Report – Executive Policy Committee – March 18, 2009

Item No. 1 Tuxedo Yards Redevelopment: southwest and northwest quadrants of Sterling Lyon Parkway and Kenaston Boulevard (Charleswood-Tuxedo Ward) Files EP-1.1(PW 2/2008), DASZ 37/2008, DAC 1/2009 and G-8

EXECUTIVE POLICY COMMTITEE RECOMMENDATION:

On March 18, 2009, the Executive Policy Committee concurred in recommendations 1 to 8 and 10 to 20, both inclusive, of the Winnipeg Public Service, as amended, and submits the following to Council:

1. That By-law No. 2/2009, a proposal to amend Plan Winnipeg 2020 Vision By-law No. 7630/2000 at the southwest and northwest quadrants of Sterling Lyon Parkway and Kenaston Boulevard by:

   A. Re-designating lands identified on Schedule "A" from Industrial Policy Area to Neighbourhood Policy Area, and;

   B. Creating an Area of Regional Commercial and Mixed-Use Concentration, as identified on Schedule "A",

   as outlined in the report of the Director of Planning, Property and Development dated March 2, 2009 be forwarded to Council for Second Reading.

2. That the City of Winnipeg enter into an Strategic Economic Agreement with the Developer for the development of 1.5 million square feet of mixed-use commercial development at the southwest and northwest quadrants of Sterling Lyon Parkway and Kenaston Boulevard to include the following conditions:

   A. The Developer shall pay for all costs, (currently estimated at $26.5 million) and as described in the report of the Director of Planning, Property and Development dated March 2, 2009, including:

      i. all off-site infrastructure and servicing costs associated with the existing traffic conditions and to further facilitate the long term traffic improvements for the development;

      ii. costs if any acquisitions of land expropriations and railway protection required to effect the foregoing; and

      iii. costs of relocating Manitoba Hydro services located in City right-of-ways to permit the foregoing, including street-lights, and placing above-grade pole services underground.

Report – Executive Policy Committee – March 18, 2009

EXECUTIVE POLICY COMMTITEE RECOMMENDATION (continued):

The Developer shall be entitled to recover from the City an estimated $14 million of such costs (plus interest) as the City's share for items i. to iii. inclusive;

B. Based on an estimated $3.7 million of incremental municipal taxes (being the City's estimated share of municipal taxes over and above those assessed against the Planned Area in 2008 generated annually by the total development), that the City's share of such estimated incremental taxes (not to exceed approximately $14 million plus interest), shall be assigned back to the Developer of the site over a period not exceeding 12 years payable beginning on January 1st of the 2nd year following the year in which the IKEA obtains an occupancy permit and not to exceed beyond the year 2025;

C. Based on the Developer front-ending the estimated $14 million in costs required for off-site infrastructure improvements for the City of Winnipeg, that interest on the amount of the $14 million unrecovered from time to time by the Developer, calculated from January 1st of the year following the year in which the IKEA obtains an occupancy permit, using the City's current five-year borrowing rate of 4% for the City's share (but to be adjusted upwards or downwards annually as at January 1st of each year) and in addition to the estimated $14 million, shall be paid to the Developer, the first such payment to be made on January 1st of the 2nd year following the year in which IKEA opens for business, and that it shall be payable only during the next ensuing 7 years, the funding source being the incremental municipal taxes; and

3. That the Chief Administrative Officer be authorized to finalize and approve the terms and conditions of any and all agreements required in respect of the City's contribution.

4. That the plan of subdivision under File DASZ 37/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "G" dated March 18, 2009 (Exhibit X submitted at the public hearing) with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development and Servicing Agreements with the City containing all the conditions outlined in Schedule "C", the Report of the Administrative Coordinating Group dated February 13, 2009, incorporating the following amendments:

i. Delete in its entirety the description for DASZ 37A/08 and DASZ 37B/08 and replace with the following:

"1. DASZ 37A/2008 – a 180.0 acre development, comprising 111.6 acres north of Sterling Lyon Parkway and the easternmost 68.4 acres south of Sterling Lyon Parkway; and

Report – Executive Policy Committee – March 18, 2009

EXECUTIVE POLICY COMMTITEE RECOMMENDATION (continued):

2. DASZ 37B/2008 – a 16.3 acre development, comprising the westernmost 16.3 acres south of Sterling Lyon Parkway."

5. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "G" for File DASZ 37/2008 dated March 18, 2009 (Exhibit X submitted at the public hearing) to a "C4" Commercial Regional District and "CMU" Commercial Mixed Use District, subject to the following:

A. That the Developer enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter for the lands zoned "CMU" Commercial Mixed Use District; and the lands zoned "C4" Commercial Regional District to include the following conditions:

i. That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at his own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property. The location, quantity, size and illumination of such signs will be determined by the Chief of the WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

ii. That copies of the current Master Plan be provided to the Chief of the WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

iii. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

iv. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the

Report – Executive Policy Committee – March 18, 2009

EXECUTIVE POLICY COMMTITEE RECOMMENDATION (continued):

street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

v. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

vi. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

vii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of the WFPS;

viii. The Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the Acting City Solicitor/Manager of Legal Services for approval prior to execution;

ix. That all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

x. That prior to any future expansion of the Planned Area beyond 1.5 million square feet of commercial retail gross floor area (such commercial retail does not include any theatre, or hotel other than the square footage of any restaurant contained within a hotel but excludes retail space in the hotel) an updated traffic impact study shall be required as determined by and to the satisfaction of the Director of Public Works;

Report – Executive Policy Committee – March 18, 2009

EXECUTIVE POLICY COMMTITEE RECOMMENDATION (continued):

xi. That for the development of any building, accessory parking area or signage in the Planned Area (excluding Lot 1, Block 1), the Developer shall submit plans showing the location and design of the buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting and signage, to the Assiniboia Community Committee and 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;

xii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire Planned Area.

xiii. That the accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting, signage, and building for Lot 1, Block 1 shall be constructed and located in accordance with the plans submitted to the Executive Policy Committee on March 18, 2009 and identified as Sheet Nos. 1, 2, 3, 4, 5, 6, 7 and 8, Exhibit W for File DASZ 37/2008 dated March 17, 2009; and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

xiv. That the Developer shall install at the eastern most access on Sterling Lyon Parkway (illustrated on Schedule "F" Drawing No. A-09040, approach #1) signage directing semi-trucks to turn right only onto Sterling Lyon Parkway.

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

7. That the zoning section of the by-law comes into force for each lot when:

A. The plan of subdivision is registered in the Winnipeg Land Titles Office; and

B. The Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands; and

C. The City of Winnipeg issues a Building Permit for that lot; or
   (i) that lot is sold or leased (other than those in (B)), or
   (ii) in the case of a lot initially sold to the IKEA Developer Joint Venture, that lot is subsequently sold or leased; or 10 years from the passage of the by-law, whichever comes first.

Report – Executive Policy Committee – March 18, 2009

EXECUTIVE POLICY COMMTITEE RECOMMENDATION (continued):

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

9. That the Wilkes Avenue street closing (under File DAC 1/2009) as shown on Schedule "E" in Misc. Plan No. 9178/38 be approved and that the land be declared surplus to the City's needs.

10. That the Acting City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Schedule "E" Misc. Plan No. 9178/38, and that the portion of the subject street closing identified as Parcel "A" be conveyed to the Developer upon its request, and further recommend such conveyance be for the sum of one (1) dollar, subject to Council's approval of DASZ 37/2008.

11. That the Private Access By-law No. 49/2008 be varied to authorize the construction of the private approaches as illustrated on Schedule "F" Drawing No. A-09040.

12. That the private approaches be approved, subject to the development under File DASZ 37/2008 being approved by City Council, and the Developer paying all for as part of infrastructure, all costs of the road works related to the approval of these private approaches, as included in Schedule "C", the Report of the Administrative Coordinating Group dated February 13, 2009 for File DASZ 37/2008.

13. Under File DASZ 37/2008, a private roadway forming a loop on the south side of Sterling Lyon Parkway, incorporating a 21.0 metre bi-directional private approach, and the 12.4 metre wide right in/right out private approach, as illustrated on Schedule "F" Drawing No. A-09040, Approach #9 and Approach #10, be approved.

14. That the Chief Administrative Officer be authorized to negotiate and approve the terms and conditions of any and all agreements required in respect of the land acquisitions needed for the widening of Kenaston Boulevard and Sterling Lyon Parkway, the widening of Shaftesbury Boulevard, and the widening of the Shaftesbury Boulevard/Sterling Lyon Parkway/ McCreary Road/Wilkes Avenue intersection to achieve the intent of Council for File DASZ 37/2008.

15. That, all estimates identified applicable to the City of Winnipeg in the Economic Agreement and Development Agreement are based on 2009 Dollars and if the actual costs exceed these estimates by 10 percent, the Chief Administrative Officer shall report this matter to Council.

Report – Executive Policy Committee – March 18, 2009

EXECUTIVE POLICY COMMTITEE RECOMMENDATION (continued):

16. That in the event the matter of the subdivision and rezoning is not proceeded with expeditiously and the subdivision and rezoning by-law is not passed within twenty-four (24) months after adoption of the report by Council, the subdivision and rezoning 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.

17. That in the event the matter of the road closing is not proceeded with expeditiously and the by-law is not passed within twenty-four (24) months after adoption of the report by Council, the road closing 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.

