REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED APRIL 30, 2002

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated April 30, 2002, was considered clause by clause.

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

Carried.

Proposed Amendment to Whyte Ridge Development Agreement AG 3/89 between the City and Qualico Developments Ltd.
File DASZ 3/89

473 - 1. The Standing Policy Committee on Property and Development has been advised that under the terms of Development Agreement AG 3/89, the Developer is required to upgrade Brady Road abutting the Whyte Ridge subdivision between McGillivray Boulevard and Fleetwood Road. The formula for determining the Developer's share of the cost of that upgrading is clearly specified in the Development Agreement and has been estimated based on 2002 Local Improvement rates at $380,000.00. The Developer's limited funding would allow construction of a substantially sub-standard asphalt pavement cross-section compared to other City streets. Recognizing this and noting that Brady Road is used extensively by housing building construction traffic, improving Brady Road from its current gravel road standard to an asphalt roadway has been intentionally delayed.

In the meantime, residents in the new housing development adjacent to Brady Road are dissatisfied with the existing dusty gravel road. The Administration is of the view it is appropriate to request that the Developer proceed with the asphalt paving of Brady Road as soon as possible in the 2002 construction season.

Further recognizing that Brady Road will most certainly have an increase in traffic subsequent to its improvement to an asphalt pavement, the Administration recommended that the City supplement the Developer's limited financial commitment to Brady Road and construct a heavier duty road cross-section (similar to Wilkes Avenue) that will withstand the anticipated traffic and eliminate the need for any spring weight restriction considerations. The estimated cost to the City for the Brady Road enhancement is $298,000.00.

When the Brady Road surface improvements are constructed; as a safety measure, it would be desirable that a westbound by-pass lane be constructed in McGillivray Boulevard at Brady Road to allow westbound traffic to proceed while other vehicles are attempting to turn left off McGillivray Boulevard onto Brady Road. This by-pass lane would be similar in appearance to that constructed in Waverley Street at Sandusky Drive. The estimated cost to the City for the McGillivray Boulevard by-lass lane is $148,400.00.

Funds for the City's share of the cost of the above projects are available in a previously approved 1998 Capital program (Developer Payback Account, number 5198150701) in the estimated amount of $446,400.00.

On April 16, 2002, the Assiniboia Community Committee concurred in the recommendations contained in the report dated April 8, 2002, from the Land Development Engineer, Planning, Property and Development Department, and recommended that the Development Agreement AG 3/89 be amended as set out below.

The Standing Policy Committee on Property and Development recommends:

I. That the Whyte Ridge Development Agreement AG 3/89 between the City and Qualico Developments Ltd. be amended by adding clauses to the effect that:

A. The Developer shall install enhanced roadway improvements in Brady Road between McGillivray Boulevard and Fleetwood Road as determined by the Director of Public Works.

Report of the Standing Policy Committee on Property and Development dated April 30, 2002

B. The Developer shall install a westbound bypass lane in McGillivray Boulevard at Brady Road as determined by the Director of Public Works.

C. The City shall reimburse the Developer for the difference between the cost of the enhanced works and the Developer's share of the cost of upgrading Brady Road as currently stipulated in the agreement.

D. The City shall reimburse the Developer for the full cost of constructing the works on McGillivray Boulevard.

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

Adopted by consent.

Extension of Time - Proposed Subdivision and Rezoning for land located on the south side of Ragsdill Road, west of De Vries Avenue (Phase II)
File DASZ 24/94

474 - 2. The Standing Policy Committee on Property and Development has been advised that Doug Henne Planning Services, 917 Simpson Avenue, Winnipeg, has advised the Planning, Property and Development Department that his client is now prepared to complete the requirements for Phase II of File DASZ 24/94.

The applicant indicated that the reason that Phase II did not proceed sooner was the sale of the lots within Phase I progressed very slowly over the last three and one half years, and until the majority of lots were sold, the applicant's client was not in a financial position to proceed with the servicing of the lots for Phase II.

Public interest in the second phase is very high now and the applicant is now requesting a further two year extension of time to complete Phase II of the subject rezoning and subdivision.

On September 27, 1995, Council adopted Clause 7 of the Report of the former Committee on Planning and Community Services dated September 5, 1995, and approved the subject subdivision and rezoning to an "R1-5" Single-family District as outlined on Schedule "A" dated March 6, 2002, to allow for the construction of single-family dwellings subject to the execution of a Development Agreement and Zoning Agreement.

Recommendation IV. contained in said Clause stipulated:

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.

Subdivision and Rezoning By-law No. 7215/98 was passed on April 29, 1998 and Phase I of the subject development was registered as Plan No. 36,244. An extension of time was previously granted to September 27, 2000. This extension has now expired.

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 interest remain secured and circumstances lending to the original approval are unchanged.

On March 19, 2002 the East Kildonan-Transcona Community Committee concurred in the recommendation contained in the report of the Subdivision Officer, Planning Property and Development dated March 6, 2002, and recommended the further 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 Subdivision and Rezoning By-law under File DASZ 24/94 (Phase II) be extended to April 24, 2004.

Report of the Standing Policy Committee on Property and Development dated April 30, 2002

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

Adopted by consent.

Extension of Time - Proposed Subdivision and Rezoning of land located on the northeast corner of Furby Street and Cornish Avenue
File DASZ 6/96

475 - 3. The Standing Policy Committee on Property and Development has been advised that the Geomatics Branch of the Planning, Property and Development Department advised that shortly after the time of the original application, it was discovered that the survey fabric in the area had deteriorated to the point where preparation of the plan of survey was not possible. Survey evidence has now been re-established and the Geomatics Branch is now in a position to proceed with the plan preparation. Therefore, the Geomatics Branch on behalf of the applicant (the City of Winnipeg) is requesting a two-year extension of time to complete the subject rezoning and subdivision application.

On July 24, 1996, Council adopted Clause 7 of the Report of the former Committee on Planning and Community Services dated July 2, 1996, and approved the subject subdivision and rezoning to a "PR1" Parks and Recreation District as outlined on Schedule "A" dated March 15, 2002, to reflect the existing land use.

Recommendation VI. contained in said Clause stipulated:

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.

The necessary by-law has not been enacted and the twenty-four (24) month time limit expired on July 24, 1998.

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 interest remain secured and circumstances leading to the original approval are unchanged.

On April 9, 2002 the City Centre Community Committee concurred in the recommendation contained in the report of the Subdivision Officer, Planning Property and Development dated March 15, 2002, and recommended the extension of time be granted.

The Standing Policy Committee on Property and Development recommends:

I. That the time to provide for the enactment of the necessary subdivision and rezoning by-law under File DASZ 6/96 be extended to May 22, 2004.

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

Adopted by consent.

Proposed Rezoning - land located at 150 Brock Street
File DAZ 200/2002 [c/r DAV 84/2002D]

476 - 4. The Standing Policy Committee on Property and Development has been advised that an application has been received from ND-Lea Engineers and Planners Inc. (Donovan Toews), Suite 111-93 Lombard Avenue, Winnipeg, to rezone the subject property at 150 Brock Street from a/an “R1-4A” Single-Family Residential District to a/an “C1” Commercial District to allow for the conversion of the house to a retail store selling chocolate products.

Report of the Standing Policy Committee on Property and Development dated April 30, 2002

The proposal is to convert an existing one-storey bungalow into a retail store for the sale of chocolate products. The owner currently operates the business from the premises at 431 Academy Road. The house is roughly 850 square feet with a basement. An attached garage is being demolished to make room for four (4) parking stalls off the public lane. The related variance would permit commercial parking off the public lane, the maintenance of the house (commercial building) with a substandard north side yard, and the elimination of the required 8-foot by 20-foot loading zone.

The subject site is located at the west end of the major Academy Road commercial strip that runs from the back lane between Oak and Ash Streets, to the back lane between Queenston and Brock Streets. East of the subject site, across the lane, is the Moule gift store. On the south side of Academy Road is a duplex fronting Brock Street, and across the back lane, a strip mall with stores including Flame and Comfort, Life Style Boutique, Simply Adorable children's clothing, European Shoe Shop, and a hair salon.

