Agenda - Executive Policy Committee - October 17, 2007

PUBLIC HEARINGS

Item No. 2 **Subdivision and Rezoning - West side of McPhillips Street, north of Templeton Avenue**
(Old Kildonan Ward)
File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

Report of the Winnipeg Public Service Unavailable at the Time of Publication

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 12, 2007, the Executive Policy Committee did not hear any representation on the application and adjourned the public hearing to its meeting on October 17, 2007.

Agenda - Executive Policy Committee - October 17, 2007

File: DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

Applicant: DKA Developments Inc. (Donovan Toews)

Subject:

Winnipeg

NOTICE OF PUBLIC HEARING
EXECUTIVE POLICY COMMITTEE

Date: Wednesday, September 12, 2007

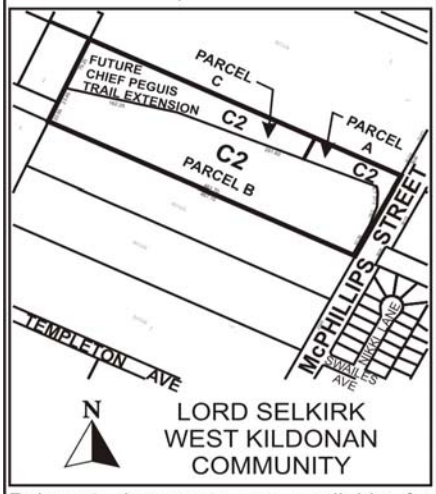
Time: 9:00 a.m.

Location: Council Building, 510 Main Street

File: DASZ 28/2007

Applicant: DKA Developments Inc.
(Donovan Toews)

TAKE NOTICE that the Executive Policy Committee will hold a public hearing to consider amending The Winnipeg Zoning By-Law 6400/94 as follows and as shown outlined on the map below:



Relevant documents are available for inspection by contacting Michael Robinson, Planner, Planning Property and Development Department, at 986-3213.

Persons wishing to make representation at the above hearing are requested to notify Jo-Ann Park, Clerk of the Executive Policy Committee, Council Building, 510 Main Street, Winnipeg, R3B 1B9, telephone 986-3732, to assist in scheduling representations. Written submissions are requested in advance of the public hearing.

Simultaneous French/English interpretation will be available if requested.

Premises Affected: West side of McPhillips Street, north of Templeton Avenue

Exhibits Filed:

1. Application dated August 24, 2007
2. Notification of Public Hearing
3. A. Manitoba Status of Title 1858265
   B. Title Search 1160080
4. A. Letter of authorization dated May 2, 2007 from Agritoba Inc. to DKA Developments Inc. and Landmark Planning
   B. Letter of authorization dated April 25, 2007 from the City of Winnipeg to Landmark Planning
   C. Letter of authorization dated August 29, 2007 from the City of Winnipeg to DKA Development Inc.
5. Impact Analysis dated May 2, 2007 by Landmark Planning and Design Inc.
6. Plan (1 page)
7. Communication dated September 7, 2007 from Donovan Toews, DKA Developments, Applicant, requesting that the application be adjourned
8. Inspection Report
9. Notice of Adjournment dated October 12, 2007
10. Report from the Director of Planning, Property and Development *
11. Report from the Administrative Coordinating Group *

*** Report of the Winnipeg Public Service Unavailable at the Time of Publication**

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

Moved by Councillor

That the reports of the Winnipeg Public Service be taken as read.

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

Moved by Councillor

That the receipt of public representations be concluded.

Moved by Councillor

That the recommendation of the Winnipeg Public Service be / not be concurred in and forwarded to Council.

Moved by Councillor

That the following supporting reasons be provided, namely:

Moved by Councillor

That the public hearing with respect to this application be concluded.

Exhibit "1" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

Winnipeg

Planning, Property and Development Department
Service de l'urbanisme, des biens et de l'aménagement
Zoning and Permits Branch • Direction du zonage et des permis
Unit 31 - 30 Fort Street • 30, rue Fort, unité 31 • Winnipeg, Manitoba

RECEIVED
CITY CLERKS
WINNIPEG

DEVELOPMENT APPLICATION

G.S.T. # R121682967

7 AUG 27 P2:06

DASSF*	110	ZAA*	108
DAS*	110	DDR	108
DAPS	110	BDB	108
CA*	110	BRC	108
CONDO	110	Plan Wpg*	108
SAA	108	Sec. Plan*	108
DASZ*	1/2 (110-108) ☑	DAASP	110
DAZ*	108	Other	

* These applications may be subject to 10% cash dedication

Distribution Code	Amount	
108 (A) / 110 (B)	482.50 / 482.50	A
GST	28.95	B
Surcharge	11.00	C
~~Subtotal~~ - (A&C)	0.66	D
10% Dtwn Reduction - (D)		E
TOTAL (B,D&E)	$1005.61	F

FILE NUMBER: DASZ 28/07

DOCUMENTS ENCLOSED

Title: ☑
Survey: ☐
Plans: ☐
Authorization ☑
Letter of Intent ☑
Other:

CROSS REFERENCE FILES:

PW1/07, DAV 07-147175/D

Revised application. Applicant previously paid for application on May 4/07. See file. MJK

Atlas Sheet:	Zoned:	Community Committee:	By-law:
R24	A	LSWK	~~5400/94~~ 100/2004

Location: West side of McPhillips Street, North of Templeton Ave
Legal Description: See Attached Schedule "A"
Applicant: DKA Developments Inc (c/o Donovan Tocher)
Name
1700B Waverley St R3T 5W7 791-4259
Address Postal Code Telephone
Owner: Agassiz Inc. / City of Winnipeg
Name
Address Postal Code Telephone

Fully describe the nature of this application: Subdivision and Rezoning application required to subdivide Pt OTH Lot 23 and Rly Plan 1906 into three (3) parcels. The three (3) parcels are to be rezoned from "A" Agricultural District and "M2" Industrial District to "C2" Commercial District.

