Minute No. 18
Report – Executive Policy Committee – October 31, 2007

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]

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 28/2007 dated September 1, 2007 to a "C2" Commercial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any buildings, accessory parking or display areas, private roads, and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches and roads, garbage enclosures, fencing, landscaping, lighting, and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;

        ii. That a 15 foot separation space/buffer area shall be maintained along the entire north side of the area identified as Parcel A. The separation space/buffer area shall be landscaped to the satisfaction of the Director of Planning, Property, and Development and shall not be used for structures, parking, a display area, or for storage of materials of any kind;

        iii. That no buildings or other permanent structures shall be located within the area identified as Parcel A;

Report – Executive Policy Committee – October 31, 2007

COUNCIL DECISION (continued):

iv. That access to the subject property shall be limited to the existing median opening on McPhillips Street at the former C.P.R. Bergen Subdivision and a right turn inbound only access near the north limit of the subject property;

v. That upon a minimum of six months notice by the City, at such time that construction of the Chief Peguis Trail extension, west of McPhillips Street, is to proceed, the owner will be required to relocate all access to the intersection of McPhillips Street and Swailes Avenue, at no expense to the City; and

vi. That no access will be permitted off the future Chief Peguis Trail.

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 August 28, 2007.

2. 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.

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

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

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

Report – Executive Policy Committee – October 31, 2007

COUNCIL DECISION (continued):

7. 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 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.

8. 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.

9. That in the event 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.

10. 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 Charter.

11. That the zoning section of the by-law shall not come into force and effect until negotiations between the City and the applicant respecting the exchange/purchase of lands for the future Chief Peguis Trail Extension and adjacent lands are approved to the satisfaction of the Director of Planning, Property, and Development.

Report – Executive Policy Committee – October 31, 2007

DECISION MAKING HISTORY:

Moved by His Worship Mayor Katz,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 31, 2007, the Executive Policy Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment, namely:

- Report from the Acting Director of Planning, Property and Development
  Delete Recommendation 1.A.iv. in its entirety, and renumber the balance of the recommendations accordingly,

and submitted the matter to Council.

Further, on October 31, 2007, the Executive Policy Committee provided the following supporting reason for its recommendation, namely:

1. The Executive Policy Committee agreed with the comments of the Winnipeg Public Service contained in the report from the Acting Director of Planning, Property and Development dated October 18, 2007, and in the report from the Administrative Coordinating Group dated August 28, 2007.

On October 17, 2007, the Executive Policy Committee did not hear any representation on the application and adjourned the public hearing to its meeting on October 31, 2007.

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.

PUBLIC HEARING SUMMARY

File:	DASZ 28/2007 [c/r EP-1.1 (PW 1/2007), DAV 147175/2007D]
Before:	Executive Policy Committee His Worship Mayor Katz, Chairperson Deputy Mayor Leipsic Councillor Clement Councillor O'Shaughnessy Councillor Steeves Councillor Swandel Councillor Wyatt
Public Hearing:	October 31, 2007 October 17, 2007 September 12, 2007 West Committee Room Council Building, 510 Main Street
Applicant:	DKA Developments Inc. (Donovan Toews)

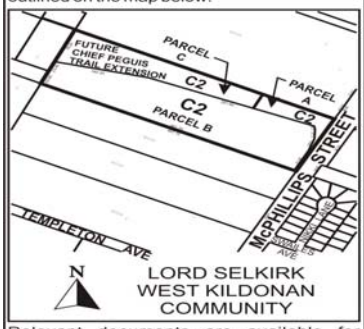
Subject:

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 September 12, 2007
10. Notice of Adjournment dated October 17, 2007
11. Report from the Acting Director of Planning, Property and Development dated October 18, 2007
12. Report from the Administrative Coordinating Group dated August 28, 2007
13. Supplementary Report from the Planning and Land Use Division dated October 31, 2007

REPRESENTATIONS:

In Support:
Ashok Dilawri
Robert Kurylko
Donovan Toews (Landmark Planning and Design Inc.), DKA Developments

In Opposition
Richard Bahrychuk
Rick and Barb Storie

For Information:
Nil

For the City:
Ms. J. East, Manager of Planning and Land Use, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Ms. M. Richard, Senior Planner (Plan Winnipeg), Planning, Property and Development Department
Mr. M. Robinson, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE COMBINED PUBLIC HEARING FOR PLAN WINNIPEG AMENDMENT
FILE PW 1/2007 and SUBDIVISION AND REZONING FILE DASZ 28/2007

September 12, 2007

No representations were heard inasmuch as the Executive Policy Committee adjourned the Public Hearing with respect to this application prior to opening representations.

October 17, 2007

No representations were heard inasmuch as the Executive Policy Committee adjourned the Public Hearing with respect to this application prior to opening representations.

October 31, 2007

Donovan Toews, DKA Developments, and Robert Kurylko, appeared in support of the Plan Winnipeg Amendment, Subdivision and Rezoning, and Variance applications. Donovan Toews indicated concurrence in the recommendations contained in the reports from the Manager of Planning and Land Use dated October 18, 2007, and the Administrative Coordinating Group Report dated August 28, 2007, with the following exception:

- That Condition No. 3 of the Administrative Coordinating Group Report with respect to the construction of a northbound left turn storage lane be delayed.

Ashok Dilawri appeared in support of the Plan Winnipeg Amendment, Subdivision and Rezoning, and Variance applications, and requested that Condition No. 3 of the Administrative Coordinating Group Report dated August 28, 2007, with respect to the construction of a storage lane be delayed until the 2nd phase of the subject development.

During discussion related to the northbound left turn storage lane construction, Councillor O'Shaughnessy suggested that development be limited to 5 acres, and that construction of the storage lane be required once development exceeds the 5 acres.

In this connection, Councillor Swandel suggested a condition be imposed to post a letter of credit in the amount of $300,000.00, to which Ashok Dilawri responded by advising that he could not support the proposed additional condition.

