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)

870 - 9. ***Note: In accordance with Section 61.5 of the Procedure By-law, the Executive Policy Committee recommends an additional 120 day extension of time be granted for further deliberation.***

Moved by Councillor Vandal,
That an extension of time be granted.

Carried.

REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED SEPTEMBER 4, 2001

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated September 4, 2001, was considered clause by clause.

Moved by Councillor Vandal,
That the Consent Agenda, Clauses 1,2,3,4,5,6,7 and 8, be adopted.

Carried.

Request for Extension of Time - Proposed Subdivision and Rezoning of land located on the south side of Grandmont Boulevard, west of Pembina Highway - Riel Community

File DASZ 11/97

871 - 1. The Standing Policy Committee on Property and Development has been advised that Greentree Homes (Winnipeg) Inc. requested a two-year extension of time for File DASZ 11/97 to enable them the opportunity to proceed with marketing and development of the project.

On September 25, 1997, Council adopted Clause 5 of the Report of the former Committee on Planning and Community Services dated September 2, 1997, and in doing so approved the subdivision and rezoning application under File DASZ 11/97 to allow for the construction of a multiple-family development.

Recommendation IX. of the said Clause stipulated:

IX. 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.

On November 17, 1999, Council extended the time limit to provide for the enactment of the necessary subdivision and rezoning by-law under File DASZ 11/97 to September 25, 2001.

On July 17, 2001, the Riel Community Committee concurred in the request from the President of Greentree Homes (Winnipeg) Inc. and recommended that a two-year extension of time be granted.

The Standing Policy Committee on Property and Development recommends:

I. That the time limit to provide for the enactment of the necessary rezoning by-law under File DASZ 11/97 be extended to September 25, 2003, subject to the applicable fees specified in the Development Fees By-law being paid prior to the release by the City of the subdivision mylars for registration in the Winnipeg Land Titles Office.

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated September 4, 2001

Proposed Subdivision and Rezoning - land located on Halparin Drive and Ramblewood Road North - Riel Community
File DASZ 5/2001 [c/r DAV 345/2001D]

872 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been received from Marcel and Rolande Proulx, 527 Sioux Road East, Winnipeg, for approval of a plan of subdivision and related zoning change to Zoning By-law No. 6400/94 by rezoning the subject lands from an "A-5" Agricultural District to an "RR2" Residential District to facilitate development of six (6) proposed residential lots and a road right-of-way extension.

Site Area
The overall area being rezoned including the right-of-way is approximately 15 acres.

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

Surrounding Land Use and Zoning

North:	Properties to the north are a mix of "RR2" Residential and "A-5" Agricultural.
South:	Properties to the south are a mix of "RR2" Residential.
East:	Developed residential lots on zoned "A-5" Agricultural lots.
West:	Mix of "RR2" Residential and "A-5" Agricultural; partially developed.

The applicant proposes to extend Ramblewood Road North and subdivide the land on both sides. Two of the proposed six (6) lots will actually front onto Halparin Drive.

Under the Perimeter South Action Area Plan, the area in question, which lies between Highway 59 and St. Anne's Road, can be subdivided into two-acre lots. The proposed therefore complies with Plan Winnipeg.

The subject land is situated east of the CPR Emerson Lane, just south of the Perimeter Highway. The land, which is vacant is designated as a two-acre area under the Perimeter South Action Area Plan and so the plan complies. It should be noted that one lot (Lot 5) is less than two acres and cannot be increased in size because of the proposed road configuration for Ramblewood Road North, which is also fixed. Concessions have been made in the past to permit substandard lots but only to provide for new road allowances or the expansion of existing road rights-of-way. A lot immediately adjacent to the south was approved by variance in 1993 (Files DAV 122/93, DASSF 515/93) and is only 1.06 acre in size. It should further be noted that under the Sewer By-law regulations, lots less than two acres are restricted to holding tanks.

In the last ten years, a relatively large number of two-acre lots have been established along Ramblewood Road and Halparin Drive but comparatively few have been built. A year ago 27 two-acre lots were created just to the north of the subject subdivision but that area remains undeveloped. The requirements for pitless well units have been covered off in the Development Agreement as have the dedication requirements.

The Planning, Property and Development Department therefore recommended that the subject application be approved as submitted.

On July 17, 2001, a public hearing was held before the Riel Community Committee. Two persons appeared in support of the application, no one registered in opposition thereto, and one person registered for information purposes.

The Riel Community Committee recommended that the proposed subdivision and rezoning be approved for the reason that the proposed subdivision complies with Plan Winnipeg.

On September 4, 2001, the Standing Policy Committee on Property and Development considered the Zoning Change Report of the Riel Community Committee dated July 26, 2001.

The Standing Policy Committee on Property and Development concurred in the Riel Community Committee recommendation that its share of the dedication payable under File DASZ 5/2001 be directed to the St. Germain/Vermette Parks and Recreation Fund, and provided the necessary direction to the Planning, Property and Development Department to earmark these funds for this purpose.

Report of the Standing Policy Committee on Property and Development dated September 4, 2001

In view of the foregoing, the Standing Policy Committee on Property and Development also approved the following amendment which has been incorporated into its recommendations to Council as set out below, namely:

- Amend Recommendation I.A. to delete the following words added by the Riel Community Committee to Condition 11 of the Administrative Coordinating Group Report, namely:
"Said funds to be directed to the St. Germain/Vermette Parks and Recreation Fund)".

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 5/2001 be approved, for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 5/2001 dated July 4, 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 June 22, 2001, amended as follows:

3.a) That paragraph 3.a) be amended in the second line thereof by removing the word "overhead" so that the condition will read as follows:

The Developer shall, at no expense to the City, cause electrical and telephone services to be installed to serve the proposed subdivision all to the satisfaction of the Director of Public Works.

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 5/2001 dated July 4, 2001, to an "RR2" Residential District.