Zoning Change From: A / M2 To: C2
Land Rezoned Under By-law No.:
Agreements: Yes ☐ No ☐ Attached ☐
No. of Existing Lots: 2 No. of Proposed Lots: 3

List All Other Previous Files Pertaining to This Land:

Development Officer Comments: A Variance application has been submitted to permit Pcls B and C having no frontage on a street. No plans of development submitted at this time. A Plan Winnipeg application has been submitted to redesignate lands from Rural Policy Area to Neighbourhood Policy Area

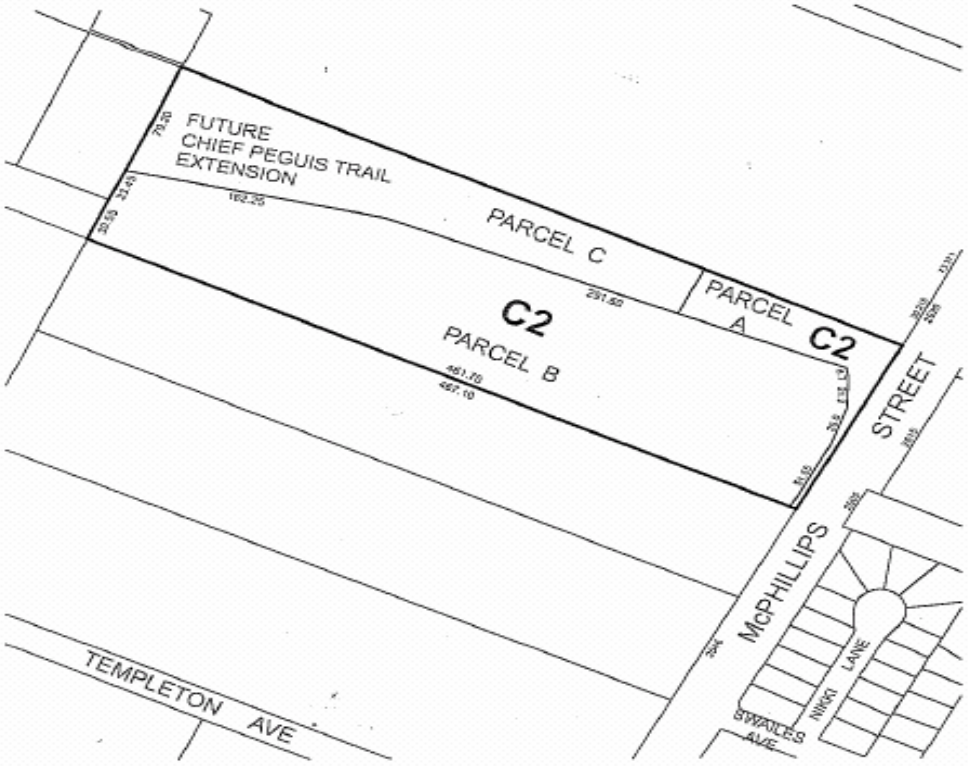
Applicant: MJ. Date
Zoning Development Officer: M Hawrookeus Date 07/09/21
Zoning Administrator Date 07/09/24

Referred to Land Development Branch:

Community Planning:

THIS IS EXHIBIT "1" REFERRED TO IN FILE NO. DASZ 28/07
DATED THIS 12 DAY OF 09 2007

CLERK



DASZ 28/07 MAP 2

N

PROPOSED SUBDIVISION

Embrace the Spirit • Vivez l'esprit

Exhibit "2" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

City of Winnipeg

NOTICE OF PUBLIC HEARINGS

Under the authority of The City of Winnipeg Charter the Community Committee listed below, will conduct PUBLIC HEARINGS, as indicated, to receive representations on the applications listed thereunder. Information on applications may be obtained between 8:30 a.m. and 4:30 p.m. at Unit 15 - 30 Fort Street or at the Community Committee Offices located in the City Clerk's Department, Council Building, 510 Main Street.

Winnipeg

NOTICE OF PUBLIC HEARING
EXECUTIVE POLICY COMMITTEE

Date: Wednesday, September 12, 2007

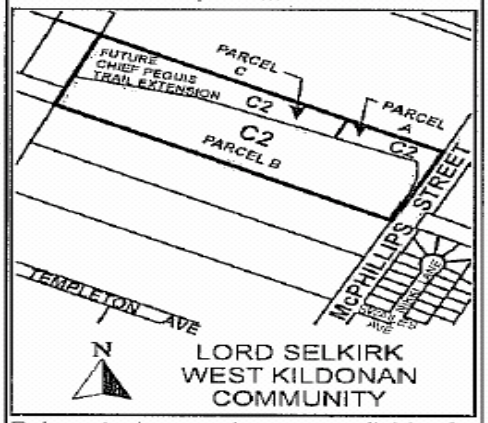
Time: 9:00 a.m.

Location: Council Building, 510 Main Street

File: DASZ 28/2007

Applicant: DKA Developments Inc. (Donovan Toews)

TAKE NOTICE that the Executive Policy Committee will hold a public hearing to consider amending The Winnipeg Zoning By-Law 6400/94 as follows and as shown outlined on the map below:



Relevant documents are available for inspection by contacting Michael Robinson, Planner, Planning Property and Development Department, at 986-3213.

Persons wishing to make representation at the above hearing are requested to notify Jo-Ann Park, Clerk of the Executive Policy Committee, Council Building, 510 Main Street, Winnipeg, R3B 1B9, telephone 986-3732, to assist in scheduling representations. Written submissions are requested in advance of the public hearing.

Simultaneous French/English interpretation will be available if requested.

THIS IS EXHIBIT "2" REFERRED TO IN FILE NO. DASZ 28/2007 DATED THIS 12 DAY OF Sept, 2007

CLERK

Exhibit "3A" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

DATE: 2007/02/19
TIME: 13:00

MANITOBA
STATUS OF TITLE

TITLE NO: 1858265
PAGE: 1

STATUS OF TITLE..... ACCEPTED
ORIGINATING OFFICE..... WINNIPEG
REGISTERING OFFICE..... WINNIPEG
REGISTRATION DATE..... 2002/02/20
COMPLETION DATE..... 2002/03/13

PRODUCED FOR.. FILLMORE RILEY LLP
ADDRESS..... 1700-360 MAIN ST.
WINNIPEG MB R3C 3Z3

PRODUCED BY... M.DERKSEN
LTO BOX NO.... 51

LEGAL DESCRIPTION:

AGRITOBA INCORPORATED

IS REGISTERED OWNER SUBJECT TO SUCH ENTRIES RECORDED HEREON IN THE FOLLOWING DESCRIBED LAND:

ALL THAT PORTION OF OTM LOT 23 PARISH OF KILDONAN
BOUNDED AS FOLLOWS: ON THE NORTH BY A LINE DRAWN SOUTH OF PARALLEL WITH AND PERP DISTANT 11 FEET FROM THE NORTHERN LIMIT OF SAID LOT
ON THE SOUTH BY THE SOUTHERN LIMIT OF SAID LOT
ON THE WEST BY THE EASTERN LIMIT OF THE LAND TAKEN FOR THE RIGHT-OF-WAY OF THE TRANSMISSION LINE OF THE MANITOBA POWER COMPANY LIMITED SHEWN COLOURED PINK ON PLAN NO. 3174 WLTO, AND
ON THE EAST BY THE EASTERN LIMIT OF SAID LOT

ACTIVE TITLE CHARGES:

3400956 WPG ACCEPTED	PENDING LITIGATION ORDER	REG'D:	2007/01/11
DESCRIPTION:	CI 07-01-50175		
FROM/BY:	PARKSIDE FORD LINCOLN LTD. AND		
TO:	AGRITOBA INCORPORATED		
CONSIDERATION:	NOTES:		
3412104 WPG ACCEPTED	CAVEAT	REG'D:	2007/02/12
DESCRIPTION:	AGREEMENT OF PURCHASE AND SALE		
FROM/BY:	DKA DEVELOPMENTS INC.		
TO:			
CONSIDERATION:	NOTES:		

ACCEPTED THIS 20TH DAY OF FEBRUARY, 2002
BY A.MAPES FOR THE DISTRICT REGISTRAR OF
THE LAND TITLES DISTRICT OF WINNIPEG.