18. That the Acting 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.

19. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

Report – Executive Policy Committee – March 18, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMTITEE RECOMMENDATION:

On March 18, 2009, the Executive Policy Committee concurred in recommendations 1 to 8 and 10 to 20, both inclusive, of the Winnipeg Public Service, with the following amendments:

- Recommendation 2.D. be deleted in its entirety

- Recommendation 4 be amended by deleting the words "in accordance with Schedule "B: dated March 2, 2009" and replacing same with "in accordance with Schedule "G" dated March 18, 2009 (Exhibit X submitted at the public hearing)"

- Recommendation 4 be amended by deleting the words "Development Agreement" and replacing same with "Development and Servicing Agreements"

- Recommendation 4 be amended by adding the following after the words "Report of the Administrative Coordinating Group dated February 13, 2009"

  "incorporating the following amendments:

  i. Delete in its entirety the description for DASZ 37A/08 and DASZ 37B/08 and replace with the following:

     "1. DASZ 37A/2008 – a 180.0 acre development, comprising 111.6 acres north of Sterling Lyon Parkway and the easternmost 68.4 acres south of Sterling Lyon Parkway; and

     2. DASZ 37B/2008 – a 16.3 acre development, comprising the westernmost 16.3 acres south of Sterling Lyon Parkway."

- Recommendation 5 be amended by deleting the words "Schedule B for File DASZ 37/2008 dated March 2, 2009" and replacing same with "Schedule "G" for File DASZ 37/2008 dated March 18, 2009 (Exhibit X submitted at the public hearing)

- Recommendation 5.A. be amended by deleting the words "That the applicant enter into" and replacing same with "That the Developer enter into"

- Recommendation 5.A.xi. be amended by adding the words "the Assiniboia Community Committee and" immediately before the words "the Director of Planning, Property and Development"

Report – Executive Policy Committee – March 18, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMTITEE RECOMMENDATION:

- Recommendation 5.A.xii. be amended by deleting the words "(excluding Lot 1, Block 1), except that a mobile sign may be permitted on the Planned Area for a period of thirty (30) days upon issuance of a new occupancy permit"

- Amend Recommendation 5.A. by adding the following as a new recommendation xiii:

  xiii. That the accessory parking areas, private approaches, garbage enclosures, fencing, landscaping, lighting, signage, and building for Lot 1, Block 1 shall be constructed and located in accordance with the plans submitted to the Executive Policy Committee on March 18, 2009 and identified as Sheet Nos. 1, 2, 3, 4, 5, 6, 7 and 8, Exhibit W for File DASZ 37/2008 dated March 17, 2009; and maintained thereafter to the satisfaction of the Director of Planning, Property and Development.

- Amend Recommendation 5.A. by adding the following as a new recommendation xiv:

  xiv. That the Developer shall install at the eastern most access on Sterling Lyon Parkway (illustrated on Schedule "F" Drawing No. A-09040, approach #1) signage directing semi-trucks to turn right only onto Sterling Lyon Parkway.

- Delete Recommendation 7 in its entirety and replace with the following:

  7. That the zoning section of the by-law comes into force for each lot when:

     A. The plan of subdivision is registered in the Winnipeg Land Titles Office; and
     B. The Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands; and
     C. The City of Winnipeg issues a Building Permit for that lot; or
        (i) that lot is sold or leased (other than those in (B)), or
        (ii) in the case of a lot initially sold to the IKEA Developer Joint Venture, that lot is subsequently sold or leased; or 10 years from the passage of the by-law, whichever comes first.

- Remove Recommendation 9 from the numbering sequence inasmuch same pertains to DAV 157052/2008, and renumber the remaining recommendations accordingly

- Amend Recommendation 10 (renumbered as Recommendation 9) to add the words "(under DAC 1/2009)" after the words "Wilkes Avenue street closing"

Report – Executive Policy Committee – March 18, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMTITEE RECOMMENDATION (continued):

- Delete Recommendation 14 (renumbered as Recommendation 13) in its entirety and replace with the following:

    14. Under File DASZ 37/2008, a private roadway forming a loop on the south side of Sterling Lyon Parkway, incorporating a 21.0 metre bi-directional private approach, and the 12.4 metre wide right in/right out private approach, as illustrated on Schedule "F" Drawing No. A-09040, Approach #9 and Approach #10, be approved,

and submits the following to Council.

Further on March 18, 2009, the Executive Policy Committee provided the following supporting reasons for the applications for the Plan Winnipeg Amendment and the Subdivision and Rezoning, namely:

1. The proposed development is a very positive initiative for our City.
2. The Executive Policy Committee agreed with the administrative comments contained in the Report from the Director of Planning, Property and Development dated March 2, 2009.

EXECUTIVE POLICY COMMTITEE DECISION:

The Executive Policy Committee concurred in recommendation 9 of the Winnipeg Public Service, as amended, and approved in part, a Variance on "the land" for:

1. The erection of free standing signs to permit as follows:
    - A. On proposed Lot 1, Block 1:
        - i. a height of 155 feet (47.2 metres), for the navigational tower;
        - ii. a height of 40 feet (12.2 metres), for the store flags;
        - iii. a total sign surface area of 2,920 square feet (271.3 square metres);
        - iv. an individual sign (the navigational tower) exceeding 323 square feet (30 square metres);

    - B. On proposed Lot 4, Block 1:
        - i. a height of 35 feet (10.7 metres);
        - ii. a sign surface area of 377 square feet (35 square metres);
        - iii. an individual sign exceeding 323 square feet (30 square metres);

    - C. On proposed Lot 1, Block 2, and Lot 9, Block 3:
        - i. a height of 35 feet (10.7 metres);
        - ii. a sign surface area of 377 square feet (35 square metres);
        - iii. an individual sign exceeding 323 square feet (30 square metres);

Report – Executive Policy Committee – March 18, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMTITEE DECISION (continued):

D. On proposed Lot 1, Block 3:
   i. a height of 35 feet (10.7 metres);
   ii. an individual sign exceeding 323 square feet (30 square metres);

E. On proposed Lot 16, Block 3:
   i. a height of 35 feet (10.7 metres);
   ii. a sign surface area of 377 square feet (35 square metres);
   iii. an individual sign exceeding 323 square feet (30 square metres);

2. The establishment of an accessory parking area, on proposed Lot 1, Block 1, to permit 50 lockable bicycle parking spaces, with the proviso that the Public Service review the use and need for bicycle space parking two years from the date that the occupancy permits are issued;

3. The establishment of proposed Lot 3, Block 1; Lots 6 to 11, Block 1; Lots 2 to 3, Block 3; and Lots 5 to 7, Block 3, which do not abut upon a public street,

subject to the following condition:

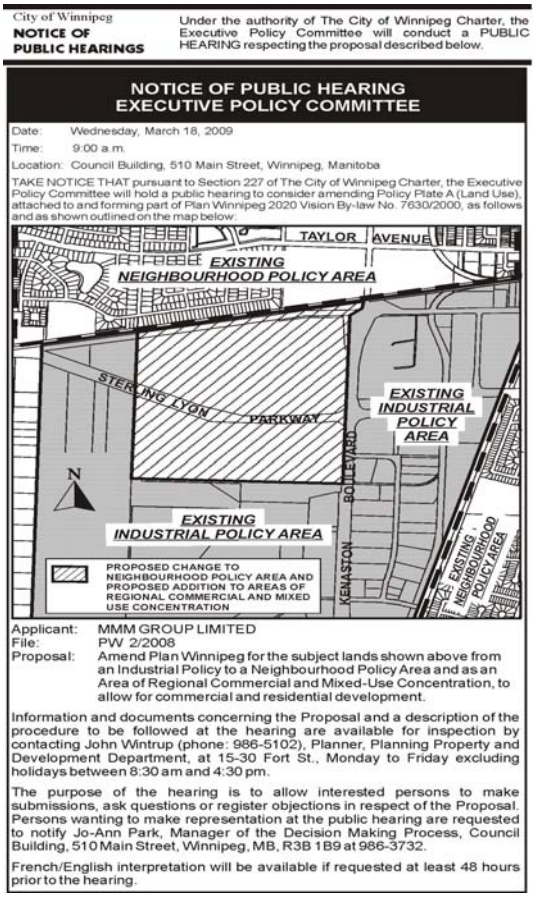
1. That the order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 37/ 2008.

PUBLIC HEARING SUMMARY

Files:	PW 2/2008, DASZ 37/2008 and DAC 1/2009
Before:	Executive Policy Committee His Worship Mayor Katz, Chairperson Deputy Mayor Swandel Councillor Clement Councillor Fielding Councillor Pagtakhan Councillor Steeves Councillor Wyatt
Public Hearing:	March 18, 2009 Council Chamber Council Building, 510 Main Street
Applicant:	MMM Group Limited (Paul McNeil)

PLAN WINNIPEG AMENDMENT - PW 2/2008

Subject:	A proposal to amend Plan Winnipeg By-law No. 7630/2000 by redesignating the subject lands from "Industrial Policy Area" to "Neighbourhood Policy Area" and expanding the "Area of Regional Commercial and Mixed-Use Concentration".



City of Winnipeg
NOTICE OF PUBLIC HEARINGS

Under the authority of The City of Winnipeg Charter, the Executive Policy Committee will conduct a PUBLIC HEARING respecting the proposal described below.