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. 893 for attachment)

Report of the Standing Policy Committee on Property and Development dated September 4, 2001

Proposed Subdivision and Rezoning - land located at 412 / 416 / 418 Aberdeen Avenue - Lord Selkirk-West Kildonan Community File DASZ 15/2001 [c/r DAV 396/2001D]

873 - 3. The Standing Policy Committee on Property and Development has been advised that an application has been received from Inner City Youth Alive Inc. (Mark Friesen), 418 Aberdeen 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 "R2" Residential District and an "R2-T" Transition District to a "C2" Commercial District in order to facilitate expansion of an existing trade school.

Site Area
The overall site area totals approximately 15,000 square feet.

Existing Land Use and Zoning
A small trade school occupies the west half of the property (zoned "R2" Residential). The east half of the lot is now vacant and zoned "R2-T" Transitional.

Surrounding Land Use and Zoning

North:	Properties to the north are occupied with businesses zoned "C1" Commercial.
South:	Properties to the south are occupied with homes zoned "R2-T" Transitional and businesses along Salter Street zoned "C1" Commercial.
East:	Properties to the east are developed residential areas zoned "R2" Residential.
West:	Properties to the west are zoned "R2" Residential lots.

The applicants propose to expand their existing trade school training facility into the vacant areas on the east side of their property. The new addition will be three storeys high with parking areas front and rear.

The proposed rezoning and subdivision fully complies with Plan Winnipeg policy. The area is designated Neighbourhood under Plan Winnipeg.

The subject property is situated at the southwest corner of Salter Street and Aberdeen Avenue. For some time, Inner City Youth Alive has been operating a work education program (small trade school) in a building on Aberdeen Avenue. They were initially approved by use variance for a period of five years (under File DAV 953/95C). They have been operating out of a two-storey building (1,735 square feet) and the school has proven to be such a success that a new three-storey addition is proposed on adjoining parcels that they own just to the east. The proposed new building will have a total additional square footage of 3,136 square feet with parking at both the front and rear. On the first floor of the new addition will be added a general reception area, office space, a metal working shop and a camping equipment storage area. The second floor is to have a counselling room, multi-purpose room, learning centre and laundry facilities. The third floor is to remain unused for the immediate future.

The Development Applications Branch of the Planning, Property and Development Department is of the view that the existing facility has provided a valuable service to the community and will continue to do so if and when the rezoning is approved. The Department recommended that the subject application be approved as submitted. It should be further noted that the six lots along Aberdeen Avenue and Salter Street, which define the boundaries of the project, are to be consolidated as part of this process into one single lot.

On July 10, 2001, the Lord Selkirk-West Kildonan Community Committee held a public hearing. One person appeared in support of the application, and no one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Community recommended that the proposed subdivision and rezoning be approved for the following reason, namely, the proposal fully complies with Plan Winnipeg policy and will be compatible with the surrounding area.

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

I. That the plan of subdivision proposed under File DASZ 15/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2001 dated June 27, 2001, for registration in the Winnipeg Land Titles Office.

Report of the Standing Policy Committee on Property and Development dated September 4, 2001

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

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2001 dated June 27, 2001, to a"C2" Commercial 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 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 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. 894 for attachment)

Proposed Rezoning – land located at 848 Furby Street – Lord Selkirk-West Kildonan Community
File DAZ 203/2001

874 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from A.S. Bardal (1979) Ltd., (David Pritchard), 843 Sherbrook Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject lands from an "RM-L" Multiple-Family District to a "C2" Commercial District to allow for the establishment of a non-accessory parking area.

Site Area
The overall site area approximately 10,090 square feet.

Existing Land Use and Zoning
The site is currently zoned "RM-L" Residential District and is vacant.

Surrounding Land Use and Zoning
North: Land to the north is zoned "RM-L" Residential, occupied with a range of housing types.
South: Land to the south is similarly zoned residential, occupied with a range of housing types.
East: Land to the east is zoned residential, occupied with a range of housing types.
West: Properties to the west are generally "C2" Commercial, including the Health Sciences Centre, situated closely on the west side of Sherbrook Street.

The parcel in question is to be converted into a parking area; fully hard-surfaced with a total of close to forty parking stalls. Access is to be via adjoining lanes.

Report of the Standing Policy Committee on Property and Development dated September 4, 2001

The subject property is situated between Furby Street and Sherbrook Avenue, just south of William Avenue. The owners, A.S. Bardal Funeral Homes have their facility directly adjacent on Sherbrook Street. They need the subject property, situated at the rear of their building for additional parking. However because the subject property is deemed to be non-accessory to the funeral home and currently zoned "RM-L" Multiple-Family Residential, a rezoning application is required. Specifically the proposed parking area will be asphalt surfaced, and surrounded by a light proof, 2½ foot high fence. Access will be via the lanes on the north, south and west sides of the lot. There is to be no direct access to Furby Street. Several large existing elm trees are to be preserved and protected. The Development Applications Branch of the Planning, Property and Development Department recognizes and is supportive of the need for additional parking for the Bardal Funeral facility on Sherbrook Street. The additional parking, properly sited, will probably go along way towards reducing on-street parking problems on adjacent residential side streets. It is the Department's view that the land in question is not suited for general commercial use given its location. Therefore it is the Department's recommendation that the property be restricted to a parking area as per enclosed plans.

The subject proposal fully complies with Plan Winnipeg Policy. The site falls within a designated Neighbourhood Area.

On July 10, 2001, a public hearing was held before the Lord Selkirk-West Kildonan Community Committee. One person appeared in support of the application and no one was registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed rezoning be approved for the following reasons, namely, it believed the subject land is not suited for general commercial development given its location, and that additional parking will go a long way towards reducing on-street parking problems on adjacent residential side streets.

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 outlined on Schedule "A" for File DAZ 203/2001 dated June 27, 2001, to a "C2" Commercial District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

      1. That the subject lands be restricted to use as a parking area.

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 rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

Adopted by consent.