CERTIFIED TRUE EXTRACT PRODUCED FROM THE LAND TITLES DATA STORAGE SYSTEM ON 2007/02/19 OF TITLE NUMBER 1858265.
THIS IS NOT A DUPLICATE TITLE.

X
FOR THE DISTRICT REGISTRAR

THIS IS EXHIBIT "39" REFERRED TO IN FILE NO. DASZ 28/07
DATED THIS 12 DAY OF 09 2007

CLERK

********** END OF STATUS OF TITLE FOR TITLE 1858265 W

Exhibit “3B” referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

DATE: 2007/07/05 TITLE SEARCH PASWAND
TSTL (1 OF 9) TITLE DISPLAY - WINNIPEG PAGE: 01
TITLE NUMBER..... 1160080 TITLE STATUS..... ACCEPTED
REGISTRATION DATE.. 1990/05/09
COMPLETION DATE.... 1990/06/08 CONSOLIDATION..... NO
LEGAL DESCRIPTION
THE CITY OF WINNIPEG

IS REGISTERED OWNER SUBJECT TO SUCH ENTRIES RECORDED HEREON, IN THE FOLLOWING DESCRIBED LAND:

ALL THOSE PORTIONS OF OTM LOTS 20, 21 AND 22 PARISH OF KILDONAN SHOWN AS RLY PLAN 1906 WLTO

TX: ____
DA: _____

DATE: 2007/07/05 TITLE SEARCH PASWAND
TSEC (2 OF 9) TITLE DISPLAY - WINNIPEG PAGE: 1
TITLE NUMBER..... 1160080 TITLE STATUS..... ACCEPTED
REGISTRATION DATE.. 1990/05/09
ACTIVE CHARGES

TX: ____ _____ REGISTRATION TO DISPLAY
DA: _____ PF6-TSTC
*** NO ACTIVE CHARGES FOUND FOR THIS TITLE ***

THIS IS EXHIBIT "3B" REFERRED TO
IN FILE NO. DASZ 28/07
DATED THIS 12 DAY OF 09 20 07

_____
CLERK

DATE: 2007/07/05 TITLE SEARCH PASWAND
TSTS (3 OF 9) TITLE DISPLAY - WINNIPEG
TITLE NUMBER..... 1160080 TITLE STATUS..... ACCEPTED
REGISTRATION DATE..... 1990/05/09
COMPLETION DATE..... 1990/06/08 CONSOLIDATION..... NO

SUMMARY OF TITLE DATA

SELECT ONE OF THE FOLLOWING:
TITLE NOTES..... MORE? NO .... _
ORIGINATING REG. NUMBER.. 1292649 ..... MORE? NO .... _
FROM TITLE NUMBER..... 194719.5 TYPE.... ALL MORE? NO .... _
RPA/CROWN GRANT NUMBER... ..... MORE? NO .... _

NAME FOR SERVICE..... CITY OF WINNIPEG (LAW) MORE? NO .... _
ADDRESS..... 185 KING STREET
WPG., MB.

POSTAL CODE..... R3B1J1 EFFECT... ACTIVE
DUPLICATE PRODUCED ? .... MORE? NO .... _
ISSUED DATE.....
TX: ____ NEXT TITLE NUMBER... _____
DA: _____
NO MORE INFORMATION EXISTS REGARDING THIS SCREEN

Exhibit "4A" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

LETTER OF AUTHORIZATION

Agritoba Inc. as registered owner of the lands described as:

Certificate of Title 1858265

Part lot 23, OTM Parish of Kildonan, McPhillips Street, Winnipeg

All that portion of OTM Lot 23 Parish of Kildonan bounded as follows: on the north by a line drawn south of parallel with and perp distant 11 feet from the northern limit of said lot on the south by the southern limit of said lot on the west by the eastern limit of the land taken for the right-of-way of the transmission line of the Manitoba Power Company Limited shewn coloured pink on Plan No. 3174 WLTO, and on the east by the eastern limit of said lot

hereby authorizes DKA Developments Inc. and its agent Landmark Planning and Design Inc. - Donovan Toews to facilitate any required municipal approvals for any zoning, re-zoning, subdivision, private approach applications, street closings, variances, conditional uses or other applications as may be necessary for the intended purposes of DKA Developments Inc.

Dated at Winnipeg, Manitoba this 2nd of MAY, 2007.

AGRITOBA INC.

Per: O.D. McEwen

FRDOCS_837423.1

Exhibit "4B" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

Winnipeg

Planning, Property & Development Department • Service de l'urbanisme, des biens et de l'aménagement

Real Estate Division • Division des biens immobiliers

In reply please refer to / Référence à rappeler :

Ray Klassen
(204) 986-5016
Fax / Téléc. : (204) 944-8476

April 25, 2007

Landmark Planning
Suite 200-661 Pembina Highway
Winnipeg, Manitoba
R3M 2L5

sent via fax 453-6626

Attention: Mr. Donovan Toews

RE: PROPOSED PLAN WINNIPEG AMENDMENT INCLUDING CERTAIN CITY OF WINNIPEG LANDS W. OF MCPHILLIPS STREET AT CHIEF PEGUIS TRAIL EXTENSION
FILE: 5626 (PLEASE QUOTE WHEN REPLYING)

You are hereby authorized to make application within 6 months from the date of this letter, for a Plan Winnipeg Amendment to a "Neighbourhood Designation", or a variance, rezoning or subdivision on the Subject City Property as shown as shaded on the attached Misc. Plan No 13124. You will be responsible for any and all associated costs of such application.

You should provide a copy of this letter to the Planning Department when making application.

The enactment of any approved change in Plan Winnipeg, use, variance, rezoning or subdivision is conditional upon the finalization of the sale of the Subject Property.

Should you require further clarification regarding the above, please contact Michelle Richard, Senior Planner, directly at 986-3101.