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

Void Unless Bearing Cash Register Imprint

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 (8) / 110 (8)	482.50 / 482.50	A
GST	28.95	B
Surcharge	11.00	C
GST ~~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. MH

Atlas Sheet:	Zoned:	Community Committee:	By-law:
R24	A	LSWK	6400/94 / 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 Toews)
Name: 1700B Waverley St — Address; R3T 5V7 — Postal Code; 791-4259 — Telephone
Owner: Agritoba Inc. / City of Winnipeg
Name: — Address; Postal Code; Telephone

Fully describe the nature of this application: Subdivision and Rezoning application required to subdivide Pt OTM 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 Hammerberg Date 07/08/21
Zoning Administrator [signature] Date 07/08/24

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

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

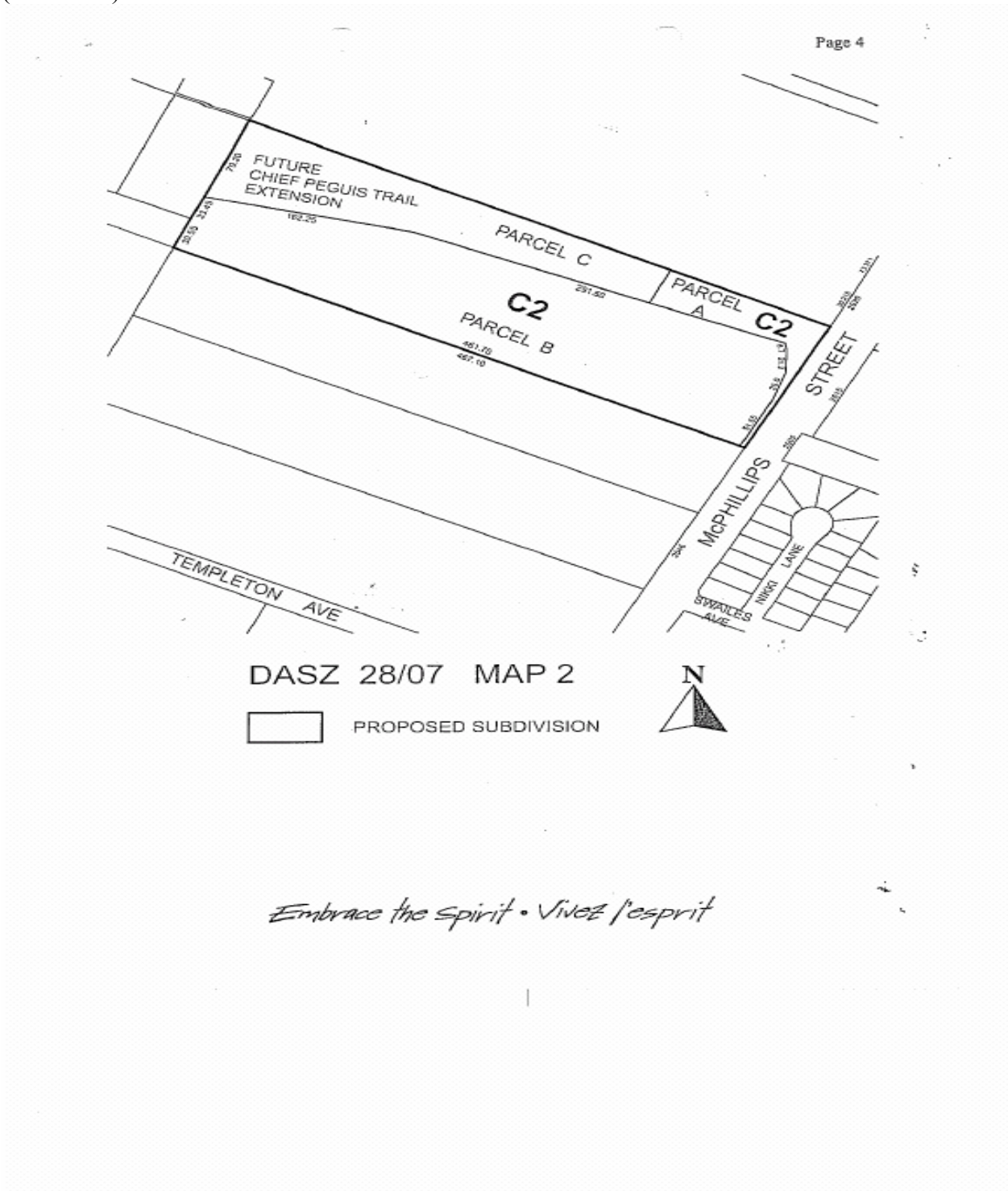


Exhibit "2" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

Winnipeg

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

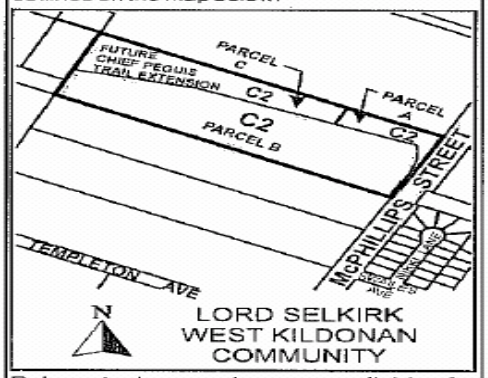
Time: 9:00 a.m.

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 "3A" 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