NOTICE OF PUBLIC HEARING
EXECUTIVE POLICY COMMITTEE

Date: Wednesday, March 18, 2009
Time: 9:00 a.m.
Location: Council Building, 510 Main Street, Winnipeg, Manitoba

TAKE NOTICE THAT pursuant to Section 227 of The City of Winnipeg Charter, the Executive Policy Committee will hold a public hearing to consider amending Policy Plate A (Land Use), attached to and forming part of Plan Winnipeg 2020 Vision By-law No. 7630/2000, as follows and as shown outlined on the map below:

Applicant: MMM GROUP LIMITED
File: PW 2/2008
Proposal: Amend Plan Winnipeg for the subject lands shown above from an Industrial Policy to a Neighbourhood Policy Area and as an Area of Regional Commercial and Mixed-Use Concentration, to allow for commercial and residential development.

Information and documents concerning the Proposal and a description of the procedure to be followed at the hearing are available for inspection by contacting John Wintrup (phone: 986-5102), Planner, Planning Property and Development Department, at 15-30 Fort St., Monday to Friday excluding holidays between 8:30 am and 4:30 pm.

The purpose of the hearing is to allow interested persons to make submissions, ask questions or register objections in respect of the Proposal. Persons wanting to make representation at the public hearing are requested to notify Jo-Ann Park, Manager of the Decision Making Process, Council Building, 510 Main Street, Winnipeg, MB, R3B 1B9 at 986-3732.

French/English interpretation will be available if requested at least 48 hours prior to the hearing.

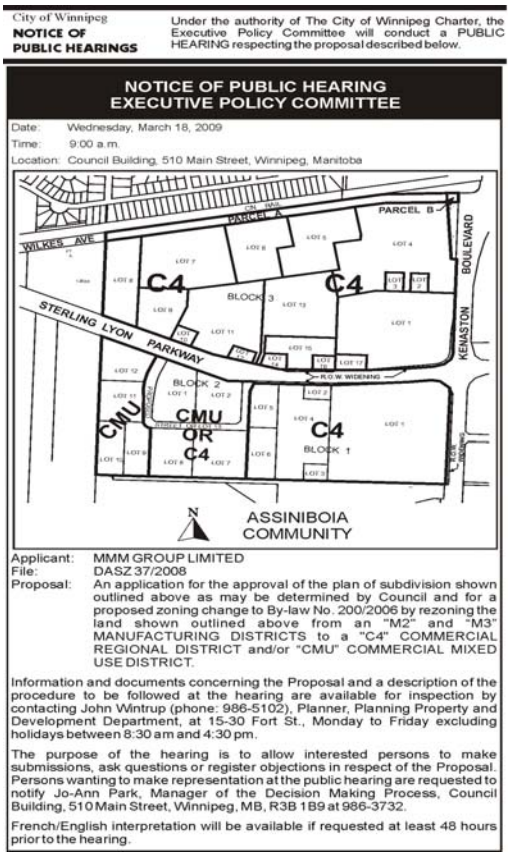
Exhibits/Submissions Filed:

1. Application dated December 22, 2008
2. Manitoba Status of Titles 2085074 and 2127033
3. Letter of authorization dated June 13, 2008, from Kenaston Intermodal Ltd. and 5083851 Manitoba Ltd. to MMM Group Limited
4. Surveyor's Building Location Certificate and sketch dated September 12, 2006
5. Plans (2 pages)
6. Council Decision of January 28, 2009; contains report from the Director of Planning, Property and Development dated January 12, 2009
7. First Reading of By-law No. 2/2009 by Council on January 28, 2009
8. Notification of Public Hearing by City Clerk to:
   a. Minister of Intergovernmental Affairs dated January 29, 2009
   b. Applicant dated January 29, 2009
   c. Administration dated January 29, 2009
   d. R.M. of MacDonald (Municipalities within 1 km of affected area) dated January 29, 2009
9. Notification of Public Hearing dated February 18, 2009
10. Report from the Winnipeg Public Service dated March 2, 2009
11. Inspection Report

For additional exhibits, refer to the comprehensive listing of all exhibits/submissions filed at the Public Hearing

PLAN OF SUBDIVISION AND REZONING - DASZ 37/2008

Subject:



City of Winnipeg
NOTICE OF PUBLIC HEARINGS

Under the authority of The City of Winnipeg Charter, the Executive Policy Committee will conduct a PUBLIC HEARING respecting the proposal described below.

NOTICE OF PUBLIC HEARING
EXECUTIVE POLICY COMMITTEE

Date: Wednesday, March 18, 2009
Time: 9:00 a.m.
Location: Council Building, 510 Main Street, Winnipeg, Manitoba

Applicant: MMM GROUP LIMITED
File: DASZ 37/2008
Proposal: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "M2" and "M3" MANUFACTURING DISTRICTS to a "C4" COMMERCIAL REGIONAL DISTRICT and/or "CMU" COMMERCIAL MIXED USE DISTRICT.

Information and documents concerning the Proposal and a description of the procedure to be followed at the hearing are available for inspection by contacting John Wintrup (phone: 986-5102), Planner, Planning Property and Development Department, at 15-30 Fort St., Monday to Friday excluding holidays between 8:30 am and 4:30 pm.

The purpose of the hearing is to allow interested persons to make submissions, ask questions or register objections in respect of the Proposal. Persons wanting to make representation at the public hearing are requested to notify Jo-Ann Park, Manager of the Decision Making Process, Council Building, 510 Main Street, Winnipeg, MB, R3B 1B9 at 986-3732.

French/English interpretation will be available if requested at least 48 hours prior to the hearing.

Premises Affected: west side of Kenaston Boulevard, south and north sides of Sterling Lyon Parkway

Exhibits Filed:

1. Application dated December 22, 2008
2. Notification of Public Hearing dated February 18, 2009
3. Manitoba Status of Titles 2085074 and 2127033
4. Letter of authorization dated June 13, 2008, from Kenaston Intermodal Ltd. and 5083851 Manitoba Ltd. to MMM Group Limited
5. Surveyor's Building Location Certificate and sketch dated September 12, 2006
6. Sketch of Parcel 4, Plan 8361
7. Plans (6 pages)
8. Report from the Winnipeg Public Service dated March 2, 2009
9. Report from the Administrative Coordinating Group dated February 13, 2009
10. Inspection Report

For additional exhibits, refer to the comprehensive listing of all exhibits/submissions filed at the Public Hearing

STREET CLOSING – DAC 1/2009

Premises Affected: Part of Wilkes Avenue between Kenaston Boulevard and Sterling Lyon Parkway

Exhibits Filed:

1. Report from the Winnipeg Public Service dated March 2, 2009
2. Inspection Report

For additional exhibits, refer to the comprehensive listing of all exhibits/submissions filed at the Public Hearing

COMPREHENSIVE LISTING OF ALL EXHIBITS/SUBMISSIONS FILED AT THE PUBLIC HEARING FOR PW 2/2008, DASZ 37/2008, DAV 157053/2008D and DAC 1/2009

A. Planning, Property and Development Department Website – The Proposal
   1. Redevelopment Detail
   2. Redevelopment Site
   3. Site Design
   4. Economic Agreement
   5. Environmental Planning
   6. Retail Commercial Lands Inventory dated February 27, 2009 prepared by MMM Group Limited

B. Planning, Property and Development Department Website – The Process
   1. Decision Process
   2. Public Open House
   3. Plan Winnipeg
   4. Subdivision Rezoning
   5. Variance

C. Planning, Property and Development Department Website – Transportation Planning
   1. Road Improvements
   2. Road Closing
   3. Private Access
   4. Transit Services
   5. Pedestrian and Bicycle Access
   6. Traffic Impact Study dated dated February 27, 2009 prepared by MMM Group Limited

D. Communication dated March 9, 2009, from Patricia Forsythe with respect to the application

E. Communication dated March 9, 2009, from Robert Haegeman with respect to the application

F. Petition requesting an adjournment of the public hearing containing the signatures of Elizabeth and Norman Fleming
G. Petition requesting an adjournment of the public hearing containing the signature of Dr. Heidenreich
H. Communication dated March 12, 2009, from Nicole Lahaie in opposition to the application
I. Communication dated March 12, 2009, from Matt Gale in support of the application
J. Communication received March 18, 2009 from Robert Froese in opposition to the application
K. Communication dated March 15, 2009, from Dr. Stuart M. Kaye requesting adjournment of the public hearing
L. Communication dated March 16, 2009, from Dobryan Tracz in support of the application
M. Communication dated March 17, 2009, from Janice Lukes, Coordinator, Winnipeg Trails Association, in opposition to the variance application (Note : pertains only to Variance DAV 157053/2008D)
N. Communication dated March 18, 2009, from James Kacki, in opposition to the application
O. Communication dated March 18, 2009, from Thomas Novak, Manitoba Oblate Justice and Peace Committee, in opposition to the application
P. Communication dated March 18, 2009, from Mark Cohoe, Bike to the Future, in opposition to the application

Q. PowerPoint Presentation with respect to the application submitted by Paul McNeil, MMM Group Ltd.
R. Aerial Photographs (3) of Grant Park, Unicity and Southdale Mall submitted by Paul McNeil, MMM Group Ltd.
S. Estimate of costs regarding the southwest corner of Kenaston Boulevard and Wilkes Avenue, submitted by Barry Thorgrimson, Manager of Economic Development, Planning, Property and Development Department
T. PowerPoint Presentation in opposition to the application and questions regarding the proposal submitted by Ken Klassen
U. Development Agreement AG 47/79 between the City of Winnipeg and Roy M. Lev & Schlamp Investments dated October 25, 2009, submitted by Leanne MacLean
V. Petition with respect to the application purporting to contain the signatures of 68 area residents, submitted by Lyle Bishop and Leanne McLean
W. Site Plans (9 pages) submitted by John Wintrup, Principal Planner, Planning, Property and Development Department
X. Schedule “G” to DASZ 37/2008 dated March 18, 2009 submitted by Deepak Joshi, Director of Planning, Property and Development
X. Audio Recording of representations of public hearing