Yours truly,

Ray Klassen, Manager of Real Estate Division

c. Michelle Richard, Planning and Land Use Division

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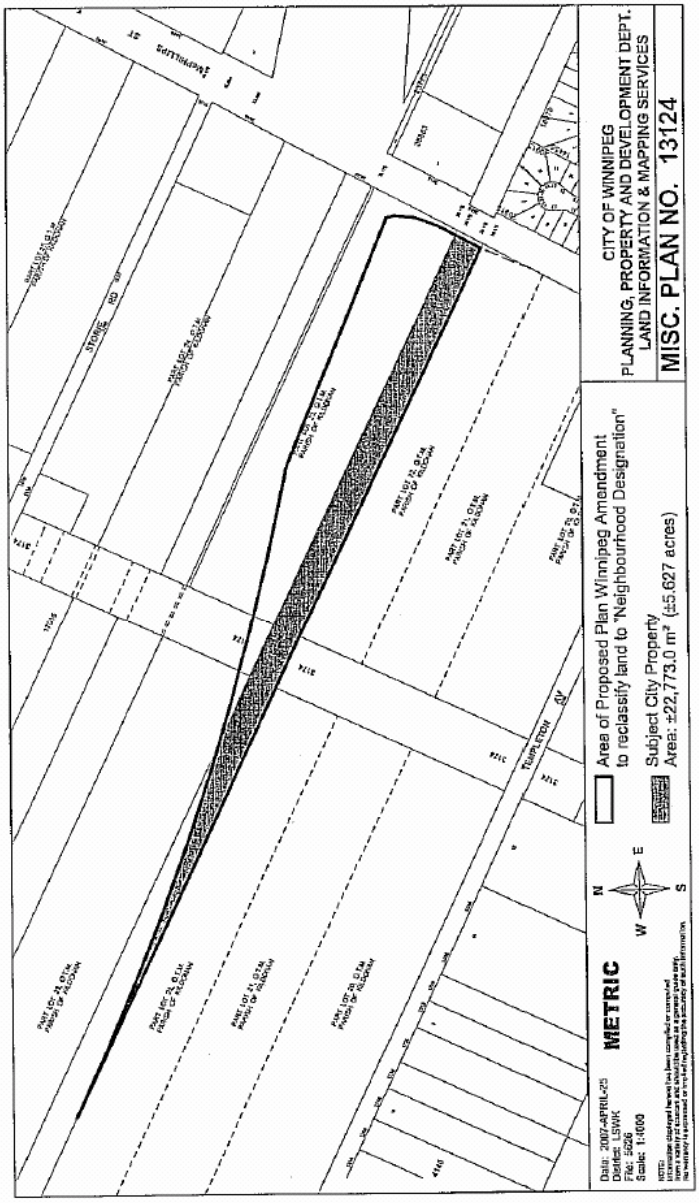
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13124
Area of Proposed Plan Winnipeg Amendment
to reclassify land to "Neighbourhood Designation"
Subject City Property
Area: ±22,773.0 m² (±5.627 acres)
METRIC
Date: 2007-APRIL-25
District: LSWK
File: 5626
Scale: 1:4000
STONE RD
TEMPLETON AV

Exhibit "4C" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

Winnipeg

Planning, Property & Development Department • Service de l'urbanisme, des biens et de l'aménagement

Real Estate Division • Division des biens immobiliers

In reply please refer to / Référence à rappeler :

Ray Klassen
(204) 986-5016
Fax / Téléc. : (204) 944-8476

August 29, 2007

DKA Development Inc.
900-1717 Waverley Street
Winnipeg, Manitoba
R3T 6A9

sent by courier

Attention: Mr. Ashok Dilawri

RE: PROPOSED PLAN WINNIPEG AMENDMENT INCLUDING CERTAIN CITY OF WINNIPEG LANDS W. OF MCPHILLIPS STREET AT CHIEF PEGUIS TRAIL EXTENSION
FILE: 5626 (PLEASE QUOTE WHEN REPLYING)

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Should you require further clarification regarding the above, please contact Michelle Richard, Senior Planner, directly at 986-3101.

Yours truly,

Ray Klassen, Manager of Real Estate Division

c. Michelle Richard, Planning and Land Use Division

V:\barry\5626Mcphillipsswailes\authorizationltraug292007.doc

Embrace the Spirit • Vivez l'esprit

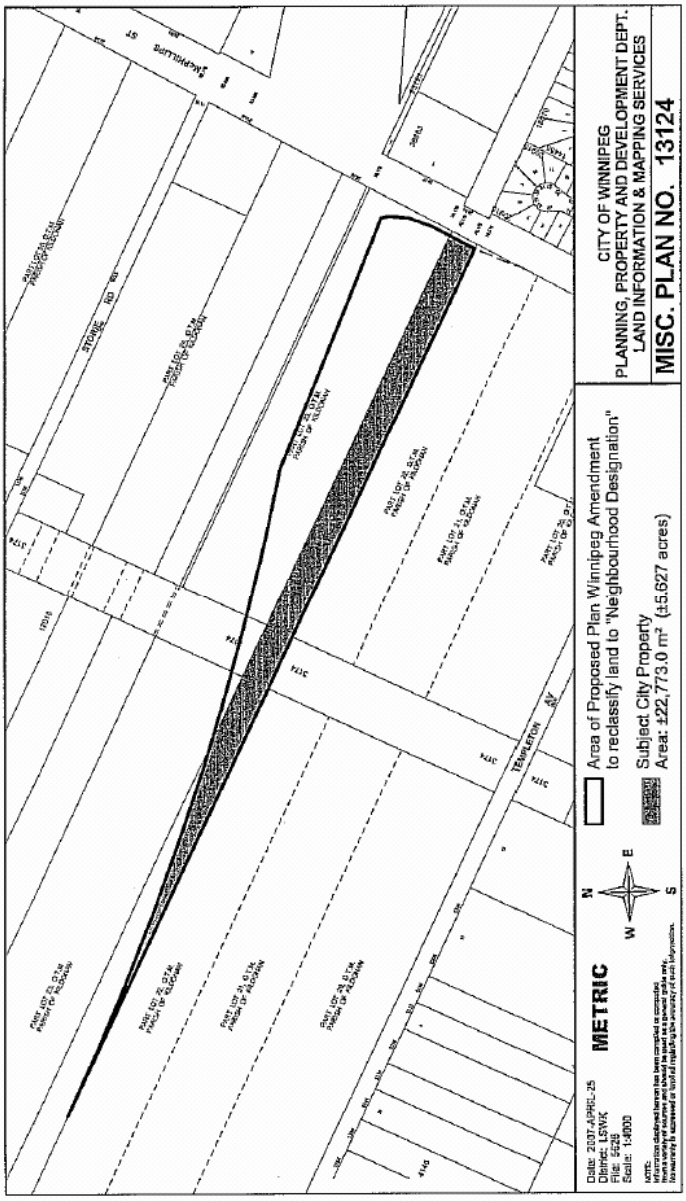

CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13124
Area of Proposed Plan Winnipeg Amendment to reclassify land to "Neighbourhood Designation"
Subject City Property
Area: ±22,773.0 m² (±5.627 acres)
METRIC
STONE RD
TEMPLETON

Exhibit "5" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

McPhillips Street North Development Proposal

Plan Winnipeg Amendment and Rezoning Application Impact Analysis

May 2, 2007

Landmark
Planning & Design Inc.

McPhillips North Development Proposal
Plan Winnipeg Amendment and Rezoning Application
Impact Analysis

Description of the land:

The land forming a part of this application includes lands shown outlined on City of Winnipeg Misc. Plan 13124.