(See Minute No. 895 for attachment)

Report of the Standing Policy Committee on Property and Development dated September 4, 2001

Proposed Rezoning - land located at 1291 McGillivray Boulevard north side, west of Beaumont Street - Assiniboia Community File DAZ 213/2001 [c/r DAV 321/2001D and DCU 133/2001D]

875 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from the Loewen Group Inc. (c/o Heather Patterson), 200 - 611 Corydon Avenue, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land from a "C2" Commercial District and "R1-5" Residential District to an "M1-B" Light Industrial District to allow for a funeral chapel and crematorium.

Site Area
The subject site is 21.78 acres (948,988 square feet).

Existing Land Use and Zoning
The property is currently zoned "C2" Commercial and "R1-5" Residential District. There is an existing crematorium on the most westerly portion of the site.

Surrounding Land Use and Zoning
North: Residential single-family dwellings zoned "R1-5.5" Single Family Residential District
South: Across McGillivray Boulevard there is a buffer and access road to low-density row housing zoned "RM-L" Multiple Family District
East: The adjacent property to the east is also owned by the property developers that contains an existing cemetery zoned "C2" Commercial District
West: Manitoba Hydro owns the property to the west, which contains power lines

The subject property is located on the north side of McGillivray Boulevard, west of Beaumont Street. The subject lands were previously approved (under File DASZ 2/90) for single-family housing. The applicant is now proposing to establish a funeral and memorial centre on the property.

The approximately 15,000 square foot, two-storey building includes a funeral chapel, casket selection room, crematorium, preparation room, columbarium, visitation rooms, reception facility and administrative offices. The existing crematorium will be retained for the time being and no changes are planned for the existing cemetery on Parcel "A" to the east. Parking is provided on site for approximately 165 cars. Vehicular access to the site will occur via existing approaches onto McGillivray Boulevard. The Public Works Department reviewed the proposal and has no objections.

In order to begin development of the property as soon as possible, the applicant is requesting a use variance to permit the establishment of the funeral home and crematorium. Zoning variances are also being requested to reduce the setback for accessory parking and to vary the minimum site coverage. A Servicing Agreement is also required in connection with sewer and water servicing and land drainage.

The application complies with Plan Winnipeg policy.
The Planning, Property and Development Department is prepared to support this application for the following reasons:

- The proposed use will be suitably located on a regional street.
- The siting of the building is removed from neighbouring land uses; therefore its impact will be minimal.
- The proposed use complements the current cemetery and crematorium use.
- The building and landscaping will be developed to a high standard such that it will complement the adjacent residential areas.

On July 10, 2001, a public hearing was held before the Assiniboia Community Committee. Three persons appeared in support of the application, two persons were registered in opposition thereto and six persons appeared for information purposes.

The Assiniboia Community Committee recommended that the proposed rezoning be approved for the reason that the subject application is compatible with the surrounding area and that the amendments to the administrative recommendations it proposed reflect the neighbours' concerns.

Report of the Standing Policy Committee on Property and Development dated September 4, 2001

On September 4, 2001, the Standing Policy Committee on Property and Development considered the Zoning Change Report of the Assiniboia Community Committee dated August 7, 2001, and approved the following amendments, which have been incorporated into the recommendations set out below, namely:

- Amend Recommendation II. by deleting the following words "calculated on all of Parcel C and the developed portion of Parcel B (being the front 400 feet of depth measured in perpendicular distance from McGillivray Boulevard),"

- Delete Recommendation III. in its entirety, namely:

  III. A) That the applicant be required to enter into a Servicing Agreement with the City of Winnipeg pursuant to Subsection 519(1) of The City of Winnipeg Act, containing the following:

  1. That Condition Nos. 3 and 4 as outlined in the Administrative Coordinating Group Report dated June 22, 2001;

  B) That Condition Nos. 1 and 2 of the Administrative Coordinating Group Report dated June 22, 2001, be forwarded to the Standing Policy Committee on Property and Development without recommendation, with the suggestion that the recommendations be reviewed and costs be based on the actual land area being used.

- Add the following as Recommendation III.

  III. That the applicant be required to enter into a Servicing Agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, containing the four (4) conditions outlined in the Administrative Coordinating Group Report dated June 22, 2001, with the following amendments, namely:

  A. Condition No. 1 be amended to delete the following words "to the mains in Somerville Avenue via the City-owned property along the Hydro Transmission Line"

  B. The following sentence be added at the end of Condition No. 2, namely: At the Developer's option, this payment may be phased-in in two (2) shares to coincide with development.

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

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land outlined on Schedule "A" for File DAZ 213/2001 dated July 3, 2000, to an "M1-B" Light Industrial District, subject to the following:

A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

1. That prior to the issuance of development permits, plans showing the site layout, access, parking, fencing, landscaping, building elevations and materials, site lighting, external refuse enclosures and site signage be submitted for the approval of the Assiniboia Community Committee.

2. That the use of the land be limited to the following:
   - funeral home
   - crematorium
   - accessory uses
   - cemetery

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.

Report of the Standing Policy Committee on Property and Development dated September 4, 2001

III. That the applicant be required to enter into a Servicing Agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, containing the four (4) conditions outlined in the Administrative Coordinating Group Report dated June 22, 2001, with the following amendments, namely:

A. Condition No. 1 be amended to delete the following words "to the mains in SomervilleAvenue via the City-owned property along the Hydro Transmission Line".

B. The following sentence be added at the end of Condition No. 2, namely: At the Developer's option, this payment may be phased-in in two (2) shares to coincide with development.

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 rezoning by-law and forward same to Council for all three readings.

VI. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

VIII. 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. 896 for attachment)

Proposed Zoning Agreement Amendment - south side of Ragsdill Road between Drobot Place and De Vries Avenue - East Kildonan-Transcona Community
File ZAA 9/2001 [c/r DASZ 24/94]

876 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from the Planning, Property and Development Department to amend the Zoning Agreement affecting the subject property by deleting the clause that stipulates that all lots having frontage on Ragsdill Road shall have a front yard of 7.62 metres (25.0 feet) in depth.

Site Dimensions

The subject site has 112 feet of frontage along Ragsdill Road.

Site Area
The subject area is 1.336 acres (5,405.766 square metres).