REPRESENTATIONS:

In Support:

Paul McNeil, MMM Group Limited
Frieder Aldinger, MMM Group Limited
Allan Mihalj, Senior Project Manager, MMM Group Limited
Kerra Mruss, MMM Group Limited
Misty Sklar, MMM Group Limited
Richard Tebinka, MMM Group Limited
Ronda Monsees, LVR/IKEA
David O'Sheehan, Principal Architect, Abbarch Architecture Inc.
Gina Charney
Matt Gale
Derek Murray
Michael Nozick
Douglas Pass
Ruth Shinoff
Dobryan Tracz

In Opposition:

Gurdeesh Bains
Lyle Bishop
Mark Cohoe, Bike to the Future (opposition to the Variance only)
Olga Eberle
Robert Froese
Graham Hnatiuk
James Kacki
Ken Klassen
Nicole Lahaie
Janice Lukes, Winnipeg Trails Association (opposition to the Variance only)
Giuliano Lupinetti
Leanne MacLean
Ingrid Richter-Mahro
Toni Maione
Lubomyr Melnyk
Kenneth Mount
Thomas Novak, Manitoba Oblate Justice & Peace Committee
Gerald A. Sandell
Krislian P. Smarma

For Information:

Goria Auriti
Michael Falk
Elizabeth and Norman Fleming
Patricia Forsythe
Robert Haegeman
Dr. Heidenreich
Dr. Stuart M. Kaye
Robert Kury
Kristy LeBaron
Garth Nemy
Wayne Nemy
Ken Reeder
J.C. Sawka
Shireen Seesahai
Ron Taylor

For the City:

Mr. G. Laubenstein, Chief Administrative Officer
Mr. A. Robinson, Deputy Chief Administrative Officer
Mr. P. Sheegl, Deputy Chief Administrative Officer
Mr. D. Joshi, Director of Planning, Property and Development
Mr. B. Thorgrimson, Manager of Economic Development, Planning, Property and Development Department
Mr. J. Wintrup, Principal Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. L. Strijack, Acting City Solicitor/Manager of Legal Services

ADMINISTRATIVE REPORT

RE: **Tuxedo Yards Redevelopment: SW & NW quadrants of Sterling Lyon and Kenaston**

REPORT DATE: **March 2, 2009**

AUTHORIZATION

Author	Department Head	CAO
John S. Wintrup Principal Planner	Deepak Joshi Director of Planning, Property and Development	Glen Laubenstein

RECOMMENDATION

1. That By-law No. 2/2009, a proposal to amend Plan Winnipeg 2020 Vision By-law No. 7630/2000 at the SW & NW quadrants of Sterling Lyon and Kenaston by:

    A. Re-designating lands identified on Schedule "A" from Industrial Policy Area to Neighbourhood Policy Area, and;

    B. Creating an Area of Regional Commercial and Mixed-Use Concentration, as identified on Schedule "A'".

    as outlined in the report of the Director of Planning, Property and Development dated March 2, 2009 be forwarded to Council for Second Reading.

2. That the City of Winnipeg enter into an Strategic Economic Agreement with the Developer for the development of 1.5 million square feet of mixed-use commercial development at the SW & NW quadrants of Sterling Lyon and Kenaston to include the following conditions:

    A. The Developer shall pay for all costs, (currently estimated at $26.5 million) and as described herein, including:

        i. all off-site infrastructure and servicing costs associated with the existing traffic conditions and to further facilitate the long term traffic improvements for the development;

        ii. costs if any acquisitions of land expropriations and railway protection required to effect the foregoing; and

        iii. costs of relocating Manitoba Hydro services located in City right-of-ways to permit the foregoing, including street-lights, and placing above-grade pole services underground.

The Developer shall be entitled to recover from the City an estimated $14 million of such costs (plus interest) as the City's share for items i. to iii. inclusive.

B. Based on an estimated $3.7 million of incremental municipal taxes (being the City's estimated share of municipal taxes over and above those assessed against the Planned Area in 2008 generated annually by the total development, that the City's share of such estimated incremental taxes (not to exceed approximately $14 million plus interest), shall be assigned back to the Developer of the site over a period not exceeding 12 years payable beginning on January 1st of the 2nd year following the year in which the IKEA obtains an occupancy permit and not to exceed beyond the year 2025;

C. Based on the Developer front-ending the estimated $14 million in costs required for off-site infrastructure improvements for the City of Winnipeg, that interest on the amount of the $14 million unrecovered from time to time by the Developer, calculated from January 1st of the year following the year in which the IKEA obtains an occupancy permit, using the City's current five-year borrowing rate of 4% for the City's share (but to be adjusted upwards or downwards annually as at January 1st of each year) and in addition to the estimated $14 million, shall be paid to the Developer, the first such payment to be made on January 1st of the 2nd year following the year in which IKEA opens for business, and that it shall be payable only during the next ensuing 7 years, the funding source being the incremental municipal taxes; and

D. If applicable, and in addition to the recovery of the foregoing $14 million plus interest, any incremental municipal taxes based on a higher assessed value to property in the Planned Area prior to sale of lots, after the initial sale of lots to IKEA/Developer Joint Venture, if not sub sequentially sold, prior to the time a building permit is applied for, will be assigned back to the Developer.

3. That the Chief Administrative Officer be authorized to finalize and approve the terms and conditions of any and all agreements required in respect of the City's contribution;

4. That the plan of subdivision under File DASZ 37/2008 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" dated March 2, 2009 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in Schedule "C", the Report of the Administrative Coordinating Group dated February 13, 2009.

5. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 37 /2008 dated March 2, 2009 to a "C4" Commercial District and "CMU Commercial Mixed Use 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 for the lands zoned "CMU Commercial Mixed Use District"; and the lands zoned "C4" to include the following conditions:

i. That prior to the issuance of any new occupancy permit and/or upon the request of the Chief of the Winnipeg Fire Paramedic Service ("WFPS"), the Developer shall install and erect, at his own expense and at no cost to the City, signs depicting the Master Plan of development on the subject property as it exists from time to time. Such signs shall clearly show the location of all existing buildings, accessory parking areas, private approaches, garbage enclosures, internal roads, building addresses and/or unit numbers, and building names, and must be posted at outside locations near the public right-of-way and internal roads on the subject property. The location, quantity, size and illumination of such signs will be determined by the Chief of WFPS. The Developer shall maintain all such signs to the satisfaction of the Chief of the WFPS;

ii. That copies of the current Master Plan be provided to the Chief of WFPS prior to the issuance of any new occupancy permit and/or upon the request of the Chief of WFPS;

iii. That the address number of every building on the subject property (and the name of the building, if applicable) shall be physically attached to the building or otherwise posted on the subject property lot on which the building is located, so as to be clearly visible from the street or internal road on which the building is located;

iv. Where a building on the subject property is in a location that results in its number or name not being clearly visible from the street or internal road on which it is located, the number and name must be both attached to the building and displayed in another form that is clearly visible from the street or internal road. Where more than one building is located on a subject property lot, the requirement that the numbers and names be displayed in another form that is clearly visible from the street or internal road may be met by displaying the range of building numbers and names on that lot on signage to be approved by the Chief of the WFPS;

v. That building numbers and names required to be attached or displayed by this Zoning Agreement must be of a colour that contrasts with the colour of the structure to which they are attached so as to be clearly visible from the street or internal road on which the building is located and of a height as determined by and to the satisfaction of the Chief of the WFPS;

vi. That no other numbers or names are to be attached to any buildings on the subject property that could be confused with the address numbers or building names;

vii. That the owner / occupier of a building must ensure that the number assigned to a building is clearly visible from the street or internal road on which the building is located while the building is under construction as determined by and to the satisfaction of the Chief of WFPS;

viii. The Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of caveat or master or declaratory easement against the titles to the lots, private cross-access agreements with the owners of the other lots so as to ensure access to every lot at all times, via streets or internal roads, by vehicles, including but not limited to City emergency service vehicles and transit buses. The Developer and owners must submit the agreements or easements to the City Solicitor for approval prior to execution;

ix. That all lighting shall upon the request of the Director of Planning, Property and Development, be equipped with whatever additional shielding, lenses, or cut-off devices as required to eliminate light trespass onto any street or abutting lot or parcel and to eliminate glare perceptual to persons on any street or abutting lot or parcel. In addition, the Director may require that the light trespass and glare be limited to a reasonable level through fixture location, height and intensity;

x. That prior to any future expansion of the Planned Area beyond 1.5 million square feet of commercial retail gross floor area (such commercial retail does not include any theatre, or hotel other than the square footage of any restaurant contained within a hotel but excludes retail space in the hotel) an updated traffic impact study shall be required as determined by and to the satisfaction of the Director of Public Works;

xi. That for the development of any building, accessory parking area or signage in the Planned Area (excluding Lot 1, Block 1), the Developer shall submit plans showing the location and design of the buildings, the location and design of accessory parking areas, private approaches, 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;

xii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire Planned Area (excluding Lot 1, Block 1), except that a mobile sign may be permitted on the Planned Area for a period of thirty (30) days upon issuance of a new occupancy permit.