The land is owned by Agritoba Incorporated. DKA Development Inc (Mr. Ashok Dilawri) is the project proponent and applicant. Mr. Dilawri has retained the assistance of Landmark Planning & Design Inc. (Donovan Toews) to facilitate the municipal approval process.

Project Proposal:

The applicant proposes to develop a 10.5 acre vacant parcel of land for commercial purposes, specifically to accommodate the development of a car dealership. The site is located on north McPhillips Street to the north of Swailes Avenue and just south of the proposed Chief Peguis Trail extension as shown on Figure 1. The development of the car dealership will require approximately half of the land fronting on McPhillips Street and the balance of the land lying to the east may be developed at some time in the future.

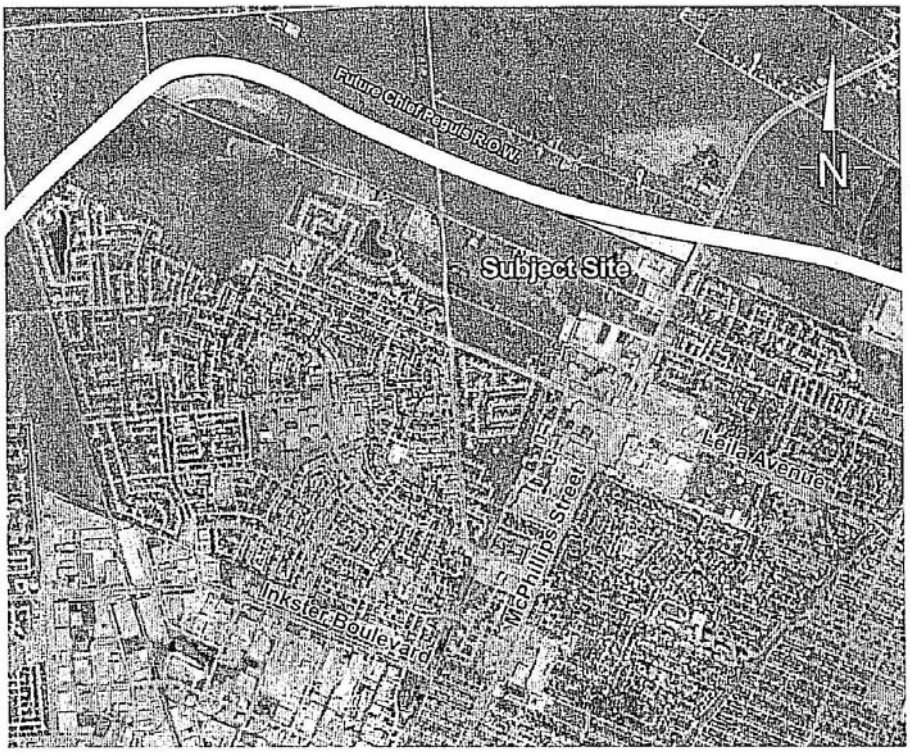
Municipal Approvals:

Development of the site will require the following municipal approvals:

- A Plan Winnipeg amendment to redesignate both City owned and privately owned lands from a *Rural* Policy Area to a *Neighbourhood* Policy Area
- A Rezoning approval to rezone the privately owned lands (after the land exchange) from *A – Agricultural* to *C2 – Commercial*
- Development and Building Permits

No conditional use or variances approvals are anticipated at this stage.

Figure 1. Proposed Plan Winnipeg Amendment – Subject Site Location



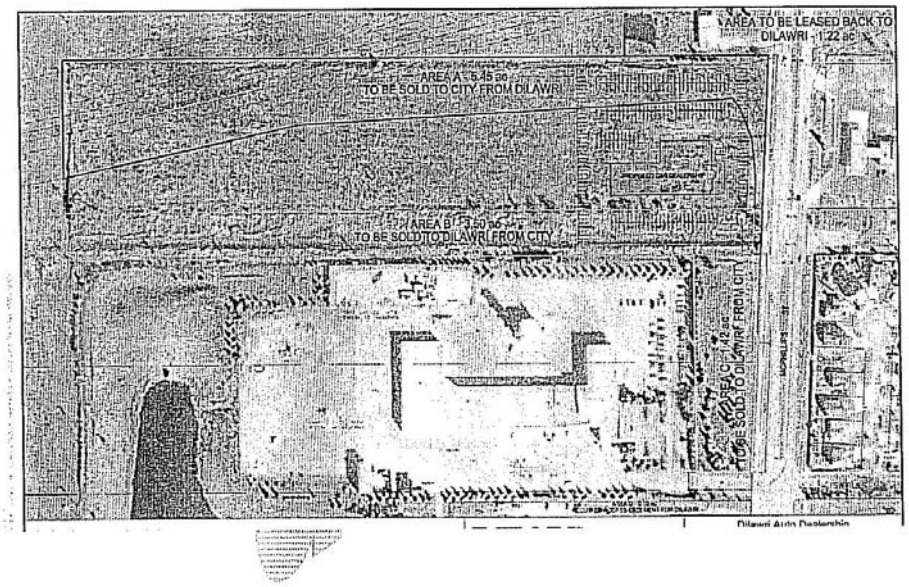
Site Development:

The site development concept is also illustrated in Figure 2; this is a conceptual site plan intended for application purposes only. It is anticipated that detailed site plans, including the building design, landscape design and parking layout, will be submitted at either the Plan Approval stage (as may be required as a condition of the Rezoning Approval) or at the building permit application stage.

It is our understanding that the future construction of the Chief Peguis Trail interchange will eliminate direct access to the proposed development site. This future access will also require a cross-access agreement through the existing driveway and private approach for the Public Works site (Area D on Figure 2). It is not anticipated that this secondary access will be required in the

near future, since Public Works has indicated that the proposed interchange is likely will not be constructed for 30 years or more.

Figure 2. Proposed Land Exchange



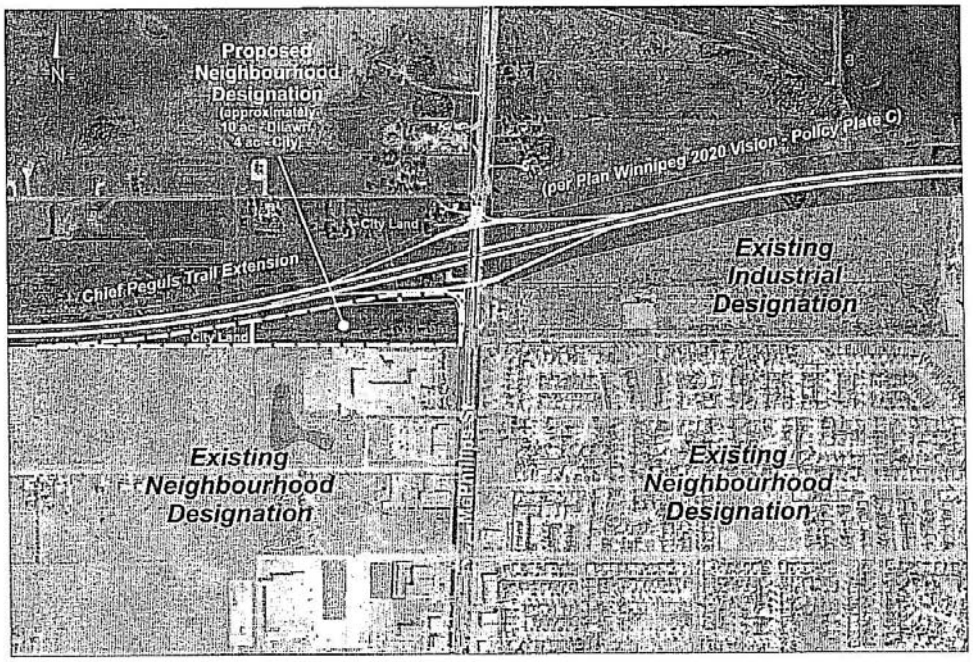
Plan Winnipeg Amendment – Basic Rationale:

The requested Plan Winnipeg amendment is minor in nature and does not, in the opinion of the applicant, represent a change in direction to any Plan Winnipeg policy. As noted earlier, Plan Winnipeg Policy Plate C illustrates the planned extension of Chief Peguis Trail. The specific alignment of the anticipated extension results in the isolation of a relatively small sliver of land lying south of the planned extension, which is the subject site (Figure 3). A portion of the area is City owned.

Figure 3 suggests that it was the City's *intent* to designate lands lying to the south of Chief Peguis Trail as *Neighbourhood* even though Plan Winnipeg currently shows the land as *Rural*. This intent becomes clear when looking at the *Industrial* designated lands lying to the east of McPhillips Street. With the *Industrial* designation, the alignment of directly follows the proposed Chief Peguis Trail alignment, veering southwards as it approach McPhillips street from the east. It is likely that had a more precise alignment of Chief Peguis been carried through further west (it may not have been available), the subject lands would have been designated

Neighbourhood and not *Rural* in Plan Winnipeg, and the current application process would not then be required.

Figure 3. Proposed Plan Winnipeg Redesignation Area



While the earlier intent of the City of Winnipeg can only be inferred, the merits of re-designating the subject site also stand on their own. The land is clearly a 'left-over' piece that should be developed in keeping with adjacent land uses both south of the site (Public Works site) and across McPhillips Street to the east (Commercial Gas Station), and also respecting the planned Chief Peguis Trail extension. This development cannot take place without the proposed Plan Winnipeg amendment.

The following section provides general supportive information as requested by the City of Winnipeg and in keeping with Plan Winnipeg requirements.

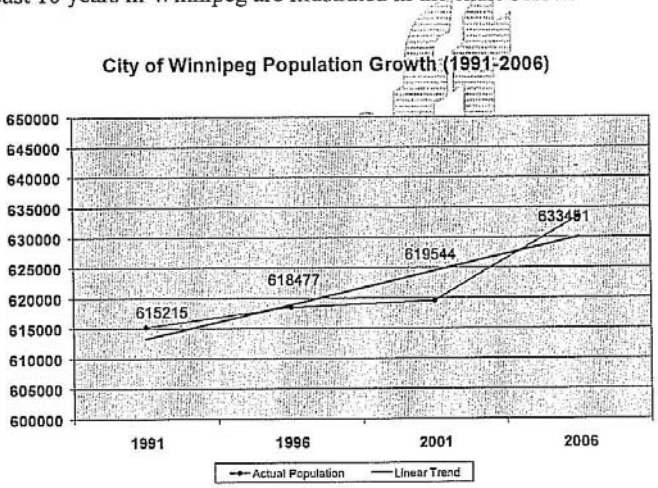
Plan Winnipeg – Supportive Information (based on an outline as provided by the City of Winnipeg):

A. Demographic Considerations

Relevant Plan Winnipeg Policies:

> **Policy 2B-03 (i)**: The City shall commit to responsive government by monitoring and responding to demographic, social, environmental and economic trends, both locally and globally.

Recent statistics confirm continued population growth in all areas of Winnipeg. The population gains over the past 10 years in Winnipeg are illustrated in the chart below:



The northeast quadrant of the City represents the primary market for the proposed car dealership. Traditionally, the northeast quadrant of the City captures its proportionate share of the population growth as is evidenced through issuance of permits for the northeast quadrant. These population increases serve as a primary indication of economic growth and therefore demand for retail products.

B. Economic Benefit

Relevant Plan Winnipeg Policies:

> **2B-03 (viii)**: The City shall commit to responsive government by evaluating …new development applications against a set of quality of life principles, including consideration of long-term economic benefits and costs.

2C-02 (ii) The City shall facilitate opportunities for business growth in Winnipeg by assisting business in meeting government requirements associated with new development and expansion…

The current demand for commercial development in the area continues to highlight Winnipeg citizens' desire to have access to these and other types of commercial land uses and products to meet the needs of day to day living and quality of life. Generally, quality of life indices include recognition that access to a range of goods and services can have a positive effect on quality of life.

The proposed project will include an estimated construction cost of $5 million (Honda Power Dealership). This investment will contribute substantially to City revenues and generate positive tertiary economic impacts. The tax contribution to the City is estimated at around $100,000 annually. The dealership will likely create in the order of 50-75 new jobs.

C. Market Commentary

Relevant Plan Winnipeg Policy:

3A-01 (ii): The City shall promote orderly development through land use designations on Policy Plate A by considering the Neighbourhood designations to signify areas of local identity with mutually supportive uses generally including a residential mix together with a variety of educational, recreational, institutional, commercial and possibly industrial uses, at a scale and density compatible with each other.

3A-02 (i): The City shall promote compact urban form in support of sustainability by approving new…commercial subdivisions only where there is a reasonable relationship between the supply of land and the projected demand and when a full range of municipal infrastructure can be provided in an environmentally sound, economical and timely manner.

3B-04 (ii): The City shall accommodate commercial and retail development by supporting the maintenance and development of neighbourhood main streets that provide a wide range of local services, that enhance community character, and that provide for the incremental expansion of commercial uses consistent with the general character of the adjacent neighbourhood.

3B-05 (ii): The City shall promote commercial densification in a manner consistent with its commitment to compact urban form by approving new locations for commercial development only where significant residential areas cannot accommodate expansion, where the long-term negative impacts on existing regional and commercial centres will be minimal, where additions to the regional street system can be demonstrated to have

long term benefits, and where a full range of municipal infrastructure can be provided in an environmentally sound, economical and timely manner.

The existing commercial land supply (i.e. Plan Winnipeg land) available to accommodate the proposed development in this area is nil. The previous vacant commercial sites at the intersection of McPhillips Street and Liela Avenue have dwindled and any remaining vacant properties do not represent a viable option for this development, as the land parcels are generally too small or are in an unsuitable configuration.

The target markets for this development are primarily the northwest quadrant in Winnipeg as well as to a lesser extent the northern part of northeast Winnipeg. The location of the site at a the intersection of a major route and a future ring road means that the target market area of the site will become larger with the construction of the Chief Peguis Trail.