On April 9, 2002, the City Centre Community Committee held a public hearing to consider the subject rezoning application. Six persons registered in support of the application, twenty-two registered in opposition to the application, and one registered for information.

The City Centre Community Committee concurred in the recommendation contained in the report dated March 22, 2002, from the Manager of Planning and Land Use, Planning, Property and Development Department, and recommended that the application not be proceeded with for the following reasons:

1. The north-south orientation of the connecting residential streets precludes the separation of the commercial and residential land uses by a public lane, as in the case of Portage Avenue or Corydon Avenue east of Stafford Street.

2. The shortage of parking on commercial properties can have a detrimental impact on the residential streets where customers often go to park.

3. The store caters to a larger market than the immediate neighbourhood and is probably reliant upon the regional traffic flow on Academy Road.

4. The cost and complexity of converting a house to commercial use almost always precludes its subsequent conversion back to residential use.

5. The residents of the two adjacent residential streets appeared in opposition to the further commercial conversion of houses along Academy Road.

6. The conversion of the subject property to commercial use could well set a precedent for the conversion of other houses at the intersection of Brock Street and Academy Road.

7. The Planning, Property and Development Department believes that it would not be appropriate to allow the conversion of houses at intersections where the residential use of the corner properties remains intact, as is the case at Brock Street and Academy Road and is of the opinion that the subject rezoning should not proceed.

On April 30, 2002, the Standing Policy Committee on Property and Development considered and concurred in the recommendation contained in the Zoning Change Report dated April 22, 2002, from the City Centre Community Committee.

The Standing Policy Committee on Property and Development recommends that the application to rezone the subject property at 150 Brock Street from an "R1-4A' Single-Family District to a "C1" Commercial District, under File DAZ 200/2002, not be proceeded with.

For the information of Council, ND Lea Engineers and Planners Inc., submitted communication dated May 2, 2002, advising that they are hereby withdrawing application under File DAZ 200/2002.

The Executive Policy Committee recommends that the clause be filed.

Moved by Councillor Vandal,

That the recommendation of the Executive Policy Committee, that the clause be filed, be adopted.

Carried.

Report of the Standing Policy Committee on Property and Development dated April 30, 2002

Attachment "A" referred to in Clause 4 of the Report of the Standing Policy Committee on Property and Development dated April 30, 2002

By-Law No.

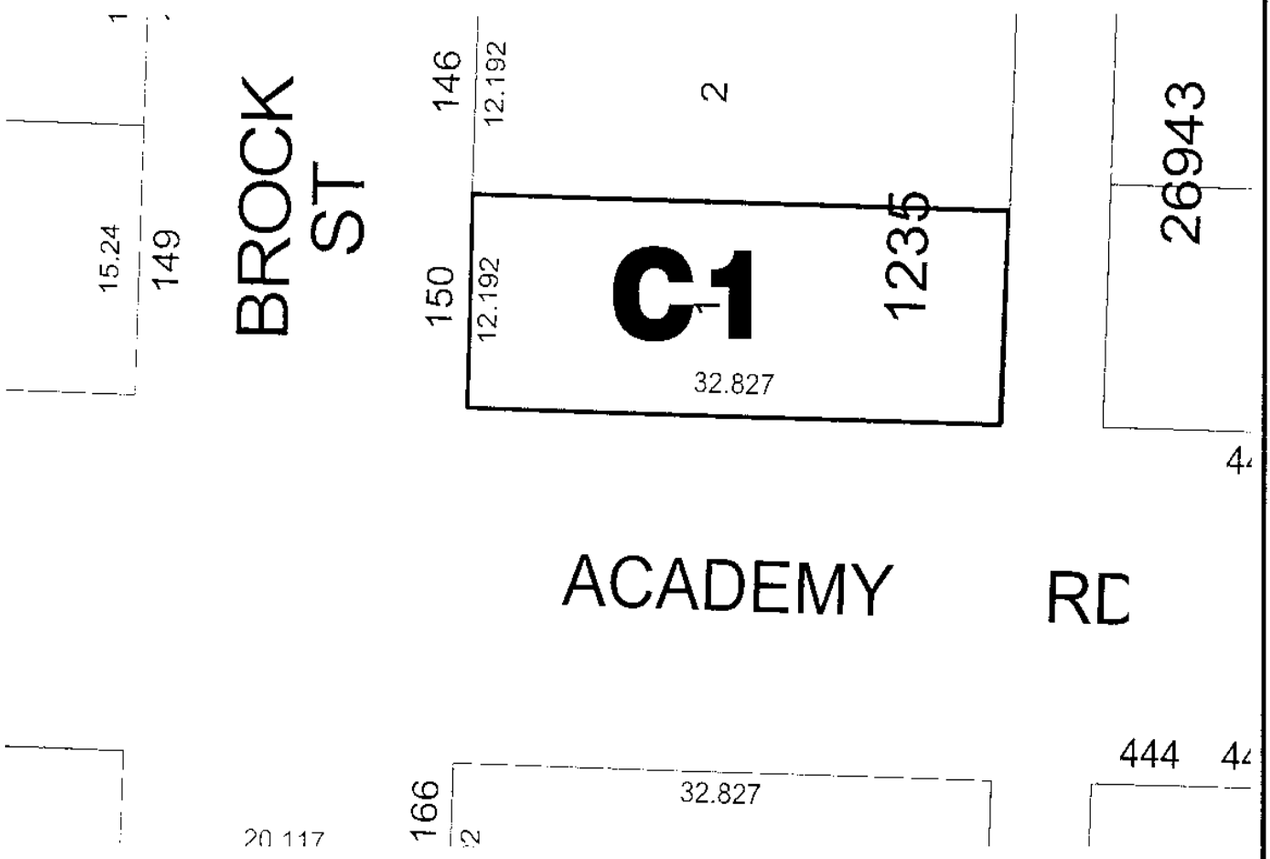
File No. DAZ 200/02

Atlas Sheet No. AB21 CITY CENTRE COMMUNITY

N

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 150 Brock Street from an "R1-4A" SINGLE-FAMILY DISTRICT to a "C1" COMMERCIAL DISTRICT as shown outlined below.



Schedule "A" for
File DAZ 200/02
City Centre Community Committee
February 20, 2002

THIRD READING : . . . . . EFFECTIVE DATE : . . . . . .

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. . . . . .

Report of the Standing Policy Committee on Property and Development dated April 30, 2002

Proposed Rezoning - land located at 902 Home Street
File DAZ 202/2002 [c/r DCU 31/2002D, DAV 111/2002D]

477 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Leon A. Brown Ltd. (Bob Brown), Room 200, 460 Main Street, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject property at 902 Home Street from an "R2-T" Transitional District to a "C2" Commercial District to reflect the long-term use of the building and property.

The proposal is rezone the subject property and three-storey commercial building to "C2" Commercial District in order to legalize the presently non-conforming use of the land. The brick building was constructed around 1910. The building footprint of about 6,000 square feet essentially fills the lot. The total floor area including basement is 18,000 square feet. The site provides no on-site parking, however the building leases 4 stalls on the adjacent gas bar site and the boulevard in front of the building is used for angular parking for about 5 vehicles. Loading occurs off the public lane at the rear of the building. According to the owner, the building was initially occupied by an aircraft manufacturer (bi-planes). Present tenants include Pine Falls Clothing on the main floor (makers of jackets and parkas), Mid-West Karate in the basement, and an antique dealer on the second floor. The third floor is currently vacant. Presently, about 20 people are employed on the premises.

The commercial property at the northwest corner of Home Street and Notre Dame Avenue contains a Tempo Gas Bar and auto repair. The northeast corner contains the Blue Room, a licensed private club with residential apartments above. The area provides a mix of housing types including apartments, single-family and two-family dwellings and converted multi-family houses and rooming houses. The south side of Notre Dame Avenue is zoned "C1.5" Commercial District, while the north side is zoned "C2" Commercial District.

On April 9, 2002, the City Centre Community Committee held a public hearing to consider the subject rezoning application. Two persons registered in support of the application, and no one registered in opposition thereto.

