proposed “Downtown Living Districts” (South Broadway, Central Park).

A draft of the new zoning by-law is anticipated to be available for Council consideration in Spring 2002. Work is progressing to meet the projected timeline.

The Standing Policy Committee on Property and Development recommends:

I. That the Downtown Winnipeg Zoning By-law No. 4800/88 be amended as follows:

A. Section 322(1) of Part III, Non-Residential Use Group C be amended by adding the use “Sports, Entertainment, Cultural Facility” to the permitted principal use list.

B. Section 323(1) of Part III, Non-Residential Use Group D be amended by adding the use “Sports, Entertainment, Cultural Facility” to the permitted principal use list.

C. Section 210 of Part II, Definitions be amended by adding “Sports, Entertainment, Cultural Facility” means a use of land, building, or structure including an arena or other similar improvement for spectator events, including but not limited to: cultural, entertainment, and/or sporting events, but excluding uses in the zoning designation listed as Conditional or Secondary to the list of definitions.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary zoning text amending by-law for the above approved text amendments and forward same to Council for all three readings.

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

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.

Report of the Standing Policy Committee on Property and Development dated January 28, 2002

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

Moved by Councillor Vandal,
Adoption of the clause.

The motion for the adoption of the clause was put.

Councillor Lubosch called for the yeas and nays, which were as follows:-

Yea: Councillors Angus, Clement, De Smedt, Eadie, Gerbasi, Prystanski, Smith, Steek, Steeves, Vandal, His Worship Mayor Murray and Deputy Mayor Thomas. 12