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

7. That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

9. That the variances filed under DAV 08-157053/D and outlined in Schedule “D” shall be approved and the order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 37/ 2008.

10. That the Wilkes Avenue street closing as shown on Schedule “E” in Misc. Plan No. 9178/38 be approved and that the land be declared surplus to the City’s needs.

11. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street closing in accordance with Schedule “E” Misc. Plan No. 9178/38, and that the portion of the subject street closing identified as Parcel “A” be

conveyed to the Developer upon its request, and further recommend such conveyance be for the sum of one (1) dollar, subject to Council's approval of DASZ 37/2008.

12. That the Private Access By-law No. 49/2008 be varied to authorize the construction of the private approaches as illustrated on Schedule "F" Drawing No. A-09040.

13. That the private approaches be approved, subject to the development under File DASZ 37/08 being approved by City Council, and the Developer paying all for as part of infrastructure, all costs of the road works related to the approval of these private approaches, as included in Schedule "C", the Report of the Administrative Coordinating Group dated February 13, 2009 for File DASZ 37/2008.

14. Under File DASZ 37/2008, the Developer has applied to create a right-of-way on the south side of Sterling Lyon Parkway, forming a loop. Further to the Administrative Coordinating Group report, it is recommended that it not become a public right-of-way, but rather, it remain as a private roadway. In the event Council supports the recommendation in the Administrative Coordinating Group report, the Public Works Department recommends the 21.0 metre bi-directional private approach, and the 12.4 metre wide right in/right out private approach, (illustrated on Schedule "F" Drawing No. A-09040, approach # 9 and approach # 10), be approved.

15. That the Chief Administrative Officer be authorized to negotiate and approve the terms and conditions of any and all agreements required in respect of the land acquisitions needed for the widening of Kenaston Boulevard and Sterling Lyon Parkway, the widening of Shaftesbury Boulevard, and the widening of the Shaftesbury Boulevard/Sterling Lyon Parkway/ McCreary Road/Wilkes Avenue intersection to achieve the intent of Council for File DASZ 37 /2008.

16. That, all estimates identified applicable to the City of Winnipeg in the Economic Agreement and Development Agreement are based on 2009 Dollars and if the actual costs exceed these estimates by 10 percent, the Chief Administrative Officer shall report this matter to Council.

17. That in the event the matter of the subdivision and rezoning is not proceeded with expeditiously and the subdivision and rezoning by-law is not passed within twenty-four (24) months after adoption of the report by Council, the subdivision and rezoning 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.

18. That in the event the matter of the road closing is not proceeded with expeditiously and the by-law is not passed within twenty-four (24) months after adoption of the report by Council, the road closing 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.

19. 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.

20. That the Proper Officers of the City do all things necessary to effect the intent of the foregoing.

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 *Plan Winnipeg* amendment (By-law 2/2009) is running concurrently with an application for Subdivision and Rezoning (DASZ 37/2008), Variance (DAV 08-157053/D) and Street Closing (DAC 1/2009), Executive Policy Committee will consider the *Plan Winnipeg* amendment, the subdivision and rezoning, and the variance together with the street closing, at the March 18, 2009 public hearing.

Giving Second Reading to the *Plan Winnipeg* By-law 2/2009 will allow the *Plan Winnipeg* amendment to be forwarded to the Minister of Intergovernmental Affairs for consideration, prior to Third Reading and final approval by Council.

Council approval is required to assign incremental municipal taxes to an owner/developer as part of a Strategic Economic Agreement pursuant to Section 222(1) of The City of Winnipeg Charter.

Council approval is required for the zoning change and plan of subdivision and to enter into agreements required thereto.

Executive Policy Committee approval is provided for in the matter related to the variances, and does not need final approval by Council.

Council is the designated body to pass by-laws to close public rights-of-way pursuant to Section 139 of The City of Winnipeg Charter.

On January 28, 2009 Council authorized street opening and closing, and private access applications associated with this development to be considered by the Executive Policy Committee for report to Council without the requirement to be reviewed by a Standing Policy Committee.

Section 14 of the Private Access By-law No. 49/2008 requires that, when an application for a private access cannot be approved because it does not conform to sections 17 to 21 of the By-law, the Director of Public Works must forward the application along with a report containing the Director's recommendations to the relevant Council Committee for consideration.

Committee approval is required for the private approaches on Kenaston Boulevard and Sterling Lyon Parkway pursuant to subsection 21(1) of the Private Access By-law No. 49/2008. Kenaston Boulevard and Sterling Lyon Parkway are on Schedule “A” of the by-law which states:

> *(1) Subject to this section, a private access is not in conformity with this By-law where it is located on a roadway or a portion of roadway identified on Schedules “A” or “B”.*

KEY ISSUES

APPLICANT:	MMM Group (Paul McNeil)
OWNER:	Winnipeg Intermodal Ltd. & 5083851 Manitoba Ltd.
LOCATION:	SW & NW quadrants of Sterling Lyon and Kenaston, Tuxedo Industrial Neighbourhood (2.268), Charleswood – Tuxedo Ward, Assiniboia Community.
LEGAL DESCRIPTION:	Parcel 4, Plan 8361 EXC. Pcl A, Plan 43883 & EXC Road Plan 43883 and part of Wilkes Avenue to be closed west of Kenaston Blvd. and east of Sterling Lyon Parkway
SITE DESCRIPTION:	
Size:	233 acres ('Plan Winnipeg Area' subject to amendment, includes Wilkes & Sterling Lyon right-of-ways, Schedule "A")
	196.3 acres ('Planned Area' subject land in rezoning Schedule "B")
Plan Winnipeg:	Industrial Policy Area
Zoning:	'M2 – Manufacturing Light' and 'M3 - Manufacturing Heavy Districts'

CURRENT LAND USE:

North east corner is currently occupied by Clarke Transport, a division of Clarke Inc. The Planned Area is partially improved with 6 industrial storage warehouse & office buildings of varying sizes, including asphalt & concrete paving. Rail lines still cross various sections and piles of concrete are stored on-site (Attachment "1")

SURROUNDING LAND USES AND ZONING:

North: across CNR Rivers Subdivision, are underused and vacant lands (former Kapyong Barracks) zoned RR5 lands; and single family housing zoned R1-L (Attachment "2").

South: across CNR's industrial spur, Lehigh Inland Cement zoned 'M3 - Manufacturing Heavy District.

East: across Kenaston Blvd, 47.4 acres of underused lands zoned 'M2 – Manufacturing Light' and 'M3 - Manufacturing Heavy Districts.

West: south side of Sterling Lyon Parkway is Fort Whyte Alive, +170 acres of lands zoned 'A'; north side of Sterling Lyon Parkway is 13.1 acres of vacant land zoned 'A' and owned by CNR.

DESCRIPTION OF THE DEVELOPMENT:

- MMM Group has made, on behalf of Winnipeg Intermodal Ltd. and 5083851 Manitoba Ltd., several applications with the City of Winnipeg for the redevelopment of the former CN Intermodal Yards as a 'super-regional' commercial 'destination centre'.

- A 'super-regional' commercial 'destination centre' is unique in Winnipeg and is one of the largest commercial projects for Winnipeg in the last 25 years. This will be the first and likely only retail centre that will draw several one-store per-market retailers to Winnipeg as 198 acres of land will be developed to provide an estimated 750,000 square feet for super-regional retailers and 750,000 square feet for complementary commercial uses for full build out by 2018.

- IKEA, being the world's largest furniture manufacturers and most recognizable furniture retail stores, will anchor the commercial development with a 350,000 sq ft store on 27 acres of land. IKEA represents a strong market draw, not only from within Winnipeg, but a catchment area as far west as Alberta, east to Northwestern Ontario, and south to North & South Dakota & Minnesota.

- Other actual tenants for the retail spaces have not been finalised but may include a grocery store, a sporting goods / outdoor store, and/or a home improvement store. The store sizes will likely be:
    - Home furnishing store - 350,000 square feet
    - At least one store in the 200,000+ square foot range,
    - Two stores in the 140,000 - 200,000 square foot range.
    - Numerous smaller retail stores (less than 50,000 square feet in floor area).

- The retail portion of the development is estimated at a maximum of 1.5 million sq.ft. The mixed use complementary component may include a 100 room hotel, 16 screen movie theatre, 150,000 sq ft office park, and a 500 unit multi-residential condominium complex.

- There will be:
    - 111.6 acres zoned for regional commercial uses on the north side of Sterling Lyon Parkway;
    - 16.3 acres of mixed use, commercial / residential in the south west corner of the Planned Area;
    - 45.2 acres of regional commercial in the south east corner of the Planned Area;
    - 23.2 acres on the south side of Sterling Lyon that be mixed use OR regional commercial;
    - 31 lots will be created; and
    - a new looping street south of Sterling Lyon if the 23.2 acres is zoned for mixed use.

- A concept plan has been provided to indicate how the entire 198.3 acres of land will be redeveloped for commercial & mixed-uses, which includes a possible new street south of Sterling Lyon Parkway in the south west corner of the Planned Area.

- The Wilkes Avenue right-of-way adjacent to the Planned Area (Parcel 'A') may be conveyed to the Developer if the application to close this street is successful (Schedule "E").

- The Developer will "front-end" approximately $26.5M in costs associated with off-site infrastructure improvements. Based on a Traffic Impact Study, the improvements are needed by 2018, regardless of the redevelopment.