Existing Land Use and Zoning
The subject site is vacant land, zoned "R1-5" Residential District on Lots 1, 3 and 4; and a single-family dwelling, zoned "R1-5" Residential District on Lot 2.

The applicant requests an amendment to the Zoning Agreement for File DASZ 24/94 that will permit 20 foot front yards along the south side of Ragsdill Road between Drobot Place and De Vries Street, instead of a 25 foot front yard.

Report of the Standing Policy Committee on Property and Development dated September 4, 2001

The Planning, Property and Development Department initiated this Zoning Agreement Amendment application in response to the February 27, 2001 recommendation from the East Kildonan-Transcona Community Committee (subsequently endorsed by the Standing Policy Committee on Property and Development on April 3, 2001), which requested a review of the 25 foot front yard requirement for residential lots with Ragsdill Road frontage in light of a home that has been built and granted a 20.45 foot front yard.

Lot 2 of the subject property was granted a 20.45 foot front yard through a previous Zoning Agreement Amendment (under File ZAA 4/2001) after the home was constructed in contravention of the Zoning Agreement. This application continues this type of amendment by removing that condition from the Zoning Agreement on all adjacent properties.

The Zoning Agreement requires a front yard depth of 25 feet for lots fronting on Ragsdill Road. The original rationale for requiring a 25 foot front yard on Ragsdill Road (under File DASZ 24/94) was "to integrate the proposed subdivision with the existing development …and consistent with existing dwellings on this collector street." The Winnipeg Zoning By-law would otherwise require a 20 foot front yard. The other most immediate residential lots to the west and east along Ragsdill are corner side yards that require a 10 foot depth along Ragsdill. This 10-foot yard to the dwelling unit will already interrupt the 25-foot alignment that exists much further to the west. The subject property is along the most easterly extension of Ragsdill Road and will not affect any properties further to the east.

There was no comment in the administrative report that addressed the rationale for requiring a 25 foot front yard on Strongberg Drive and this portion of the condition is no longer relevant because the applicable by-law did not come into force and effect as per Recommendation VII. of the Report of the former Committee on Planning and Community Services adopted by Council on September 27, 1995.

A Public Hearing was held on June 19 and July 17, 2001, before the East Kildonan-Transcona Community Committee. One person appeared in support of the application and one person was registered in opposition thereto.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning agreement amendment be approved for the reason that it will not have an adverse affect on the surrounding neighbourhood.

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 24/94 (By-law No. 7215/98) dated June 8, 1998, be amended by deleting the clause that stipulates that all lots having frontage on Ragsdill Road shall have a front yard of 7.62 metres (25.0 feet) in depth.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DASZ 24/94 (By-law No. 7215/98) dated June 8, 1998, 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.

Proposed Zoning Agreement Amendment - Portage Avenue and School Road - Assiniboia Community
File ZAA 12/2001 [c/r DAZ 230/94]

877 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Taylor McCaffrey (c/o David Marshall), 900 - 400 St. Mary Avenue, Winnipeg, to amend the Zoning Agreement affecting the subject property to include an additional site area and by adding the following a clause outlining that no access be allowed to Greenway Crescent to or from the lands governed by this agreement.

Report of the Standing Policy Committee on Property and Development dated September 4, 2001

Site Dimensions

Frontage on Greenway Crescent	700 feet
Frontage on Portage Avenue	560 feet
Frontage on School Road	800 feet

Site Area

Existing Site:	6.52 acres
Proposed Expansion:	1.61 acres
Total Site:	8.13 acres

Existing Land Use and Zoning

Existing Site: Superstore and Gas Bar zoned "C2" Commercial
Expansion Site: vacant buildings (car dealership) zoned "C2" Commercial

Westfair Properties Ltd. are applying to expand their School Road and Portage Avenue Superstore.

The existing store provides about 120,750 square feet of gross floor area not including the gas bar. The proposed expansion includes 25,240 square feet of ground floor area for a total gross floor area of 151,393 square feet including mezzanine (excluding mezzanine compressor room). The expansion will occur across the front of the store, extending it towards Portage Avenue. In conjunction with the building expansion, a new outdoor garden centre will be developed across the front of the store to the east of the new entry.

In order to accommodate the expansion, Westfair Properties Ltd. acquired the adjacent, vacant Westport Chrysler property at the corner of Portage Avenue and Greenway Crescent. The entire Westport site is about 3.7 acres under three separate titles. For the time being, Westfair Properties Ltd. wishes to use the westerly 1.6 acre parcel for the current expansion. The existing buildings would be demolished and the land used to expand the surface parking area. A new approach is also proposed off Portage Avenue on a parcel not included with the current application. The remaining two titled parcels, comprising 2.1 acres, are being set aside for future development.

The site plan shows total site parking of 643 stalls, in excess of the by-law requirement of 605 stalls. The expanded site area accommodates 167 parking stalls. The plan shows 6.56 feet of landscaping along Portage Avenue, extending along the Greenway Crescent frontage behind the proposed future development area for a distance of 400 feet. The site plan also shows a proposed widening to the School Road approach (right-in only) from about 18 feet to 27 feet.

The current application is required in order to amend Clause 1 of the Zoning Agreement, which identifies the land affected by the agreement, to include the additional parcel acquired by Westfair Properties Ltd. for parking lot expansion.

The Planning, Property and Development Department is prepared to support Westfair's plans to expand their current store. Westfair Properties Ltd. is able to extend the site in order to meet the parking requirement. The expansion of the store-front towards Portage Avenue will move the entrance activity further away from the School Road residents, and the new Portage Avenue approach will improve loading dock access. The Planning, Property and Development Department recommended that the Community Committee lay over the application on July 10, 2001, to enable a re-advertisement to include, under the current Zoning Agreement, all of the additional lands acquired by Westfair Properties Ltd.

The Planning, Property and Development Department is concerned about Westfair's plans for the development of the residual lands bordering Greenway Place. The residual lands are zoned "C2" Commercial District and could be developed independently of the Superstore. This would make it difficult for the Planning, Property and Development Department to ensure a high level of design and landscaping given the Portage Avenue context and the proximity of housing on Greenway Crescent.