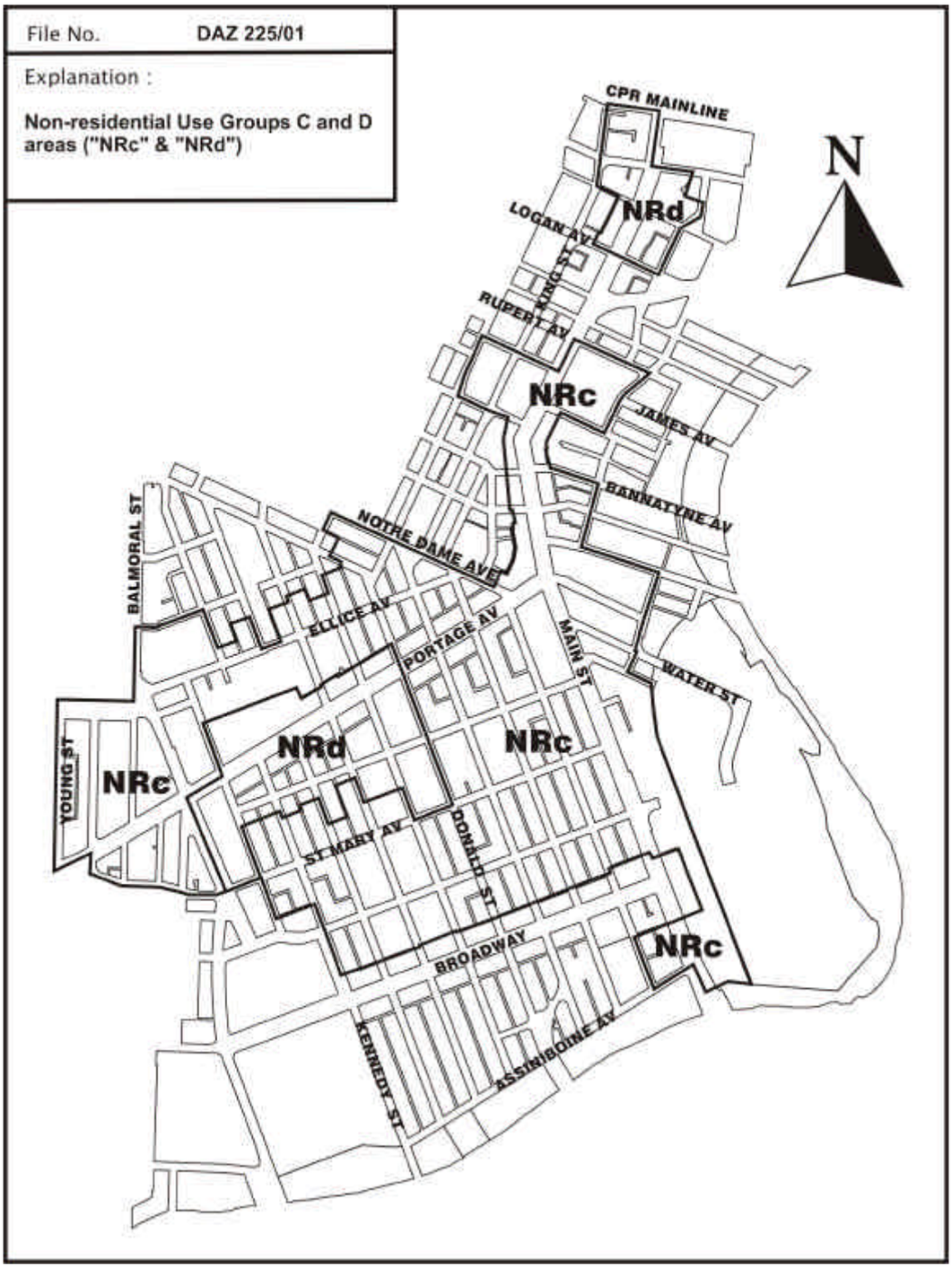
Nay: Councillor Lubosch. 1

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

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated January 28, 2002

Attachment I referred to in Clause 1 of the Report of the Standing Policy Committee on Property and Development dated January 28, 2002



REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 5, 2002

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated February 5, 2002, was considered clause by clause.

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

Carried.

Request for Extension of Time –Rezoning of land located at 433 Young Street File DAZ 207/94

250 - 1. The Standing Policy Committee on Property and Development has been advised that the solicitor (H. E. Gordon, Q.C.) for the applicant (Shawano Wapunong Building Inc.) advised the Planning, Property and Development Department that due to an administrative lapse on the part of the applicant and the lack of familiarity with the requirements of the City of Winnipeg the required documents were not executed and the required caveats not registered. Mr. Gordon has now indicated that they are prepared to finalize the required documents, and have therefore requested an extension of time to December 31, 2003 to complete the subject rezoning application.

On September 21, 1994, Council adopted Clause 5 of the Report of the former Committee on Planning and Community Services dated August 30, 1994, and approved the rezoning of the subject property to a "C1" Commercial District to accommodate an existing business office and parking area subject to the execution of a zoning agreement.

Recommendation II. contained in said Clause stipulated:

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

Recommendation IV contained in the said Clause further stipulated:

> "That the rezoning by-law shall become effective when the zoning agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within twelve (12) months from the date that the said rezoning by-law is adopted by Council."

On October 19, 1994, Council passed Rezoning By-law No. 6496/94. The enactment section of the by-law required that the Zoning Agreement Caveat be registered in the Winnipeg Land Titles Office by October 19, 1995, failing which the by-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

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

On January 8, 2002, the City Centre Community Committee concurred in the recommendation contained in the report dated January 4, 2002, from the Subdivision Officer, Planning, Property and Development Department, and recommended that the time limit to provide for the enactment of Rezoning By-law No. 6496/94 under File DAZ 207/94 be extended to December 31, 2003.

The Standing Policy Committee on Property and Development recommends:

I. That the time limit to provide for the enactment of Rezoning By-law No. 6496/94 under File DAZ 207/94, be extended to December 31, 2003.

Report of the Standing Policy Committee on Property and Development dated February 5, 2002

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

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

Adopted by consent.

Proposed Zoning Agreement Amendment - 21 Roslyn Road

File ZAA 18/2001

251 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been received from Taylor McCaffrey (Eric Lister), 9th Floor, 400 St. Mary Avenue, Winnipeg, to amend the Zoning Agreement affecting the subject property to permit 111 dwelling units and 1 caretaker's unit instead of 110 dwelling units and 1 caretaker's unit.