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

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

V:\barry\5626Mcphillipsswailes\authorizationltr.doc

THIS IS EXHIBIT "3B" REFERRED TO IN FILE NO. PW 1/2007
DATED THIS 12 DAY OF 09 2007

CLERK

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

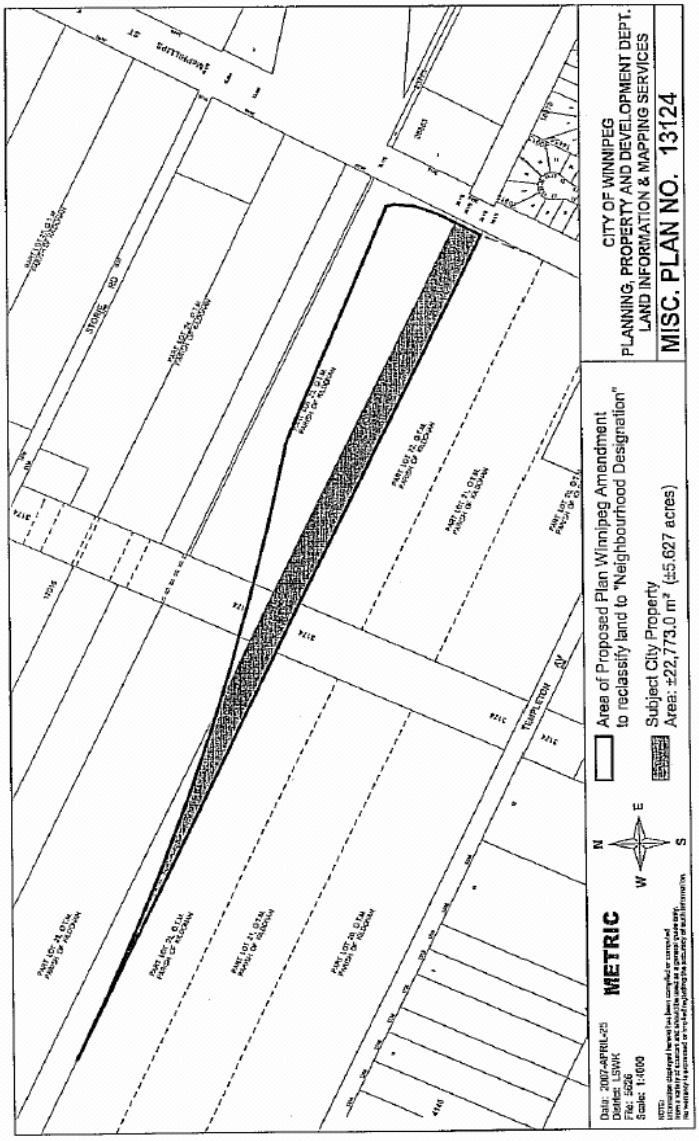


Exhibit "4C" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

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)

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

V:\barry\5626Mcphillipsswailes\authorizationltraug292007.doc

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

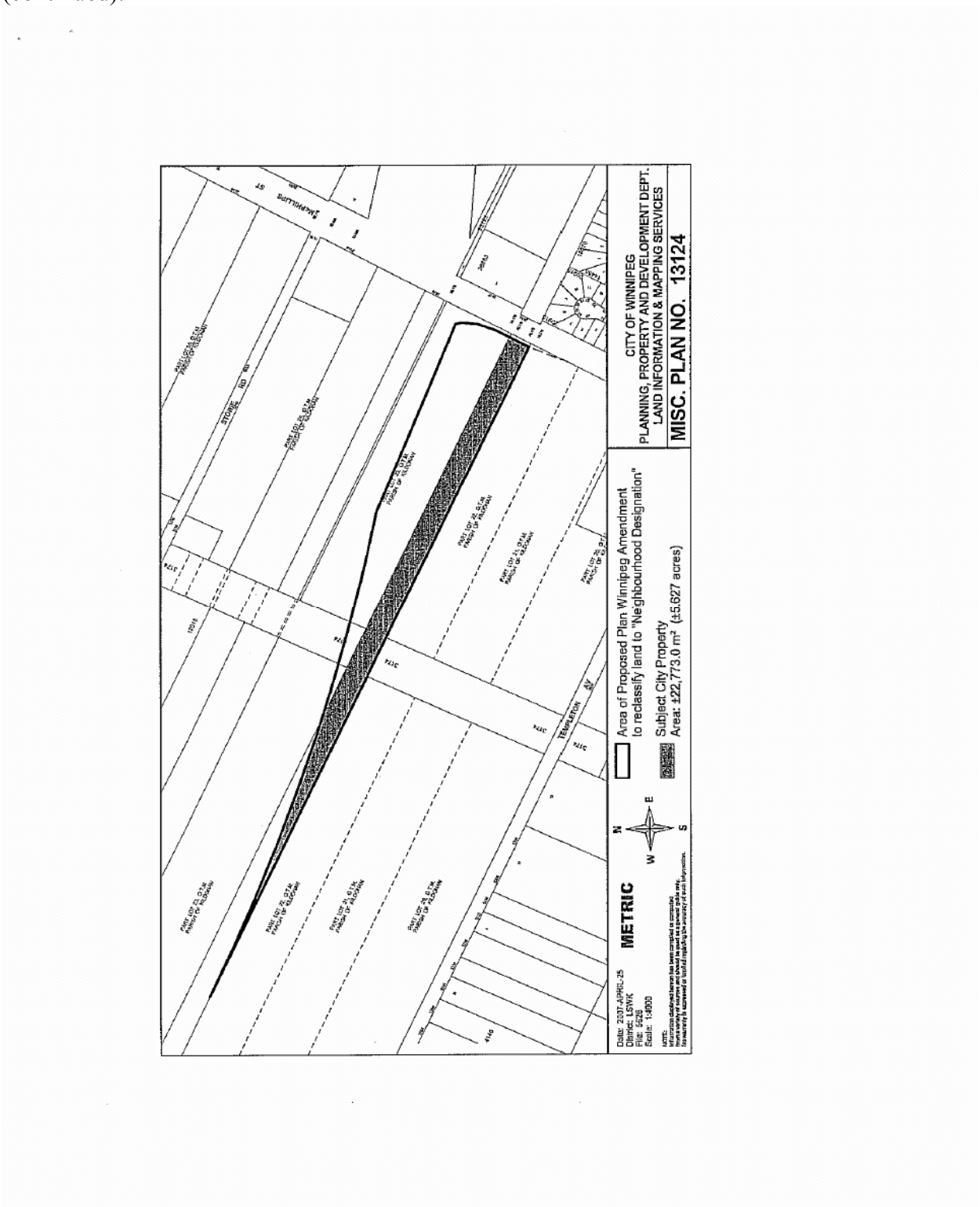


Exhibit "5" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

McPhillips Street North Development Proposal

Plan Winnipeg Amendment and Rezoning Application Impact Analysis

May 2, 2007

Landmark
Planning & Design Inc.

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

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.