- Based on rough estimates, the completed development will generate, approximately, $3.7M of incremental municipal realty and business tax dollars annually.

- Provincial funds of $8M will flow to the City of Winnipeg over three fiscal years by way of a contribution agreement (2010, 2011, and 2012) for the widening of Kenaston Boulevard.

- The City will reimburse the developer $14M plus interest, using incremental tax dollars generated by the redevelopment, for the regional streets improvements that are the responsibility of the City but will be front ended by the Developer who will be paid back over the next few years.

- The remaining $4.5M will be direct costs to the developer for the off-site improvements affected by the redevelopment.

A. *PLAN WINNIPEG*

Three (3) critical areas need to be considered in determining if the amendment to *Plan Winnipeg* to re-designate the subject area from 'Industrial Policy Area' to 'Neighbourhood Policy Area' as an 'Area of Regional Commercial and Mixed Use Concentration' should proceed.

1. Industrial Land Supply

What is the impact of removing the lands from the Industrial Land inventory?

- 2C-04 states that the City will determine the best strategic sites for industrial property developments while ensuring compatibility with existing industrial developments, residential areas and available infrastructure.

- 3A-01 (3) states that the City will consider the industrial designation to signify areas of concentrated industrial uses and supportive infrastructure with the possible inclusion of compatible commercial uses.

There will be no adverse impacts on the Industrial Land Inventory. Recent research and analysis on Winnipeg's Industrial Land Supply (Employment Lands Strategy - Draft) identifies the northern portion of the Planned Area as being better suited for other uses including commercial as these lands are redundant and obsolete for industrial uses. The Strategy also supports re-designating the lands on the following:

- Strategically located lands in other parts of Winnipeg (Airport West) are identified as meeting market place demands for employment lands over the next 25 years due their ability to meet the demands of emerging economic sectors including Transportation, Trucking, Logistics, Intermodal and Trans-shipment.

- Nearby industrial areas can capture the demand for smaller, leased premises that combine an office component with a warehouse, repair or assembly space in flexible building format that has become the market place preference.

- The proximity of Fort Whyte Alive nature centre, which has expanded over the years to become the largest land owner within the Tuxedo Industrial Policy Area and emerging Major Open Space; and the South Tuxedo Neighbourhood Policy area to the north and Lindenwoods residential area to the southeast, caused conflicts as residents lobbied for several years for the CN Intermodal yard to be relocated.

The Employment Lands Strategy is silent on the southern portion of the Planned Area. The inclusion of these lands in the Plan Winnipeg Amendment is based on the rationale that there is an expectation that the former CN Intermodal yard be redeveloped as an aggregate – a comprehensive planned neighbourhood. That is, the Plan Winnipeg Amendment will facilitate the logical completion of the former industrial area into a commercial area that is compatible on both sides of Sterling Lyon Parkway.

2. Industrial to Commercial Impacts

What is the impact of re-designating lands from Industrial to Neighbourhood / Area of Regional and Mixed Use Commercial Concentration?

- 3A-02 (1) states that the City shall approve new commercial uses only where there is a reasonable relationship between the supply of land and the projected demand.

- 3B-05 states that 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 are not well served with commercial space, where existing commercial areas cannot accommodate expansion, where the long-term negative impacts on existing region and commercial centers will be minimal.

The supply of commercial lands available to meet the growing demand for regional commercial development is at a critical level. Even without the IKEA, more vigorous growth in the city than anticipated during the last Plan Winnipeg review has almost exhausted the supply of land that is suitable for major retail development in Winnipeg.

Commercial space requirement estimates for the next 20 years recently commissioned by the City from Altus Group Economic Consultants (Urban Economists) indicate a demand increasing exponentially of approximately 346,875 square feet per year through to 2016 when the demand will increase to 433,960 square feet per year through to 2021 when it will decrease to 411,300 square feet per year through to 2026.

Commercial lands currently available for new developments are limited, and will not meet the short term or longer term demand. Winnipeg does not have an adequate inventory of land designated as Areas of Regional Commercial and Mixed-Use Concentration' to meet the needs of the marketplace.

Normal annual market absorption of new retail space has been averaging about 300,000 square feet of floor area per year over the last decade. The IKEA and the new stores that IKEA will draw to Winnipeg suggest an opportunity or need for an average of about 400,000 square feet of new floor area, plus IKEA's 350,000 square feet over the next five years.

Currently designated commercial lands zoned "C3" and "C4", with readily available services, suggest an available supply of land capable of supporting about 685,000 square feet of buildings on the remaining lands at Kenaston and McGillivray and the former sugar beet refinery lands on Bishop Grandin Boulevard (assuming that the City approves applications associated with the sugar beet lands). This represents a 2 – 3 year's supply, without IKEA.

Beyond 2010, the available land for regional commercial development is minimal until the 2014 – 2015 timeframe when some of the Waverley West lands and the former Kapyong Barracks lands begin to become available (which are still subject to several variables). The other, more speculative sites, such as the south Taylor/Parker land, have too many unknowns to be seriously considered as being potentially available in the inventory.

What about Downtown Winnipeg?

- Policy 1A-01 (v) states the City shall promote downtown development by considering the effects on the downtown in the evaluation of new developments, commercial/retail policies, etc.

- Policy 3B-04 (i) states that the City shall accommodate commercial and retail development by recognizing and supporting the importance of a strong downtown as the preferred location for concentrating specialty retail, tourist-oriented commercial uses and office development.

Plan Winnipeg supports a strong Downtown as well as recognizing that commercial uses need to occur within other neighbourhoods, and in different forms, to service residents near the places they live, work and play. A retail hierarchy has been established reflecting the scale of commercial land-uses that occurs in Winnipeg and is divided into four levels: Downtown, Neighbourhood Main Streets, Community Centre, and Regional Centre, each of which form clusters within our city. 'Areas of Regional Commercial and Mixed-Use Concentration' are identified on *Plan Winnipeg* in five (5) locations to accommodate the Regional Centres with large scale retail and service space, entertainment space, and suburban office employment of a regional nature.

Downtown will be complemented by this development and given an enhanced opportunity to attract out of town visitors who are pulled into the city by the large catchment area of the 'super-regional' commercial 'destination centre'. Downtown offers a unique experience that will attract visitors with such destinations as the Forks, the Exchange District, Waterfront Drive, and various cultural and sporting attractions found only in this area.

The mixed use complementary component for the Planned Area may include a 100 room hotel, a movie cinema complex (16 screens), 150,000 sq ft office park, and a 500 unit multi-residential condominium. This brings with it an opportunity and need for complementary uses such as consumer professional services (banking), hospitality outlets (restaurants, coffee shops, hotels), and a variety of other smaller enterprises (dry cleaning, hair salon, ice cream parlour) that will make up 750,000 square feet of the total commercial area that is needed to service the Planned Area.

3. Transportation and Infrastructure Impacts

Can the lands be serviced in an environmentally sound, economically and timely manner?

Council is intent on shaping the future of Winnipeg by addressing the challenges we face in order to capitalize upon the opportunities by adhering to certain policies and principles:

- 2B-03-Commit to Responsive Government by:

  iii) Leveraging financial resources through cost-sharing agreements with other levels of governments and the private sector while maintaining consistency with civic goals;

  vi) Exploring and implementing innovative approaches to funding and alternative service delivery options to provide quality services at an affordable cost;

  viii) Evaluating City policy decisions, core programs and services, budget allocations, and new development applications against a set of quality of life principles, including consideration of long-term economic benefits and costs.

- 2C-02 Facilitate Opportunities for Business Growth in Winnipeg by:

  i) implementing a support system which acknowledges the special needs of new, small existing and growing businesses;

ii) assisting business in meeting government requirements associated with new development and expansion, including streamlining procedures and regulations with the civic administration

iii) working with representative business associations through ongoing consultation and support to fulfill complementary objectives; and

iv) supporting retention and recruitment programs including the creation of industry incubators which assist new business in their early developmental stages.

- 2C-03 Capitalize on Comparative Advantages by promoting the city's

i) stable, skilled, diverse, well-educated and committed workforce;

ii) cosmopolitan artistic and cultural community;

iii) strong, stable economy; and

iv) central geographic location and time zone.

Economic Opportunity Framework for the City of Winnipeg 2006 - 2015

- Guiding Principles - There are basic guiding principles in carrying out the strategy and in developing opportunities
  - Focused, sustained, long-term approach
  - Building on community strengths and assets
  - Prioritizing investment and policy decisions
  - Accountability for action
  - Partnerships and shared responsibility
- Bridging Gaps - Major priority areas arising from the City summit were fixing the basics and infrastructure problems, improving the downtown and creating more opportunities for business and economic development.
- Building a Strong Economic Climate
- A City Hall that welcomes new business development and expansion
- Overall competitiveness with other Major Cities
- Public-Private Partnerships - The public sector, development agencies and the private sector achieve results when the come together.
- Policy 3C0-03 (iii) states the City shall assess the compatibility of new development and access controls with the intended function of the adjacent arterial street system.
- Policy 3B-05 (iii) states that the City shall ensure that Areas of Regional Commercial and Mixed Use Concentration are designed and built as focal points for public transit
- Policy 3C-01 (v) states that the City shall promote alternative modes of transportation through the inclusion of transit routes and bicycle paths in the design of new developments.
- Policy 3A-02(ii) states that the City will evaluate residential, commercial and industrial development proposals using benefit-cost analysis to measure long-term revenues, expenditures and impacts on existing developments within a life-cycle costing framework.