The City Centre Community Committee concurred in the recommendations contained in the report dated March 22, 2002, from the Manager of Planning and Land Use, Planning, Property and Development Department. The Community Committee recommended approval of the proposed rezoning for the following reasons:

1. The application complies with Plan Winnipeg in that commercial rezonings are allowed in Neighbourhood Policy Areas.

2. The Planning, Property and Development Department supports the subject rezoning with conditions, based on the fact that the building has been a part of the neighbourhood for many years and it is considered better to have a viable, well-managed building on the site than a vacant, deteriorating structure, or a vacant lot with little immediate prospect for residential redevelopment.

3. It is the opinion of the Planning, Property and Development Department that the building and residential neighbourhood can co-exist as they have in the past given the fact that the property is located at the end of the block close to a busy regional street.

On April 30, 2002, the Standing Policy Committee on Property and Development considered and concurred in the recommendations contained in the Zoning Change Report dated April 22, 2002, from the City Centre Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 202/2002, dated March 22, 2002, 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 following uses be permitted subject to the necessary approvals:

         a. art/antique: sales, service
         b. artisan, crafting of custom products from finished materials
         c. barber shop, beauty salon
         d. clothing, manufacture, needle trades

Report of the Standing Policy Committee on Property and Development dated April 30, 2002

e. clothing, alteration, repair, sales
f. convent, monastery
g. day care centre
h. dressmaker, furrier, tailor
i. dwelling units
j. office (except insurance or real estate)
k. studio
l. repair, restoration, refinishing of household goods

2. That no outside display or storage of materials be permitted.

3. That no free-standing signs, pylon signs, roof-top signs, poster boards, sandwich boards, mobile signs or temporary signs be permitted on the property, and that facia signage be unlit, be of uniform design, location and construction, and be limited to a maximum of twelve (12) square feet per tenant.

4. That the zoning revert to "R2-T" Transitional District should the building be destroyed or demolished.

5. That, prior to the issuance of a development permit for signage or exterior alterations, plans be submitted for the approval of the City Centre Community Committee.

II. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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

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.

Report of the Standing Policy Committee on Property and Development dated April 30, 2002

Attachment "A" referred to in Clause 5 of the Report of the Standing Policy Committee on Property and Development dated April 30, 2002

By-Law No. _____

File No. **DAZ 202/02**

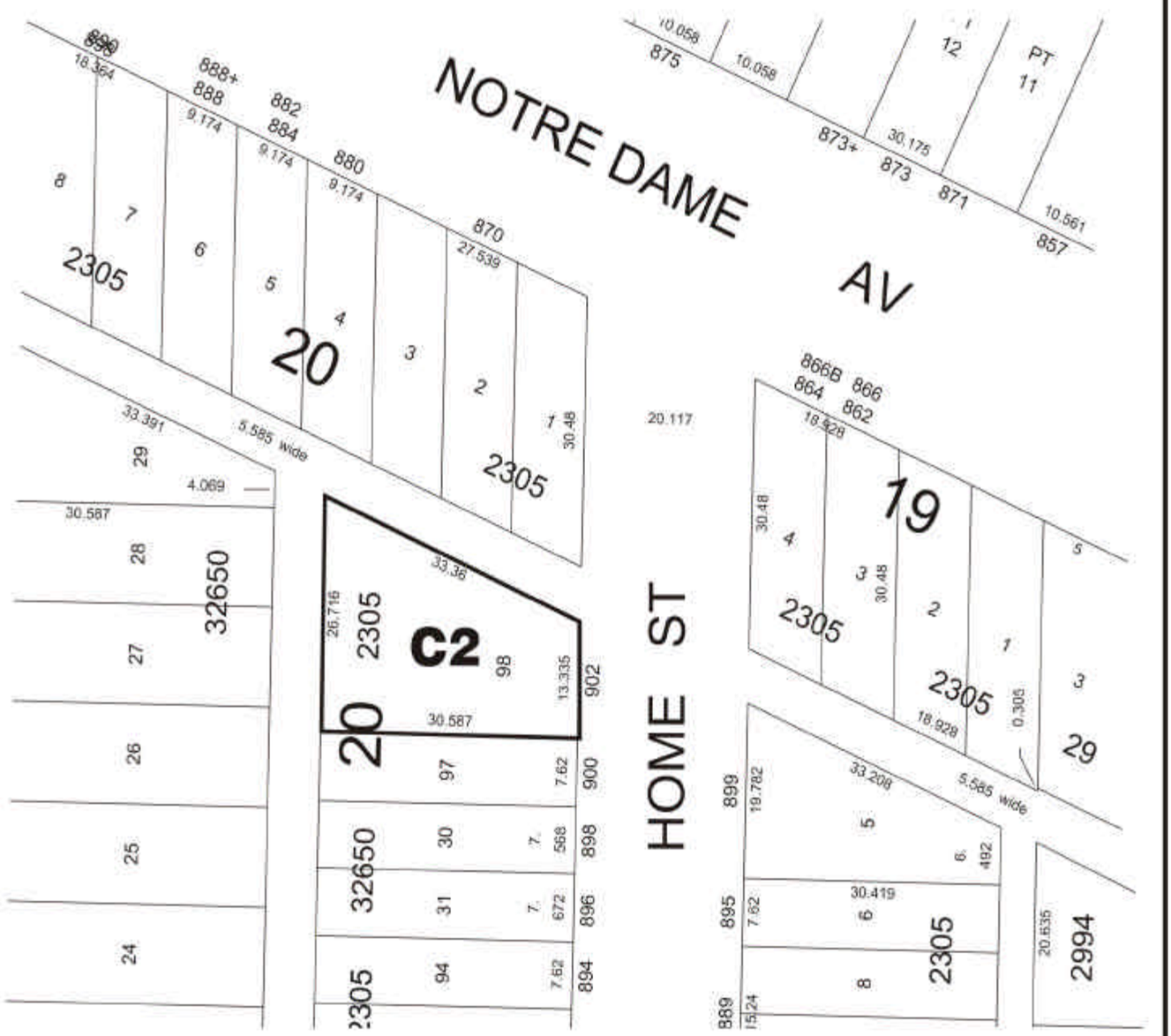
Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land at 902 Home Street from an "R2-T" TRANSITIONAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No.

N

Y23
CITY CENTRE COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Report of the Standing Policy Committee on Property and Development dated April 30, 2002

Proposed Rezoning - land located at 220 Hugo Street / 258 Wellington Crescent File DAZ 204/2002 [c/r DAV 191/2002D]

478 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Sussex Realty (Ken Campbell), 427 Academy Road, Winnipeg, to amend Zoning By-law No. 6400/94 by rezoning the subject land from an "RM-4" Multiple-Family Residential District to an "RM-5" Multiple-Family Residential District to allow for the maintenance of a multiple-family development.

The proposal is to rezone the property to reflect the existing development on the site. There are no plans to demolish or replace the existing structures. The "RM-5" Multiple-Family Residential District zoning designation permits one residential unit per 600 square feet of gross lot area. The subject development provides one residential unit per 625 square feet of lot area approximately. The related variance application deals with the existing parking deficiency and the repeal of variances that stemmed from a previous and now defunct development application to replace the mansion with a five (5)-unit condo and to renovate the apartment building to contain 23 condominium suites.

On April 9, 2002, the City Centre Community Committee held a public hearing to consider the subject rezoning application. One person registered in support of the application, and no one registered in opposition thereto.

The City Centre Community Committee concurred in the recommendations contained in the report dated March 26, 2002, from the Manager of Planning and Land Use, Planning, Property and Development Department. The Community Committee recommended approval of the proposed rezoning for the following reasons:

1. The "RM-5" Multiple-Family Residential District zoning designation permits one residential unit per 600 square feet of gross lot area while the subject existing development provides one residential unit per 625 square feet of lot area.

2. The related variance application deals with the existing parking deficiency and the repeal of variances that stemmed from a previous and now defunct development application to replace the mansion with a five (5)-unit condominium and to renovate the apartment building to contain twenty-three (23) condominium suites.