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

Figure 1. Proposed Plan Winnipeg Amendment – Subject Site Location

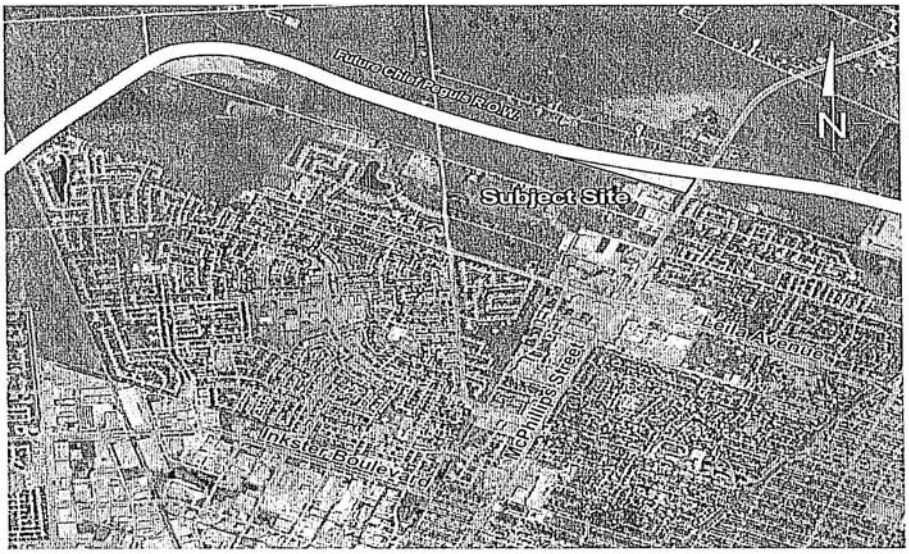
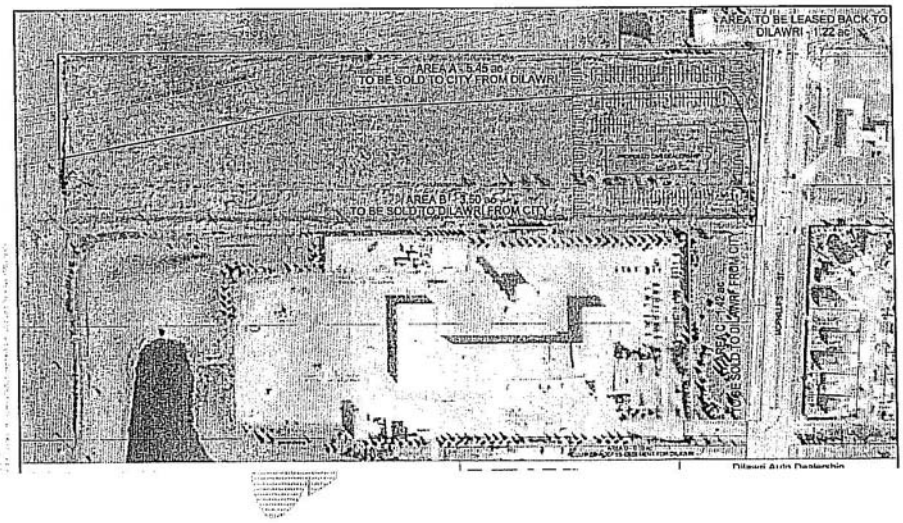

Future Chief Peguis R/Wy
N
Subject Site
Keewatin Street
Keewatin Street
Keewatin Street

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

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:

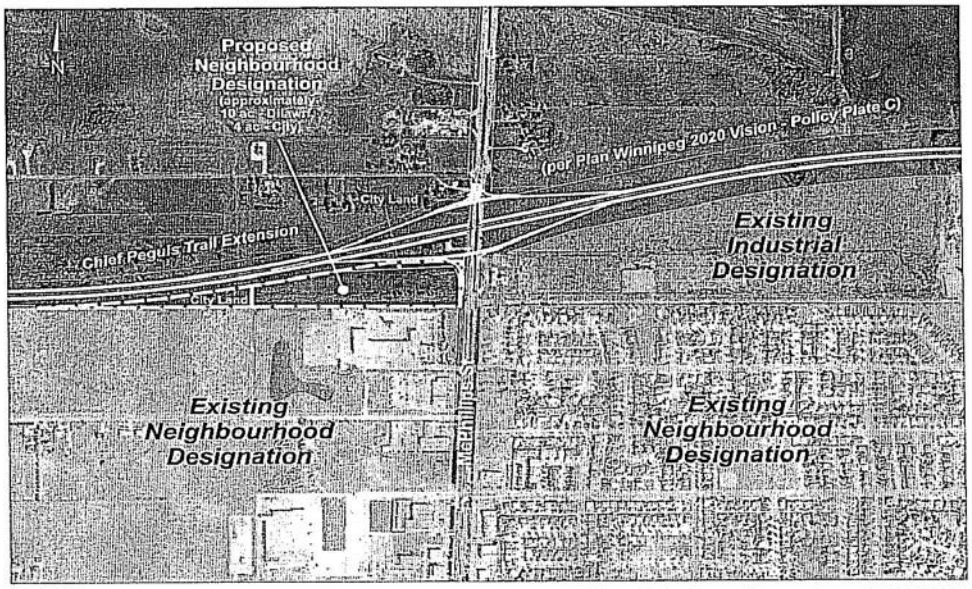
The requested Plan Winnipeg amendment is minor in nature and does not, in the opinion of the applicant, represent a change in direction to any Plan Winnipeg policy. As noted earlier, Plan Winnipeg Policy Plate C illustrates the planned extension of Chief Peguis Trail. The specific alignment of the anticipated 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

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

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.

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

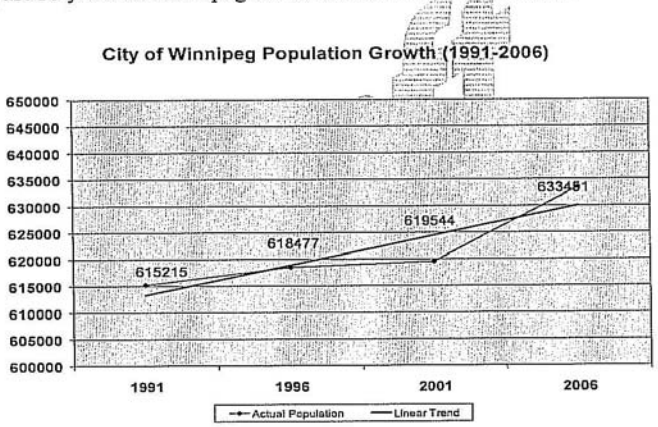
Plan Winnipeg – Supportive Information (based on an outline as provided by the City of Winnipeg):

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.

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

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

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

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,

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

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.