The residual lands are narrow and it is not readily apparent that there is sufficient area to accommodate new building development. The current Zoning Agreement allows a Floor Area Ratio of .462. This would allow roughly 50,000 square feet of commercial space on the 2.1 acres of residual land. This would leave about one acre for the required parking of 200 stalls for retail use.

The Planning, Property and Development Department would also be opposed to vehicular access onto Greenway Crescent. Finally, the Department would be seeking additional landscaping along Portage Avenue and Greenway Crescent. In the opinion of the Planning, Property and Development Department, the 6.56 feet shown is

Report of the Standing Policy Committee on Property and Development dated September 4, 2001

insufficient to buffer the parking lot and any future building development. It is also advisable that the perimeter landscaping is installed concurrently with the present store expansion. This would give it time to mature prior to development of the residual lands and would screen the site from existing housing on Greenway Crescent.

The Planning, Property and Development Department was instrumental in Westfair Properties Ltd.'s success in developing the School Road store in spite of the limited site area. Westfair's decision to expand their store and site affords an opportunity to improve the site landscaping and to screen the development from Greenway Crescent and from Portage Avenue, a major image route into the City. At the very least, it would have been helpful to their current application had Westfair Properties Ltd. prepared preliminary site development plans for the residual lands showing access, parking, landscaping and building location, loading, etc.

The Planning, Property and Development Department is also opposed to any alteration of the School Road approach. Any widening of the approach might encourage customers to use it to exit the site northbound on School Road.

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

The Assiniboia Community Committee recommended that the proposed zoning agreement amendment be approved for the reason that the subject application is compatible with the surrounding area.

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

I. That Clause 1 of Zoning Agreement DAZ 230/94 (By-law No. 6585/85) dated December 14, 1994, be amended to include the additional site area and by adding the following clause:

1. That no access be allowed to Greenway Crescent to or from the lands governed by this agreement.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 230/94 (By-law No. 6585/85) dated December 14, 1994, 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.

Proposed Zoning Agreement Amendment - 2366 McPhillips Street - Lord Selkirk-West Kildonan Community

File ZAA 13/2001

878 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Deeley Fabbri Sellen, 903-386 Broadway, Winnipeg, on behalf of Mathews Construction, to amend the Zoning Agreement affecting the subject property in order to permit outside storage in a fenced-in area at the rear of the property.

Site Dimensions
The subject site has 189 metres of depth and 82 metres of frontage along McPhillips Street.

Site Area
The overall site area is approximately 3.9 acres.

Existing Land Use and Zoning
The land is currently occupied with a McDiarmid Lumber outlet and zoned "C2" Commercial District.

Report of the Standing Policy Committee on Property and Development dated September 4, 2001

The applicants, on behalf of the owners, have requested a change to the original agreement to legally permit outdoor storage (in a fenced-in area at the rear of the property), thereby legitimizing an already existing situation. The Planning and Land Use Division of the Planning, Property and Development Department is supportive of the proposed change.

On July 20, 2001, a public hearing was held before the Lord Selkirk-West Kildonan Community Committee. One person appeared in support of the application and no one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee recommended that the proposed zoning agreement amendment be approved for the reason that the subject application is compatible with the surrounding area.

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

I. That Clause 10 of Zoning Agreement DAZ 240/86 (By-law No. 6552/86) dated June 11, 1986, be amended to read "There shall be no outside storage of goods or materials anywhere except to the rear of the existing building and all storage shall be enclosed by a minimum six (6) foot light proof fence."

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 240/86 (By-law No. 6552/86), dated June 11, 1986, 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 SEPTEMBER 6, 2001

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

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

Carried.

Delegated Authority to Chief Administrative Officer to enter into Month-to Month Lease Agreements for Civic Accommodation Purposes
Files GC-11 (Vol. 8) and FI-2.1 (Vol. 12)

879 - 1. In 1997, Council enacted the City Organization By-law No. 7100/97 to establish the governance and administrative structure of the City and to delegate certain powers and responsibilities from Council to Executive Policy Committee, the Standing Committees and the Chief Administrative Officer.

Pursuant to the City Organization By-law, the Standing Policy Committee on Property and Development has been delegated authority to approve leases and lease renewals of less than ten years and less than $1 Million net rent over the lease term.

On April 7, 1998, the Standing Policy Committee on Property and Development delegated the authority to the then Director of Property and Development Services to enter into month-to-month lease arrangements between the City of Winnipeg and respective landlords of property that is to be used for civic accommodation purposes and where there is no significant financial impact to the organization.

To establish consistency in the application of said City Organization By-law, Council ratification is required to amend the April 7, 1998 decision made by the Standing Policy Committee on Property and Development.

The Director of Planning, Property and Development therefore recommended that the Chief Administrative Officer or designate be delegated the authority to enter into month-to-month lease arrangements between the City of Winnipeg and respective landlords of property that is to be used for civic accommodation purposes and where there is no significant financial impact to the organization.

The Standing Policy Committee on Property and Development recommends:

I. That the Chief Administrative Officer or designate be delegated the authority to enter into month-to-month lease arrangements between the City of Winnipeg and respective landlords of property that is to be used for civic accommodation purposes and where there is no significant financial impact to the organization.

II. That the Planning, Property and Development Department be directed to report quarterly to the Standing Policy Committee on Property and Development on the exercise of the foregoing delegated authority.

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

Adopted by consent.

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

Proposal to Declare City Land Surplus and Available for Sale - 585 McGregor Street - Lord Selkirk–West Kildonan Community
File FI-2.4(34) (Vol. 7)

880 - 2. The Standing Policy Committee on Property and Development has been advised that the Real Estate Division of the Planning, Property, and Development Department has determined that there is no civic need for the subject property, and therefore would like to have the property declared surplus to the City's requirements for the purposes of sale.