3. The application complies with Plan Winnipeg.

4. The site is already developed to an "RM-5" Multiple-Family Residential District.

On April 30, 2002, the Standing Policy Committee on Property and Development considered and concurred in the recommendations contained in the Zoning Change Report dated April 19, 2002, from the City Centre Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 204/2002, dated March 26, 2002, to an "RM-5" Multiple-Family Residential 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 number of units on the land be restricted to twenty-eight (28) at 220 Hugo Street and four (4) at 258 Wellington Crescent.

      2. That no building or structure shall be erected or located on the land and no development permits issued for construction on the land unless and until plans showing building locations, building design including facing materials, location of waste receptacles, signs, fencing, landscaping, parking areas, site lighting and methods of access and egress are submitted to and approved by the City Centre Community Committee and thereafter identified by the signature of the Clerk under the designation "Schedule 'A' to Zoning Agreement DAZ 204/2002".

      3. That the maximum height of buildings on the site shall be limited to four (4) storeys.

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 April 30, 2002

III. That Caveat No. 1281881 be withdrawn and replaced with the Zoning Agreement containing the conditions outlined in Recommendation I.

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

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.

Report of the Standing Policy Committee on Property and Development dated April 30, 2002

Attachment "A" referred to in Clause 6 of the Report of the Standing Policy Committee on Property and Development dated April 30, 2002

By-Law No. _____

File No. **DAZ 204/02**

Atlas Sheet No.

N

AC24
CITY CENTRE
COMMUNITY

Explanation

An application to rezone the land at 220 Hugo Street and 258 Wellington Crescent an "RM-4" MULTIPLE-FAMILY DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Report of the Standing Policy Committee on Property and Development dated April 30, 2002

Proposed Zoning Agreement Amendment - McPhillips Street and Court Avenue
File ZAA 3/2002 [c/r DAZ 215/87]

479 - 7. 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, to amend the Zoning Agreement affecting the subject property by deleting the Agreement as it affects Lot 4, and placing the existing Agreement on all of proposed Lot 3.

The subject application is intended to lift the existing caveats as they apply to Lot 4 as Lot 4 is intended to be developed shortly as a road right-of-way linking McPhillips Street with proposed commercial development lying adjacent to the west. The caveats will however be maintained on proposed Lot 3.

On April 16, 2002, the Lord Selkirk-West Kildonan Community Committee held a public hearing to consider the subject proposed Zoning Agreement Amendment. One person registered in support of the application, and no one registered in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee concurred in the recommendations contained in the report dated April 8, 2002 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 reason:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use.

On April 30, 2002, the Standing Policy Committee on Property and Development considered and concurred in recommendation of the Zoning Agreement Amendment Report dated April 20, 2002, from the Lord Selkirk-West Kildonan Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That Zoning Agreement DAZ 215/87 (By-law No. 4755/87) dated July 8, 1987, be amended by:

A. Fully discharging Caveat Numbers 1001178, 1001179 and 1327132 as they affect Proposed Lot 4; and

B. Placing aforementioned Caveat Numbers 1001178 and 1327132 on Proposed Lot 3.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 215/87 (By-law No. 4755/87) dated July 8, 1987, 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 Amendment to Winnipeg License By-law - Massage Therapists
File EL-1 (Vol. 32)

480 - 8. The Standing Policy Committee on Property and Development has been advised that Council approval is required for any additions to the Winnipeg License By-law list of recognized educational institutions and regulatory bodies for massage therapy, thereby enabling applicants who have graduated from or are registered with these institutions to be licensed as a massage therapist in the City of Winnipeg.

On March 24, 1993, Council adopted Clause 8 of Report "A" of the former Committee on Finance and Administration dated March 1, 1993, with respect to amendments to the License By-law No. 6551/95 (formerly By-law No. 4007/85) relating to the licensing of massage therapists.

Report of the Standing Policy Committee on Property and Development dated April 30, 2002

Effective September 1, 1993, massage therapists are distinguished from the general license category of "massagists" by providing evidence that the applicant has successfully completed the requirements of a training program in massage therapy and has received accreditation from a registered educational facility named in the by-law. That report recognized that additional schools over and above those initially identified likely existed and stated "minor amendments to the by-law may be necessary in future to address such situations".

Graduates from the following institutions have made application to The City of Winnipeg for licensing as a "massage therapist", namely:

(a) Indiana University-Purdue University, Indianapolis, Indiana; and
(b) Guild of Structural Integration, Inc., Boulder, Colorado.

The applicants have supplied the necessary documentation indicating successful completion of a program of study in anatomy, physiology, kinesiology, biology, physical therapy and other related fields of study. The educational institutions are all recognized with the respective provincial or state governments.

Before recommending the addition of a school, the practice of the Administration has been to review criteria with respect to both the school and the applicant, such as curriculum, program content, hours of study, other related training and work experience, membership in a massage therapy association, and so forth.

The Community Services Department recommended that these schools be added to the list of recognized schools of massage therapy in the Winnipeg License By-law to enable the applicant to be licensed as a massage therapist. Further reports of this nature will be submitted to Council in future to add to the list of registered educational facilities in the Winnipeg License By-law.

The Standing Policy Committee on Property and Development recommends:

I. That the Winnipeg License By-law No. 6551/95, with respect to massage therapists, be amended by adding the following educational institutions to the list of registered educational institutions recognized under the Winnipeg License By-law, namely:

A. Educational Institutions

1. Indiana University-Purdue University, Indianapolis, Indiana; and
2. Guild of Structural Integration, Inc., Boulder, Colorado.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending by-law for submission to Council.

III. 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 MAY 2, 2002

On motion of Councillor Vandal, the Report of the Standing Policy Committee on Property and Development, dated May 2, 2002, was considered clause by clause.

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

Carried.

Proposed Closing of the public walk west of Kamberwell Bay File DAC 3/2002 [c/r DASZ 31/84]

481 - 1. The Standing Policy Committee on Property and Development has been advised that Qualico Developments (Wpg.) Ltd. has requested the closure of the public walkway identified on Misc. Plan No. 11483/1 (Attachment "A")" in conjunction with the development of Phase 12 of DASZ 31/84, the application that created the River Park South subdivision. Qualico Developments (Wpg.) Ltd. will relocate the walkway to the position shown on the subject Misc. Plan. This walkway exists in a legal sense only. The walkway area is unimproved and there is no apparent public use of the land.

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing.

The area of the new walkway being created is greater than the area of the walkway being closed. In accordance with City policy, the closed walkway will be transferred to Qualico Developments (Wpg.) Ltd. for $1.00.

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

On April 22, 2002, the Riel Community Committee concurred in the recommendation contained in the report dated April 4, 2002, from the Real Property Officer, Planning, Property and Development Department, and recommended that the street closing be approved.

The Standing Policy Committee on Property and Development recommends:

