REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED MAY 27, 2002

On motion of Councillor O'Shaughnessy, the Report of the Standing Policy Committee on Property and Development dated May 27, 2002, was considered clause by clause.

Moved by Councillor O'Shaughnessy,

That the Consent Agenda, Clauses 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17 and 18, be adopted.

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

The motion to adopt the Consent Agenda, Clauses 1,2,4,5,6,7,8,9,10,11,12,13,14,15,16,17 and 18 was put and declared carried.

The Deputy Speaker called Councillor Eadie to the Chair to participate in the debate and after speaking resumed the Chair.

Proposed closing of parts of Latimer and Litchfield Boulevards File DAC 2/2002 [c/r DASZ 31/2001 & DAV 105/2002D]

522 - 1. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department received a request from Stevenson Advisors Ltd. (Patrick Hamilton) to purchase the streets and lane outlined as "proposed closings" on Misc. Plan No. 11434. The closed rights-of-way will then be incorporated into DASZ 31/2001, an application to subdivide and rezone the adjoining property to allow for the construction of a multiple-family condominium on the site.

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing. The Transportation Division of the Public Works Department has advised that a turnaround will be required at the terminus of Litchfield Avenue. The configuration of this turnaround will be addressed by the subdivision application. Any easement for or relocation of existing utility lines in the rights of way will also be addressed through the processing of the subdivision application.

In February 1984, Council approved an exchange of lands with Duraps Corporation. Under the terms of this transaction, the City of Winnipeg acquired the Tuxedo Golf Course property in exchange for certain city lands in an area generally bounded by Park and Shaftsbury Boulevards and Wilkes and Bard Avenues. The report recommending the exchange that was approved by Council stated that the streets and lanes in this area, which included the portions of Latimer and Litchfield Boulevards and the public lane that are the subject of this report, were part of the City lands to be exchanged.

In 1999, the Duraps Corporation waived its interest in the portions of these rights-of- way illustrated on Misc. Plan No. 11434/1. Duraps Corporation retained its interest in the balance of Latimer Boulevard.

The City of Winnipeg is now entitled to be the owner of the portions of the closed streets and lane illustrated on Misc. Plan No. 11434/1, and the terms of the sale to the applicant will be determined by the Standing Policy Committee on Property and Development. The interest in the balance of the closed portion of Latimer Boulevard will issue to 74842 Manitoba Inc., the successor to Duraps Corporation. The applicant will acquire this portion of Latimer Boulevard from 74842 Manitoba Inc.

The streets and lane must be legally closed before they may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. 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.

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

On May 14, 2002, the Assiniboia Community Committee held a public hearing to consider the subject street closing application. Three people appeared in support of the application and one person appeared in opposition thereto.

The Assiniboia Community Committee concurred, in part, in the recommendation contained in the report dated April 19, 2002, from the Real Property Officer, Planning, Property and Development Department, and recommended approval of the proposed street closing application, subject to condition(s).

On May 27, 2002, the Standing Policy Committee on Property and Development considered the May 14, 2002, recommendation of the Assiniboia Community Committee, and approved the following amendments which have been incorporated into the recommendations set out below:

- Recommendation I. be amended by deleting the following " … subject to the following condition:

  A. That the City retain a 12 foot walkway on the west side of Litchfield / Bower Boulevards for pedestrian access from the Cherlee Investments Ltd. site under File DASZ 2/2002 to Park Place West.

- Recommendation III. be deleted in its entirety, namely:

  III. That the balance of Litchfield/Bower Boulevards be closed and conveyed to the Developer under File DASZ 31/2001 in accordance with terms and conditions to be approved by the Standing Policy Committee on Property and Development.

  and the remaining recommendation be renumbered accordingly.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed closing of parts of Latimer and Litchfield Boulevards, as outlined on Misc. Plan No. 11434, be approved.

II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 11434.

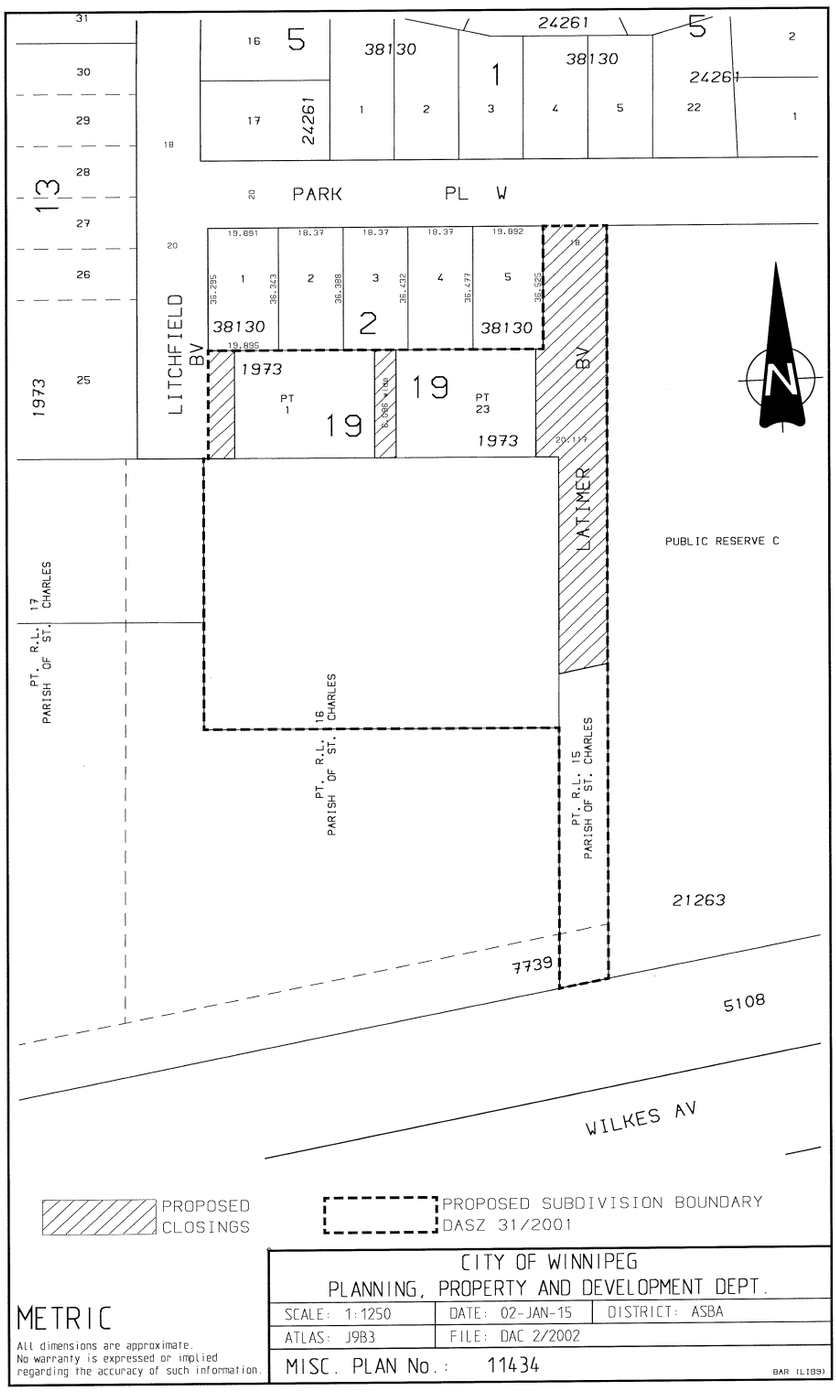
III. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Attachment "A" referred to in Clause 1 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002



Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Proposed closing of the public walk west of Kamberwell Bay for inclusion into Phase 12 of DASZ 31/84
File DAC 3/2002

523 - 2. The Standing Policy Committee on Property and Development has been advised that an application has been received from Qualico Developments (Winnipeg) Ltd. to close the public walkway, so identified on Misc. Plan No. 11483/1, in conjunction with the development of Phase 12 of DASZ 31/84; the application that created the River Park South subdivision. Qualico Developments (Winnipeg) Ltd. will relocate the walkway to the position shown on Misc. Plan No. 11483/1.

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.

On April 22, 2002, the Riel Community Committee held a public hearing to consider the subject public walkway closing application. One person registered in support of the application and no one registered in opposition thereto.

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 approval of the proposed public walkway closing.

On May 27, 2002, the Standing Policy Committee on Property and Development concurred in the April 22, 2002, recommendation of the Riel Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed closing of the public walkway west of Kamberwell Bay, for inclusion into Phase 12 of DASZ 31/84, as outlined on Misc. Plan No. 11483/1, be approved.

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

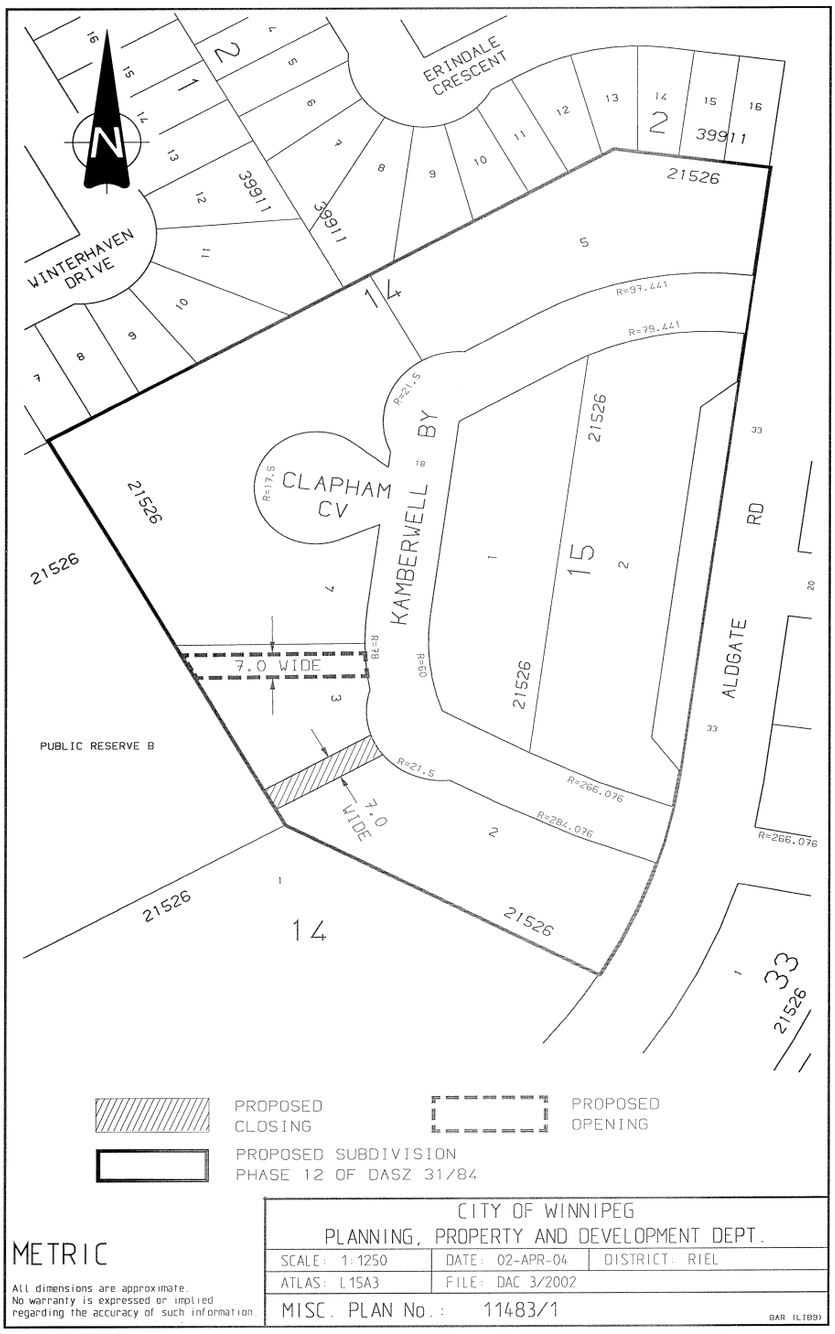
III. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Attachment "A" referred to in Clause 2 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002



Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Proposed Closing of part of Hargrave Street between Portage and Graham Avenues

File DAC 4/2002

524 - 3. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has received an application from ND Lea Engineers and Planners Inc., on behalf of the True North Group, to close the subject portion of Hargrave Street as outlined on Misc. Plan No. 11499/1. The street closing is required to permit the construction of an entertainment complex on the site of the former Eaton's store. The closed portion of the street will be transferred to the True North Group and utilized for part of the building structure.

The proposed closing will result in the loss of two of the four lanes of traffic on Hargrave Street. Sidewalks will continue to be maintained on both sides of the street.

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

The Fire Paramedic Service advised that, assuming that Hargrave Street will remain a one-way street after the closing, the loss of the two easterly lanes in the street will not significantly affect access or travel for emergency vehicles.

The Planning and Land Use Division, Planning, Property and Development Department, advised that the principal impacts of the closing, aside from any traffic flow implications, will be on the character of Hargrave Street and, to a lesser extent, Portage and Graham Avenues. In particular, these impacts may be:

- Comfort, safety and convenience of the Hargrave Street pedestrian environment;
- Ensuring a good pedestrian connection between Portage and Graham Avenues; and
- Wind impact.

Although the right-of-way will be reduced by about one third of its width and although this will be uncommonly narrow for Winnipeg, this is not an impractical downtown street width. The issues this raises (pedestrian environment, light, relationship to the adjacent building, wind impact, etc.) can all be resolved through the design of any building to be constructed on this site. The City, through the Downtown Design Board, can direct building design to ensure that these potential negative effects are mitigated.

From a land use perspective, this proposed closing can be accommodated without unreasonable impact on the surrounding environment.

The Transportation Division, Public Works Department, has no objections to the street closing subject to all costs associated with the closure and the physical modifications necessary to Hargrave Street to accommodate the proposed closure, as determined by the Director of Public Works, being paid by the developer or being funded from the funds committed by Council for the True North Project.

Approval by the Traffic Signals Branch, Public Works Department, of the closing is subject to the condition that appropriate funding be approved for the required traffic signal related works as and when required.