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

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.

draft

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

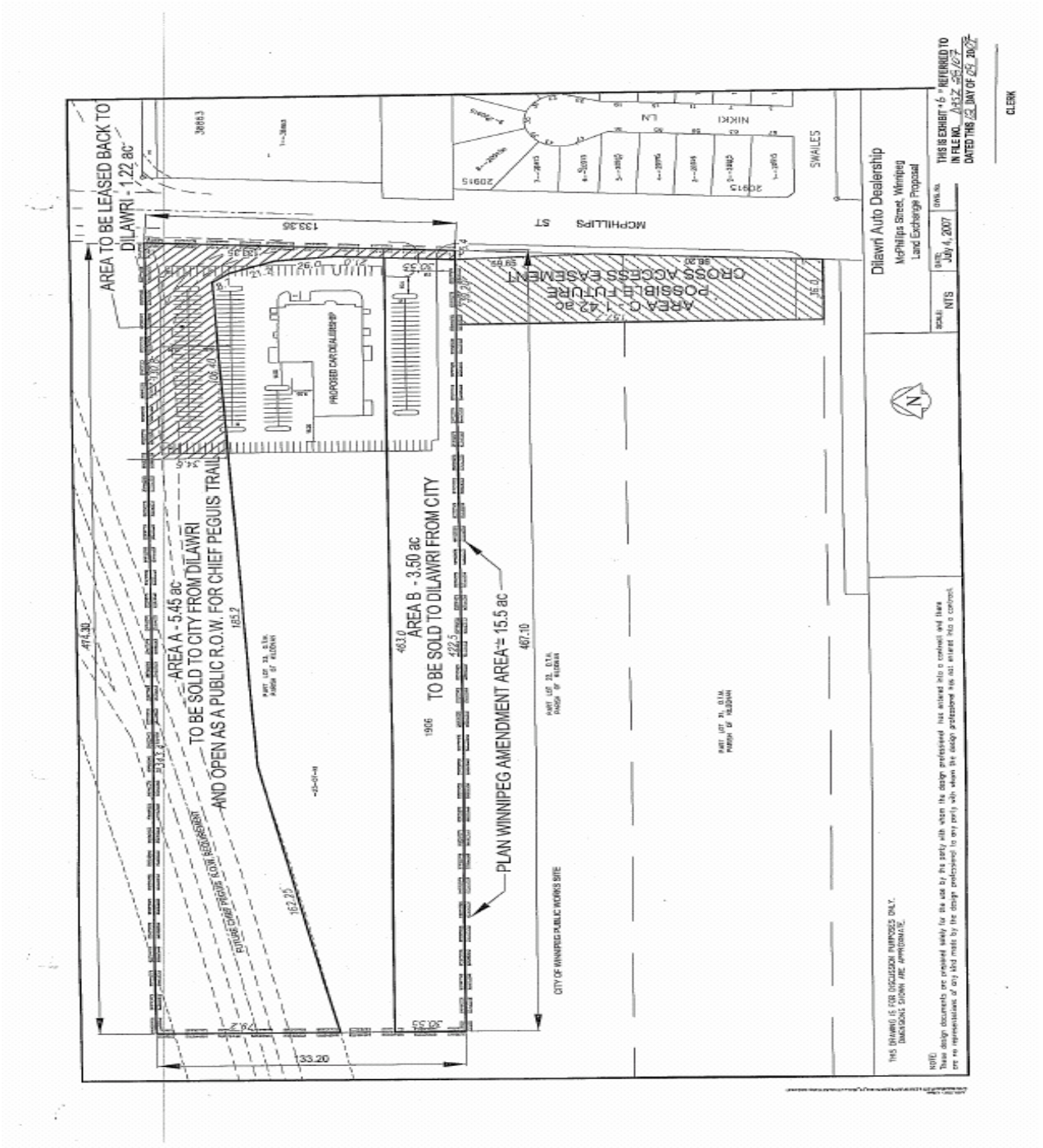


Exhibit "7" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

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

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

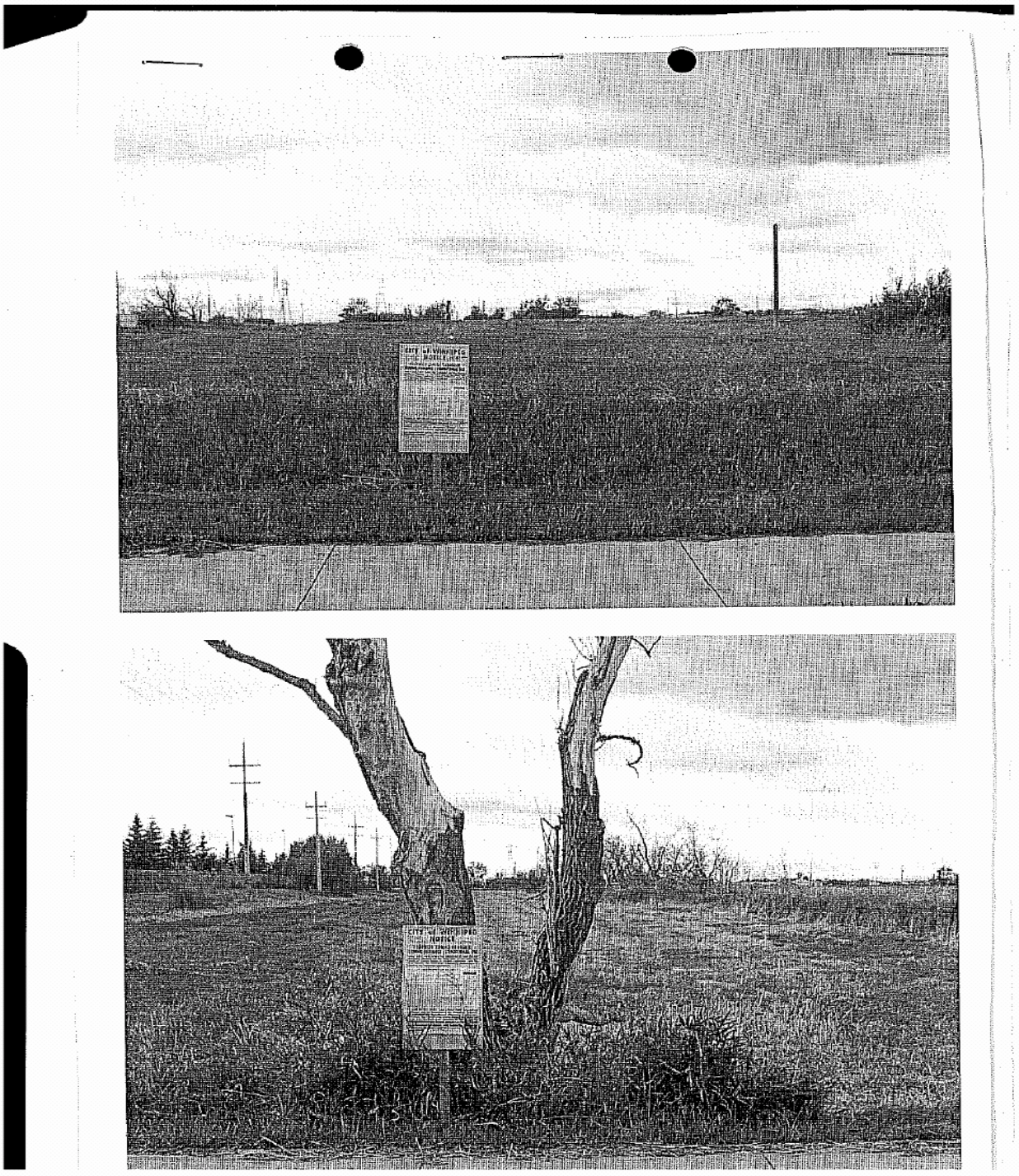


Exhibit "9" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

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

Exhibit "10" 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

October 17, 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 October 17, 2007, the Executive Policy Committee considered applications for a Plan Winnipeg Amendment, Subdivision and Rezoning, and a Variance for premises affected on the west side of McPhillips Street, north of Templeton Avenue.

The Executive Policy Committee adjourned the public hearings to its meeting on October 31, 2007, at 9:00 a.m. in the West Committee Room.

Additional information on this matter can be accessed via the City Clerk's Department Decision Making Information System at www.winnipeg.ca/CLKDMIS in Committee's Minute documents.

JPark

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

Embrace the Spirit • Vivez l'esprit

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

RE:	**Rezoning and Subdivision - West Side of McPhillips Street, North of Templeton Avenue (DASZ 28/07)**
FOR SUBMISSION TO:	**Executive Policy Committee**
ORIGINAL REPORT SIGNED BY:	**Director of Planning, Property, and Development**
REPORT DATE:	**October 18, 2007**

RECOMMENDATION:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 28/2007 dated September 1, 2007 to a "C2" Commercial District subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

        i. That for the development of any buildings, accessory parking or display areas, private roads, and/or signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches and roads, garbage enclosures, fencing, landscaping, lighting, and signage to the Director of Planning, Property and Development for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development;
        ii. That a 15 foot separation space/buffer area shall be maintained along the entire north side of the area identified as Parcel A. The separation space/buffer area shall be landscaped to the satisfaction of the Director of Planning, Property, and Development and shall not be used for structures, parking, a display area, or for storage of materials of any kind;
        iii. That no buildings or other permanent structures shall be located within the area identified as Parcel A;
        iv. That all development of the subject property shall not exceed 5 acres (2.0 hectares) and shall be limited to one business establishment;

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

v. Access to the subject property shall be limited to the existing median opening on McPhillips Street at the former C.P.R. Bergen Subdivision and a right turn inbound only access near the north limit of the subject property;
vi. Upon a minimum of six months notice by the City, at such time that construction of the Chief Peguis Trail extension, west of McPhillips Street, is to proceed, the owner will be required to relocate all access to the intersection of McPhillips Street and Swailes Avenue, at no expense to the City; and
vii. No access will be permitted off the future Chief Peguis Trail.

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 August 28, 2007.

2. 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.

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

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

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

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