The proposed development will provide commercial service to the local area and larger community and will be compatible with adjacent development, which consist of industrial and commercial uses. Existing municipal services are located adjacent to the site and the anticipated benefits to the existing transportation system are noted in Section E of this document.

D. Development Impact Analysis

Relevant Plan Winnipeg Policy:

3A-02 (v): The City shall promote compact urban form in support of sustainability by supporting new development which is adjacent to and compatible with existing development and which is designed to minimize the spatial use of land.

3A-04 (i): The City shall protect traffic flows from significant increases in volume as a result of new developments by requiring major developments to be sited in such a manner that public investment in adjacent regional transportation facilities is protected:

(These policies are also cited in subsequent sections of this report).

Any impact to other commercial operations as a result of the proposed development are likely to be positive, since additional competition typically serves as an economic driver, not an economic disincentive, as illustrated by the recent development of auto-malls.

The proposed location of the development site is likely to have little or no negative impact to adjacent properties and the larger neighbourhood, since adjacent uses are all considered compatible uses (commercial, industrial and highway corridor).

The proposed development should not have any detrimental effect on other parts of the City including central areas. Car dealerships have generally relocated to suburban areas of the City,

though a number of dealerships have established and remain successful operations in certain more central neighbourhoods, presumably capturing a niche market.

E. Transportation Impacts

Relevant Plan Winnipeg Policy:

> **3A-04 (i)**: The City shall protect traffic flows from significant increases in volume as a result of new developments by requiring major developments to be sited in such a manner that public investment in adjacent regional transportation facilities is protected:
>
> **3C-03 (iii):** T he City shall commit to traffic operations improvement to increase roadway efficiency by assessing the compatibility of new development and access controls with the intended function of the adjacent arterial street system;
>
> **3D-02 (ii)**: The City shall invest strategically in new infrastructure by recognizing that investments in arterial street system improvements and additions may be necessary in support of economic development goals and the desire to improve access an mobility;

The City of Winnipeg will benefit greatly from a transportation perspective as a result of the proposed land exchange. The land exchange will allow the City of Winnipeg to secure and protect a significant portion of the required lands to accommodate the planned Chief Peguis Trail.

Preliminary meetings with the City of Winnipeg – Public Works Department suggest that the limited scale of this development (and the nature of the proposed land use) is unlikely to have any negative impact on the existing transportation system. There is an existing median opening in McPhillips Street that will service the site for northbound ingress and southbound egress.

F. Sustainability

Relevant Plan Winnipeg Policy:

> **3A-02 (v):** The City shall promote compact urban form in support of sustainability by supporting new development which is adjacent to and compatible with existing development and which is designed to minimize the spatial use of land.
>
> **3A-02 (i):** The City shall promote compact urban form in support of sustainability by approving new…commercial subdivisions only where there is a reasonable relationship between the supply of land and the projected demand and when a full range of municipal infrastructure can be provided in an environmentally sound, economical and timely manner.

The proposed development site is both adjacent to, and compatible with, existing development.

It is the applicant's understanding that no additional City infrastructure is required to accommodate the development, as all required services have already been extended to this location. It the applicant's further understanding that any unidentified required infrastructure costs will be identified and addressed in a development agreement required as part of the rezoning/subdivision application.

The development of the proposed site represents the logical, orderly contiguous city growth which, in the applicant's opinion, represents a positive contribution to the vitality of Winnipeg and the surrounding region, as has been highlighted in previous sections.



Exhibit “6” referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

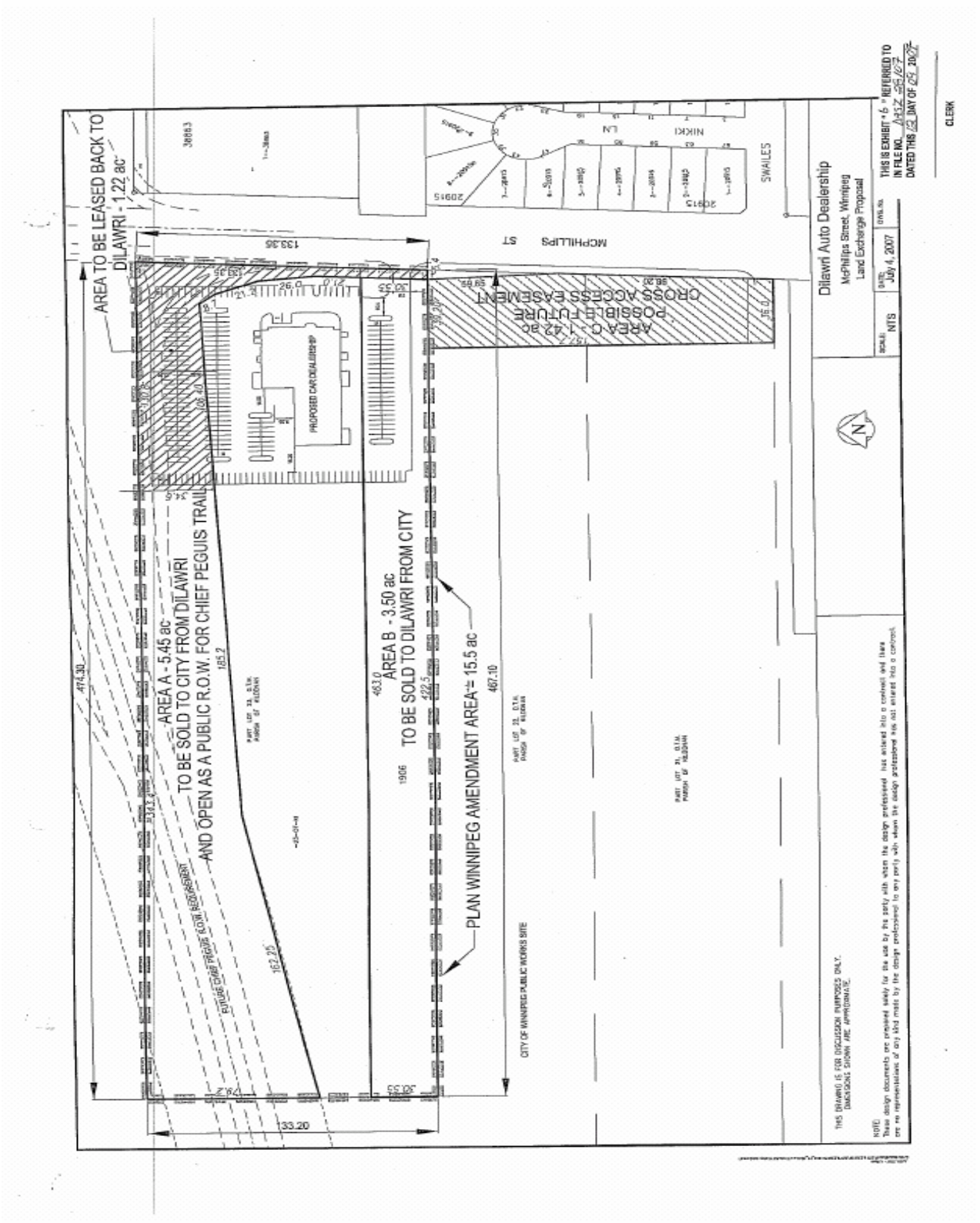


Exhibit "7" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

From: Donovan Toews
Sent: September 7, 2007 11:01 AM
To: Skundberg, Inga
Cc: Ashok Dilawri
Subject: EPC Hearing Request

Inga,

Further to my voicemail, my client Mr. Ashok Dilawri, is requesting to have the public hearing associated with file DASZ 28/07 and associated Plan Winnipeg Amendment and variance, laid over for two to three weeks in order that we may complete a traffic analysis as requested by Public Works and to finalize negotiations on the proposed real estate transaction.