The Developer will front-end a total of $26.5M for off-site infrastructure improvements. The City will reimburse the developer $14M plus interest (at the City's current five-year borrowing rate of 4%) by using incremental tax dollars generated by the development for the regional street improvements that are the responsibility of the City. The Province will contribute $8M towards the widening of Kenaston Boulevard. The Provincial funds will flow to the City over three fiscal years by way of a contribution agreement (2010, 2011, and 2012) ((Attachment "4"). The remaining $4.5M will be direct costs to the Developer for the off-site improvements affected by the development.

Private capital investment could exceed $400M. The total development would generate from between 3,500 to 4,000 new jobs. Based on rough estimates, the completed development will generate approximately, $3.7M of incremental municipal realty and business tax dollars annually and, including Provincial School and Levy taxes, the total taxes are estimated at $5.93M annually.

This proposal is extremely beneficial to the City - the infrastructure implemented in association with servicing the subject lands would be considered "smart" development: infrastructure that is needed for the development is also beneficial to the surrounding area and is front-ended by the Developer at an accelerated rate. And by using incremental municipal taxes, the current 5 year capital budget will not need to be adjusted.

FINANCIAL IMPACT:

Current Tax Information (2008) based on 2003 market values:

Total Assessment	Municipal Portion Realty Taxes	Business Taxes
$4,988,000	$82,508	$15,661

Projected Tax information following site redevelopment:

Total Assessment (Estimated)	Municipal Portion Reality Taxes (Estimated)	Business Taxes (Estimated)
$139,586,000	$2,308,920	$1,518,799

TOTAL NET BENEFITS: $3,730,000 incremental municipal realty and business taxes generated annually after complete build-out.

B. DEVELOPMENT CONSIDERATIONS

From the outset it was evident that significant infrastructure improvements would be needed to ensure a development of this size and scale would not contribute to further traffic impacts at the site, or around the adjoining area, and connect to the existing transportation network.

MMM Group analyzed the impacts upon traffic and intersection performance on adjacent roadways resulting from the addition of 1.5 million sq. ft. of retail at the intersection of Kenaston and Sterling Lyon in consultation with the Public Works Department. A series of traffic infrastructure improvements to the surrounding road network need to be implemented to manage additional vehicle activity in addition to the improvements already required due to existing traffic volumes.

MMM Group in consultation with City of Winnipeg's Water and Waste Department has determined water, waste water, and land drainage services required to develop the subject lands can be extended. A comprehensive servicing report will need to be submitted to outline the provision of underground

services for the entire site, and to demonstrate that the existing systems can adequately meet the needs of the development.

1. Pathways / Active Transportation

- An Active Transportation Pathway 3.5 metres in width (Thundering Bison Trail) exists along the south side of Sterling Lyon Parkway abutting the entire length of the Planned Area.
- This asphalt pathway connects to the TransCanada Trail to the west as it comes out of Fort Whyte Alive and connects to the east across Kenaston Blvd into Lindenwoods.
- The Developer will be required to construct a 3.5 metre wide asphalt pathway the entire length of their Planned Area along the west side of Kenaston Blvd connecting the Thundering Bison Trail to Taylor Avenue to the north.
- This new trail will stop at the CNR Industrial Spur Line in the south in anticipation of future developments along Kenaston to continue this trail to the McGillvary – Wildwood Greenway.

2. Transportation Network

- Winnipeg Transit has indicated their support for this subdivision and rezoning is contingent on internal roadways being constructed that will allow their equipment to access the site and provide transit service directly to this development.
- A basic operational plan for Transit to service the site has been outlined for the opening of Phase 1 with the routing of Route 78 (Crosstown West), which provides service along Kenaston Blvd between Polo Park and the University of Manitoba, into the 45.2 acres in the SE corner of the Planned Area with Bus Stop and taper lanes.
- The Winnipeg Fire Paramedic Service has indicated their support for this subdivision with the creation of properties that do not abut a street is contingent on easement agreements, and internal roadways being constructed that will allow their equipment to access buildings within the Planned Area.
- The WFPS has also indicated a desire to see buildings clearly numbered in the Planned Area to assist them on service calls.
- These items are contained in the recommended conditions of approval and the Development Agreement in Schedule “C”.

3. Traffic Infrastructure

- Kenaston Blvd is currently a four-lane divided roadway (two northbound lanes and two southbound lanes).
- Kenaston has an urban cross section from the north of the Planned Area to the south Lowson Crescent and then transitions to a rural cross section.
- A City of Winnipeg Study is currently underway to upgrade Kenaston Blvd from Taylor Avenue north to Ness Avenue that will likely include widening Kenaston to six lanes.
- Sterling Lyon Parkway is currently a four-lane divided roadway (two eastbound lanes, and two westbound lanes) east of Kenaston.
- Sterling Lyon Parkway west of Kenaston transitions from a four-lane divided roadway with an urban cross section to a two-lane undivided roadway with a rural cross-section.
- The applicant has completed a traffic analysis for the development.
- The traffic analysis indicates that the existing traffic volumes along Kenaston Boulevard all ready make this street candidate for widening.

- Sterling Lyon Parkway west of Kenaston is approaching levels which would make it a candidate for widening.
- A number of traffic infrastructure upgrades are recommended including:
    - Kenaston Blvd will be widened to six lanes, three northbound and three south bound from Taylor Avenue to the south limit of the Planned Area, with three left turning lanes for northbound at Sterling Lyon Parkway.
    - Sterling Lyon Parkway will be widened to a four lane divided roadway, two eastbound and two west bound lanes, with three eastbound left turning lanes at Kenaston Blvd.
    - The 4-lane cross section is recommended to extend through the Shaftesbury Boulevard intersection.
    - A third westbound through lane on Sterling Lyon from Kenaston to the second signalized all directional private approach west of Kenaston (with transition back to the two westbound lanes) and a third eastbound through lane from the east private approach on Sterling Lyon to Kenaston (with proper upstream transitions).
    - Shaftesbury Boulevard north of Sterling Lyon Parkway/Wilkes Avenue will be widened to provide two southbound left-turn storage lanes, 100 m and 150 m in length plus transitions.
- The City requires a small portion of the Developer's property to accommodate the street widening along the west side of Kenaston Boulevard and the north side of Sterling Lyon Parkway.
- A small portion of private lands fronting along the east side of Kenaston and the north side of Sterling Lyon are required for the street widenings (Attachment "3").
- If the lands located on the east side of Kenaston opposite the Planned Area require a rezoning or subdivision, they will be required to dedicate the portion of needed lands fronting on Kenaston and Sterling Lyon and further, will also be required to contribute towards the improvements for the area, thereby reducing some of the City's costs associated with the traffic improvements for the area.
- If the lands are not subject to a development application, the Chief Administrative Officer will begin negotiations with the affected property owners to acquire the lands or possible expropriation.
- All of the rights-of-way improvements are intended to benefit the overall traffic condition within and beyond the Planned Area.
- It should be noted that the applicant is contributing to their share of improvements of Kenaston Boulevard and Sterling Lyon Parkway as required under the Development Agreement Parameters.
- The remaining improvements of regional streets are the responsibility of the City but will be front ended by the Developer who will be paid back over the next few years.
- It could be argued that all of the improvements being considered are not immediately needed as the development will occur in phases over the next decade; however, it is in all parties best interest to have all of these off-site improvements completed prior to the construction of retail stores as a cost saving initiative, as well as minimizing disruption to the site after the anchor tenant is constructed.

4. Private Approaches

- Multiple vehicular access points for the Planned Area are subject to an application under the Private Access By-law 49/2008 and are illustrated in Schedule "F".
- The buildings on the south side of Sterling Lyon Parkway, west of Kenaston Boulevard, will be served by three (3) to five (5) private approaches including:
    - 27.0 metre wide bi-directional signalized private approach on the south side of Sterling Lyon Parkway (illustrated on Schedule "F" as approach # 1),

    - 30.0 metre wide bi-directional signalized private approach on the west side of Kenaston Boulevard,, (approach # 2), opposite Lowson Crescent, which is currently a three legged un-signalised T-intersection will become 4 legged;
    - 7.7 metre wide angular "entrance only" private approach on the west side of Kenaston Boulevard, (approach # 3).
    - 21.0 metre bi-directional private approach (approach # 9) that may become signalised opposite approach #6 in the future.
    - 12.4 metre wide right in/right out private approach (approach # 10).
- The buildings on the north side of Sterling Lyon Parkway, west of Kenaston Boulevard, will be served by a number of private approaches on the north side of Sterling Lyon Parkway, including:
    - 35.9 metre wide bi-directional signalized private approach, (illustrated on Schedule "F", approach # 4 opposite approach #1),
    - 10.3 metre wide right in-right out private approach (approach # 5),
    - 21.0 metre bi-directional private approach (approach # 6),
    - 12.0 metre right in/ right out private approach (approach # 7).
- The buildings on the north side of Sterling Lyon Parkway will also be serviced by a 6.8 metre angular "entrance only" private approach, (approach # 8) on the west side of Kenaston Boulevard.
- The Developer has applied to create a public right-of-way on the south side of Sterling Lyon Parkway, forming a loop.
- Public Works Department, in the Administrative Coordinating Group report, recommends that this new roadway not become a public right-of-way, but rather, it remain as a private roadway.
- Public Works Department recommends the 21.0 metre bi-directional private approach, and the 12.4 metre wide right in/right out private approach, (illustrated on Drawing No. A-09040, approach # 9 and approach # 10), be approved in the event the Committee supports the recommendation in the Administrative Coordinating Group report for this road to remain as a private roadway.