7. 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 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.

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

8. 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.

9. That in the event 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.

10. 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 Charter.

11. That the zoning section of the by-law shall not come into force and effect until negotiations between the City and the applicant respecting the exchange/purchase of lands for the future Chief Peguis Trail Extension and adjacent lands are approved to the satisfaction of the Director of Planning, Property, and Development.

Report Summary

Key Issues:

- The applicant proposes to rezone and subdivide the subject lands in order to establish an automotive sales business and future right-of-way.
- A portion of the subdivided lands will be transferred to the City and designated as future right-of-way for the Chief Peguis Trail Extension (Phase III-not currently planned section).
- The proposed use is an orderly extension of commercial development on McPhillips Street, which is a heavily commercialized regional street.
- The proposed use is compatible with the area.
- The proposed use will not have an adverse impact on adjacent properties.
- Associated with this application, a Plan Winnipeg Amendment to designate the subject lands from Rural Policy Area to Neighbourhood Policy Area, is being considered.

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

Implications of the Recommendation(s):

General Implications

(X) None

( ) For the organization overall and/or for other departments

( ) For the community and/or organizations external to the City

( ) Involves a multi-year contract

Comment(s):

Policy Implications

(X) No

( ) Yes

Comment(s):

Regulatory Implications

(X) None

( ) Eliminates or reduces regulatory impact

( ) Proposes regulatory impact

Comment(s):

Environmental Implications

(X) No

( ) Yes

Comment(s):

Human Resources Implications

(X) No

( ) Yes

Comment(s):

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

Financial Implications

(X) Within approved current and/or capital budget

( ) Current and/or capital budget adjustment required

Comment(s):

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

Report

REASON FOR THE REPORT:
Pursuant to the City of Winnipeg Charter, Executive Policy Committee is the designated hearing body responsible for Plan Winnipeg.

Sections 227 and 278 of the City of Winnipeg Charter provide that hearings required in respect to an amendment to Plan Winnipeg may be combined with another hearing. Since the proposed amendment (By-law 149/2007) is running concurrently with an application for rezoning and subdivision (DASZ 28/07), Executive Policy Committee will consider the Plan Winnipeg amendment and subdivision and rezoning together, at the September 12, 2007 public hearing.

DISCUSSION:

Description of the Proposed Development
The applicant wishes to subdivide and rezone currently vacant land to accommodate the development of a car dealership. The applicant has indicated that the dealership will only require the easternmost half of the land being rezoned at this time and that the balance of the land may be developed at some time in the future.

Additionally, a portion of the subdivided lands will be transferred to the City and designated as future right-of-way for the Chief Peguis Trail Extension (Phase III-not currently planned section).

Neighbourhood Context

Existing land use and zoning
The subject property, which is situated on the west side of McPhillips Street, north of Swailes Avenue and south of the proposed Chief Peguis Trail extension, is currently within Rural Policy Area and zoned "A" Agricultural. It is located in the Rosser-Old Kildonan neighborhood of the Old Kildonan Ward.