The Water and Waste Department has no plant in the area of Hargrave Street proposed to be closed.

Winnipeg Hydro advises that all services under its jurisdiction will be removed at the applicant's expense.

The Winnipeg Police Service will ensure that the True North entertainment complex addresses public security concerns through the building design approval process.

Winnipeg Transit anticipates that it will continue to operate the single route (30 minute frequency) that operates on Hargrave Street (7:00 a.m. to 7:00 p.m. Monday through Saturday) on Hargrave Street after the True North entertainment complex is constructed. This service observes a bus stop on Hargrave Street near Portage Avenue. Handi-Transit service will not be affected by the partial closure as there is currently no Handi-Transit loading area located on Hargrave Street.

The Zoning and Permits Branch of the Planning, Property and Development Department has no objections to the closing. The street, once closed, would assume the zoning of the adjoining property.

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

In summary, the Administration believes that any issues arising out of the partial street closing are manageable. As noted in the comments from the Planning and Land Use Division, the approval of the design of the entertainment complex will allow the Administration to further address many of the issues related to this application (the pedestrian environment, lighting, public security issues).

The street 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. 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 May 13, 2002, the City Centre Community Committee held a public hearing to consider the proposed street closing. Nineteen people registered in support of the application, 57 people registered in opposition to the application and 9 people registered for information. Due to a tie vote, the City Centre Community Committee submitted the matter without a recommendation.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed closing of the portion of Hargrave Street between Graham and Portage Avenues, as outlined on Misc. Plan 11499/1, be approved.

II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 11499/1.

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

Moved by Councillor O'Shaughnessy,

Adoption of the clause.

Pursuant to The Municipal Council Conflict of Interest Act, Councillor Angus advised that he would refrain from participating in the discussion on Clause 3, due to his minority shareholder status in TelPay Incorporated, and left the Chamber.

The motion for the adoption of the clause was put.

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

Yea: Councillors O'Shaughnessy, Clement, De Smedt, Gerbasi, Prystanski, Steek, Steeves, Deputy Mayor Thomas, Timm-Rudolph, Eadie and His Worship Mayor Murray. 11

Nay: Councillor Lubosch, Smith and Deputy Speaker Lazarenko. 3

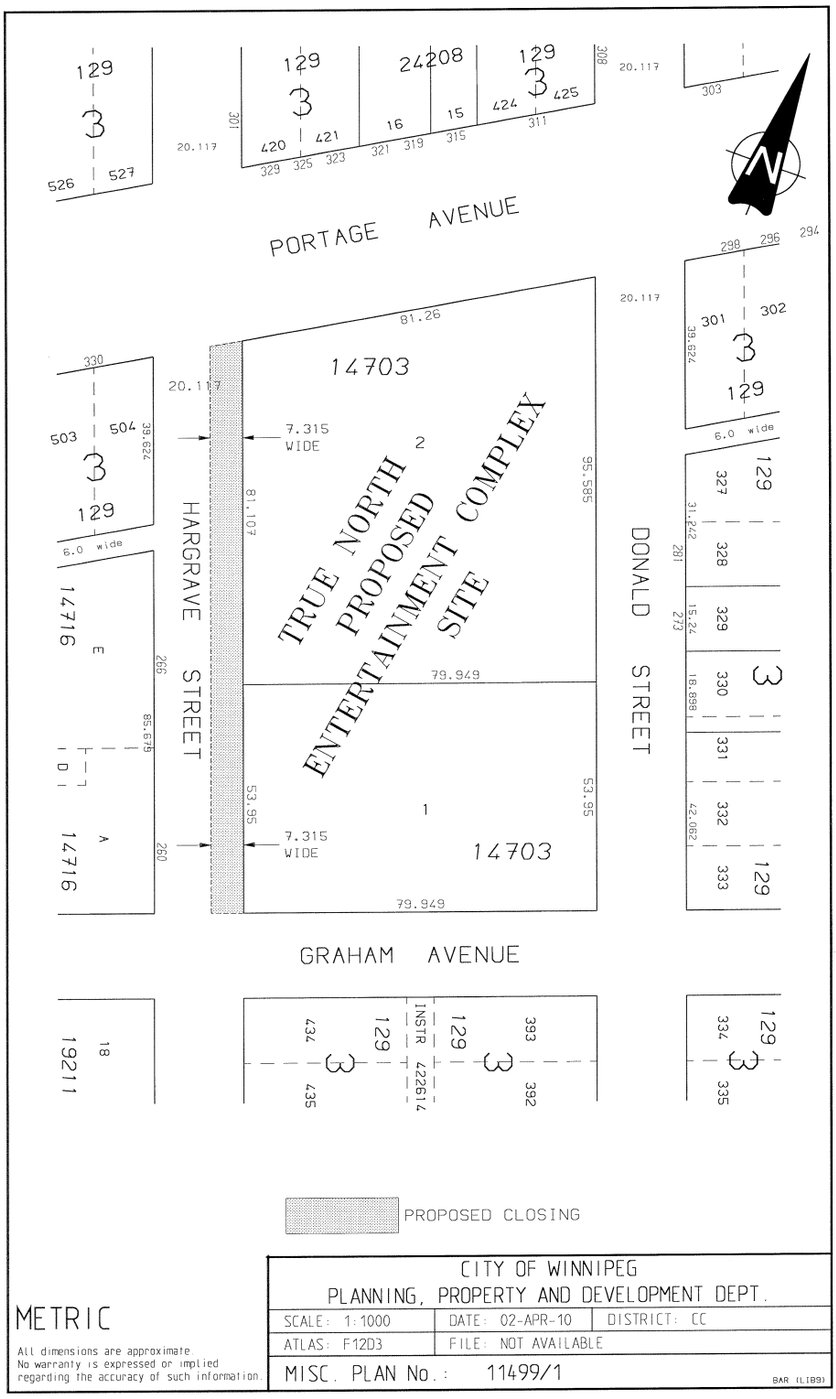
and the motion for the adoption of the clause was declared carried.

Councillor Angus returned to the Chamber.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Attachment "A" referred to in Clause 3 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002



Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Proposed Closing of the public lane east of Tecumseh Street, north of McDermot Avenue

File DAC 5/2002

525 - 4. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has received a request from the University of Manitoba to purchase the portion of the public lane contained within the existing parking lot in the area as identified on Misc. Plan No. 11515/1. The lane is not required as a means of vehicular access by the area residents. This land is used exclusively by the University of Manitoba and the University plans to incorporate the lane into the parking lot.

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

Winnipeg Hydro will require an easement for the maintenance of their overhead and underground lines in the lane. The University of Manitoba will not be allowed to erect any building or other structure, other than paving or fencing, in the lane without the prior written permission of Winnipeg Hydro. This will not adversely affect the University of Manitoba's plans to incorporate the lane into the parking lot.

Negotiations for the terms of the sale of the lane will be initiated upon approval of the closing by Council, and be subject to approval by the Standing Policy Committee on Property and Development. A by-law closing the lane will not be submitted to Council until the University of Manitoba has agreed to the terms of the sale.

The lane must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. 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 May 14, 2002, the Lord Selkirk-West Kildonan Community Committee held a public hearing to consider the subject street closing application. 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 recommendation contained in the report dated April 26, 2002, from the Real Property Officer, Planning, Property and Development Department, and recommended approval of the proposed street closing.

On May 27, 2002, the Standing Policy Committee on Property and Development considered and concurred in the May 14, 2002, recommendation of the Lord Selkirk-West Kildonan Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That the proposed closing of the public lane east of Tecumseh Street, north of McDermot Avenue, as outlined on Misc. Plan No. 11515/1, be approved.

II. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 11515/1.

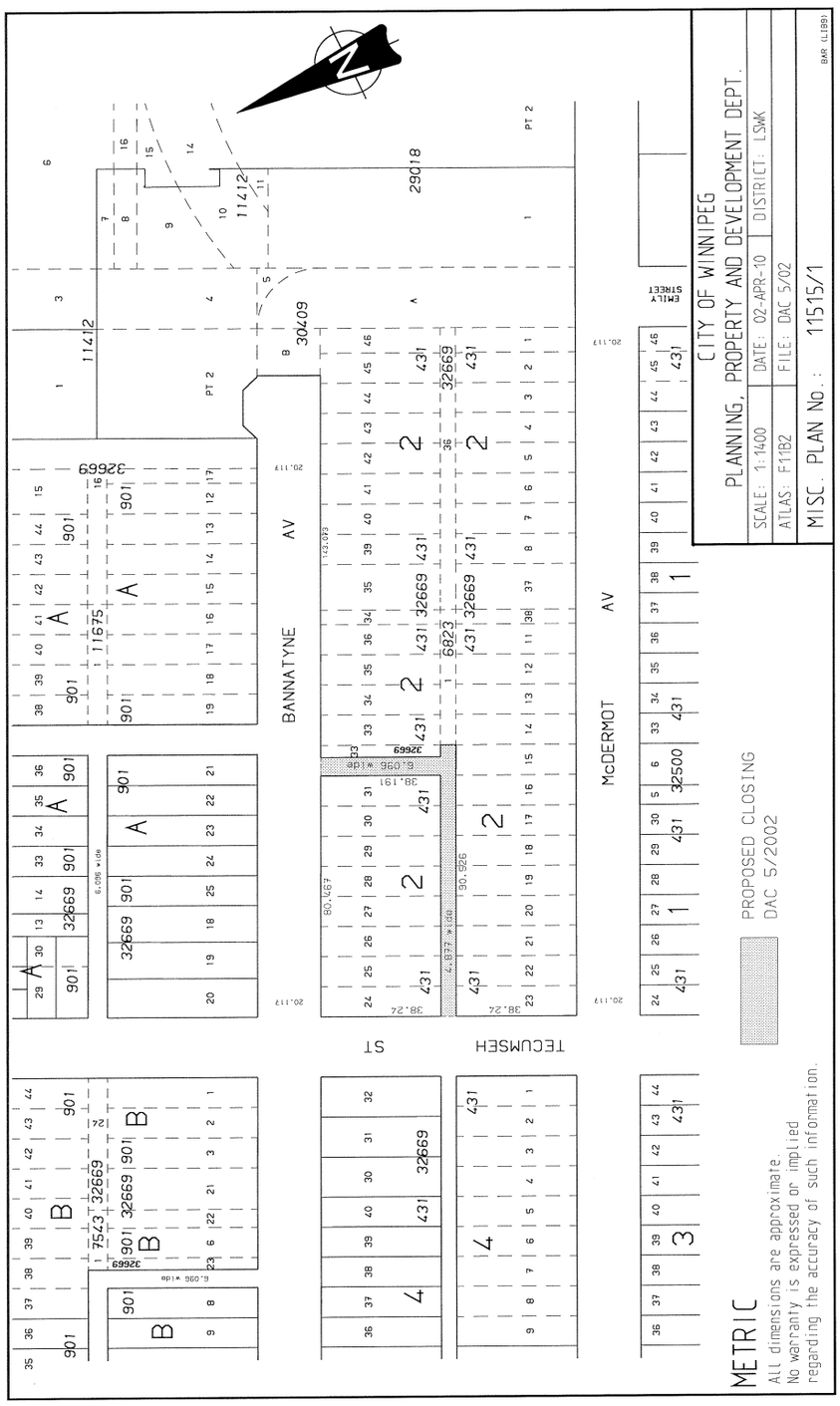
III. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Attachment "A" referred to in Clause 4 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002



Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Proposed Plan of Subdivision - land located on the east side of Ashworth Street, north of Fulton Street
File DAS 4/2002

526 - 5. The Standing Policy Committee on Property and Development has been advised that an application has been received from Qualico Developments (Winnipeg) Ltd. (Lyne Jones), 30 Speers Road, Winnipeg, for approval of a plan of subdivision on the subject lands for purposes of residential development.

The applicants propose to construct a long cul-de-sac on the east side of Ashworth Street. This constitutes one of the last infill areas for residential development between John Forsythe Road and Warde Avenue and will allow for the establishment of 25 new lots. All lots are a minimum 40 feet in width and appear to have at least 125 feet of depth. The added depth will allow for the larger homes being built with larger front garages without necessitating a reduction in either front or rear yards.

On April 22, 2002, the Riel Community Committee held a public hearing to consider the proposed plan of subdivision. One person appeared in support of the application and one person registered in opposition thereto.

The Riel Community Committee recommended approval of the proposed plan of subdivision for the following reason:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use, Planning, Property and Development Department.

On May 27, 2002, the Standing Policy Committee on Property and Development considered and concurred in the recommendations contained in the Subdivision Report dated April 26, 2002, from the Riel Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That the plan of subdivision proposed under File DAS 4/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 4/2002 dated April 15, 2002, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into an Addendum to Development Agreement AG 53/86 with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated March 18, 2002.

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

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 by-law in accordance with the above.