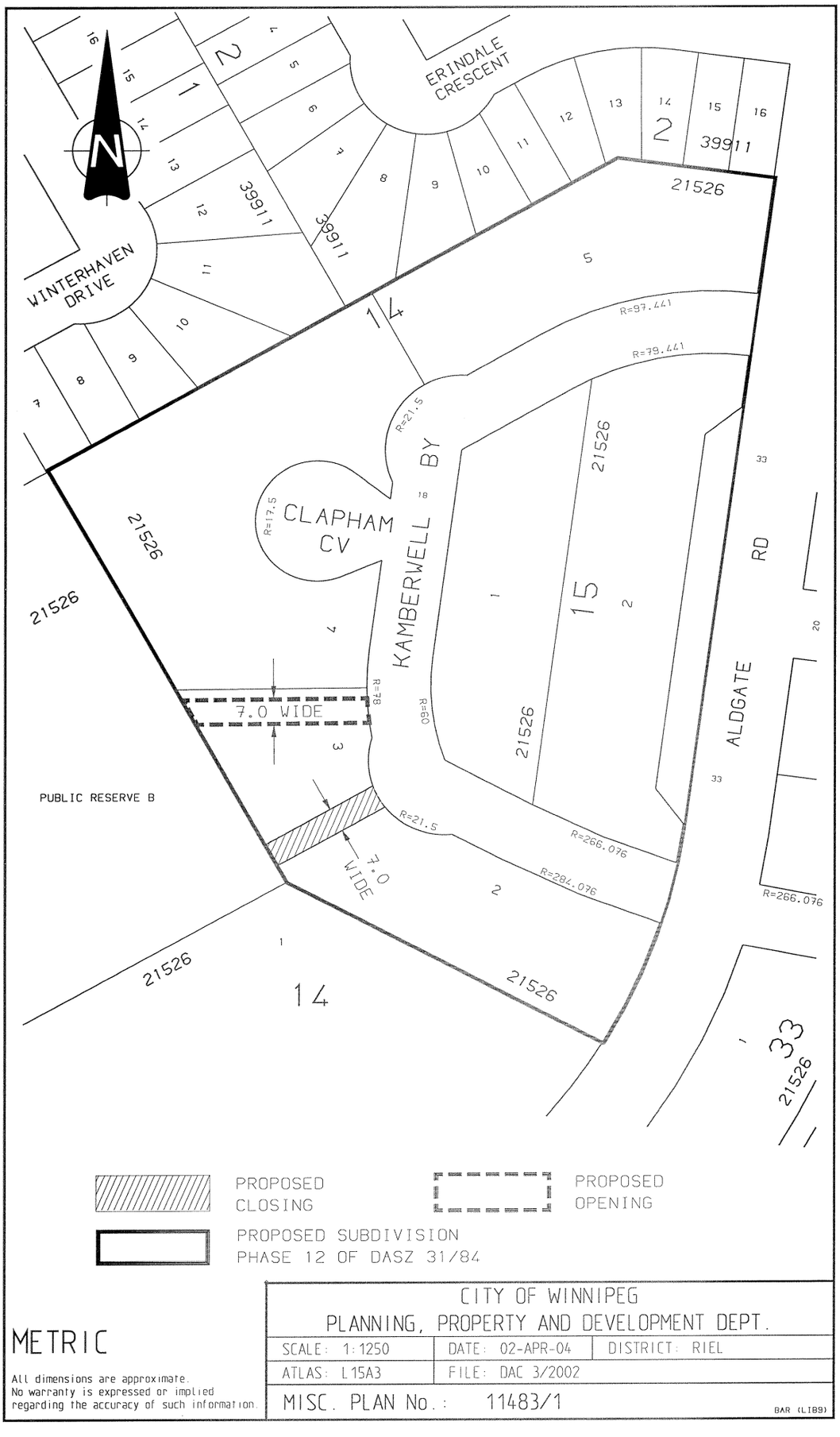
I. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 11483/1 (Attachment "A").

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

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated May 2, 2002

Attachment "A" referred to in Clause 1 of the Report of the Standing Policy Committee on Property and Development dated May 2, 2002



Report of the Standing Policy Committee on Property and Development dated May 2, 2002

Proposed Sale of part of Retention Pond lands in St. Boniface Industrial Park to Namasco Limited
File FI-2.4.5 (Vol. 17)

482 - 2. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has received a request from Namasco Limited to purchase a parcel of City-owned land adjacent to their existing site in the St Boniface Industrial Park, for the purposes of its plant expansion project. Although the property is part of the St Boniface Industrial Park it is zoned "PR1" (Parks and Recreation District) and needs to be declared surplus to the City's requirements.

The Planning, Property and Development Department is in receipt of a communication from Namasco Limited indicating that it is in the process of awarding a design-build contract for the addition of a 30,000 square foot "steel coil" warehouse space to their existing facility at 140 Paquin Road in the St Boniface Industrial Park. Namasco Limited needs to improve its tractor-trailer shipping and receiving capabilities as well as its on-site storm water discharge control.

Namasco Limited has offered to purchase a 20-foot strip of the City-owned land adjacent to its property (outlined on Misc. Plan No. 11511).

Namasco Limited is a company based in Roswell, Georgia (USA). It owns the property at 140 Paquin Road in the St Boniface Industrial Park, shown and identified as the "Applicant's Property" on Misc. Plan No. 11511.

The Planning, Property and Development Department has advised the Riel Community Committee of this requested sale and is awaiting receipt of the Committee's recommendation.

The subject City property as shown on Misc. Plan No. 11511 is part of a retention pond site and is zoned PR-1 (Parks and Recreation District).

There have been no objections on the part of the Administration to the proposed sale. However, the Water and Waste Department provided the following comments with regard to the proposed sale of the subject City property:

> "We have no objections to the sale or lease of a 15 to 20 foot portion of this property, however, we request that the purchaser submit a lot grading plan (geodetic elevations) to us for our review. This plan should include both planned and existing ground elevations down the side slope to the retention basin. Our only concern is that they not compromise the slope stability."

The following is a summary of proposed terms of sale:

Purchaser:	Namasco Limited
Location:	East of and adjacent to 140 Paquin Road
Size:	Irregular 691.7 square meters / 7,445 square feet
Zoning:	"PR1" (Parks and Recreation District)
Price:	$12,305.00 (in accord with current pricing in the St Boniface Industrial Park)

Terms and Conditions:

In addition to the City's standard terms and conditions, the following special clauses will apply to the sale:

Clause 14
It is understood and agreed that the Purchaser is required to submit a lot grading plan (geodetic elevations) to the City for approval which includes both planned and existing ground elevations down the side slope to the retention basin.

Clause 15
It is understood and agreed that title to the property shown as "subject City property" on Misc. Plan No.11511 is to be consolidated with the title to lot 18 Block 6 Plan 13723.

Clause 16
It is understood and agreed that the Purchaser is responsible for all costs related to the creation of the subdivision and plan of survey.

Report of the Standing Policy Committee on Property and Development dated May 2, 2002

Clause 17

The Purchaser is aware that the property is currently zoned PR-1 (Parks and Recreation District) and will require rezoning to MP-2 Industrial District and that the Purchaser will be responsible for rezoning the property and all of the related costs.

The Planning Property and Development Department supports this proposed sale for the following reasons:

1. The price is reflective of the City's current asking price for lands with trackage in the St Boniface Industrial Park ($72,000.00 per acre).
2. Namasco Limited's expansion project is a positive economic development project.
3. There will be an increase to the City's realty tax base.

In accordance with City Policy, the net sales proceeds from the sale of parkland in Community Committee areas are to be credited to the respective Community Committee Cash Dedication Reserve Fund.

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 subject City property as shown on Misc. Plan No. 11511 be declared surplus to the City's requirements.

II. That the sale of the "subject City property" as shown on Misc. Plan No. 11511, to Namasco Limited for the price of $12,305.00, be approved, in accordance with the terms and conditions of the Offer to Purchase, and subject to the purchaser being responsible for submitting an application for subdivision and rezoning of the subject property, and being responsible for all of the costs related thereto.

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.

Proposed Purchase of 76 Inkster Boulevard for Luxton Community Club Expansion

File FI-2(34) (Vol. 8)

483 - 3. The Standing Policy Committee on Property and Development, at its meeting on April 6, 2000, instructed the Director of Planning, Property and Development to negotiate offers to purchase for the remaining required properties on Inkster Boulevard, to enable the expansion of the Luxton Community Centre field, subject to the identification of funding.

Misc. Plan No. 11100/1 shows the proposed expansion of the Luxton Community Centre as Phase I and Phase II and the future lane closure. It also indicates the existing City-owned property in this area, as well as the subject property.

On September 9, 1992, the former Committee on Finance and Administration was advised that the former Committee on Protection, Parks and Culture approved the need for the acquisition of lands for expansion of the Luxton Community Centre, and recommended that Phase I and Phase II on the Misc. Plan 11100/1 be considered by the former Committee on Finance and Administration. The former Committee on Finance and Administration recommended approval of this design for the expansion of the Luxton Community Centre.

The Planning and Land Use Division of the Planning, Property and Development Department currently advises that "the Luxton neighbourhood is in a serious deficit situation in regards to open space and is one of the most deficient neighbourhoods in the City in regards to open space".

After several rounds of negotiations, the owners of 76 Inkster Boulevard are now prepared to sell the subject property to the City for $49,000.00 and in accordance with the terms and conditions as negotiated.