Surrounding land use and zoning
North: Residence zoned "A" Agricultural
South: City-owned property zoned "M2" Industrial
East: Commercial use zoned "M1" Industrial
West: Undeveloped land zoned "A" Agricultural

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

Development Analysis and Issues

Plan Winnipeg

If the associated Plan Winnipeg Amendment is approved, the subject parcels will fall within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for a variety of residential, commercial, institutional, and mixed uses

Compatibility with the existing neighbourhood and surrounding uses

The proposed development will provide a commercial service to the local area and larger community and will be compatible with the existing pattern of development to the south along McPhillips Street, which includes a variety of commercially-zoned uses

The area to the north, however, remains rural in character - and to the immediate north is one single-family residence fronting onto McPhillips Street. With that said, care should be taken in the final site design to incorporate screening and buffering so that these homeowners are not negatively impacted by the use. Additionally, care should be taken so that light does not spill-over or glare onto this property. These details will be finalized through the plan approval process.

It should also be noted that the City of Winnipeg Fire and Paramedic Service Academy, who use the City-owned property immediately adjacent to the subject lands, conduct daily live fire training exercises. The applicant has been advised of the type and level of training that occurs on the adjacent site and are acknowledging, through an indemnity agreement, that they will not hold the City legally responsible for any property damages or general inconvenience that may result from these activities.

Other Areas of the City

The proposed development is not likely to have a detrimental effect on commercial lands in other parts of the City, including central neighbourhoods. Modern car dealerships require a large amount of land, and in light of this, many have relocated to suburban areas of the City – though a number of dealerships are established and still remain successful in more central neighbourhoods.

Plan Approval

As previously mentioned, at the time of plan approval, final details, which include the overall building styling and orientation, landscaping, fencing, and lighting will be finalized by the Public Service. Due to the visibility of this property, which will serve as a gateway to Winnipeg from the north, a degree of sensitivity in terms of landscaping, building design, and signage, is expected. At this juncture, it seems appropriate to

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

outline general goals for the final design, which will be taken into consideration when the final plans are being reviewed. (Appendix 1).

Transportation and Site Access
Automobile dealerships draw from both a local and regional population. As such, they require good access to the regional transportation system. For that reason, the proposed location, on a regional street, is well suited to this type of use.

Access
At this time, all directional access will be provided at the existing median opening on McPhillips Street at the former CPR Bergen Subdivision.

In the future, if, as anticipated, a portion of the property frontage is required for the development of the Chief Peguis Trail Extension, access to the property will be relocated to the south of the subject property, at the intersection of McPhillips Street and Swailes Avenue. From there, an access road will serve the development. This will be facilitated by way of a cross-access easement agreement across the City-owned lands, benefiting the applicant.

Future Expansion
The Public Works Department is recommending that the subject property be limited to a single automobile dealership with a maximum site area of 5 acres. In the future, if the owner wishes to expand beyond this size, the Public Works Department will require a Traffic Impact Study, the purpose of which will be to review the traffic impacts on the access (short and long term) to the subject property by an increase in development size and intensity and to identify improvements necessary to accommodate the expanded development.

Servicing
All servicing requirements are dealt with in the accompanying ACG report.

Land Dedication
Finally, it should be noted that cash-in-lieu of dedication for public open space is incorporated into the recommended conditions of approval.

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

Recommendation

The Planning and Land Use Division recommends approval of the proposed rezoning and subdivision for the following reasons:

- The proposed use is an orderly extension of commercial development on McPhillips Street, which is a heavily commercialized regional street.
- The proposed use is compatible with the area.
- The proposed use will not have an adverse impact on adjacent properties.

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

Financial Impact Statement **Date:** **August 30, 2007**

Project Name:

Rezoning and Subdivision - West side of McPhillips Street, north of Templeton Avenue (DASZ 28/07)

COMMENTS:

There are no financial implications associated with this recommendation.

Manager of Finance & Administration

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

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:
Water and Waste Department
Public Works Department

External Consultation With:
N/A

THIS REPORT SUBMITTED BY:

Planning, Property, and Development Department
Planning and Land Use Division
Prepared by: Michael Robinson, AICP
PPD File No. DASZ 28/07

Attachments:
1. Schedule "A" for File No. DASZ 28/07, Executive Policy Committee, dated September 1, 2007
2. Schedule "B" – Administrative Coordinating Group Report File No. AG 28/07, dated August 28, 2007
3. Figure 1 – Aerial Photograph
4. Appendix A – Design Guidelines for Plan Approval

O:\Reports Directive\Planning and Land Use\Urban Planning Reports\2007 Reports\McPhillips DASZ 28 07.doc

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

Schedule "A" to the report to the Executive Policy Committee for File DASZ 28/2007, dated September 1, 2007.