V. 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.

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

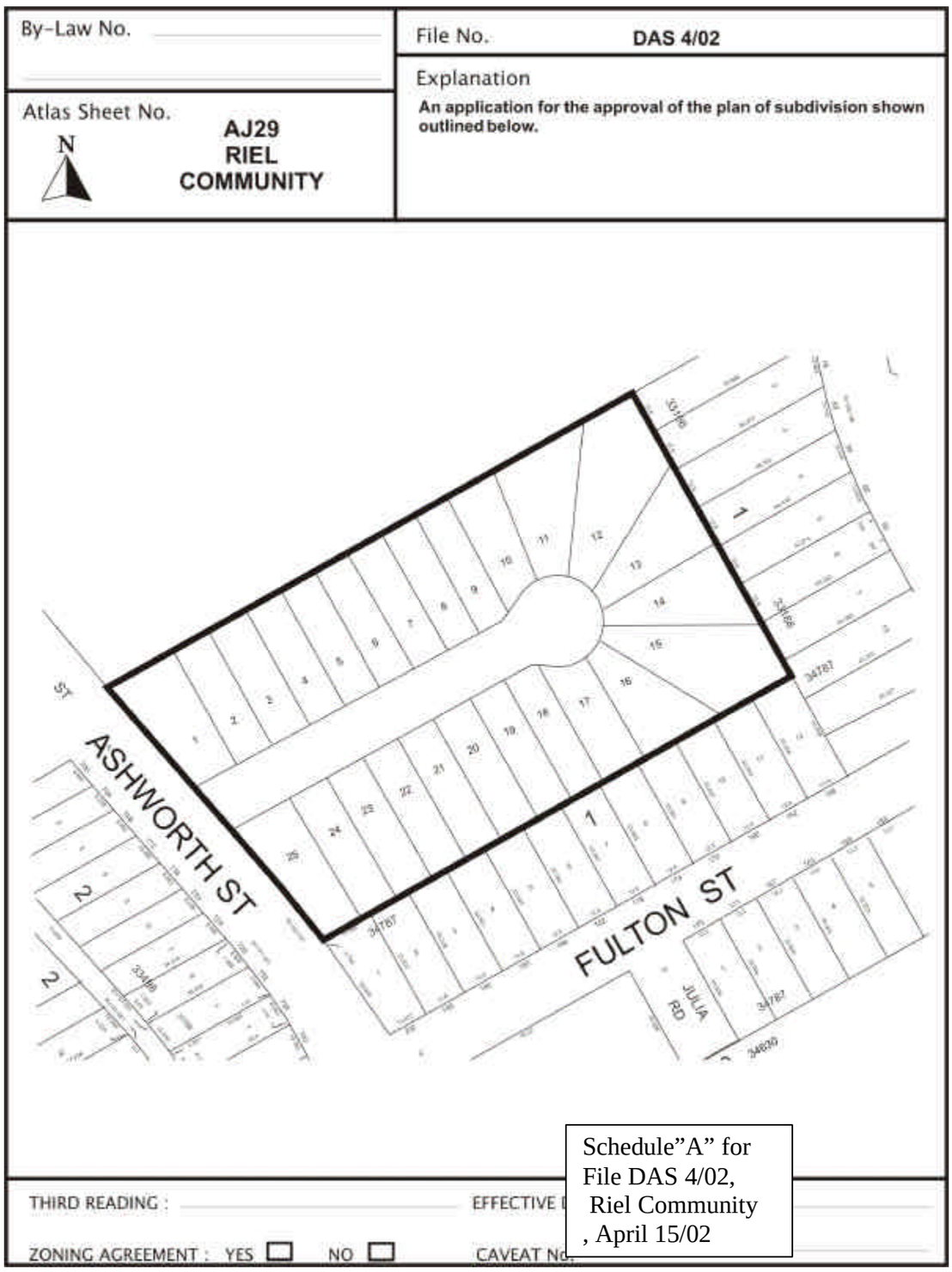
VII. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Attachment "A" referred to in Clause 5 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002



Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Proposed Plan of Subdivision and Rezoning - land located at 220 Park Place West, south side, east of Litchfield Boulevard
File DASZ 31/2001 [c/r DAV 105/2002D and DAC 2/2002]

527 - 6. The Standing Policy Committee on Property and Development has been advised that an application has been received from Stevenson Advisors Ltd. (Patrick Hamilton), 276A Colony Street, Winnipeg, to amend Winnipeg Zoning By-law No. 6400/94 by rezoning the subject lands from an "A-5" Agricultural District, a "PR" Parks and Recreation District, and a "R1-6" Single-Family Residential District to a "RM-L" Multiple-Family Residential District to permit the construction of seventeen (17) single-family, bungalow condominium units.

The proposal is to construct seventeen (17) single-family, one-storey, bungalow condominium units on the subject site. Access to the development is proposed from Litchfield Boulevard at the northwest corner of the site. The development requires the closure of existing public rights-of-way and their partial consolidation with the development site. The closures are being dealt with under File DAC 2/2002 and have been considered at a public hearing by the Assiniboine Community Committee. Most notably, it is proposed to unimproved Latimer Boulevard that is bounded on the east by Tuxedo West Park and on the west by 210 Park Place West and the subject property. Such a closure would permit the construction of a single-family dwelling to the east of 210 Park Place West (proposed Lot 1). The balance of the right-of-way would be consolidated with the subject property (proposed Lot 2). The remaining parcel, proposed Lot 3, is surplus to the applicant's requirements and is to remain undeveloped.

The proposed development density of one unit per +8,000 square feet of lot area compares favourably with the development density of the single-family housing to the north, such as "R1-6" zoning at 6,000 square feet of lot area per unit, and "R1-9" zoning at 9,000 square feet of lot area. The applicant indicates that the proposed units will be upscale, architecturally designed and individually distinctive one-storey condominium units with floor areas ranging from 1,600 square feet to 2,400 square feet with extensive site landscaping and ample visitor parking.

On May 14, 2002, the Assiniboia Community Committee held a public hearing to consider the subject subdivision and rezoning application. Three people appeared in support of the application and one person appeared in opposition to the application.

The Assiniboia Community Committee concurred, in part, in the recommendations contained in the report dated April 3, 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 reason:

1. That the Assiniboia Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use, Planning, Property and Development Department

On May 27, 2002, the Standing Policy Committee on Property and Development considered the recommendations contained in the Subdivision and Zoning Change Report dated May 17, 2002, from the Assiniboia Community Committee, and approved the following amendment, which has been incorporated into the recommendations set out below:

· Recommendation I.B. be amended by adding the following:

5. That an additional Clause be added as follows:

The Developer shall, at no expense to the City, construct a concrete pavement to a width of 7.5 metres and related surface improvements in Litchfield Boulevard including a concrete street turnout from the existing concrete pavement in Park Place West to a point southerly to accommodate the private approach to the condo site to the satisfaction of the Director of Public Works. A concrete street turnaround at the terminus of the concrete pavement will not be required.

The Standing Policy Committee on Property and Development recommends:

I. That the plan of subdivision proposed under File DASZ 31/2001 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 31/2001 dated April 3, 2002, for registration in the Winnipeg Land Titles Office, subject to the following:

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

A. That the plan be amended:

1. To accommodate the standard cul-de-sac terminus at the south end of Litchfield Boulevard.

2. To eliminate the proposed 1.524 metre-wide extension of Litchfield along the west limit of the site.

B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 25, 2002 with the following amendments:

1. That Clause 2 be deleted in its entirety.

2. That Clause 3 be deleted in its entirety.

3. That Clause 4 be amended by adding the following:

The City shall reimburse the Developer for a share of the above-referenced work as it collects from other benefiting lands in accordance with the City's Development Agreement parameters prevailing at the time of reimbursement.

4. That Clause 5 be amended as follows:

5. i) by deleting the words "3. and"
5. ii) by deleting the words "3. and"

5. That an additional Clause be added as follows:

The Developer shall, at no expense to the City, construct a concrete pavement to a width of 7.5 metres and related surface improvements in Litchfield Boulevard including a concrete street turnout from the existing concrete pavement in Park Place West to a point southerly to accommodate the private approach to the condo site to the satisfaction of the Director of Public Works. A concrete street turnaround at the terminus of the concrete pavement will not be required.

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

III. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 31/2001, dated April 3, 2002, to a "RM-L" Multiple-Family District and a "R1-6" Single-Family Residential District, subject to the applicant entering into a Zoning Agreement with the City on the "RM-L" Multiple-Family District site only, pursuant to Section 591(1) of The City of Winnipeg Act to include the following conditions:

A. That prior to the issuance of a Development Permit, plans showing the site layout, access, parking, lighting, fencing, landscaping, garbage enclosures, signage, building elevations and materials be submitted to for the approval of the Assiniboia Community Committee.

B. That the development be restricted to one-storey, single-family detached condominium units with double-attached garages, minimum floor areas of 1,500 square feet, and visitor parking for nine (9) vehicles.

C. That construction access to the site for roadworks, service installation, landscaping and building construction be restricted to Litchfield Boulevard.

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.

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

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

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

VIII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands 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.

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

X. That 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.

In amendment,

The Executive Policy Committee recommends that Recommendation No. I.A. be deleted in its entirety, namely:

"I. A. That the plan be amended:

1. To accommodate the standard cul-de-sac terminus at the south end of Litchfield Boulevard.

2. To eliminate the proposed 1.524 metre-wide extension of Litchfield along the west limit of the site."

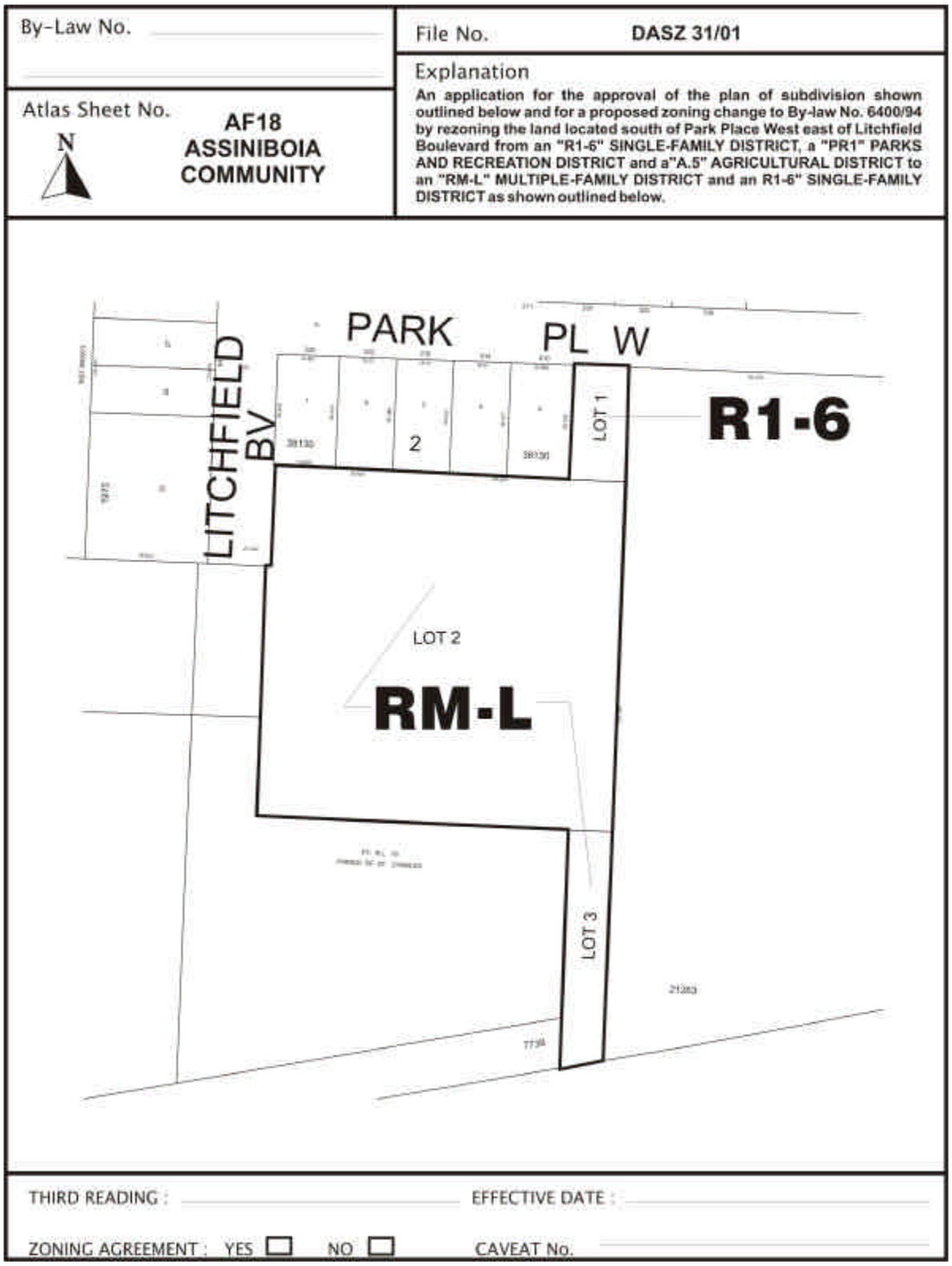
And That Recommendation No. I.B. be renumbered to I.A.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Attachment "A" referred to in Clause 6 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002



Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Proposed Plan of Subdivision and Rezoning - land located at 901 Shaftesbury Boulevard
File DASZ 2/2002

528 - 7. The Standing Policy Committee on Property and Development has been advised that an application has been received from Cherlee Investments Ltd., 901 Shaftesbury Boulevard, Winnipeg, to amend Winnipeg Zoning No. 6400/94 by rezoning the subject lands from an "A-5" Agricultural District to a "RM-L" Multiple-Family Residential District to permit the construction of 40 condominium units.

The proposal is to construct upwards of forty (40) one-storey, condominium units with access from Shaftesbury Boulevard. The condominiums would be constructed in clusters of two (2) and three (3) units connected by a private driveway. The development density amounts to about 4.7 units per gross acre. In comparison, the existing "R1-6" zoning to the north along Park Place West yields a gross density of 7.3 units per acre. The maximum allowable density under the proposed "RM-L" zoning is 17.4 units per acre.

The report dated April 24, 2002, of the Manager of Planning and Land Use, Planning, Property and Development Department dealt with the proposal for attached condominium units, although it is noted that, subsequent to filing the application, the applicant submitted two different concept plans showing the subject site developed with single-family, detached condominium units. The first plan set aside the land required for the Shaftesbury Boulevard underpass and generates thirty-five (35) detached condominium units. The second plan excludes the right-of-way requirement and generates forty-two (42) detached condominium units.

All of the site plans submitted with this application are conceptual and do not show the dimensions necessary for determining zoning compliance. Also, the applicant has not submitted drawings showing building elevations and construction materials. Nonetheless, this application can be approved with a Zoning Agreement establishing parameters governing development density and building type and requiring the approval of detailed site and building development plans by the Assiniboia Community Committee prior to the issuance of a Development Permit.

On May 14, 2002, the Assiniboia Community Committee held a public hearing to consider the subject subdivision and rezoning application. One person registered in support of the application, no one registered in opposition thereto, and two persons registered for informational thereon.

The Assiniboia Community Committee concurred, in part, in the recommendations contained in the report dated April 24, 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 reason:

1. That there has been a lot of development in the south Tuxedo area, applied for legally and correct within the City of Winnipeg system, which have created a problem for a couple of properties, and this will ratify some of those problems as you cannot ask people to pay for more than what they are benefiting from.