The particulars of the subject property are as follows:

Location:	585 McGregor Street
Legal Description:	Lots 1, 2, and 3, Plan 5518
Registered Owner:	The City of Winnipeg
Certificate of Title No.:	1053823
Realty Roll No.:	14-0-616841
Assessment:	$92,700.00
Zoning:	"R2" Residential District
Site Size/Area:	1,082.21 square metres (11,650.13 square feet)
Building Size:	120.4 square metres (1,296 square feet)
Property Description:	The subject City property is located at the north east corner of McGregor Street and Polson Avenue and is improved with a single story commercial building. The building was constructed in 1963. The building has a locker area, kitchen/office area, washroom and a garage area with two overhead doors.

The building was acquired in 1987 for the Fire Paramedic Service to be used as an ambulance station. The property is no longer used by the Fire Paramedic Service and is surplus to their requirements. The Planning, Property and Development Department requested the Lord Selkirk–West Kildonan Community Committee to review the site and comment on the potential disposition. On July 10, 2001, the Lord Selkirk-West Kildonan Community Committee advised the Planning, Property and Development Department that it had no objections to declaring the property surplus for the purposes of sale.

The highest and best use for the property appears to be commercial use. The site is currently zoned for residential use and will require re-zoning if purchased for commercial use. The Real Estate Division reviewed the site with the Planning and Land Use Division and they have indicated that they would support commercial use on this site. A caveat is registered against the title by the previous owner, Texaco Canada Inc. that prevents the sale of gasoline or other petroleum products from the site until 2007.

The Planning, Property and Development Department received an inquiry from Certified Stretcher Services Ltd. who has expressed interest in purchasing the property. Certified Stretcher would like to use the property as its head office. Certified Stretcher is in the non-emergency stretcher transportation business. The Planning, Property and Development Department has informed Certified Stretcher that the it is in the process of having the property declared surplus and that it will be offered to the market if and when it is declared surplus.

The Planning, Property and Development Department would market the property as follows:

- Place "for sale" signage on the site.
- Prepare an information brochure on the site.
- Place the property on the City of Winnipeg internet site.
- Advertise the property in the appropriate media.
- Use of ICI brokers – The Planning, Property and Development Department will put the property on the commercial listing service of the Winnipeg Real Estate Board. This information is available to all commercial agents that are members of the Winnipeg Real Estate Board.

In accordance with the policy approved on September 28, 2000, by the Standing Policy Committee on Property and Development, the Planning, Property and Development Department will recognize the participation of real estate agents. The commission that will be payable is as follows:

- 5% on total sale price to $100,000.00
- 4% on excess over $100,000.00 to $200,000.00
- 3% on the balance

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

The Planning, Property and Development Department recommended that the subject property be declared surplus and offered for sale. The Department will report back to the Standing Policy Committee on Property and Development upon receipt of an offer(s) to purchase the subject property.

The Standing Policy Committee on Property and Development recommends:

I. That the subject property identified as 585 McGregor Street and outlined as "subject City property" on Misc. Plan No. 11238, be declared surplus to the City's requirements.

II. That the Planning, Property and Development Department be authorized to commence marketing the property for sale.

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

Adopted by consent.

Proposed Leave and License for the use of a portion of the McDermot Avenue right-of-way in favour of 2116669 Manitoba Corporation - City Centre Community
File ED(32) (Vol. 3)

881 - 3. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department is in the process of negotiating terms and conditions of Leave and License in favour of 2116669 Manitoba Corporation respecting the use of a portion of the McDermot Avenue right-of-way identified on Misc. Plan No. 11111/1. The Department seeks Council's approval of the Leave and License and requests that the Chief Administrative Officer be authorized to approve the final terms and conditions of Leave and License as negotiated by the Director of Planning, Property and Development.

In general, the City of Winnipeg cannot grant the lease of land comprising of public right-of-way unless by first legally closing same. The City has, however, the power to permit or license the use of public right-of-way subject to the continuing pleasure of Council.

Pursuant to Council's authorization to proceed with construction of the Waterfront Drive project, the Public Works Department requested the Planning, Property and Development Department to negotiate acquisition of the land identified as "Proposed Street Opening" as outlined on Misc. Plan No. 11111/1, for the realignment of McDermot Avenue.

The Planning, Property and Development Department has successfully negotiated the release of this property from the owners, being 2116669 Manitoba Corporation (Monte Nathanson, Etal.).

As a result of the City's acquisition of the property required for the realignment of McDermot Avenue, four vehicle parking stalls have been eliminated from the owner's surface parking lot. In order to address the ongoing issue of the shortage of vehicle parking in the downtown area, the owner has requested that the City give consideration in granting 2116669 Manitoba Corporation a Leave and License in order to re-establish four surface vehicle parking stalls within the McDermot Avenue right-of-way adjoining its property located at 93 Lombard Avenue.

In this regard, an encroachment application has been made with the Zoning and Permits Branch of the Planning, Property and Development Department and the subject proposal is being circulated for comments from various interested agencies. Once the comments on the proposal are received, and if favorable, the matter will be referred to the Real Estate Division of the Planning, Property and Development Department for the purpose of negotiating a reasonable rental rate and execution of a Leave and License Agreement pursuant to section 4(1)(d) of the Encroachment By-law No. 692/74.

In order for the proponent to have ample time to complete construction of the proposed vehicle parking area within McDermot Avenue prior to winter, the Planning, Property and Development Department seeks Council's approval of the Leave and License in principle, and requests that the Chief Administrative Officer be authorized to approve

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

the final terms and conditions of Leave and License as negotiated by the Director of Planning, Property and Development.

Briefly, proposed City standard terms and conditions of leave and license to be negotiated with 2116669 Manitoba Corporation which are consistent with similar Council approved agreements will be as follows:

Term:	Annual continuing, commencing on a mutually agreeable date.
Purpose:	Vehicle parking area, in conjunction with the Licensee's adjoining property.
Rental:	Ten percent (10%) return to the fair market value of the lands, plus an amount equivalent to realty taxes.
Insurance:	Public liability insurance of at least $1,000,000.00 naming the City of Winnipeg as additional insured and containing a cross-liability clause.
Cancellation:	To be determined.