By-Law No. _____

File No. **DASZ 28/07**

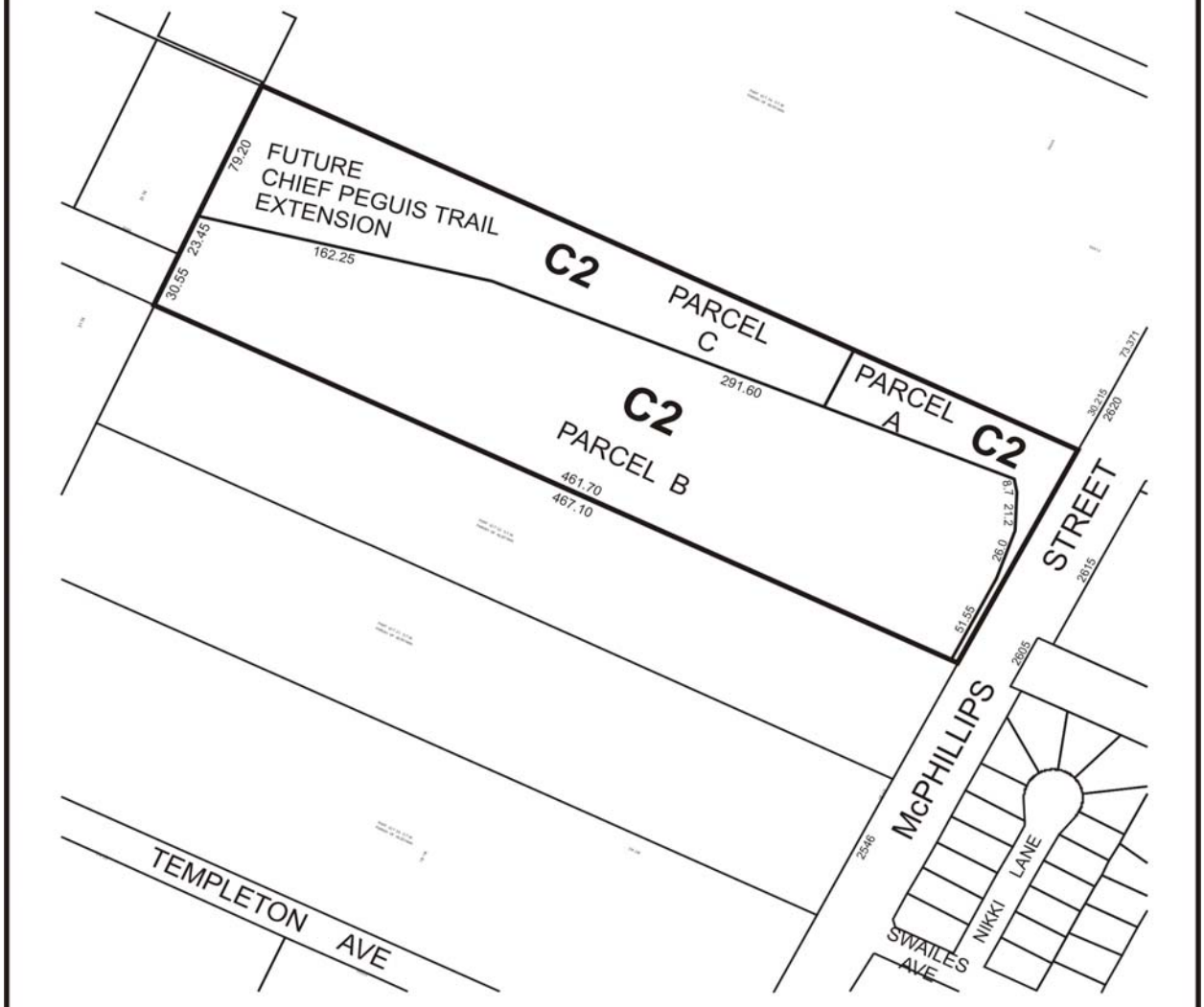
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located on the west side of McPhillips Street, north of Templeton Avenue from an "A" AGRICULTURAL DISTRICT and an "M2" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No. **R24**

N

LORD SELKIRK WEST KILDONAN COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit "12" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

Schedule "B"

Re: Proposed subdivision and rezoning of land located on the west side of McPhillips Street north of Swailes Avenue.- DASZ 28/07

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE EXECUTIVE POLICY COMMITTEE

"Original signed by E.L. Carrière"
E.L. Carrière
Chairman
Administrative Coordinating Group

August 28, 2007

Exhibit "12" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D] (continued):

Re: Proposed subdivision and rezoning of land located on the west side of McPhillips Street north of Swailes Avenue.- DASZ 28/07

An application has been submitted by DKA Developments Inc. to subdivide and rezone land located on the west side of McPhillips Street north of Swailes Avenue. It is recommended that approval of DASZ 28/07 be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall pay its share of the cost of existing services in McPhillips St. on the basis of Local Improvement rates prevailing at the time payment is made. The 2007 rates are $100.00/ft, $80.00/ft and $18.00/ft for wastewater sewers, watermains and land drainage sewers respectively.

2. The Developer shall pay its share of the cost of the regional land drainage system ($9,801.00/acre) benefiting the land being developed.

3. The Developer shall, at no expense to the City, construct in portland cement concrete pavement, a northbound left turn storage lane, upstream transition and modifications to the existing median opening on McPhillips Street at the proposed all directional access to the subject property at the former C.P.R. Bergen Subdivsion as determined by and to the satisfaction of the Director of Public Works.

4. The Developer shall pay $525.00 to defray the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 28/07
August 28, 2007

Filename; V:\7-ACG Reports\07ag28-report.doc

Exhibit "12" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D] (continued):



Figure 1: Aerial Photo

Exhibit "12" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D] (continued):

Appendix A

Design Guidelines for DASZ 28/07

Purpose: To be used as guidelines when reviewing the final plan submittal for DASZ 28/07

Lighting
A. Night lighting and security lighting shall be shielded to ensure that there is no off-site glare or skyward illumination.
B. Parking lot and landscape lighting shall be low to the ground, to reduce glare and illuminate all pedestrian walkways.
C. Within 50 ft. of the property boundary, light fixtures shall be full cutoff.
D. All other outdoor lighting fixtures shall be semi-cutoff or full-cutoff
E. Location and type of lighting shall be submitted in a lighting plan.

Landscaping
Landscaping, which is a visible indicator of quality development, should be an integral part of the development, and not merely located in leftover portions of the site.

A. That landscaping shall be provided to enhance the overall development in key areas such as the development perimeter, corners, and entryways.
B. That landscaping be provided to screen the parking area from the adjacent residence to the north

Buffering
That a minimum 15-foot separation space/buffer be provided along the north property line of Parcel A, adjacent to the residence

Building Design
Building architecture shall be designed to provide an attractive, quality appearance which is compatible with the surrounding area.

Signage
Business signage should be discreet and fit into the scale of the building and surrounding area. Temporary signage, such as mobile signs, poster signs and A-frame signs, and electronic message board signs are discouraged.

Site Design
A. No buildings or permanent structures shall be located within Parcel A, which is the option area to be acquired by the City in the future for the Chief Peguis Trail Extension
B. The overall development area shall not exceed 5 acres

Exhibit "13" referred to in File DASZ 28/2007 [c/r EP-1.1(PW 1/2007), DAV 147175/2007D]

Planning, Property and Development Department

Planning and Land Use Division
Unit 15, 30 Fort Street

Winnipeg

Date: October 31, 2007

To: Executive Policy Committee

From: Michael Robinson, AICP

Planning and Land Use Division

RE: **SUPPLEMENTARY REPORT**
DASZ 28/07

REZONING AND SUBDIVISION – WEST SIDE OF MCPHILLIPS STREET, NORTH OF TEMPLETON AVENUE

The Public Service received a traffic study from the applicant on October 19, 2007. Upon review of the traffic study, the Public Service has concluded that Condition iv of the Zoning Agreement is no longer required.

In light of this, it is recommended that Condition iv of the Zoning Agreement be deleted.

Condition iv
That all development of the subject property shall not exceed 5 acres (2.0 hectares) and shall be limited to one business establishment

document3