On May 27, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in the Subdivision and Zoning Change Report dated May 17, 2002, from the Assiniboia Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That the plan of subdivision proposed under File DASZ 2/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 2/2002, dated April 24, 2002, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the plan be amended to provide for the future grade separation of Shaftesbury and the CNR mainline, and to accommodate a Litchfield cul-de-sac.

   B. That the Developer be required to enter into a Servicing Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated April 25, 2002, with the following amendments:

      1. That Clause 5 be amended by adding the words "wood or chain link" after the word "uniform".

      2. That Clause 6 be deleted in its entirety.

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

3. That Clause 7 be deleted in its entirety.

4. That Clause 8 be amended by adding:

The City shall reimburse the Developer for a share of the above-referenced works as it collects from other benefiting lands in accordance with the City's Development Agreement Parameters prevailing at the time of reimbursement.

5. That Clause 9 be amended as follows:

9. i) by deleting the words "7. and"
9. ii) by deleting the words "7. and"

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

III. That the Developer be required to pay to the City ten percent (10%) cash dedication in lieu of land dedication, to be calculated on the basis of the increase in market value of the rezoned land.

IV. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 2/2002 dated April 24, 2002, to a "RM-L" Multiple-Family Residential District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 591(1) of The City of Winnipeg Act to apply to the subject site, to include the following conditions:

A. That the site be developed to the maximum density of 6.0 units per gross acre (not including land set aside for public right-of-way).

B. That the housing on the site be restricted to single-detached, bungalow condominium units with a maximum height of one (1) storey.

C. That the minimum floor area of the residential units be restricted to 1,300 square feet and be provided with double-attached garages.

D. That the minimum dwelling set back to adjacent residential property limits be 7.62 metres (25 feet), excepting non-winterized sun rooms.

E. That dwellings be set back a minimum distance of 17.5 metres (57.4 feet) from Shaftesbury Boulevard except where those dwellings abut the proposed underpass R.O.W., and lands taken therefore, in which case the minimum set back to dwellings shall be 10 metres (32.8 feet).

F. That dwellings constructed adjacent to the CNR mainline right-of-way be set back a minimum distance of 25.0 metres (82.0 feet).

G. That the principal access to the development be restricted to Shaftesbury Boulevard in accordance with plans approved by the Standing Policy Committee on Public Works.

H. That prior to the issuance of a Development Permit, plans showing the site access, layout, parking, fencing, landscaping, berming, building elevations and materials, garbage enclosures site lighting and signage be submitted for the approval of the Assiniboia Community Committee.

V. 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.

VI. 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.

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

VIII. 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.

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

IX. 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 and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands 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.

X. That 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.

XI. That 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.

In amendment,

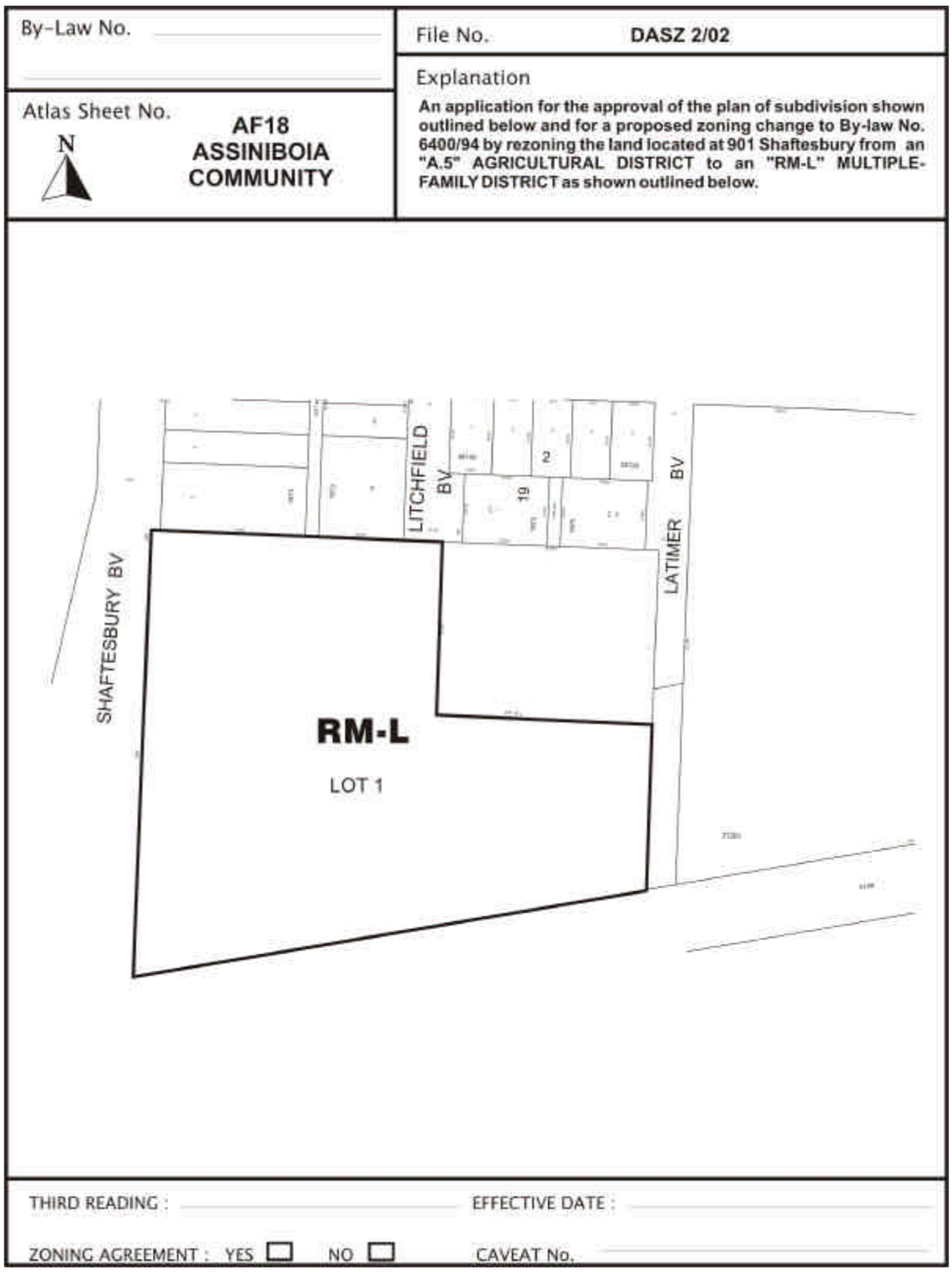
The Executive Policy Committee recommends that recommendation No. I.A. be amended by deleting the words "and to accommodate a Litchfield cul-de-sac".

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Attachment "A" referred to in Clause 7 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002



Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Proposed Plan of Subdivision and Rezoning - land located east of Canadian Pacific Railway, north of Lindenwood Drive West and south of Thurston Bay
File DASZ 9/2002

529 - 8. The Standing Policy Committee on Property and Development has been advised that an application has been received from Genstar Development Company (Jerry Klein), 218 - 905 Waverley Street, Winnipeg, to amend Winnipeg Zoning By-law No. 6400/94 by rezoning the subject lands from a "MP-2" Industrial District to a "R1-4" Residential District to allow for single-family housing development.

The subdivision is Phase 15B of the Lindenwoods residential community located on joint-venture City of Winnipeg/Genstar lands. It is proposed to create sixty (60), 40+ foot-wide building lots.

On May 14, 2002, the Assiniboia Community Committee held a public hearing to consider the subject rezoning application. Two people registered in support of the application and one person registered in opposition thereto.

The Assiniboia Community Committee concurred in the recommendations contained in the report dated April 30, 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 reason:

1. That this is one of the last phases nearing completion of the project and there is no reason why this should not be approved.

On May 27, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in the Subdivision and Zoning Change Report dated May 16, 2002, from the Assiniboia Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That the plan of subdivision proposed under File DASZ 9/2002 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 9/2002 dated April 30, 2002, 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 May 1, 2002.

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

III. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 9/2002 dated April 30, 2002, to a "R1-4" Single-Family 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. That 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.

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

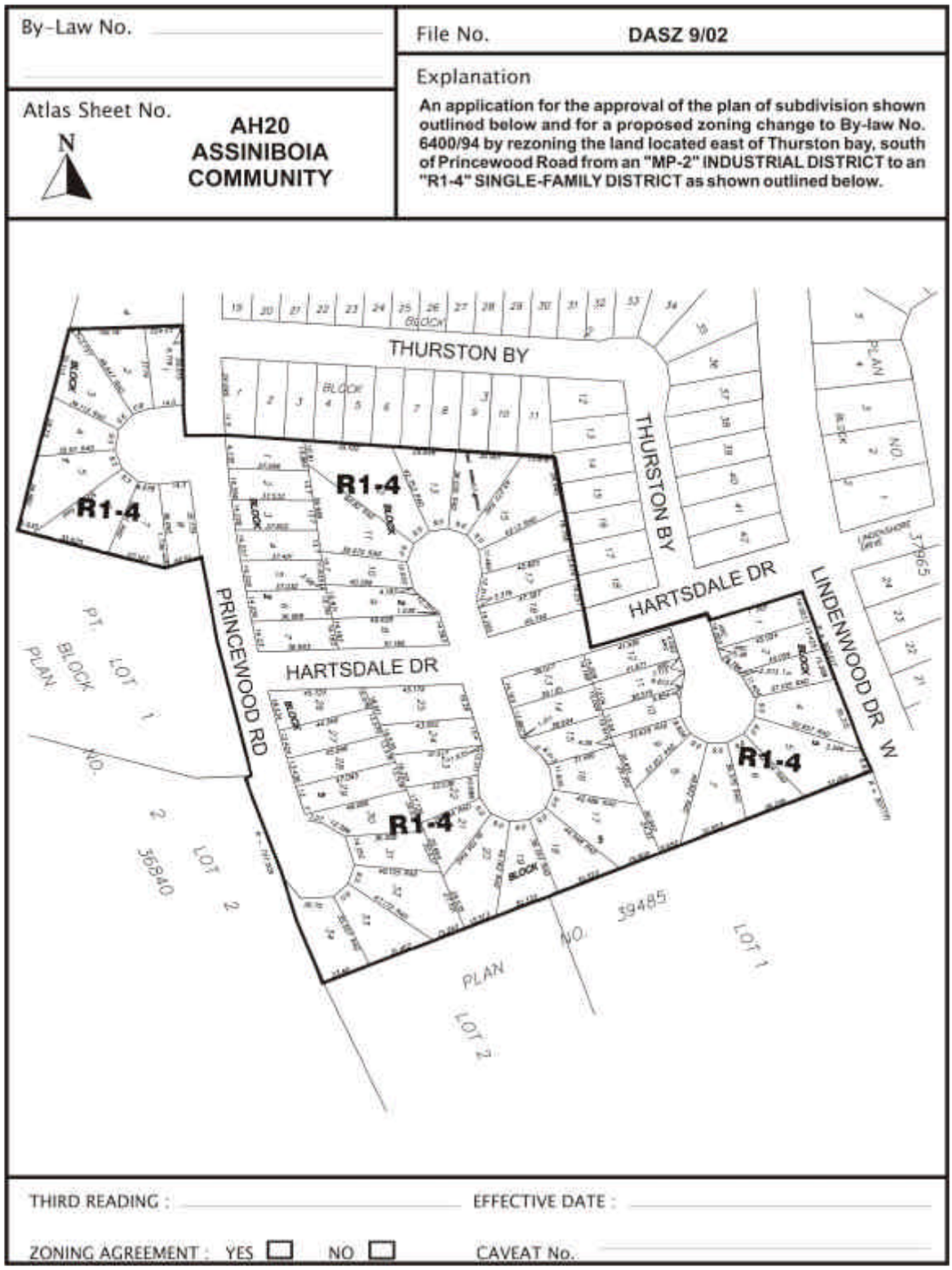
IX. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Attachment "A" referred to in Clause 8 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002



Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Proposed Rezoning - land located at 166 Goulet Street File DAZ 203/2002 [c/r DAV 180/ 2002D]

530 - 9. The Standing Policy Committee on Property and Development has been advised that an application has been received from 4436032 Manitoba Ltd. (Serge Bibeau), c/o 190 Raymond Place, Winnipeg, to amend Winnipeg Zoning By-law No. 6400/94 by rezoning the subject land from an "RM-4" Multiple Family District to an "RM-7" Multiple Family District to allow for in order to accommodate development of a sixty (60) unit (55+) Seniors Apartment Complex.

The applicants propose to clear the site and construct a 7-storey, 60-unit Seniors Complex with an underground parking garage large enough to accommodate 69 cars. There will be a drop-off lane at the front of the building and 11 stall visitors parking area on the east side of the complex. Access to and from the underground parkade will be via Kenny Street. The overall height of the structure will be 66 feet high.

On April 22, 2002, the Riel Community Committee held a public hearing to consider the subject rezoning application. Six people registered in support of the application and no one registered in opposition thereto.

The Riel Community Committee concurred, in part, in the recommendations contained in the report dated April 15, 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 reason:

1. The Riel Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use, Planning, Property and Development Department.

On May 27, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in the Zoning Change Report dated April 26, 2002, from the Riel Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 203/2001, dated April 15, 2002, to a "RM-7" Multiple Family District.

II. That the applicant enter into a Zoning Agreement with the City of Winnipeg specifying that final plans outlining building locations, fencing, landscaping, parking, etc, be submitted to and approved by the Administration and the Riel Community Committee prior to the issuance of any building permits.