On January 8, 2002, a public hearing was held before the City Centre Community Committee. One person appeared in support of the application, no one registered in opposition thereto, and one person registered for information thereon.

The City Centre Community Committee concurred in the recommendations contained in the report dated December 20, 2001, from the Manager of Planning and Land Use, Planning, Property and Development Department. The Community Committee recommended approval of the proposed zoning agreement amendment for the following reasons:

1. The recreation room in the building, a 12-storey apartment initially constructed with 110 units and a caretaker suite, was converted to a residential dwelling. Given that the unit count was set out in the Zoning Agreement for the site, the Agreement must now be amended to reflect the current unit count.

2. The unit and building comply with Building Code regulations and the Planning, Property and Development Department has no objections to the granting of the Zoning Agreement Amendment.

On February 5, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations of the Zoning Agreement Amended Report dated January 14, 2002, from the City Centre Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That Zoning Agreement File DAZ 118/73A (By-law No. 1062/75) dated August 20, 1975, be amended by deleting Clause 2 and replacing it with the following amended clause:

"2. The land and any building or structure thereon shall not be used and no building or structure shall be erected, altered or enlarged on the land except an apartment building having a maximum of one hundred and eleven (111) dwelling units plus one (1) caretaker's dwelling unit and not exceeding a height of one hundred and four (104) feet measured from the sidewalk level."

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement File DAZ 118/73A (By-law No. 1062/75) dated August 20, 1975, as outlined in Recommendation I above.

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.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated February 5, 2002

Proposed Street Name Change - DeBaets Street to De Baets Street
File SC-3.14(35) (Vol. 2)

252 - 3. The Standing Policy Committee on Property and Development has been advised that De Baets Street was created by Plan 13270 (File DAS 56/74). There have been five subsequent plans registered in the area. Two of them (Plan 15478 and Plan 22322) call the street De Baets Street. Three of them (Plan 13273, Plan 23741 and Plan 34961) call it DeBaets Street. Street signs in the area refer to De Baets. The Assessment Rolls refer to De Baets Street. Therefore since the correct spelling is "De Baets", it is now necessary to correct the spelling of the three aforementioned plans, which are incorrectly spelled.

On December 11, 2001, the Riel Community Committee concurred in the recommendation contained in the report dated November 8, 2001, from the Subdivision Officer, Planning, Property and Development Department, and recommended that the currently registered street name "DeBaets Street" as outlined on Misc. Plan No. 11323 be changed to "De Baets Street".

The Standing Policy Committee on Property and Development recommends:

I. That the currently registered street name "DeBaets Street" as outlined on Misc. Plan No. 11323 dated November 8, 2001, be changed to "De Baets Street", 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/Manager of Legal Services for the purpose of preparing a by-law.

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

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

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

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

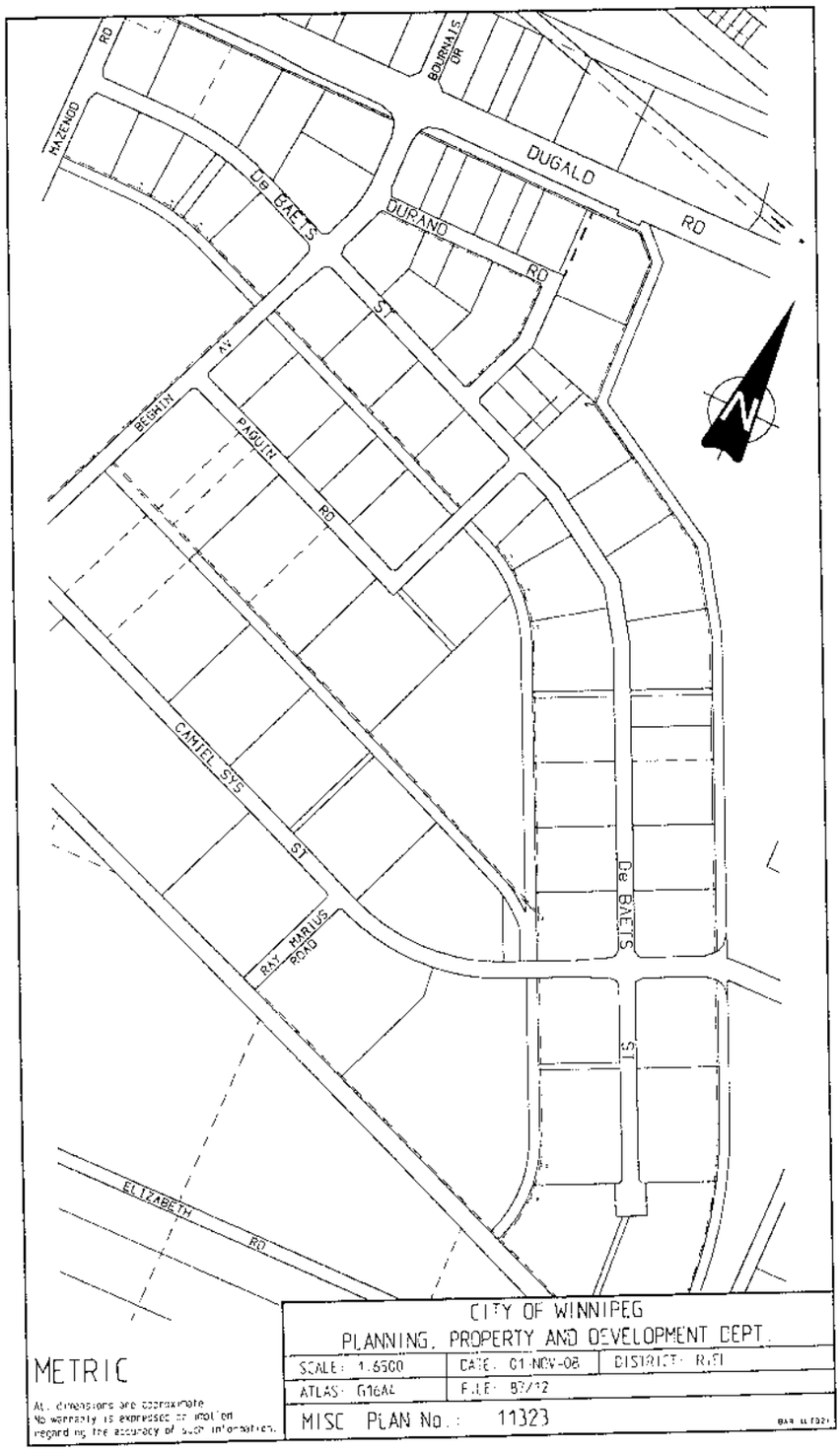
Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated February 5, 2002

Appendix "A" referred to in Clause 3 of the Report of the Standing Policy Committee on Property and Development dated February 5, 2002



Report of the Standing Policy Committee on Property and Development dated February 5, 2002

Proposed Street Name Change - "Durban Place" to "Endcliffe Place" and "Danford Place" to "Danford Drive"
File SC-3.14(34) (Vol. 1)

253 - 4. That Standing Policy Committee on Property and Development has been advised that Council on April 26, 2000, approved the plan of subdivision and rezoning of land located on the south side of Murray Avenue under File DASZ 20/98. A number of street names were approved by the Lord Selkirk-West Kildonan Community Committee or were taken from the Lord Selkirk-West Kildonan Street Name List. The original intent was for "Endcliffe Place" to terminate at Murray Avenue however, it has recently been brought to the attention of the Planning, Property and Development Department that a public right-of-way known as "Durban Place" presently exists on a small portion of land leading to Murray Avenue.

City Records indicate that no residences are addressed on this portion of Durban Place and confusion would result if this portion of "Durban Place" was allowed to remain. "Danford Place" could also be changed to "Danford Drive" so that both street types correspond. City Records indicate that no residences are addressed on this portion of "Danford Place". Therefore, it is now necessary to change "Durban Place" to "Endcliffe Place", and "Danford Place" to "Danford Drive" as shown on Schedule "A" dated December 4, 2001.

On January 15, 2002, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation contained in the report dated December 4, 2001, from the Subdivision Officer, Planning, Property and Development Department, and recommended the currently registered street names "Durban Place" and "Danford Place" be changed to "Endcliffe Place" and Danford Drive", respectively.

The Standing Policy Committee on Property and Development recommends:

I. That the currently registered street names "Durban Place" and "Danford Place" as outlined on Schedule "A" dated December 4, 2001, be changed to "Endcliffe Place" and "Danford Drive", respectively, 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/Manager of Legal Services for the purpose of preparing a by-law.

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

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

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

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

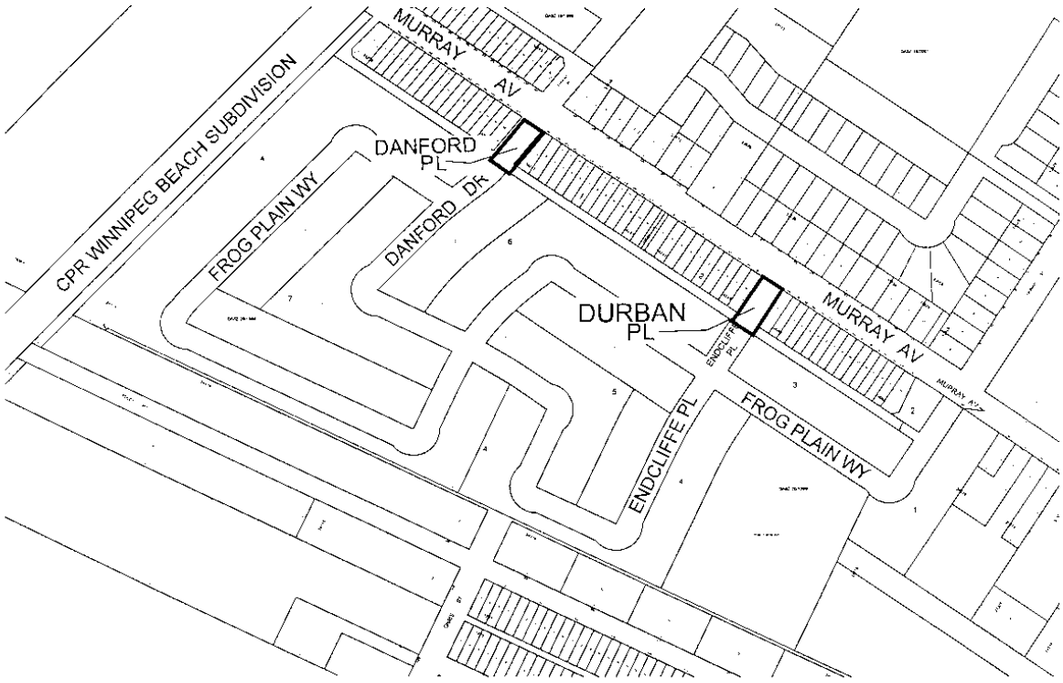
Copies of the documents referred to in the above clause are on file in the office of the City Clerk.

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated February 5, 2002

Schedule “A” referred to in Clause 4 of the Report of the Standing Policy Committee on Property and Development dated February 5, 2002

Schedule "A" to Street Name Change Report
dated December 4, 2001



Report of the Standing Policy Committee on Property and Development dated February 5, 2002

Request for an Extension of Time - Proposed Subdivision and Rezoning of land located on Ravelston Avenue West and Lagimodiere Boulevard

File DASZ 14/99

254 - 5. The Standing Policy Committee on Property and Development has been advised that Chartier and Associates Inc., on behalf of the owner (Zen Glesby) advised the Planning, Property and Development Department that due to economic conditions beyond the control of the Developer they have been unable to proceed with development at this point in time. They are requesting a further two-year extension of time with the hope of securing the commitment of limits in order to proceed with the subject application.

On January 26, 2000, Council adopted Clause 5 of the Report of the Standing Committee on Property and Development dated January 4, 2000, and approved the subject rezoning to “C2” Commercial District to allow for commercial development, subject to the execution of a Zoning Agreement and Servicing Agreement.

Recommendation V. contained in the Clause stipulated:

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

The by-law has not been enacted and the twenty-four (24) month time limit expired on January 26, 2002.

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

The Planning, Property and Development Department outlined in a Financial Impact Statement dated January 24, 2002, that there are no known financial implications to the City resulting from the administrative recommendation to grant an extension of time to February 19, 2004, to provide for the enactment of the necessary Subdivision and Rezoning By-law under File DASZ 14/99.

The Standing Policy Committee on Property and Development recommends:

I. That the time limit to provide for the enactment of the necessary Subdivision and Rezoning By-law under File DASZ 14/99, be extended to February 19, 2004.

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

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

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED FEBRUARY 7, 2002

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated February 7, 2002, was considered clause by clause.

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

Carried.

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

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

Moved by Councillor Smith,
Seconded by Councillor Lazarenko,

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

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

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

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

On November 21, 2001, Council granted the Standing Policy Committee on Property and Development an extension of time of ninety (90) days to allow for further consideration of this matter.

The Standing Policy on Property and Development recommends that Council grant a further extension of time of 120 days to allow for consideration of this matter.

Adopted by consent.

Proposed Renewal of Winnipeg Housing and Rehabilitation Corporation Management Agreement to Facilitate the Management of City-owned Residential Dwellings
File EX-9 (Vol. 14)

256 - 2. The Standing Policy Committee on Property and Development has been advised that although the Management Agreement with the Winnipeg Housing and Rehabilitation Corporation (WHRC) to provide management services related to the operation of the City's residential property portfolio expired on June 30, 2001. The Planning, Property and Development Department has continued to utilize the services of the WHRC in accordance with the terms of that Agreement. The Administration recommended that the Agreement be renewed for a further three (3) year to cover the period of July 1, 2001 to June 30, 2004.

Report of the Standing Policy Committee on Property and Development dated February 7, 2002

On May 27, 1998, Council adopted the May 5, 1998 recommendations of its Standing Policy Committee on Property and Development and directed as follows:

I. That the Director of Property and Development Services be authorized to execute an agreement with the Winnipeg Housing and Rehabilitation Corporation in accordance with the terms and conditions as outlined for the management of the City's Residential Property Portfolio, effective June 1, 1998, or a date to be mutually agreed upon; the Agreement to provide for any such terms and conditions deemed necessary by the City Solicitor/Manager of Legal Services to achieve the intent of Council and to protect the City's interests.

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

On July 22, 1998, Council adopted the July 21, 1998 recommendation of its Standing Policy Committee on Property and Development, and directed that the Management Agreement between the City of Winnipeg and the Winnipeg Housing and Rehabilitation Corporation, for the management of the City-owned residential properties, be amended to change the term from one year to a three year term.

On June 7, 2001, the Real Estate Division of the Planning, Property and Development Department advised the Winnipeg Housing and Rehabilitation Corporation that the Management Agreement as about to expire on July 31, 2001, and indicated its intention to renegotiate a new contract pursuant to Clause 3, "the Agreement shall be capable of renewal thereafter on such basis as is mutually agreed upon in writing by the Property Manager and the City." The Property Manager concurred that during the interim until such renewal is finalized, it would continue to provide its services upon the same terms and conditions as the expired contract.

On January 10, 2002, the Planning, Property and Development Department requested the Winnipeg Housing and Rehabilitation Corporation to agree to the specific amendments to the Management Agreement as proposed therein. It was understood that all terms and conditions of the other clauses in the original contract would remain without change, and there would be no change to the property management fee to provide this service. Discussions ensued and the Winnipeg Housing Rehabilitation Corporation advised the Planning, Property and Development Department on January 17, 2002, that it was agreeable to the Department's required amendments.

The Standing Policy Committee on Property and Development recommends:

I. That the Director of Planning, Property and Development be authorized to renew the Management Agreement with the Winnipeg Housing and Rehabilitation Corporation in accordance with the terms and conditions as negotiated, for the management of the City's Residential Property Portfolio; the Agreement to be amended in accordance with the revisions negotiated and to provide for such additional terms and conditions as are deemed necessary by the City Solicitor/Manager of Legal Services to achieve the intent of Council and to protect the City's interests.

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

Adopted by consent.

Proposed Sale of a portion of Charing Cross Park adjoining 58 Maitland Drive
File FI-2.4(35) (Vol. 10)

257 - 3. The Standing Policy Committee on Property and Development has been advised that the proposed sale of the subject City property was initiated by the adjoining owner (Kim Torcia), who approached the Planning, Property and Development Department to purchase a portion of Charing Cross Park, as outlined on Misc. Plan No. 11145, in order to construct a garage.

Mrs. Torcia has a child who requires easy sheltered wheel-chair access from their dwelling. Mrs. Torcia requested that consideration be given to her limited financial circumstances, meaning she is looking for the City to minimize the costs to her to facilitate this project. Mrs. Torcia subsequently contacted the Ward Councillor to determine if any grants were available to her.

Report of the Standing Policy Committee on Property and Development dated February 7, 2002

The proposal was circulated in the usual manner and no objections were received or any easement requirements identified.

The Planning, Property and Development Department reported to the Riel Community Committee, by memorandum dated February 8, 2001, as to the applicant's request and as to the results of the circularization. The Department advised the Community Committee of the following:

- The Planning and Land Use Division reviewed the matter and considers that the sale of this portion will have no immediate or long-term impact on recreation activities within the park. However, the Division was also of the opinion that if the City were to absorb the costs associated with the proposed sale it would definitely set a negative precedent for all future land sales within the City. As well, the Division felt that, as the enlargement of the applicant's property will increase its re-sale value, the applicant could, in due course, sell the combined property for a significant profit with no return to the City for its contribution.

- The Real Estate Division concurred in the Planning and Land Use assessment, and further advised that a variance may be required for a reduced side yard due to the placement of the proposed garage.

- The costs referred to are:

    1. Approximately $3,000.00 for the Subdivision/Rezoning and the Plan of Survey;
    2. WLTO registration and examination fees ($200.00+/-);
    3. Subdivision application and approval fees ($300.00+/-);
    4. Consolidation, possibly resulting in financial penalties to discharge and re-apply a mortgage/ encumbrances or to acquire a variance;
    5. Other conditions that may arise through the negotiation or subdivision application processes;
    6. The Department advised that there is a City Policy that provides for the sale of small parcels at a price of one half of assessed value.

    Note: This policy has been applied in previous sales of a similar nature.

On April 24, 2001, the Riel Community Committee recommended that the subject City property be sold to Mrs. Torcia on the following basis:

1. Purchase price to be one-half of assessed value in accordance with City Policy.

2. The payment of the sale price (one-half of assessed value) to be deferred until such time as Mrs. Torcia sells her property, at which time the price to the City would be paid out of the then sale proceeds of the consolidated property.

3. The City will require that title to the City's property be consolidated with the title to Mrs. Torcia's property. In order to defer this cost, the City and Mrs. Torcia to enter into a "Non-Subdivision Agreement" which would then require that the consolidation of titles be accomplished at the time the property is resold. The cost of consolidating titles would be Mrs. Torcia's responsibility;

4. It would be necessary to subdivide (the City's triangle to be sold to Mrs. Torcia from the title to the City's park) and to rezone the land to be sold to Mrs. Torcia to facilitate her construction and occupation. In this connection, the Riel Community Committee recommends that the application and administrative costs, including any dedication payments, be waived in this instance. The hard costs to prepare plans of subdivision and to finance registrations and land transfer taxes and of legal costs and to rezone the property are to be the purchaser's responsibility.

5. All other associated standard terms and conditions of a sale of this type of property would continue to apply;

6. The possession and adjustment date would be the latter of either the date of registration of the plan of subdivision or the date that the rezoning by-law, as approved by Council, is effected.

Mrs. Torcia was provided with an Offer to Purchase that incorporated the above conditions but subsequently advised that she would be paying the purchase price of the property now as opposed to some future date. Consequently, Mrs. Torcia has returned an executed revised Offer to Purchase particulars of which are, in brief, as follows:

Report of the Standing Policy Committee on Property and Development dated February 7, 2002

Location:	South side Maitland Drive, east of Charing Cross Crescent
Legal Description:	Part Lot 2, Plan 20974
Size:	Irregular - 123.6 square metres (1,330.9 square feet)
Zoning:	"PR" Park
Roll No.:	08 0059005000
Certificate of Title:	1064965
Assessed Value:	$1,050.00
Price Offered:	$525.00
Applicant:	Kim Torcia, 58 Maitland Drive
Terms:	$525.00, certified cheque deposited
Adjustments:	From date of acceptance of the offer
Purpose:	To facilitate the construction of an attached garage

This proposed sale price is established in accordance with similar transactions as previously approved by Council and based on the City policy respecting the sale of small parcels.

The Planning, Property and Development Department is in favour of this sale for the following reasons:

1. The property will be on the tax roll upon the closing of the sale with the total assessment being increased by virtue of the new garage to be constructed.

2. The cost to the Purchaser in addition to the purchase price will be significant. The Purchaser will be responsible for the subdivision/rezoning costs and the preparation of any necessary easement plans, the cost of which will be at least $3,500.00 plus incidentals and plus the costs to consolidate titles.

3. The Purchaser has agreed to consolidate title to the "subject City Property" shown on Misc. Plan No. 11145 with title to her adjoining holding.

The Planning, Property and Development Department's recommendations will enable the facilitation of this proposed transaction in accordance with the recommendations of the Riel Community Committee and will respond to this applicant's special needs.

Pursuant to Section 156(2) of The City of Winnipeg Act, all sales 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-owned park land, outlined as "subject City property" on Misc. Plan No. 11145, be declared surplus to the City's requirements.

II. That the Kim Torchia's Offer to Purchase the subject City property be approved at a price of $525.00 and in accordance with the terms and conditions as negotiated, subject to the subdivision and rezoning being applied for within six months of date of acceptance of the Offer.

III. That any applications and administrative costs, including any dedication payments, be waived in this instance.

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

Adopted by consent.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

258 - 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. 7971/2002, a by-law of The City of Winnipeg to repeal By-law No. 5241/89. File DAZ 286/86

By-law No. 7972/2002, a by-law of The City of Winnipeg to repeal By-law No. 5143/89. File DASZ 24/86

By-law No. 7973/2002, a by-law of The City of Winnipeg to repeal By-law No. 5416/90. File DAZ 264/89

By-law No. 7974/2002, a by-law of The City of Winnipeg to repeal By-law No. 4988/88. File DAZ 233/88

By-law No. 7975/2002, a by-law of The City of Winnipeg to repeal By-law No. 4989/88. File DAZ 284/87

By-law No. 7976/2002, a by-law of The City of Winnipeg to repeal By-law No. 5144/89. File DASZ 64/86

By-law No. 7977/2002, a by-law of The City of Winnipeg to repeal By-law No. 5441/90. File DAZ 211/89

By-law No. 7978/2002, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(32) (Vol. 2)

By-law No. 7979/2002, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(35) (Vol. 2)

By-law No. 7980/2002, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(35) (Vol. 2).

By-law No. 7981/2002, a zoning by-law of The City of Winnipeg for the enactment of zoning text changes to By-law No. 4800/88. File DAZ 225/2001

By-law No. 7982/2002, 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 rue du Monastere, south of rue des Trappistes in the Riel Community. File DASZ 10/95

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

259 - In reference to the derelict housing by-law, Councillor Steek questioned if the Chairperson could identify what corporate reductions were made to accommodate the additional $350,000.00 appropriation that went to the Planning, Property and Development Department in the course of the current budget deliberations.

Councillor Vandal indicated that he was not aware of any corporate reductions that occurred specifically because of the $350,000.00. He added that he was scheduled to meet with the Director of the Planning, Property and Development Department and that he would subsequently communicate with Councillor Steek.

Councillor Steek further questioned if the Chairperson would request the Administration to identify what the corporate reductions were if the reductions were not in the Planning, Property and Development Department, to which Councillor Vandal agreed to investigate but encouraged Councillor Steek to direct the question to the Chair of Fiscal Issues.