Could you please confirm receipt of this request and advise accordingly.

Thanks kindly,

Donovan Toews

Exhibit "8" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

Winnipeg

Planning, Property & Development Department
Service de l'urbanisme, des biens et de l'aménagement
Main Floor, 65 Garry Street • 65, rue Garry, rez-de-chaussée
• Winnipeg • Manitoba R3C 4K4

Filed as exhibit "A" referred to in the Affidavit of Ron Laubmann sworn before me this 11th day of September A.D. 2007
A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF MANITOBA. MY COMMISSION EXPIRES 09/05/24

INSPECTION REPORT

INSPECTION DECLARATION OF PUBLIC NOTICE FOR:

File Number	:	DASZ 28/07 (PW 1/07) - (c/r 07-147175/D)
Date of Public Hearing	:	Wednesday, September 12, 2007, 9:00 a.m.
Applicant - name	:	DKA Developments Inc. (Donovan Toews)
- phone	:	791-4259
Posters - to be erected	:	4 on McPhillips Street
Posters - erected by	:	Applicant __X__ City of Winnipeg ____

Exhibit "A"

PREMISES: land located on the west side of McPhillips Street north of Templeton Ave

1. City posted premises on: /
   Number of Posters erected: /
   (delete where not applicable)
2. Premises Inspected on: Sept 11, 2007
   Number of Posters on premises: 4
3. Premises Inspected on: NIL
   Number of Posters on premises: /

I, Ron Laubmann, Development Application Inspector of the City of Winnipeg, in the Province of Manitoba, do solemnly declare that I did on the 11th day of Sept, A.D. 2007, post/inspect the posting of the public notice as stated above, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the Canada Evidence Act.

Declared before me at Winnipeg)
in the Province of Manitoba this)
11th day of Sept A.D. 2007.)

Development Application Inspector

A COMMISSIONER FOR OATHS IN AND FOR THE PROVINCE OF MANITOBA. MY COMMISSION EXPIRES 09/05/24

THIS IS EXHIBIT "9" REFERRED TO IN FILE NO. DAV 147175/07 DATED THIS 12 DAY OF Sept 2007

CLERK

THIS IS EXHIBIT "8" REFERRED TO IN FILE NO. DASZ 28/07 DATED THIS 12 DAY OF Sept 20 07

CLERK

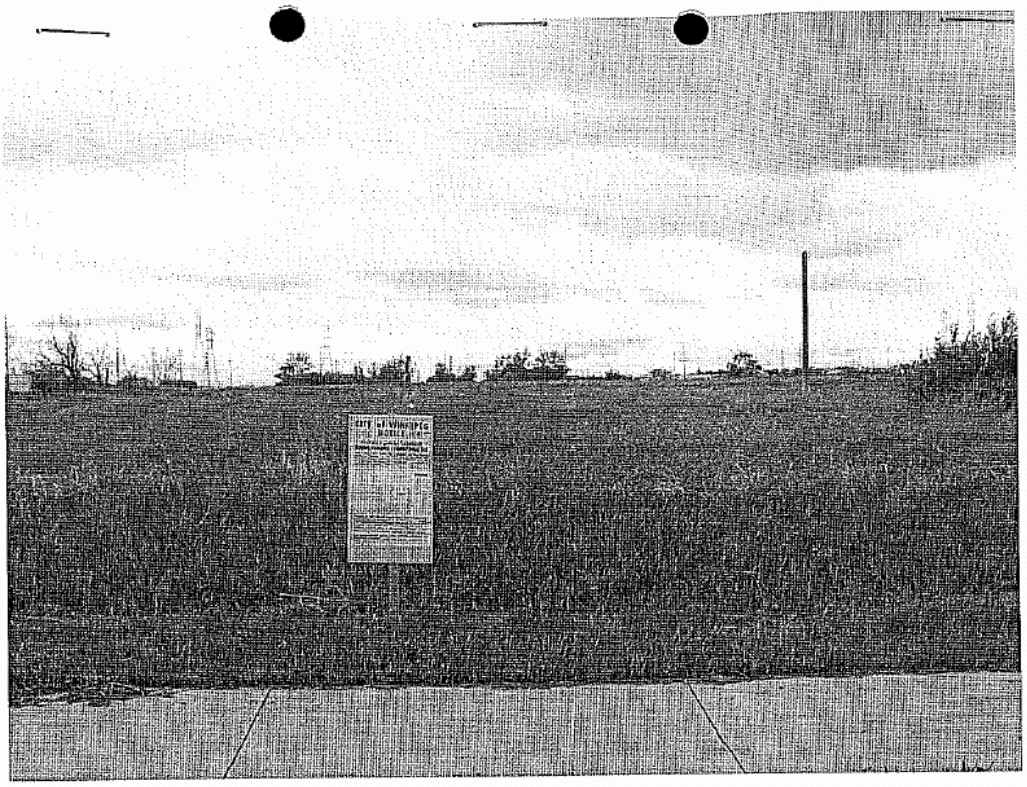




Exhibit "9" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

Winnipeg

City Clerk's Department • Bureau du greffier

September 12, 2007

Files EP-1.1 (PW 1/2007), DASZ 28/2007, and DAV 147175/2007D

TO WHOM IT MAY CONCERN

Applications for Plan Winnipeg Amendment, Subdivision and Rezoning, and Variance – West side of McPhillips Street, north of Templeton Avenue

On September 12, 2007, the Executive Policy Committee considered a request from the applicant that the subject applications be adjourned.

Accordingly, Executive Policy Committee adjourned the public hearings in the above connection to its meeting to be held on October 17, 2007, at 9:00 a.m. in the West Committee Room.

JPark

Jo-Ann Park
Manager of the Decision Making Process
Telephone 986-3732

Embrace the Spirit • Vivez l'esprit

Exhibit “10” referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

** Report of the Winnipeg Public Service Unavailable at the Time of Publication*

Exhibit “11” referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

** Report of the Winnipeg Public Service Unavailable at the Time of Publication*