The Standing Policy Committee on Property and Development recommends:

I. That a Leave and License be approved in favour of 2116669 Manitoba Corporation (Monte Nathanson, Etal.) to develop and maintain a vehicle parking area in that portion of the McDermot Avenue right-of-way shown outlined and identified as "Leave and License" on Misc. Plan No. 11111/1, in accordance with the terms and conditions to be negotiated; the Agreement to provide for terms and conditions as are deemed necessary by the Director of Planning, Property and Development and by the City Solicitor/Manager of Legal Services to achieve the intent of Council and to protect the City's interests.

II. That the Chief Administrative Officer be authorized to approve the final terms and conditions of Leave and License as negotiated by the Director of Planning, Property and Development.

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

Adopted by consent.

REPORT "A" OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED SEPTEMBER 6, 2001

On motion of Councillor Vandal, Report "A" of the Standing Policy Committee on Property and Development, dated September 6, 2001, was considered.

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

Carried.

Proposed Expropriation of the "Estate of Annie J. Stark" Lands for Winnipeg Hydro Purposes – south side of William Avenue, east of Tecumseh Street - Lord Selkirk-West Kildonan Community
File FI-2(34) (Vol. 7)

882 - 1. The Standing Policy Committee on Property and Development has been advised that the city requires title to certain lands outlined as "subject property" on Misc. Plan No. 11230. The subject property is required as part of a future development project by Winnipeg Hydro.
The particulars of the subject property are as follows:

Location:	East of the southeast corner of Tecumseh Street at William Avenue
Legal Description:	Part lot 29, Block A, Plan 901
Certificate of Title No.	260818
Registered Owner:	The North Canadian Trust Company Administrators of the Estate of Annie J. Stark, Late, of the City of Winnipeg in Manitoba.
Zoning:	"R-2" – Two-Family District
Realty Roll No.:	13- 061960500
Assessed Value (2001):	$70.00
Site Size/Area:	Average 0.064 metres by 28.249 metres = 1.8 square metres (19.64 square feet)

Property Description: A small sliver of land, with approximately 2.5 inches of William Avenue frontage by 92.7 feet in depth, sandwiched between two residentially zoned vacant building lots.

It appears that the current configuration of the "subject property" was created on June 16, 1916. At that time, there was a transmission of lands pursuant to a final Order of Foreclosure which transferred all other lands out of Certificate of Title No. 260818 save and except the "subject property". At some point in the late 1980s, or early 1990s, as a result of survey work being done in the area, it became apparent that the Certificate of Title No. 260818 was still active. The lands, which up until that point had not been on the City's Realty Tax Roll, were added to the Assessment and Realty Tax Roll in 1991. However, the City had no mailing address to which the Assessment Notice/Demand for Taxes could be sent. The Assessment Roll for 2001 shows the mailing address for the Realty Tax bill as "c/o The City of Winnipeg Property Assessment".

The City, as part of a land exchange transaction with the Health Sciences Centre (now under the direction of the Winnipeg Regional Health Authority, WRHA) approved by Council at its October 20, 1999 meeting, has become the owner of the lands surrounding the "subject property". The area outlined as Parcel "A" on Misc. Plan No. 11230 is intended for future development by Winnipeg Hydro. Before being granted a development permit for Parcel "A", Winnipeg Hydro/the City must have an interest in all the lands contained therein.

No taxes on the lands have been paid since they were added to the Tax Roll in 1991. However. the Legal Services Division has advised that since an Assessment Notice/ Statement and Demand for Taxes was not issued (as required under the legislation), title to the "subject property" cannot be acquired at this time through the tax sale process.

Report "A" of the Standing Policy Committee on Property and Development dated September 6, 2001

This leaves the option of the city acquiring title through expropriation. Council authority is required in order to implement any expropriation program.

The problem in locating a legal owner to the lands does not happen all that often but does occasionally occur. At times, when lands are conveyed out of a Certificate of Title on a piece-meal basis or by a faulty description, not all the lands are legally conveyed out of the title thereby leaving the title active. Generally, the holdings that remain described in the title are small and have little or no value on their own and as such are sometimes ignored by the legally registered owner who either does not know of their existence or does not care. As years pass, the legal owners may die off or in the case of companies, become dissolved or amalgamated, leaving sometimes no evident successor in title to the lands. This is what the Administration believes has happened in this case.

This problem was noticed when the Health Sciences Centre contracted for survey work to determine what lands it had to secure in order to own all of Parcel "A" as shown on Misc. Plan No.11230. Once it was identified that Certificate of Title No. 260818 existed as an active title, the Health Sciences Centre made efforts to locate an owner without success. Eventually the City's Property Assessment Department became aware and added the property to the Realty Tax Roll.

On October 20, 1999, City Council adopted various recommendations regarding a proposed land exchange between the Health Sciences Centre and the City of Winnipeg. Some of the parcels of land to be provided to the City as part of the land exchange (Parcel "A", Misc. Plan No. 11230) physically surround the "subject property". The City had asked that the Health Sciences Centre convey clear title to all the lands within Parcel A. The Health Science Centre did eventually transfer title to all the lands within Parcel A except for the "subject property" for which it could not acquire title. The Health Sciences Centre could not negotiate the acquisition of the lands nor did it have any statutory power to acquire the lands by other means. Eventually, the City and the Health Sciences Centre agreed that in order to proceed with the land exchange the Health Sciences Centre would agree to reimburse the City for any costs that the City would incur in the future to acquire the "subject property". At the time it was thought that the City had two possible options to acquire the "subject property"; one option being through the tax sale process, as the lands were supposedly in tax arrears; and the second option was that the City could exercise its statutory right to expropriate the property.