Report of the Standing Policy Committee on Property and Development dated May 2, 2002

The particulars of the subject property are as follows:

Location:	76 Inkster Boulevard
Legal Description:	Lot 32, Block D, Plan 728
Certificate of Title:	1017823
Registered Owner:	Arnel and Maxima Amarila
Realty Roll No.:	14-070142000
Assessment:	$32,835.00 (1999)
Zoning:	"R-2" (Residential)
Description:	A one-storey, single-family dwelling with a full basement in average condition. The subject property is one of two remaining properties required along Inkster Boulevard for the expansion of the Luxton Community Centre. The City received possession of 72 Inkster Boulevard on April 2, 2001. Negotiations for the last remaining property at 74 Inkster Boulevard are currently ongoing.

The Administration advised that it should be noted that the subject property was not offered for sale to the City prior to the Real Estate Division of the Planning, Property and Development Department approaching the owners to determine whether or not they would be prepared to sell.

After several discussions with the owners, they have reluctantly agreed to the sell their home to the City for an all inclusive purchase price of $49,000.00. The owners have advised that they are very comfortable in their home and this area; however, they did not want to stand in the way of the expansion of the Luxton Community Club and therefore were prepared to sell their property.

The all-inclusive proposed purchase price of $49,000.00 includes an amount for market value, plus all expenses that will be incurred by the owner in order to relocate e.g. legal costs for a purchase of new home, utility hook-ups, mortgage discharge fees, moving costs, etc. An in-house appraisal was completed that indicated a market value range of $35,000.00 to $40,000.00. The owners just refinanced their mortgage in December 2001 for $42,000.00. The lender had an appraisal completed at that time that indicated a market value of $50,000.00.

The Real Estate Division is of the opinion that the all-inclusive proposed purchase price of $49,000.00 is fair and reasonable given the circumstances, and recommended that the purchase be concluded at this proposed purchase price.

The Planning, Property and Development Department advised that this house should not be included in a rental program upon possession, and that the site should be cleared of the structures. The Department advised that the dwelling would require substantial renovations and repair which costs will not likely be recoverable prior to the expansion of the Luxton Community Club.

Funding for this acquisition and clearing of the site has been allocated from the Land Acquisition for General Unspecified Purposes Account.

The Standing Policy Committee on Property and Development recommends:

I. That the acquisition of 76 Inkster Boulevard, identified as "subject property" on the Misc. Plan No. 11100/1, be approved at a purchase price of $49,000.00 and in accordance with the terms and conditions as negotiated.

II. That the Director of Planning, Property and Development be authorized to clear the site by removal or demolition of the structures.

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 May 2, 2002

Proposed Purchase of 76 Inkster Boulevard
for Luxton Community Club Expansion
File FI-2(34) (Vol. 8)

484 - 3. The Standing Policy Committee on Property and Development, at its meeting on April 6, 2000, instructed the Director of Planning, Property and Development to negotiate offers to purchase for the remaining required properties on Inkster Boulevard, to enable the expansion of the Luxton Community Centre field, subject to the identification of funding.

Misc. Plan No. 11100/1 shows the proposed expansion of the Luxton Community Centre as Phase I and Phase II and the future lane closure. It also indicates the existing City-owned property in this area, as well as the subject property.

On September 9, 1992, the former Committee on Finance and Administration was advised that the former Committee on Protection, Parks and Culture approved the need for the acquisition of lands for expansion of the Luxton Community Centre, and recommended that Phase I and Phase II on the Misc. Plan 11100/1 be considered by the former Committee on Finance and Administration. The former Committee on Finance and Administration recommended approval of this design for the expansion of the Luxton Community Centre.

The Planning and Land Use Division of the Planning, Property and Development Department currently advises that "the Luxton neighbourhood is in a serious deficit situation in regards to open space and is one of the most deficient neighbourhoods in the City in regards to open space".

After several rounds of negotiations, the owners of 76 Inkster Boulevard are now prepared to sell the subject property to the City for $49,000.00 and in accordance with the terms and conditions as negotiated.

The particulars of the subject property are as follows:

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Certificate of Title:	1017823
Registered Owner:	Arnel and Maxima Amarila
Realty Roll No.:	14-070142000
Assessment:	$32,835.00 (1999)
Zoning:	"R-2" (Residential)
Description:	A one-storey, single-family dwelling with a full basement in average condition. The subject property is one of two remaining properties required along Inkster Boulevard for the expansion of the Luxton Community Centre. The City received possession of 72 Inkster Boulevard on April 2, 2001. Negotiations for the last remaining property at 74 Inkster Boulevard are currently ongoing.

The Administration advised that it should be noted that the subject property was not offered for sale to the City prior to the Real Estate Division of the Planning, Property and Development Department approaching the owners to determine whether or not they would be prepared to sell.

After several discussions with the owners, they have reluctantly agreed to the sell their home to the City for an all inclusive purchase price of $49,000.00. The owners have advised that they are very comfortable in their home and this area; however, they did not want to stand in the way of the expansion of the Luxton Community Club and therefore were prepared to sell their property.

The all-inclusive proposed purchase price of $49,000.00 includes an amount for market value, plus all expenses that will be incurred by the owner in order to relocate e.g. legal costs for a purchase of new home, utility hook-ups, mortgage discharge fees, moving costs, etc. An in-house appraisal was completed that indicated a market value range of $35,000.00 to $40,000.00. The owners just refinanced their mortgage in December 2001 for $42,000.00. The lender had an appraisal completed at that time that indicated a market value of $50,000.00.

The Real Estate Division is of the opinion that the all-inclusive proposed purchase price of $49,000.00 is fair and reasonable given the circumstances, and recommended that the purchase be concluded at this proposed purchase price.

The Planning, Property and Development Department advised that this house should not be included in a rental program upon possession, and that the site should be cleared of the structures. The Department advised that the dwelling would require substantial renovations and repair which costs will not likely be recoverable prior to the expansion of the Luxton Community Club.

Report of the Standing Policy Committee on Property and Development dated May 2, 2002

Funding for this acquisition and clearing of the site has been allocated from the Land Acquisition for General Unspecified Purposes Account.

The Standing Policy Committee on Property and Development recommends:

I. That the acquisition of 76 Inkster Boulevard, identified as "subject property" on the Misc. Plan No. 11100/1, be approved at a purchase price of $49,000.00 and in accordance with the terms and conditions as negotiated.

II. That the Director of Planning, Property and Development be authorized to clear the site by removal or demolition of the structures.

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.

Leave and License for Millennium Gardens-River East – Use of part of public right-of-way located east of Henderson Highway, south of Douglas Avenue
File ED(33) (Vol. 2)

485 - 4. The Standing Policy Committee on Property and Development has been advised that the Millennium Gardens-River East seniors group would like to establish a community garden to the east of Henderson Highway and within the right-of-way being held for the future extension of the Chief Peguis Trail, outlined as Parcel B on Misc. Plan No. 10858/8. A Leave and License for the use of a portion of the lands within a public right-of-way requires Council consideration.

On February 15, 2002, Millennium Gardens-River East requested the Community Services Department for a renewal of the seasonal Use Agreement-Garden Permit for the 2002 garden season, and indicated that their intention to install improvements upon the City-owned lands, and to leave these improvements on site year round (raised flowerbeds and 20 foot by 30 foot Olympic commercial building). Pursuant to the terms of the garden permit, installation of improvements requires the prior approval of the Director of Planning, Property and Development.

On March 22, 2002, the Real Estate Division of the Planning, Property and Development Department met with representatives of Millennium Gardens-River East and reviewed the proposed use and clarified that given the intended substantive improvement to be left on the land year round, the only form of agreement that could facilitate the proposed use is a Leave and License Agreement, which would cause them to be responsible to pay realty tax on the demised lands.

On April 8, 2002, the Real Estate Division provided the group with written clarification of the differences between a Garden Permit and a Leave and License Agreement, and what use and conditions can be contemplated under each agreement. On April 22, 2002, the Real Estate Division received direction from Millennium Gardens-River East to proceed with the Leave and License Agreement to facilitate their project.

When Millennium Gardens-River East made its original application for a Leave and License, it was proposing to lease a larger area (7,022.9 square metres) shown as Area 1 on Misc. Plan No. 10858/1. This location is on the northerly side of the right-of-way. The proposed building to be placed upon the lands was approximately 28 feet by 20 feet. In the information package provided by Millennium Gardens-River East, it was indicated that they planned for future phases of additional site development.