5. <u>Road Closings</u>

- An application has been made to legally close the existing Wilkes Avenue right-of-way adjacent to the Planned Area (DAC 1/2009) as illustrated in Schedule "E"
- Parcel "A" is to be incorporated into the development of the adjoining property currently being processed under subdivision and rezoning application DASZ 37/2008.
- Parcel "B" has been included in the application at the request of the Public Works Department and will be retained by the City of Winnipeg.
- The portion of Wilkes Avenue to be closed has been rendered obsolete with the completion of the Kenaston Grade Separation Project and the registration of Plan No. 43883 WLTO opening Sterling Lyon Parkway.
- Wilkes Avenue is presently barricaded at Kenaston Boulevard and gated at its junction with Sterling Lyon Parkway to the west, and serves no public purpose.
- WFPS has requested an easement over Parcel "A", through the Development Agreement, to ensure access to the rear of the buildings and to the CNR main line.
- The Water and Waste Department has indicated there are two existing feedermains in the closing of Wilkes Avenue (Parcel "A") which will require easements to protect these facilities should the lands be conveyed to the developer.
- The Water and Waste Department will require an additional Engineering Report that will analyze the structural impact and special construction requirements for any work adjacent to and over the feedermains: this is a highly specialized report subject to approval by the Water and Waste Department and is a condition in the Development Agreement in Schedule "C".
- The Public Works Department will require a uniform fence, 2.0 m in height abutting the CNR Rivers Subdivision.

- Manitoba Hydro and Centra Gas Manitoba Inc. have identified services within the closing area that will require easements.
- No permanent structures will be allowed within the easement area.
- A closed street assumes the zoning designation of the adjoining lands on each side, to the centre line of the street.
- Lands to the north of Parcel "A" are currently designated PR2 Parks and RR5 Rural Residential and the lands to the south are designated M3 Manufacturing.
- The incorporation of the street closing under DAC 1/2009 into File DASZ 37/2008 will remove the zoning inconsistencies.
- The street must be legally closed before it may be conveyed.
- Title to all public rights of way in Manitoba is vested in the name of the Province.
- The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name.
- The City is not entitled to dispose of the land until this has been done

6. <u>Land Use By-Law</u>

- Variances have been made for free standing signage height and surface area; bicycle parking stalls; and establishment of lots that do not abut upon a public street (DAV 08-157053D) as illustrated in Schedule "D".
- The variances may be appealed to the Appeals Committee for a new public hearing, whereas the recommendation by Executive Policy Committee for a rezoning proceeds to Council for decision.

Variance A. 1 – IKEA Signage

- A 'navigational tower' 155 feet in height will be at the southwest corner of Sterling Lyon Parkway and Kenaston for the IKEA
- Three sets of 'store' flags are also planned for the 27 acre IKEA site, to be located on north, east and west sides of their property.
- The navigational tower and flags exceed the allowable height and sign surface area in the C4 zoning district.

Variances A. 2, 3, 4 & 5; and B – Free Standing Signage

- A plan has been provided to indicate where five (5) free standing pylon signs will be developed in the Planned Area to service 1.5M + sq ft of retail space.
- Four (4) signs will be along Sterling Lyon Parkway, and one on Kenaston Blvd.
- The five (5) free standing signs are subject to variances for height and sign surface area.

- Both "C3" and "C4" zones have the same signage limitations in By-law 200/2006, but the difference between these two zoning districts is substantial.
- Whereas "C3" is typically located along arterial streets in community areas, "C4" zoning is designed for regional and super-regional centres – which have unique requirements.
- "C4" sites are large scale, typically auto oriented, set back considerably from the abutting right-of-way, and with commercial buildings with large gross floor areas ranging from 50,000 to +300,000 square feet.
- Consequently, the "C4" require more and larger signage, in order to be visible.
- For instance, businesses in "C3" and "C4" are permitted 1.25 square feet of signage for every 1 foot of frontage, with a cap at 323 square feet.
- This would apply, in the following comparison:

- *The Keg, which is at the corner of Moray and Portage in zoned "C3". It has approximately 500 feet of frontage. It would be permitted the maximum of 323 square feet of signage.*

- *The IKEA site alone has approximately 2,800 linear feet of frontage, or 5.5 times as much frontage as the Keg, but it is limited to the same 323 square feet.*

- *Same with height as the Keg is setback 0 feet from the property line and is permitted a height of 30 feet.*

- *The IKEA will be setback 200+ feet from the property line, but is limited to the same sign height of 30 feet.*

- There is also a provision in the zoning by-law that an individual sign, on a lot zoned C4, may not exceed 323 square feet.
- The pylon signs are intended to serve the entire Planned Area, however, the amount of allowable signage is calculated based on the size of the single lot where the sign is located.
- The provision does not take into account that adjacent lots with buildings will co-locate signs on a single pylon sign instead of 31 free standing signs for 31 lots.
- For these reasons, the "C4" sign standards need to be varied, in that they do not properly reflect the unique parcel sizes, scale of buildings, co-location of multiple businesses on a single sign, and building setbacks for a 'super-regional' commercial centre.

Variance C. - Bicycle Parking

- The developer has indicated that bicycle parking facilities will be provided on site; however, the exact number is not known though a minimum of 50 will be provided.

- This variance is only for the IKEA Store and not for the remainder of the Planned Area.
- The IKEA store will employ upwards of 300 people and attract hundreds of shoppers, both of whom should be given the option to use different modes of transportation.
- The Zoning By-law assists in facilitating multi-modal transportation such as cycling by requiring lockable bicycle parking.
- The amount of lockable bicycle parking stalls is calculated as one bicycle space per 10 required automobile spaces, thus 140 bicycle stalls are required for the IKEA store.
- The Developer has requested a reduced number of lockable bicycle parking spaces for the IKEA Store in that the required amount may not accurately reflect the number of bicycle stalls needed, for the following reasons:

    - IKEA is 'super-regional' with a retail catchment area that could extend as far west as Alberta, east to Northwestern Ontario, and south to North & South Dakota & Minnesota.- attracting a large number of visitors where cycling is not a viable option.
    - The principal use is a home furnishing store that stocks primarily larger items. Most customers will likely not carry large furniture pieces home strapped to their back on their bicycles.
    - The retailer knows their own markets and can anticipate how many people will be riding their bicycles to the facility.
    - Bicycle locking is not an expensive, land consumptive piece of infrastructure. It would be relatively easy to install more bike racks if the demand presents itself.

- The Developer will also be required to construct a 3.5 metre wide asphalt pathway the entire length of their Planned Area along the west side of Kenaston Blvd connecting the Thundering Bison Trail to Taylor Avenue to the north to assist in facilitating multi-modal transportation.

- The existing multi-modal pathway along the south side of Sterling Lyon Parkway adjacent to the IKEA site will be connected to an appropriate multi-modal pathway within the site that will allow pedestrian and cyclists to safely connect from the public right-of-way to the store.
- A basic operational plan for Transit to service the site has been outlined for the opening of Phase 1 - IKEA - with the routing of Route 78 (Crosstown West), which provides service along Kenaston Blvd between Polo Park and the University of Manitoba, into the IKEA site along the south side of the property with a Bus Stop directly accessible via pathway to the west side of the front entrance.

Variance D. Land Locked Parcels

  - Eleven (11) of the 31 lots in the plan of subdivision do not abut a public street and are considered 'land locked' parcels.
  - A majority of these parcels are north of Sterling Lyon Parkway.
  - The creation of land locked parcels requires a variance.

- The Winnipeg Fire Paramedic Service has indicated their support for this subdivision with the creation of properties that do not abut a street is contingent on easement agreements, and internal roadways being constructed that will allow their equipment to access buildings within the Planned Area.
- The WFPS has also indicated a desire to see buildings clearly numbered in the Planned Area to assist them on service calls.
- These items are contained in the recommended conditions of approval of the DASZ application that will be come a Zoning Agreement; and in the Development Agreement.

7. Compatibility With Surrounding Uses

- The proximity of Fort Whyte Alive nature centre, which has expanded over the years to become the largest land owner within the Tuxedo Industrial Policy Area and emerging Major Open Space; and the South Tuxedo Neighbourhood Policy area to the north and Lindenwood residential area to the south east, caused conflicts as residents lobbied for several years for the CN Intermodal yard to be relocated.
- The 160 acres of underused and vacant lands (former Kapyong Barracks) to the north have been declared surplus by the Department of National Defense and are subject to a sale to the Crown Corporation, Canada Lands Company, subject to a First Nations claim.
- Should Canada Lands secure the lands and proceed to develop the site, it is anticipated a mixture of lands uses (office, single family, multiple family, and retail) would be developed.
- Manitoba Hydro recently declared surplus and sold 25 acres of underused, former industrial lands on the east side of Kenaston.
- It is anticipated a mixture of residential, commercial, and office uses may be developed on these lands.
- Two former Portland cement powder manufacturing plants located south of the Planned Area ceased production a number of years ago.
- Surplus lands associated with the former site have been sold off to various owners including Fort Whyte Alive for nature uses, and Terracon Development for the development of the South Tuxedo Business Park.
- A cement powder distribution operation and a concrete batching plant still exist on a portion of these lands.

8. