Winnipeg

EXECUTIVE POLICY COMMITTEE
DISPOSITION OF ITEMS

APRIL 15, 2015

MEMBERS PRESENT: His Worship Mayor Bowman, Chairperson
Deputy Mayor Pagtakhan
Councillor Browaty
Councillor Lukes
Councillor Mayes
Councillor Morantz
Councillor Orlikow

COMMITTEE CLERK: Carlos Gameiro, Manager of the Decision Making Process
City Clerk's Department

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Item	Subject/File	Recommendations	Action Required By
		DELEGATIONS	
1	Councillor Allard, St. Boniface Ward		See Item 18, SPC on Property and Development – March 10, 2015
		REPORTS	
1	Notification of Local Improvement Advertisements	The Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service and recommended to Council: 1. That the Assessment and Taxation Department submit an Administrative Report, for information purposes only, to the appropriate Community Committee when advertising of proposed local improvement projects initiated through a Development Agreement is about to commence. 2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.	Council
2	Subdivision and Rezoning – 655 Notre Dame Avenue and 790 Sherbrook Street File DASZ 3/2015	The Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and recommended to Council: 1. That the plan of subdivision proposed under File DASZ 3/2015 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 3/2015 dated February 10, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office. 2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the planned area shown on Schedule "A" for File DASZ 3/2015 dated February 10, 2015 to an "EI" Educational and Institutional PDO-1 West Alexander & Centennial District, subject to the following: A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions: i. That for the development of any building and/or accessory parking area and/or freestanding signage plans shall be submitted showing the design of the proposed buildings, the location and design of accessory parking areas, private approaches, pedestrian and plaza areas, garbage enclosures, fencing,	Council

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		landscaping, lighting, bicycle parking and freestanding signage to the Director of Planning, Property and Development and the Lord Selkirk West Kildonan Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development. ii. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lots so as to ensure pedestrian and vehicular access to every lot at all times, via streets pathways, or internal roads. The instrument must contain the substance of the following terms: • "User" means and includes any Owner and the tenants of any Owner and, with the permission or consent (expressed or implied) of any Owner, each and all of their respective agents, employees, customers, licensees, invitees, suppliers, contractors, servants or workmen, and any other occupier for the time being on the land of any Owner; and the term "Users" shall have the same meaning as the context permits or requires, mutatis mutandis. • Declarant, for itself and its successors and assigns, hereby irrevocably agrees and declares that from and after the date of registration of this Declaration in the Winnipeg Land Titles Office an easement and right of way is hereby created over the Lands for the purposes of ingress and egress that shall permit common usage of driveways, vehicular passageways, entrances and exits leading to one or more private approaches on and from Princess Street and Stanley Street as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Lands at all times by Users and vehicles. • The rights, liberties and easements herein granted shall be construed as running with the Lands and shall attach to and run with each and every part to which the Lands or any part thereof as may hereafter be subdivided, but no part of the Lands shall pass to or be vested in any other Owner simply by virtue of these presents.	

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		• As it is the intent that the burden of all rights, liberties and easements declared herein shall run with the Lands, it is declared that the rights, liberties and easements hereby declared shall ensure to the benefit of every Owner and, without limiting the generality of the foregoing, shall ensure to the benefit of the successors and/or assigns of any part or parts of the Lands and shall bind the successors in title of Declarant, and each of their respective successors in title, and the owners or occupiers for the time being of the Lands or any part or parts thereof. iii. That the ground floor of any proposed building be set back a minimum of ten (10) feet from the east property line (Sherbrook St) and that this setback shall not apply to supporting columns provided there is a minimum of 5 feet between the outer edge of the east building wall and the west edge of the support column. 3. The Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City. 4. The proposed subdivision would result in two (2) existing private approaches on the subject land becoming non-conforming private approaches under the Private Access By-law No. 49/2008. The Developer is responsible for applying to the City for approval of the non-conforming private approaches. The City will not release the plan of subdivision mylars to the owner for registration in the land titles office unless and until the City approves the private approaches. 5. That the Zoning Agreement Caveats 80-64361/1 under file DAZ 339/79 dated October 1, 1980; 86-94463/1 under file DAZ 245/86 dated September 11, 1986; and 1638742/1 under file DAZ 224/ 92 dated January 26, 1993 be withdrawn. 6. That the Director of Legal Services and City Solicitor be requested to withdraw the subject Zoning Agreements as approved in aforesaid Recommendation 5. 7. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith. 8. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and	

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		Council approves the extension. 9. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above. 10. 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. 11. That the zoning section of the by-law comes into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date the by-law is passed, failing which the by-law will expire and the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one year period and Council approves the extension. 12. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension. 13. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council. 14. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.	
3	Citizen Equity Committee – Coordinator Contract	The Executive Policy Committee concurred in the recommendation of the Citizen Equity Committee, as amended: 1. That the City of Winnipeg enter into an agreement to hire Maria Morrison in the capacity of an independent contractor as the Coordinator of the Citizen Equity Committee as follows: A. The contract be a one-year duration commencing April 20, 2015 to April 20, 2016.	Chief Administrative Officer

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		B. The fee for service be $40,000.00 per annum, all-inclusive, utilizing funding from the existing Citizen Equity Committee budget allocation. 2. That the Chief Administrative Officer be directed to prepare and finalize the necessary contract between The City of Winnipeg and Maria Morrison.	
COMMITTEE REPORTS			
1 and 18	Standing Policy Committee on Property and Development Report dated March 10, 2015	The Executive Policy Committee: • concurred in the recommendation for Item 1 of the Assiniboia Community Committee • did not concurr in the recommendation for Item 18 of the Standing Policy Committee on Property and Development and forwarded the items to Council.	Council
	Standing Policy Committee on Finance Report dated April 9, 2015	No Report	Nil