III. 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.

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

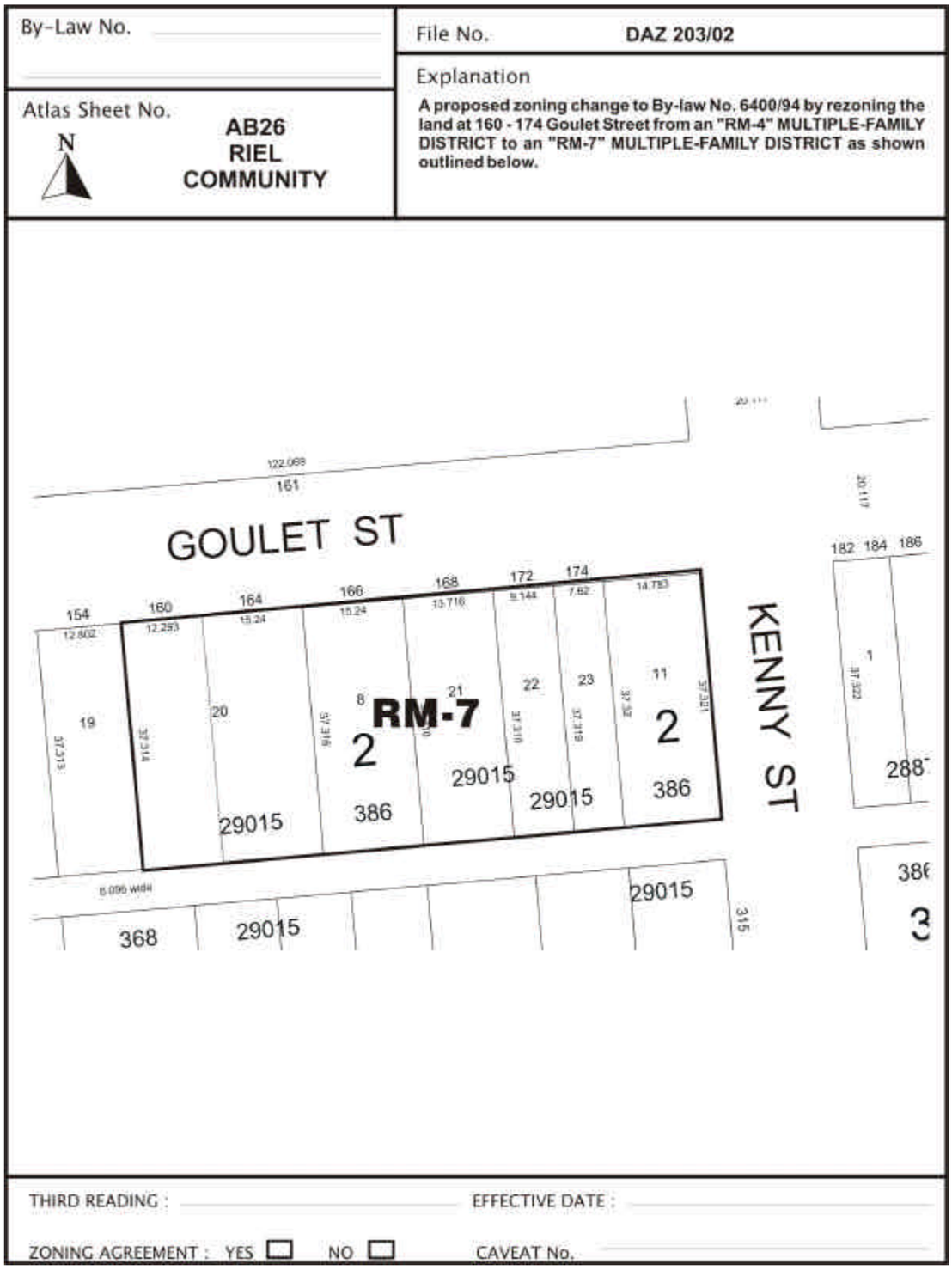
VI. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Attachment "A" referred to in Clause 9 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002



Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Proposed Rezoning - land located at 989 - 993 McPhillips Street File DAZ 208/2002

531 - 10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Dave Morrison, The Cash Store Inc., 17703-103 Avenue, Edmonton, Alberta, to amend Winnipeg Zoning By-law No. 6400/94 by rezoning the subject land from a "C1" Commercial District to a "C2" Commercial District to allow for the maintenance of a rental store (Insta-Rent) and also establish a cash advance business (The Cash Store Inc.).

The applicants, who are also the new owners, wish to establish a new rental business in conjunction with a separate entity, the Cash Store Inc. component. The existing space will be partitioned and will have semi separate entrances off the main store front door. There remain four existing parking stalls at the rear of the building.

On May 14, 2002, the Lord Selkirk-West Kildonan Community Committee held a public hearing to consider the subject rezoning application. No one was registered in support of the application nor in opposition thereto.

The Lord Selkirk-West Kildonan Community Committee concurred in the recommendations contained in the report dated May 6, 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 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, Planning, Property and Development Department .

On May 27, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in the Zoning Change Report dated May 17, 2002, from the Lord Selkirk-West Kildonan Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 208/2002 dated May 6, 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 use of the site be restricted to rental establishments, offices, and all listed "C1" Commercial uses, including cash advance businesses.

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 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.

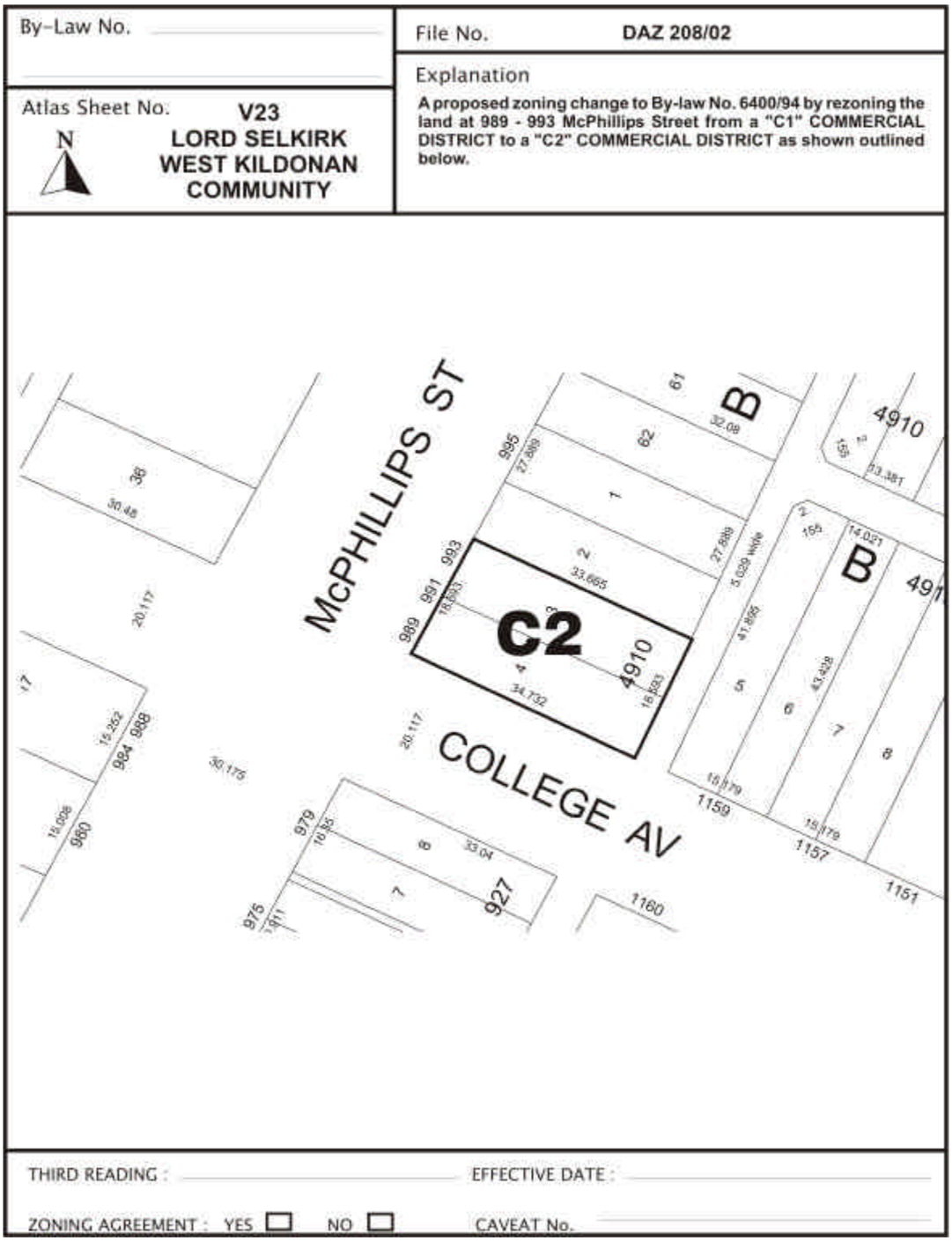
VII. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Adopted by consent.

(See next page for attachment)

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Attachment "A" referred to in Clause 10 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002



Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Proposed Rezoning - land located at 5 Lowson Crescent
File DAZ 209/2002 [c/r DAV 284/2002D and DCU 91/2002D]

532 - 11. The Standing Policy Committee on Property and Development has been advised that an application has been received from Terracon Developments Ltd. (Bill Kerr), 1 Terracon Place, Winnipeg, to amend Winnipeg Zoning By-law No. 6400/94 by rezoning the subject land from a "M3" Industrial District to a "M2" Industrial District to allow for commercial development.

The proposal is to rezone about nine (9) acres of land for immediate construction of a drive-through donut shop and the future construction of a multi-tenant commercial building. The multi-tenant building would be similar to one recently constructed by the applicant on the west side of Kenaston Boulevard as Phase 1 of the Tuxedo Business Park (approved under File DAZ 215/2001). The Husky fuel depot would remain as part of the overall development. The development is to be accessed from Lowson Crescent only.

The donut shop drive-through restaurant requires conditional use approval under the related File DCU 91/2002D. The applicant also requested yard and landscaping variances under File DAV 284/2002D. The Planning, Property and Development Department recommended denial of the conditional use application and in the reduction in the front yard (Lowson Crescent) from twenty-five (25) feet to four (4) feet.

On May 14, 2002, the Assiniboia Community Committee held a public hearing to consider the subject rezoning application. Two people registered in support of the application and one person registered for informational purposes.

The Assiniboia Community Committee concurred, in part, in the recommendations contained in the report dated April 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 reason:

1. That the Assiniboia Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use, Planning, Property and Development Department.

On May 27, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in Zoning Change Report dated May 17, 2002, from the Assiniboia Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That the Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DASZ 23/98 dated April 26, 2002, to a "M2" 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 a development permit, detailed plans showing site layout, parking, access, site lighting, building elevations and materials, signage, landscaping, fencing, and garbage enclosures be submitted for the approval of the Assiniboia Community Committee.

2. That the following uses be prohibited on the lands:
   a. amusement devices, accessory,
   b. animal pound, animal training; kennel
   c. art/crafts/hobby: instruction, sale of supplies
   d. auction yard
   e. bank, credit union
   f. banquet hall, dance hall
   g. barber shop, beauty salon
   h. bicycle: rental, sale, service
   i. bingo parlour
   j. bowling alley
   k. cabaret
   l. cocktail lounge
   m. dating and escort service
   n. drive-through facility

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

o. explosives manufacture, storage
p. florist
q. gift store
r. grocery, confectionary
s. hotel, motel
t. jeweller, watchmaker
u. luggage, rental sales
v. musical instruments, sale, service, instruction
w. parish hall
x. pawn shop
y. pet sales, supplies, grooming
z. restaurant: except for a drive-through with a maximum floor area of 2,500 square feet
aa. sign, advertising
bb. theatre, cinema, concert hall
cc. toy sales

3. That freestanding signage on the site be limited to a height of 35 feet and a maximum sign surface area of 323 square feet.

4. That a landscaped yard of twenty-five (25) feet be provided adjacent to Kenaston Boulevard and future Sterling Lyon Parkway.

5. That access to the site from Kenaston Boulevard and Sterling Lyon Parkway be prohibited.

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 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.

In amendment,

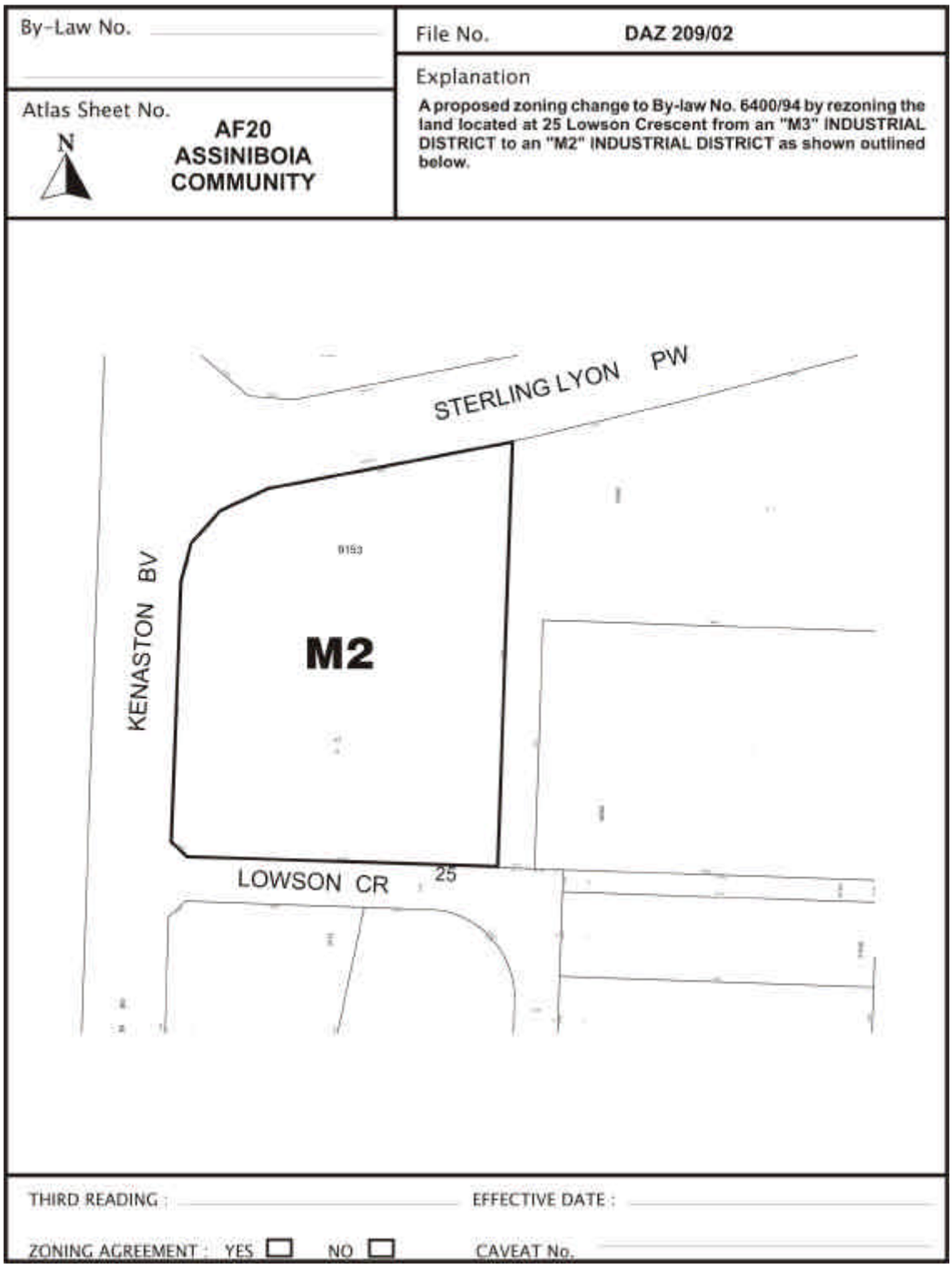
The Executive Policy Committee recommends that the following be deleted from Recommendation I. A. 2., namely:

2.b. animal pound, animal training, kennel,
2.n. drive-through facility,
2.o. explosives manufacture, storage,
2.u. luggage, rental sales and
2.y. pet sales, supplies, grooming

Adopted by consent.