The now proposed leased area is a smaller area (3,750 square metres) shown as Parcel B on Misc. Plan No. 10858/8. It was noted that the location within the right-of-way changed from the northerly side to the center portion of the right-of-way. The water collection/educational shed to be placed upon the lands is a 20-foot wide by 30-foot wide by 8-foot high commercial structure being purchased from Olympic Building Systems Inc., and has an estimated material package cost of approximately $10,500.00 plus GST. The supplier indicated that it would require a building permit to facilitate its installation.

As a result of discussions with the Millennium Gardens-River East group, the Planning, Property and Development Department consulted with a number of other internal stakeholders relative to the proposal.

Report of the Standing Policy Committee on Property and Development dated May 2, 2002

Divisional/Departmental Comments Received:

Zoning and Permits Branch, Planning, Property and Development Department

In consultation with the Zoning and Permits Administrator, it was confirmed that notwithstanding the fact that Zoning By-laws do not apply to right-of-ways, the following would be required:

1. The construction of the proposed 20-foot by 30-foot Olympic commercial type shed will require a building permit and must meet all applicable Building Codes with respect to: a) allowable size; b) appropriate thickness and reinforcing of the foundation; c) etc. (Only a building/shed of less than 108 square feet can be constructed without a building permit.)

2. The matter of access and parking would need to be discussed and reviewed with the Zoning and Permits Branch.

3. The proposed shed is larger than an existing concrete pad on site upon which the structure is to be placed, therefore the design of the additional supporting foundation must comply with the foundation requirements pursuant to the Building Code and any alternative foundation support must be designed and sealed by a Professional Engineer registered in the Province of Manitoba. Further, construction of multiple small sheds with interconnecting roof drains running between two or more sheds would be unacceptable and would cause the installation to be deemed a single building of more than 108 square feet thereby requiring a building permit;

4. In either instance, a small or large shed, an electrical permit is needed if power is intended to be supplied.

5. Exterior signage may be an issue dependant upon where it is to be located, the proposed size of the sign, the content and if or not it is intended to be illuminated.

The Zoning and Permits Branch confirmed that it was in agreement that the revised application could be finalized in accordance with the original approved intent to waive all fees, charges, etc., subject to the revised changes of the proposed Leave and License square foot area, location and the size of the proposed building structure being first re-circulated to the appropriate departments and no objections being received.

Public Works Department
On April 15, 2002, the Public Works Department advised of its objection to the proposed Leave and License for the development of a temporary shed, billboard and garden plot. The Department objects to the placement of $98,000.00 worth of improvements (as per information received from the Millennium Garden-River East.) directly in the path of the Chief Peguis Trail extension, which is a high priority for implementation in the near future.

Note that when the proposed use was first circularized, the Public Works Department had identified suitable areas for the placement of the Millennium Gardens along the north side of the right-of-way and behind the site leased to Mr. Petrasko. In its most recent communication, the Public Works Department suggested that the proposed project be constructed at the location shown as “proposed Alternate area” as outlined on Figure 3.

Forestry Branch, Public Works Department
On April 15, 2002, the Forestry Branch advised in part that “... they do not have any major concerns regarding this project, however, the estimated project area does seem to involve some trees and if possible should be moved to a less densely treed area. If not, then as many of the existing trees in the area as possible should be preserved especially if they are healthy or specimen trees. This tree preservation, however, should not be attempted if construction activities will have a negative impact on them. If they cannot be properly protected then removal and replacement would be more desirable. The Forestry Branch would be available to consult on appropriate tree protection procedures.”

Development Management Branch, Planning, Property and Development Department
On April 15, 2002, the Development Management Branch expressed serious concerns regarding the currently proposed location of the Millennium Gardens and advised in part “… this location will discourage individuals from utilizing the garden. Firstly, the garden’s location is not integrated into the public roadway network. It is not readily accessible from any paved public sidewalk, pathway or rights-of-way. Less mobile seniors dependent on walking aides (walkers, canes, motorized scooters, wheelchairs, etc.) cannot easily traverse surrounding grass fields to reach the garden. Secondly, the garden is not in close proximity to any lighted areas nor is there any indication on the plans of lights being provided for the garden. Many seniors perceive dark areas as unsafe and will be discouraged from using the garden in the early evenings. Finally, vandals will be attracted to the garden due to the isolated location and lighting. Signs of graffiti, arson and vandalism will discourage seniors from using the garden for fear of personal

Report of the Standing Policy Committee on Property and Development dated May 2, 2002

safety. For these reasons, we feel a better location for the garden should be found that promotes accessibility, personal safety and security."

Tenant in Adjacent Site – Petrasko Garden Centre

On April 9, 2002, Mr. Petrasko, the tenant of the City's adjacent property advised that he was prepared to permit Millennium Gardens-River East access through his leased area and the use of his water, as long as they were not using the water at the same time. This arrangement is to simply facilitate vehicle access for loading purposes and no other purpose. Such arrangement would be at the pleasure of the tenant, Mr. Petrasko, and not enforceable by either Millennium Gardens or the City, and in the event the arrangement should be withdrawn for whatever reason, Millennium Gardens would be required to make alternate arrangements. There has been no contemplation for access by the general pedestrian/public over the City-land, either to the proposed garden site or for visitor parking.

Property Assessment Department

The Property Assessment Department has reaffirmed that The Manitoba Municipal Assessment Act requires that occupiers of land, pursuant to a Leave and License Agreement, are subject to assessment and taxation. However, if the status of the occupier meets the criteria of The Manitoba Municipal Assessment Act and qualifies for an exemption from the school taxes, the realty taxes would be somewhat reduced. The estimate for the 2001 realty taxes is $593.30 (that assumes no exemption but includes the land and building as proposed).

Further to the aforementioned comments, the Real Estate Division has been advised that a Use Agreement-Garden Plot has been issued by the Community Services Department for the 2002 growing season. As well, a Use Agreement-Equipment Permit was issued to the Millennium Gardens for the use of a large band mobile for an on-site event scheduled for May 16, 2002.

Planning, Property and Development Department comments:

Ideally, it would be best if the Group were prepared to relocate its proposed development to the alternate site to the north as recommended by the Public Works Department. Access could be obtained from Douglas Avenue. It is recognized that this area is more densely treed. However, in so doing, there might possibly be less impact upon the tenant's development of the lands when the capital street project is commenced.

Notwithstanding that the original application was for an alternate more suitable location, the Millennium Gardens-River East elected to situate its gardens pursuant to the 2001 Garden permit in the center of the right-of-way, identified as Parcel B on Misc. Plan No. 10858/8.

On April 29, 2002, the Millennium Gardens-River East advised that:

1. They now favour the location shown on as Parcel B on Misc. Plan No. 10858/8 "as our garden would be more centrally located and exposed to the community as it is more visible to foot and car traffic down Henderson Highway".

2. This site has already been partially prepared for the garden project. The site has been treated for weeds. A ditch to improve drainage has been constructed around the property. Culverts have been installed with the intention of aiding drainage and with the intention of collecting water for pumping into a cistern for the watering of the garden. The paid cost of the drainage improvements was $4,333.50.

3. Limestone has been donated, delivered and levelled. This limestone is to be used for the purposes of raising the height of the gardening beds and as a base for the construction of the proposed shed. The cost for this was $1,177.00.

4. A contractor was hired to "disc" the vegetable growing area at a cost of $330.00. The Group intends to donate surplus vegetables to Winnipeg Harvest.

5. There has been considerable "time" donated by volunteers

6. "With all of this time and effort spent, we want to remain on this site. If we have to move our "Millennium Gardens", we will again be delayed for another year or so. This would be very disappointing to our seniors who more and more will feel that the Gardens will not happen in their time";

7. "We wish to continue with Parcel "B" now and not consider the proposed alternate area. However, when the City decides to continue with the Chief Peguis Trail in the future, we will then be prepared to move our raised garden beds and water collection facility/education centre."