One of those terms and conditions approved by Council on October 20, 1999 and incorporated into a legal agreement between the parties as condition 1(b)(ii), reads as follows:

> "A sum of money to be determined and as deemed necessary by the City to acquire the lands shown as "Estate of Annie J. Stark 0.039 ± wide" on Misc. Plan No. 4924/9, sufficient to acquire said land and to satisfy all costs, including legal fees, appraisal fees, demolition costs, utility service costs, finance and administration charges and all expropriation costs, if any. In that regard, the City will be provided with a letter of credit, in reasonable form, in the amount of Sixty Thousand ($60,000.00) Dollars , by way of a contribution to but not in full satisfaction of W.R.H.A.'s obligations in this regard;"

In the meantime, a sum of $5,000.00 has been made available and which should be adequate to fund the costs of this proposed expropriation, barring any unforeseen costs (in which case the City can draw upon the letter of credit).

The Expropriation Act of Manitoba provides a mechanism for the City, if it cannot locate the owner, to give notice of expropriation by substitutional service.

The Planning, Property and Development Department recommends that in the absence of any other reasonable alternatives, the expropriation of the lands shown as "subject property" on Misc. Plan No. 11230 , as being in the City's best interests.

The Standing Policy Committee on Property and Development recommends:

I. That the City Solicitor/Manager of Legal Services be authorized to initiate the expropriation of the "subject property" as outlined on Misc. Plan No. 11230 for Winnipeg Hydro purposes, and to submit the required by-law directly to Council.

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

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED SEPTEMBER 24, 2001

On motion of Councillor Vandal, the rule was suspended and the Report of the Standing Policy Committee on Property and Development, dated September 24, 2001, was considered.

Proposed Subdivision Agreement Amendment – 34 Lighthouse Point – Riel Community
File SAA 14/2001 [c/r DASSF 89/85]

883 - 1. The Standing Policy Committee on Property and Development has been advised that an application has been received from Sunshade Products Limited (Gladys Sarens), 265 Sutherland Avenue, Winnipeg, to amend the Paragraph 2(a) of the Subdivision Agreement (under File DASSF 89/85) affecting the property at 34 Lighthouse Point by adding "Lot 19 Blk.3, which shall have a minimum rear yard of 20.726 metres (68 feet) measured from that rear lot line to any principal building" instead of 25.9 metres (85 feet) for the purpose of construction a three-season sun room addition to an existing single-family dwelling.

Site Dimensions

The subject lot has approximately 15 metres of frontage and approximately 53 metres of depth.

Site Area

The overall site area is 12,038 square feet.

Existing Land Use and Zoning

The existing zoning is "R1-5" Single-Family Residential, and a 2,298.8 square foot dwelling currently occupies the site.

The applicant proposes to construct a 16 foot by 22 foot sunroom addition to the rear of his existing dwelling at 34 Lighthouse Point.

Under Subdivision Agreement DASSF 89/85, there is a clause which stipulates that there has to be a minimum rear yard of 25.9 metres (85 feet) from any principal building to the rear property line for lots lying adjacent to retention ponds.

In the past, several property owners have obtained amendments to the Agreement to allow for building extensions to within 81 feet in one case and to within 78 feet in another case. Both were on Lighthouse Point Road. In this situation, the applicant is requesting an amendment, which would allow for a 20.7 metres (68 foot) rear yard in order to accommodate a sunroom addition. The Planning, Property and Development Department has discussed the proposed application with the Water and Waste Department, who sets and regulates the standards for development adjacent to retention ponds. The Water and Waste Department are of the view that surface proportions of the type suggested do not pose a significant problem for the City at times of high water flood. What could pose a potential problem are subsurface additions like basement extensions or swimming pools. That being the case, the Planning, Property and Development Department endorses the proposed amendment as it applies to 34 Lighthouse Point Road.

The Riel Community Committee held a public hearing on September 18, 2001. Seven persons registered in support of the application, and no one registered in opposition thereto. The Community Committee recommended that the proposed subdivision agreement amendment be approved as the Planning, Property and Development Department endorsed the proposed amendment.

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 September 24, 2001

I. That Subdivision Agreement DASSF 89/85 be amended by amending paragraph 2(a) by adding "Lot 19, Blk.3 shall have a minimum rear yard of 20.726 metres (68 feet) measured from the rear lot line to any principal building" instead of 25.9 (85 feet).

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Subdivision Agreement DASSF 89/85 as approved in aforesaid 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.

Moved by Councillor Vandal,
Adoption of the clause.

Carried

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

MOTIONS

Moved by Councillor Smith,
Seconded by Councillor Lazarenko,

884 - 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 Nomads 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.

885 - Pursuant to The Municipal Council Conflict of Interest Act, Councillor Timm-Rudolph advised that she would refrain from entering the discussion and from voting on the motion due to her daughter's employment association with Manitoba Lotteries.

Automatic Referral to the Standing Policy Committee on Property and Development in accordance with Rule 16.1 of the Procedure By-law

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

886 - 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. 7892/2001, 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 Sigma Avenue and the east and west sides of Roseglen Crescent in the Assiniboia Community. File DASZ 14/96

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

By-law No. 7893/2001, 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 848 and 854 Furby Street in the Lord Selkirk-West Kildonan Community. File DAZ 203/2001

By-law No. 7894/2001, 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 1291 McGillivray Boulevard in the Assiniboia Community. File DAZ 213/2001

By-law No. 7895/2001, a by-law of The City of Winnipeg to amend By-law No. 6400/94, being the City of Winnipeg Zoning By-law and By-law No. 4800/88, the Downtown Zoning By-law, for the enactment of a zoning change on lands known as 315 - 321 William Avenue in the Lord Selkirk - West Kildonan Community. File DAZ 207/2001

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

QUESTION PERIOD

887 - Councillor Steek inquired whether the ongoing concern regarding the length of time for citizens to obtain permits, was being addressed by the Planning, Property and Development Department, to which Councillor Vandal responded that the situation was being addressed and that a report would be forthcoming within the next few months.

Councillor Smith questioned how long it should take for an occupancy permit to be issued, to which Councillor Vandal replied that it would depend on the type of application, i.e. commercial, residential or industrial, but that in any case, the goal of the system was to process permits as quickly as possible.