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Attachment "A" referred to in Clause 11 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002



Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Proposed Zoning Agreement Amendment - 70 and 80 Kirkbridge Drive at Hillmartin Drive
File ZAA 2/2002 [c/r DASZ 2/2001, DASSF 507/2002]

533 - ***Note: Clause 12 was laid over to a Special Meeting of the Executive Policy Committee held prior to the June 19, 2002 Council Meeting.***

(See Minute No. 540 for disposition)

Proposed Zoning Agreement Amendment - 577 St. Anne's Road
File ZAA 4/2002 [c/r DASZ 16/98, DCU 90/2002D]

534 - 13. The Standing Policy Committee on Property and Development has been advised that an application has been received from Frieson Tokar Architects (Brian Tokar), 200-2033 Portage Avenue, Winnipeg on behalf of the owners (the Manitoba Baptist Home Society), to amend the Zoning Agreement affecting the subject land by deleting the clause restricting the subject land to an accessory parking area only.

The adjacent parcel is currently occupied with a Seniors Housing Complex and an affiliated Personal Care Home. There is a need to expand the Care Home facility on the south side of the building but to do so requires a marginal encroachment into the adjoining parking area. Because of a clause in Zoning Agreement DASZ 16/98, use of the defined parking area is restricted to vehicle parking. Hence the need for an amendment to accommodate the 2,600 square foot expansion. The encroachment is not significant enough to affect the parking area by eliminating any of the existing parking stalls.

On May 14, 2002, the Riel Community Committee held a public hearing to consider the subject zoning agreement amendment application. Three persons registered in support of the application, and no one registered in opposition thereto.

The Riel Community Committee concurred in the recommendations contained in the report dated May 6, 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 reason:

1. The Riel Community Committee agreed with the administrative recommendations contained in the report of the Manager of Planning and Land Use, Planning, Property and Development Department.

On May 27, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in the Proposed Zoning Amendment Agreement Report dated May 21, 2002, from the Riel Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That Zoning Agreement DASZ 16/98 (By-law No. 7390/99) be amended by deleting the clause restricting use of the subject land to a parking area only.

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary amending agreement to Zoning Agreement DASZ 16/98 (By-law No. 7390/99) as approved in Recommendation No. 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 May 27, 2002

Proposed Acquisition of lands from the St. James School Division No. 2 for the St. James Centennial Pool Fitness Facility Addition Project
File FI-2(31) (Vol. 5)

535 - 14. The Standing Policy Committee on Property and Development has been advised that $3 million in tripartite funding has been allocated for the development of a multi-use inter-generational fitness facility at the St. James Centennial Pool has been secured. The most efficient development of the proposed fitness facility would require the acquisition of adjacent land owned by the St. James Assiniboia School Division No. 2, and which is part of the Ness Middle School site. All land acquisition programs that have not been previously approved through the Capital Budget or as specific programs require Council approval.

In 2000, the Unicity Mall was demolished and redeveloped as a "Power Centre" shopping centre, eliminating opportunities for indoor walking facilities in the St. James-Assiniboia Community.

In that same year, discussions on the lack of indoor fitness facilities in the St. James-Assiniboia Community and the feasibility of expanding the St. James-Assiniboia Centennial Pool into an "Inter-Generational" fitness facility were initiated. This led to the preparation of a Redevelopment Concept Plan for the St. James-Assiniboia Centennial Pool, which proposes a 24,000 square foot addition on the north side of the existing structure, housing a running/walking track and fitness programming space. This north side addition is the most functional and feasible option available, but would require the acquisition of a portion of land owned by the St. James School Division No. 2 at the Ness Middle School site.

On November 13, 2001, the Canada-Manitoba Infrastructure Program announced $3 million in tripartite funding for the development of a multi-use inter-generational fitness facility at St. James-Assiniboia Centennial Pool.

On January 10, 2002 the Standing Policy Committee on Property and Development authorized the Director of Planning, Property and Development, in consultation with the Director of Community Services, to negotiate the acquisition of the St. James School Division property required for the project, subject to the identification of an appropriate funding source.

On February 11, 2002, Council approved the Capital 2002 Budget Estimates, which budgeted $1.03 million as the City's contribution to the project.

On March 12, 2002, the Assiniboia Community Committee concurred with an administrative recommendation that the costs for the acquisition of the property required by the City be funded from the Assiniboia Land Dedication Reserve Fund.

On April 2, 2002, the Standing Policy Committee on Property and Development referred the March 12, 2002 recommendation from the Assiniboia Community Committee to the Administration for appropriate action. Although formally no amount was specified in the report, informally it was understood and agreed by the parties that no more than $20,000.00 would be charged against the Assiniboia Land Dedication Reserve Account.

Negotiations began in earnest, with the City proposing conveyance of the land required from the aforesaid School Division for the nominal sum of $1.00. The premise for the $1.00 proposed price was that the transfer of the lands required by the City did not diminish the use and utility of the balance of the Ness Middle School site and the proposed project would benefit the public at large. Although the School Division was reluctant at first to convey its lands without monetary compensation, meetings between senior School Division administrators, the School Board and the Ward Councillor resulted in a proposed settlement.

The St. James-Assiniboia School Division No. 2 agreed to recommend the conveyance of the School Division lands for the nominal sum of $1.00, subject to certain terms and conditions the most important of which is that there be full formal recognition by the City, that the School Division was a key community partner in the proposed project.

On April 16, 2002, the matter of partnership status for the School Division was presented and considered by the Assiniboia Community Committee. The Community Committee recognized the St. James-Assiniboia School Division No. 2 as a key community partner in the St. James Assiniboia Centennial Pool Fitness Addition Project, and requested the communication dated March 28, 2002 from the St. James-Assiniboia School Division be referred to Administration for appropriate action. The Community Committee also requested that the Administration make a presentation to the St. James School Board for information and feedback, once the schematic design has been prepared by the project architect.

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Confirmation of the School Division's partnership status was provided by the City's Administration in a letter to the School Division dated April 24, 2002, which included as well a list of proposed terms and conditions for the conveyance of the required lands and a request that the School Division secure all requisite approvals for the transfer of land including the Public Schools Finance Board approval.

On May 3, 2002, the St. James-Assiniboia School Division No. 2 confirmed that it was prepared to finalize a transaction in accordance with the price, and terms and conditions; however, the authority for the final approval of the transaction rests with the Public Schools Finance Board. The matter was referred to the Public Schools Finance Board for consideration and a reply is anticipated within the next couple of weeks.

Notwithstanding that the School Division will transfer the lands required for the nominal sum of $1.00, the related acquisition costs that the City is responsible for include subdivision, legal plan preparation costs, survey work, Winnipeg Land Titles office registration fees, and the costs of an environmental audit. The tripartite funding is conditional on the City attending to these issues by utilizing its own funds as none of the tripartite funding can be utilized for these purposes. The Administration estimated that all these items could be accomplished within the $20,000.00 allocated in the Assiniboia Community Committee Land Dedication Reserve Account.

Although the funding for the project development was approved in the 2002 Capital Budget, the proposed land acquisition component was never identified or approved by Council in a Capital program or as part of any previous report. Therefore, in accordance with Council Policy the price, terms and conditions of the proposed land acquisition requires approval by City Council.

The Standing Policy Committee on Property and Development recommends:

I. That the acquisition of the subject property, as outlined on Misc. Plan No. 11087/2, from the St. James School Division No. 2, for the St. James Centennial Pool Fitness Addition Project, be approved at a nominal consideration of One Dollar ($1.00) and in accordance with the terms and conditions as negotiated.

II. That the Assiniboia Land Dedication Reserve Fund be approved as the source of funding in the amount of $20,000.00 for this proposed acquisition and related costs.

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 Sale of City-owned Property - 242 Young Street - 130 Langside Street - West Broadway Development Corporation

File FI-2.4(32) (Vol. 6)

536 - 15. The Standing Policy Committee on Property and Development has been advised that the West Broadway Development Corporation, a registered non-profit organization, has requested to purchase, for $1.00 each, two sites for the construction of new homes at 242 Young Street and 130 Langside Street. Current City Policy requires that residential building sites sold at less than market value be returned to the City at the end of the economic life of the building. Therefore, acceptance of the Offers to Purchase made by West Broadway Development Corporation requires Council to waive that part of its policy pertaining to the sale and lease of City-owned lands to non-profit organizations that requires all properties to revert back to the City at the conclusion of the economic life of the project.

Both of the subject properties, each shown as "subject City property" on Misc. Plan Nos. 11091 and 11152, were acquired in Tax Sale, and the existing dwellings were subsequently demolished. The properties were circularized to the appropriate City Departments to determine if there is any Civic need but none have been identified. The acquisition of the two properties has been so recent that the City Centre Community Committee has not yet been presented with a report for its consideration of the Corporation's interest.

The Winnipeg Housing and Homelessness Initiative has advised that it is in favour of the sale of the two sites to the West Broadway Development Corporation.

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Under the present City Policy regarding sale at $1.00 to non-profit groups, the property is to return to the City at the end of its economic life. As the eventual owner of the property will be a third party, this portion of the Policy cannot apply and that particular clause must be removed.

As well, the intent of these sales would be to facilitate new construction by the West Broadway Development Corporation. However, the Planning, Property and Development Department suggested that in the event that substantial construction is not completed on each property within two years from the date of sale, then the certificate of title for that property upon which there is no construction will revert back to the City.

The terms of sale proposed for the conveyance of 242 Young Street and 130 Langside Street have been negotiated, with the proposed terms being consistent with other similar transactions recently approved by Council.

The Real Estate Division of the Planning, Property and Development Department supports the proposed sale of the properties to West Broadway Development Corporation for the following reasons:

1. There has been limited market demand for in-fill residential building lots in the area identified;
2. Sale of any or all of the properties would increase the City's realty tax base; and,
3. Should these proposed sales not be approved there is, at this time, a high degree of probability that a purchaser other than the applicant will not be found.

The Standing Policy Committee on Property and Development recommends:

I. 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.

II. That the sale of 242 Young Street and 130 Langside Street (each shown as "subject city property" on Misc. Plan Nos. 11091 and 11152) to West Broadway Development Corporation at a price of $1.00 each, and subject to the terms and conditions as negotiated, be approved, subject to an additional condition requiring substantial completion of the construction upon these properties within two years from the date of sale, failing which title to the properties will revert back to the City.

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.

Proposal to Lease Additional Land at the Pan Am Pool to the Winnipeg Regional Health Authority
File FI-2.2(32) (Vol. 8)

537 - 16. The Standing Policy Committee on Property and Development has been advised that the Planning, Property and Development Department has received a request from the Winnipeg Regional Health Authority to lease additional land to enable an expansion of the existing Pan Am Clinic. As the subject property is utilized for parks purposes, the proposed lease will require the approval of at least two-thirds of the members of Council.

The City entered into a lease agreement with Olympus Enterprises Ltd. on April 17, 1984, for the use of portion of the Pan Am Pool Site for Sports Medical Clinic purposes. By a Council approved Amending Agreement dated October 2, 2000, the City extended the term of the Principal Lease to April 30, 2060.

The City subsequently entered into a separate lease with Poseidon Enterprises Ltd. on October 2, 2000, for the use of an additional portion of the Pan Am Pool Site for the provision of parking for the Sports Medical Clinic.

The City subsequently consented to an Assignment of the Lease Agreements from Poseidon Enterprises Ltd. to the Winnipeg Regional Health Authority by Agreement dated September 1, 2001.

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On October 2, 2001, the Poseidon Enterprises Ltd. requested the use of additional City-owned land at the Pan Am Pool Site. This proposed lease area is shown as "Additional Lease Area No.2" on Misc. Plan No 5627/ 3, and will, if approved effectively consolidate the various leased areas enabling the construction of an addition to the existing clinic.

On November 27, 2001, the Planning, Property and Development Department circulated the request to all Civic Departments. No concerns or objections were received; however, the Public Works Department indicated that no windows should be installed on the east wall of any building given its proximity to a foul ball line on City-owned lands to the east.

The subject proposal was circulated to the City Centre Community Committee for review and comment. On May 7, 2002, the Community Committee considered the subject proposal and determined that it had no objections. .

On April 22, 2002, the Real Estate Division of the Planning, Property and Development Department presented the proposed particulars of lease to the Winnipeg Regional Health Authority. On May 13, 2002, the Winnipeg Regional Health Authority confirmed acceptance of the proposed terms of lease.