Report of the Standing Policy Committee on Property and Development dated May 2, 2002

Alternatives to be considered:

Alternative One

The proposed project could be limited to developing the gardens only via a garden permit and that the only permanent structures to be allowed to be constructed on the site would be the raised garden beds and perhaps a small utility shed of less than 108 square feet.

This would be in keeping with the guidelines for the temporary use of properties acquired for future right-of-way. Given the future plan to develop a street through these lands, this alternative would be acceptable to the Administration but is unacceptable to Millennium Gardens-River East.

Alternative Two

The proposed project could be facilitated via a Leave and License Agreement for a location within the right-of-way as proposed by the Public Works Department.

Given the future plan to develop the street through these lands, this would be an acceptable solution from the Administration's perspective to facilitate the Millennium Garden's proposed project. This location may also have the effect of buffering the future right of way from the residential neighbourhood to the north. However relocation of the gardens at this point in time is unacceptable to Millennium Gardens-River East for the reasons as identified above.

Alternative Three

The proposed project could be facilitated via a Leave and License Agreement for the existing proposed location.

As stated, the Public Works Department has advised that it does not support this alternative.

The Planning, Property and Development Department is of the view that given the vision for this project and the financial investment to be expended it would be most appropriate to create a solution for the long term to enable the realization of the full extent of the project, and to enable a full return on the project investment.

However, in view of the advice received from the Millennium Gardens-River East group as to work carried out to date, costs expended and acknowledgement that the project would be relocated when the City decides to proceed with its construction of its transportation project,
consideration should be given to the request of this applicant for a Leave and License Agreement.

Should it be decided to grant a Leave and Licence to the Millennium Gardens, then the Planning, Property and Development Department would suggest that in addition to the City's standard terms of Leave and Licence, the following additional terms and conditions should be made a condition of the Agreement, namely: .

- Millennium Gardens-River East (Millennium Gardens) be required to sign the site "Temporary Recreation Use of Future Transportation right-of-way"
- Millennium Gardens be required to execute the agreement on or before the commencement of the agreement
- The agreement is cancellable by either party, for any reason and at the pleasure of the City, by giving thirty (30) days advance written notice
- Millennium Gardens be responsible for all costs associated with its operation and use of the lands
- Millennium Gardens provide appropriate indemnification and insurance to the satisfaction of the City Solicitor/Manager of Legal Services and the Manager of the City's Insurance Branch
- Millennium Gardens agrees that the Leave and License Agreement is not assignable
- That any and all improvements to the land are subject to the prior approval of the Director of Planning, Property and Development, and that such plan, specification should be made available in advance in a timely manner for review
- Millennium Gardens be responsible to remove any and all improvements at its sole cost on or before the effective termination date of the agreement
- Millennium Gardens be responsible to pay the realty tax or equivalent to realty tax and applicable GST
- The commencement of the month-to-month agreement will be May 15, 2002
- All terms and conditions of the document be satisfactory to the City Solicitor/Manager of Legal Services

Furthermore, the Leave and Licence should be subject to the Millennium Gardens-River East providing access as is acceptable to the Director of Public Works in the event that the arrangement with Mr. Petrasko (Petrasko Garden Centre) is withdrawn, failing which, the Leave and Licence would be terminated.

Report of the Standing Policy Committee on Property and Development dated May 2, 2002

The Standing Policy Committee on Property and Development recommends:

I. That a Leave and License in favour of Millennium Gardens-River East to permit a community garden in that portion of the right-of-way being held for the future extension of the Chief Peguis Trail, outlined as Parcel B on Misc. Plan No. 10858/8, be approved.

II. That the Chief Administrative Officer be authorized to finalize the terms and conditions of the Leave and License Agreement; said agreement to contain the City's standard terms and conditions, the additional conditions recommended by the Planning, Property and Development Department as outlined above, and the provision that Millennium Gardens-River East provide access as is acceptable to the Director of Public Works in the event that the arrangement with Mr. Petrasko (Petrasko Garden Centre) is withdrawn, failing which, the Leave and License Agreement would be terminated.

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.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOMENT

MOTIONS

Moved by Councillor Vandal,
Seconded by His Worship Mayor Murray,
486 - BE IT RESOLVED that Council approve the following three recommendations, as outlined in the report dated May 14, from the Director of Planning, Property and Development, namely:

1. That Council in this instance waive that portion of City Policy pertaining to the sale or lease of City lands to non-profit organizations (Council authority October 31, 1990), which requires that properties sold at less than market value revert back to the City at the conclusion of the economic life of the project.

2. That the sale of 315, 331 and 335 Manitoba Avenue to Winnipeg Habitat for Humanity at a price of $1.00 each and subject to the terms and conditions as noted on Schedule "A" be approved, subject to an additional condition requiring substantial completion of the construction upon these properties within two years from the date of the sale, failing which, title to the properties will revert back to the City.

3. That subject to availability, the Chief Administrative Officer be given the authority to accept offers from Winnipeg Habitat for Humanity to purchase one additional vacant City site on Manitoba Avenue at a price of $1.00, in accordance with the City's standard terms and conditions substantially as contained in Schedule "A", and with an additional condition requiring substantial completion of the construction upon the property within two years from the date of sale, failing which, title to the property will revert back to the City.

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

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

Carried.

The motion was put and declared carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

487 - 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. 8034/2002, a by-law of The City of Winnipeg to change the names of certain highways in The City of Winnipeg. File SC-3.14(31) (Vol. 3)

By-law No. 8035/2002, 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. 8036/2002, a by-law of The City of Winnipeg to close the Public Walk west of Kamberwell Bay. File DAC 3/2002

By-law No. 8038/2002, a by-law of The City of Winnipeg to open Stafford Street from the first lane South of Yale Avenue to Academy Road. Files DAO 10/92 and DAO 2/94

By-law No. 8039/2002, 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 Aldgate Road, Kamberwell Bay and Clapham Cove in the Riel Community. File DASZ 31/84 (Phase 12)

By-law No. 8040/2002, 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 220 Hugo Street North and 258 Wellington Crescent in the City Centre Community. File DAZ 204/2002

By-law No. 8041/2002, 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 902 Home Street in the City Centre Community. File DAZ 202/2002

By-law No. 8042/2002, a by-law of The City of Winnipeg to repeal By-law No. 6866/96. File DAZ 208/95

By-law No. 8043/2002, a by-law of The City of Winnipeg to repeal By-law No. 6636/95. File DAZ 200/95

By-law No. 8044/2002, a by-law of The City of Winnipeg to repeal By-law No. 7321/98. File DAZ 223/98

By-law No. 8045/2002, a by-law of The City of Winnipeg to repeal By-law No. 6721/95. File DAZ 205/95

By-law No. 8046/2002, a by-law of The City of Winnipeg to repeal By-law No. 6475/94. File DASZ 6/94

By-law No. 8047/2002, a by-law of The City of Winnipeg to repeal By-law No. 5229/89. File DAZ 222/88

By-law No. 8048/2002, a by-law of The City of Winnipeg to repeal By-law No. 5578/90. File DASZ 1/89

By-law No. 8049/2002, a by-law of The City of Winnipeg to repeal By-law No. 4943/88. File DAZ 223/88

By-law No. 8050/2002, a by-law of The City of Winnipeg to repeal By-law No. 4947/88. File DAZ 224/88

By-law No. 8051/2002, a by-law of The City of Winnipeg to repeal By-law No. 4758/87. File DASZ 22/87

By-law No. 8052/2002, a by-law of The City of Winnipeg to repeal By-law No. 4880/88. File DAZ 326/86

By-law No. 8053/2002, a by-law of The City of Winnipeg to repeal By-law No. 6497/94. File DAZ 219/94

By-law No. 8054/2002, a by-law of The City of Winnipeg to repeal By-law No. 6523/94. File DAZ 217/94

By-law No. 8055/2002, a by-law of The City of Winnipeg to repeal By-law No. 5724/91. File DAZ 210/91

By-law No. 8056/2002, a by-law of The City of Winnipeg to repeal By-law No. 5840/92. File DAZ 238/91

By-law No. 8057/2002, 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 the south side of Ragsdill Road, west side of DeVries Avenue in the East Kildonan-Transcona Community. File DASZ 24/94