1. Principle Lease Agreement - Pan Am Pool Site

By lease agreement dated April 17, 1984, the City entered into a lease with Olympus Enterprises Ltd. for the use of a portion of the Pan Am Pool site shown as "existing lease" on Misc. Plan No. 5627/3 for the development of a Sports Medicine Clinic Building. The particulars of the principal lease agreement are as follows:

Site Identification:	Shown as "Existing Lease" on Misc. Plan No 5627/3
Lessee:	Olympus Enterprises Ltd (assigned to Poseidon Enterprises Ltd. and then to Winnipeg Regional Health Authority)
Term:	Commenced May 1, 1984 and extended to April 30, 2060
Rent Review:	Every five years
Zoning:	"PR1" Parks and Recreation District
Size:	18,000 square feet
Base Rental:	$12,500.00 per year based on a 10% return to appraised market value, plus applicable GST.
Added Rent:	Realty taxes, plus applicable GST.
Commencement:	May 1, 1984

2. Additional Land Lease - Pan Am Pool Site

By lease agreement dated October 2, 2000, the City entered into a lease with Poseidon Enterprises Ltd. for the use of an additional portion of the Pan Am Pool site for vehicle parking purposes. The particulars of the additional ground lease are as follows:

Site Identification:	Shown as "Additional Lease Area" on Misc. Plan No. 5627/3
Lessee:	Poseidon Enterprises Ltd. (assigned to Winnipeg Regional Health Authority)
Term:	34 years four months (Options to renew through April 30, 2060)
Renewal:	Four 5-year renewals plus one 6-year renewal to coincide with principle lease expiring April 30, 2060.
Rent Review:	Every five years
Zoning:	"PR1" Parks and Recreation District
Size:	18,040 square feet
Rental:	$10,824.00 per year based on a 10% return to appraised market value, plus applicable GST
Added Rent:	Realty taxes, plus applicable GST
Commencement:	January 1, 2000

3. Request for Additional Land - Area No. 2 - Pan Am Pool Site

In the fall of 2001, the Pan Am Clinic indicated that it was proceeding with an expansion of the existing Clinic building. In order to facilitate the layout of the Clinic expansion (building), it requires some additional City-owned land lying immediately to the south of the principal lease area. The particulars of the request for the additional ground lease area are as follows:

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Site Identification:	Shown as "Additional Area No. 2" on Misc. Plan No. 5627/3
Lessee:	Winnipeg Regional Health Authority
Term:	Thirty-one (31) years, 10 months (to expire on April 30, 2034)
Renewal:	Four 5-year renewals plus one 6-year renewal to coincide with principle lease expiring April 30, 2060
Rent Review:	Every five years
Zoning:	"PR1" Parks and Recreation District
Size:	3,120 square feet
Rental:	$2,165.28 per year based on a 10% return to appraised market value, plus applicable GST
Added Rent:	Realty taxes, plus applicable GST
Commencement:	July 1, 2002
Other:	These terms will be an amendment to the Principal Lease Agreement.

The Planning, Property and Development Department advised that given the following facts:

- that the subject proposal has no major impacts upon the Pan Am Pool parking lot;
- that no corporate objections were expressed on the proposal;
- that the City Centre Community Committee has no objections;
- that it will facilitate the Lessee's proposed expansion; and,
- that the subject proposal will expand the realty tax base,

it recommended that the proposal to lease additional land be approved.

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

The Standing Policy Committee on Property and Development recommends:

I. That the proposal to lease additional land at the Pan Am Pool site to the Winnipeg Regional Health Authority be approved in accordance with the terms as negotiated.

II. That the Principal Lease Agreement dated April 17, 1984, be amended to include the additional land.

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 408 Glasgow Avenue for the Churchill Drive Parkway project

File FI-2(32) (Vol. 6)

538 - 17. The Standing Policy Committee on Property and Development has been advised that in order to accommodate the Churchill Parkway along the riverbank the City must acquire a legal interest in the property at 408 Glasgow Avenue. Approval by Council is required as the acquisition of the subject property has not been approved in a capital program.

On February 7, 2002, the Standing Policy Committee on Property and Development directed the Planning, Property and Development Department to deal with the matter of acquiring a legal interest in the property at 408 Glasgow Avenue by means of a coordinated and comprehensive approach involving all affected Divisions and Departments contributing their respective information, knowledge and finances to the creation of a solution which would be in the City's overall best interests.

The Public Works Department commented as to the condition of the riverbank as it may affect the stability of the back lane at the rear of this property, and therefore supports the acquisition of the property at 408 Glasgow Avenue. It is likely that some roadway repair works will be necessary in future years and those repairs will be much more cost effective if the City was the owner of the subject property. The Public Works Department is prepared to contribute $10,000.00 towards the acquisition of 408 Glasgow Avenue.

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

This property is eligible under the Secondary Diking Enhancements Program (pursuant to the Canada-Manitoba-City of Winnipeg Agreement on Secondary Diking Enhancements) to receive funding assistance for flood proofing a Special Case. Special Cases generally involve the purchase of the house and land to permanently remove the structure from the floodplain. The maximum contribution from the Program for this Special Case is $60,000.00 and this is to be cost-shared by Canada ($27,000.00), Manitoba ($27,000.00) and Winnipeg ($6,000.00).

The benefits to the City and the other levels of government should the property be purchased and the house removed, is the elimination of sandbags to protect the property from river flooding and the elimination of potential flood damage compensation. The cost to supply and deliver sandbags is approximately $1.50 per sandbag. The subject property requires approximately 4,000 sandbags for a flood of 1997 magnitude, resulting in a cost of $6,000.00. However if the sandbag dike were to fail, the flood damage could be in the tens of thousands of dollars.

There exists a land drainage sewer and outfall within the Glasgow Avenue right-of-way, on the opposite side of the street to the subject property. Since the benefit of removing the house to the Water and Waste Department's land drainage sewer outfall is not quantifiable, the Department is not supportive of contributing to the overall purchase of the subject property using outfall repair funds.

Initially, the City required a five (5) metre wide easement in order to have a continuous pathway along the water's edge. Currently, the pathway comes up the bank at Woodward Avenue, then uses Osborne Street to Togo Avenue and then back down to the riverbank. The Planning and Land Use Division of the Planning, Property and Development Department advised that every long period of flooding could result in approximately $350.00 (to simply top-up the granular material) to $1,200.00 (for a proper cleaning of silt and redressing the path) worth of cleanup for the length of trail associated with the subject property. The site could potentially have cost the City $2,400.00 to $3,600.00 over the last few years to clean-up after flooding.

The placement of the trail in a flood prone area also precludes putting any site amenities, such as benches or waste receptacles, as the high waters damage them. But by far the greatest impact, which cannot be assessed from a monetary perspective, is the limitations to use that flood prone lands place on the trail. In high water conditions, the trail disappears creating usage "dead ends". Even if the area is not flooded, the low lying lands can frequently be saturated after a heavy rain making walking or cycling difficult and leaving the paths severely rutted.

The Planning and Land Use Division supported the total acquisition of this property, at this estimated cost, because this would allow the trail to be placed at the top of the bank at this location rather than at the water's edge.

On May 7, 2002, the owners of the subject property provided their final position in order to settle this long outstanding matter. They have advised they are prepared to sell the subject property to the City for $154,900.00, plus legal costs in the amount of $1,200.00 plus disbursements and GST. They requested a possession date of January 15, 2003, because of existing tenants and a current mortgage agreement. They have also advised that they want to remove "all of the appliances, mirror fixtures, fans, lights, air conditioners etc. anything of value".

Funding in the amount of $200,000.00 is required in order to acquire the subject property at the asking price of $154,900.00. This amount includes demolition, appraisal costs, legal fees, land transfer taxes, a small contingency, GST and finance and administration charges. Adequate funding is available for this acquisition with a modest surplus to acquire other portions of the parkway.

In addition to other sources comprising the total funding requirements, there is an unencumbered allocation of $8,000.00 from the City Centre Land Dedication Reserve Fund. On December 7, 1999, the City Centre Community Committee recommended that this sum be utilized for the completion of the Churchill Drive Parkway project.

The Planning, Property and Development Department recommended the following terms and conditions for the proposed acquisition:

1. Purchase price = $154,900.00.
2. Vacant possession and adjustment date = January 15, 2003.
3. No removal/stripping of any part of the buildings or of the land.
4. Owners to be fully responsible for the property up to January 15, 2003.
5. The owners to allow the City to construct, and the public to use, a pathway through the property by means of a temporary easement, from the Date of Approval to this settlement until possession on January 15, 2003.
6. Release of any and all claims as against the City; together with no new claims.
7. Legal fees as are acceptable to the City Solicitor/Manager of Legal Services.

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

The Standing Policy Committee on Property and Development recommends:

I. That the acquisition of the property located at 408 Glasgow Avenue be approved, at a purchase price of $154,900.00, and in accordance with aforesaid terms and conditions outlined by the Planning, Property and Development Department.

II. That the following sources contribute to the purchase price and costs relating to the said acquisition and to other portions to complete the parkway yet to be negotiated, namely:

Individual Flood Proofing Program	$60,000.00
Land Acquisition for General Unspecified Purposes Account	90,514.00
City Centre Land Dedication Reserve Fund	14,475.00
Land Acquisition for Riverbank Purposes Account	46,975.00
Public Works Department	10,000.00
Insurance Reserve Fund	10,000.00
	$231,964.00

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 Sale of Surplus City-owned property on Wilkes Avenue - Exchange of Lands for 421 Glasgow Avenue - Glasgow Enterprises Ltd.
File FI-2.4(32) (Vol. 11)

539 - 18. The Standing Policy Committee on Property and Development has been advised that the City requires an interest in part of 421 Glasgow Avenue for the purposes of completing its construction of the Churchill Parkway. The acquisition of this property has been negotiated via a land exchange for surplus City-owned property on Wilkes Avenue. Approval by Council is required as the acquisition of 421 Glasgow Avenue has not been approved in a capital program.

On December 17, 1997, Council adopted the recommendation of its Standing Policy Committee the Standing Policy Committee on Property and Development and declared the City property on Wilkes Avenue, as outlined on Misc. Plan No. 9547/13, surplus to its requirements. This property, being part of a larger site, was then subsequently sold on a "conditional" basis on several occasions. The two conditional transactions did not materialize.

On June 3, 1999, the Standing Policy Committee on Property and Development approved the sale of the easterly part of the larger site shown as "subject City property" on Misc. Plan No. 9547/6 (4.1329 acres of the 6.4569 acre site leaving 2.324 acres available for sale) to the Khartum Shrine Temple for the price of $100,000.00 with Khartum Temple being responsible for outstanding local improvement charges, trunk service rate charges and the cost of future services to be installed along Wilkes Avenue in the future.

The details of the remaining surplus City-owned property are as follows:

Location:	North side of Wilkes Avenue between the Khartum Shrine Temple at 1155 Wilkes Avenue and The Golf Dome at 1205 Wilkes Avenue
Roll Number:	12-070060600
Assessed Value:	$101,000 (2002 assessment)
Legal Description:	Parcels A and B, Plan 38447
Description:	Shown as "subject city property" on Misc. Plan No. 9547/13
Site Size:	Irregular 2.324 acres
Zoning:	"M-2" Industrial District
Certificate of Title:	1725489

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

The Planning, Property and Development Department received an enquiry from Glasgow Enterprises Ltd. (Glasgow) as to the availability of the City's Wilkes Avenue site. Glasgow advised that its prior autobody facility at 421 Glasgow Avenue had been destroyed by fire and that it wanted to reconstruct an autobody shop at the Wilkes Avenue location. Glasgow Enterprises Ltd. provided the Department with an Offer to Purchase in the amount of $150,000.00.

The Department, recognizing the opportunity to satisfy the City's property needs at 421 Glasgow Avenue, counter offered at a proposed price of $182,500.00 subject to, amongst other things, the Purchaser granting the City an easement at the 421 Glasgow Avenue site for the Churchill Parkway pathway purposes. This easement requirement is one of the last three interests that the City requires to finalize the alignment for the Churchill Parkway. The Standing Policy Committee on Property and Development has considered several reports dealing with the issues standing in the way of the completion of this project. The Department viewed Glasgow's proposal as an important and critical opportunity to resolve at least the issue at 421 Glasgow Avenue.

Glasgow Enterprises Ltd. indicated that they would be interested in accepting the Department's counter offer and suggested that as an alternative it would be prepared to exchange its property at 421 Glasgow Avenue for the City's Wilkes Avenue site with the City paying a cash difference of $37,500.00.

In following up on Glasgow's proposal, the Department suggested an equal exchange with no differential payment being owed by either party. On May 22, 2002, Glasgow responded that it would submit a cash offer in the amount of $182,500.00 without provision for the City's easement and that it will submit an alternate offer based on the exchange alternative. Glasgow's preference is clearly the exchange alternative. Glasgow also advised that it would submit formal offers in accordance with these two alternatives.

The details of the anticipated alternative Offers to Purchase are as follows:

Part A - Property to be conveyed to Glasgow Enterprises Ltd.

Proposed Purchaser:	Glasgow Enterprises Ltd., 150 Southwalk Bay, Winnipeg (James Stuart Nicol - Director) (Jessie Nicol - Director) (Janice MacRae - Director)
Price Offered:	$182,500.00
Deposit:	$25,000.00
CT No.:	1725489
Legal Description:	Parcels A and B, Plan 38447 as shown on Misc. Plan No. 9547/13
Assessment:	$101,000.00
Size:	2.324 Acres
Zoning:	"M2" Industrial District
Terms/Conditions:	The following special conditions have been added in addition to the City's standard terms and conditions for the sale of industrial/commercial property.

Special Conditions - Due Diligence Conditions

The Planning, Property and Development Department stated that it is understood and agreed that this Offer to Purchase is subject to the following due diligence conditions being satisfied on or before ninety (90) days from the date of approval of the sale:

- that the subject property can be used for the Purchaser's purposes. i.e. auto body repair and paint shop; and,
- that title to the subject property is satisfactory to the Purchaser.

In the event that the Purchaser is unable to satisfy the above due diligence conditions on or before 90 days from the date of approval of the sale and so advises the City in writing accordingly on or before 90 days from the date of approval then the sale becomes null and void and the deposit monies will be returned to the Purchaser. If the Purchaser advises the City that it has been able to satisfy the due diligence conditions the deposit monies will become non refundable.

The Planning, Property and Development Department advised that the property is already zoned "M2" Industrial District, which permits the development of an autobody shop at this location. The Purchaser will need to satisfy itself as to zoning.

The Planning, Property and Development Department also advised that the City's Certificate of Title would be subject to easements in favour of the City for Winnipeg Hydro and for wastewater sewer purposes. The Purchaser will need to satisfy itself as to the status of the City's title

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

Special Conditions – Servicing Costs

The Planning, Property and Development Department stated that it is understood and agreed that the City is responsible for the following:

1. The Trunk Service Rate (TSR) charges that apply to the subject City property.
2. Commutation of the outstanding local improvements, i.e. wastewater sewer.
3. Future Land Drainage Sewer (LDS) oversizing as it may apply to the subject City property.
4. The following charges (including GST) for future Wilkes Avenue improvements as they may apply to the subject City property:

    A. pavement
    B. sidewalk
    C. boulevard
    D. lighting
    E. land drainage lateral

The Purchaser is to be responsible for any and all costs of levies for improvements other than those identified above.

The Planning, Property and Development Department further stated it is understood and agreed that if and when a permanent land drainage system is constructed to service this location, the property owner will terminate the private connection to the temporary land drainage piping (to the East) and will connect to the permanent system, all at the property owners expense.

The Department's pricing schedule included the prepayment of the above noted services and improvements (these were the same services that were taken into consideration in the sale of the adjacent lands to The Golf Dome and to the Khartum Shrine Temple). On the basis of a cash transaction, the sale proceeds would be distributed to the various internal Accounts to pay for these servicing obligations.

Part B - Property to be Conveyed to the City under the Exchange Proposal

Location:	421 Glasgow Avenue between Togo Avenue and Glasgow Avenues fronting on the left bank of the Red River
Legal Description:	Lots 7/9 Block 2 Plan 319 and SP Lots 6 & 7, Plan 27,602 shown as 421 Glasgow Avenue on Misc. Plan No. 9598/3
Certificate of Title:	1236760, 1397941 Note: As at May 23, 2002, these titles are free and clear of encumbrances, with the exception of the easement in favour of the City.
Owner:	Jessie Nicol
Roll Number:	12-1-151125
Assessed Value:	$237,000.00 (2002)
Size:	Irregular 2,685.18 square metres (28,904 square feet)
Zoning:	"C2" Commercial
Special Notes:	Glasgow Enterprises Ltd. have advised that pursuant to the site clean up subsequent to the fire, its insurer is remediating the environmental contamination of this property to meet the Canadian Council of Ministers of the Environment (CCME) guidelines for residential properties.

On May 10, 2002, the Board of Adjustment approved the re-establishment of an autobody shop at 421 Glasgow Avenue together with variances for loading and accessory parking; notwithstanding the fact that the Planning, Property and Development Department recommended that the applications be denied. An appeal has been filed, and as at May 27, 2002, had not been dealt with.

In considering the alternative proposals (i.e. an outright sale of the Wilkes Avenue property versus the land exchange alternative), the Planning, Property and Development Department supports the land exchange for the following reasons:

1. The land exchange would result in the City becoming the owner of the property at 421 Glasgow Avenue and would thus enable the City to control and determine the end use of this property, which would be compatible with this community;

Report of the Standing Policy Committee on Property and Development dated May 27, 2002

2. The exchange will result in the City acquiring its property interests in connection with the Churchill Parkway. If this proposed land exchange is not completed, and if a higher order commercial or residential use is not established on this site (which might benefit from the establishment of a riverwalk connection at this location), then, the Department advised that, short of expropriating the easement, there is little likelihood of a successful acquisition of the easement requirements in the short term;

3. In the opinion of the Department, the respective properties are equal in value. There is no additional payment owing by the City and as such, the land exchange would probably reduce the City's long-term project costs of acquiring property interests to complete the Churchill Parkway. With this proposed exchange, there is a possibility that the property acquisition component of this Project can be accomplished within budget.

The Churchill Parkway Project Account will finance the costs of affecting the land exchange, in so far as the conveyance to the City of 421 Glasgow Avenue is concerned. However, this Account will not be able to finance the City's obligations pursuant to the terms of sale relative to the Wilkes Avenue property. The City will be obligated to pay and to commute servicing costs in the approximate amount of $125,000.00. The Planning, Property and Development Department recommended that this obligation be funded from the net sale proceeds to be received in the sale of the residual property at 421 Glasgow Avenue (i.e. that part of 421 Glasgow Avenue which is not required for the Churchill Parkway Project). The Department will need to subdivide, perhaps rezone, and market the residual Glasgow Avenue property. Therefore, the payment of the servicing costs will need to be deferred until such time as the property is sold. The Department believes that the sale proceeds of the residual property will be adequate to finance the payment of these servicing cost obligations.

The Standing Policy Committee on Property and Development recommends:

I. That the City-owned property shown as "subject City property' on Misc. Plan No. 9547/13 be conveyed to Glasgow Enterprises Ltd. in exchange for the conveyance to the City of 421 Glasgow Avenue as shown on Misc. Plan No. 9598/3 on an equal exchange basis, and subject to such additional terms and conditions as are deemed necessary by the City Solicitor/Manager of Legal Services and the Director of Planning, Property and Development to protect the City's interests and to achieve the intent of the foregoing.

II. That the net sales proceeds accruing from the sale of that part of 421 Glasgow Avenue not required for the Churchill Parkway Project be directed to the payment of the City's obligations to pay the servicing costs as outlined herein, and as applicable to the Wilkes Avenue property and that those payments be deferred until such time as the property has been sold.

III. That the Chief Administrative Officer be delegated the authority to declare that part of 421 Glasgow Avenue which is not required for the Churchill Drive Parkway Project as surplus to the City's needs and to market the residual lands for sale purposes.

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

Adopted by consent.

REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED MAY 27, 2002

On motion of Councillor O'Shaughnessy, the rule was suspended and Clause 12 of the Report of the Standing Policy Committee on Property and Development, dated May 27, 2002, was considered.

Proposed Zoning Agreement Amendment - 70 and 80 Kirkbridge Drive at Hillmartin Drive
File ZAA 2/2002 [c/r DASZ 2/2001, DASSF 507/2002]

540 - 12. The Standing Policy Committee on Property and Development has been advised that an application has been received from D.W.E. Holdings Ltd. (Warren Earl), 85 Wiebe's Drive, Winnipeg, to amend the Zoning Agreement affecting the subject property by permitting the two proposed lots to have right-in and right-out access only, at the westerly limit of each lot.

The applicant proposes to subdivide the property (under File DASSF 507/2002) into two, close to equivalent lots and construct two single-family homes on the newly created lots. Each lot will have an independent approach to Kirkbridge Drive.

On April 22, 2002, the Riel Community Committee held a public hearing to consider the subject zoning agreement amendment application. Two people appeared in support of the application and one person appeared in opposition thereto.

The Riel Community Committee concurred in the recommendations contained in the report dated April 9, 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 reason:

1. The Riel Community Committee agreed with the administrative recommendations contained in the report of the Manager of Planning and Land Use, Planning, Property and Development Department.

On May 27, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in the Zoning Agreement Amendment Report dated April 26, 2002, from the Riel Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That Zoning Agreement DASZ 2/2001(By-law No. 3816/83) dated April 25, 2001, be amended as follows by:

A. Permitting the two proposed lots to have individual right in and right out access only at the westerly limit of each lot.

B. That the Developer shall, at no expense to the City, construct within the yards abutting the Lettelier Subdivision, a continuous uniform fence 2.0 metres in height, as determined by and to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat against the titles of each lot abutting CNR Lettelier Subdivision requiring the owners to maintain and/or repair or replace the fence as constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject land development, thereby jeopardizing existing and /or future anti-whistling regulations along the subject railway line.

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

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

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

Carried.

REPORT OF THE

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

DATED JUNE 11, 2002

On motion of Councillor O'Shaughnessy, the rule was suspended and the Report of the Standing Policy Committee on Property and Development, dated June 11, 2002, was considered.

Proposed Lease of Aquatic Hall of Fame at the Pan Am Pool - Kelvin High School Satellite Student at Risk
File FI-2.2(32)(Vol. 8)

541 - 1. The Standing Policy Committee on Property and Development has been advised that on May 6, 2002, the Standing Policy Committee on Protection and Community Services referred a request from Collège Kelvin High School to relocate the Kelvin Satellite Student at Risk Program to the Pan Am Pool to the Administration to meet with representatives from the Winnipeg School Division No. 1 and discuss the proposed relocation.

On May 30, 2002, the Standing Policy Committee on Protection and Community Services considered communication dated May 8, 2002, from the Secretary-Treasurer, Winnipeg School Division No. 1, which outlined that the School Division supported Collège Kelvin High School's use of the space in the Pan Am Pool, and that following approval by the City, the School Division would take the proposal to their Board of Trustees for consideration.

On May 30, 2002, the Standing Policy Committee on Protection and Community Services recommended that the City enter into a Lease Agreement with the Winnipeg School Division No. 1 for the use of space in the Aquatic Hall of Fame in the Pan Am Pool, to accommodate the relocation of the Collège Kelvin High School Satellite Student at Risk Program, for the period commencing August 26, 2002 to July 1, 2003, subject to the conditions set out below.

On June 11, 2002, the Standing Policy Committee on Property and Development concurred in the May 30, 2002 recommendation of the Standing Policy Committee on Protection and Community Services, with the addition of the following to Recommendation No. 2:

K. The final design of the improvements within the leased space at the Aquatic Hall of Fame be approved by the Director of Planning, Property and Development.

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

The Standing Policy Committee on Property and Development recommends:

I. That the City of Winnipeg enter into a Lease Agreement with the Winnipeg School Division No. 1 for the use of space in the Aquatic Hall of Fame in the Pan Am Pool, to accommodate the relocation of the Collège Kelvin High School Satellite Student at Risk Program, for the period commencing August 26, 2002 to July 1, 2003.

II. That the following terms and conditions be included in the Lease Agreement between the City of Winnipeg and the Winnipeg School Division No. 1, namely:

A. The rental fee for the use of the space in the Aquatic Hall of Fame at the Pan Am Pool by the Winnipeg School Division No. 1 shall be in the amount of $1.00.

B. A classroom shall be constructed in the Aquatic Hall of Fame to accommodate the Kelvin High School Satellite Program. The design and layout of the requested space (16.5 feet, 5 inches x 36 feet) shall be done in consultation with City of Winnipeg officials.

C. The Winnipeg School Division No. 1 shall be responsible for all costs related to the building, cleaning and maintenance of the classroom.

D. The costs and responsibilities associated with parking and classroom / equipment security shall be incurred by the Winnipeg School Division No. 1.

E. The liability issues and associated costs shall be the responsibility of the Winnipeg School Division No. 1.

Report of the Standing Policy Committee on Property and Development dated June 11, 2002

F. Twenty-five (25) students shall be allowed to access the amenities of the facility (pool, weight room track, etc.) and shall participate in City volunteer opportunities if possible.

G. The Kelvin High School Satellite Program shall work around all the existing activities of the Aquatic Hall of Fame.

H. The Kelvin High School Satellite Program shall only operate when the facility is open; therefore, all Civic holidays shall be in-service days.

I. The term of the Lease Agreement shall be for a ten (10) month period.

J. Upon expiry of the ten (10) month period, the Winnipeg School Division No. 1 shall be prepared to return the space to the pre-existing condition if so desired by the City.

K. The final design of the improvements within the leased space at the Aquatic Hall of Fame be approved by the Director of Planning, Property and Development.

L. That the Proper Officers of the City do all things necessary to implement the foregoing, including expediting the issuance of any development permits required for the necessary renovations, and processing any zoning applications that may be required to accommodate the relocation of the Collège Kelvin High School Satellite Student at Risk Program to the Aquatic Hall of Fame in the Pan Am Pool.

The Executive Policy Committee recommends that recommendation II. J. be deleted in its entirety and replaced with the following:

J. Upon expiry of the ten (10) month period, the Winnipeg School Division No. 1 shall return the space to the pre-existing condition.

Moved by Councillor O'Shaughnessy,
Adoption of the clause.

Moved by Councillor Eadie,
That the recommendation of the Executive Policy Committee be adopted.

The recommendation of the Executive Policy Committee was put and declared carried.

The motion for the adoption of the clause, as amended, was put and declared carried.

STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT

CONSIDERATION OF BY-LAWS

542 - On motion of Councillor O'Shaughnessy, 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. 8062/2002, a by-law of The City of Winnipeg to repeal By-law No. 7323/98.
File DAZ 232/98.

By-law No. 8063/2002, a by-law of The City of Winnipeg to amend By-law No. 6551/95, being The City of Winnipeg License By-law. File EL-1 (Vol. 32)

By-law No. 8064/2002, a by-law of The City of Winnipeg to widen the southwest corner of the first public lane west of Main Street between Manitoba Avenue and Pritchard Avenue.
File DAO 38/89

By-law No. 8065/2002, a by-law of The City of Winnipeg to approve a Plan of Subdivision on land located on the east side of Ashworth street, north of Fulton Street in the Riel Community. File DAS 4/2002

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

By-law No. 8066/2002, 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 166 Goulet Street in the Riel Community. File DAZ 203/2002

By-law No. 8067/2002, 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 989 - 993 McPhillips Street in the Lord Selkirk-West Kildonan Community. File DAZ 208/2002

By-law No. 8068/2002, 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 on the northeast corner of Kenaston Boulevard and Lowson Crescent in the Assiniboia Community. File DAZ 209/2002

By-law No. 8069/2002, a by-law of The City of Winnipeg to widen the public lane between Harbison and Martin Avenues East at the Intersection of Molson Street. File DAO 26/93

By-law No. 8070/2002, a by-law of The City of Winnipeg to close part of Hargrave Street between Portage and Graham Avenues. DAC 4/2002

By-law No. 8072/2002, a by-law of The City of Winnipeg to open St. Mary’s Road and Bishop Grandin Boulevard and close a part of Bishop Grandin Boulevard. File DAOC 2/2001

By-law No. 8073/2002, 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 east side of Litchfield Boulevard south of Park Place West in the Assiniboia Community. File DASZ 31/01

By-law No. 8074/2002, 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 on the west side of Dovercourt Drive South of McGillivray Boulevard in the Assiniboia Community. File DASZ 6/97(A)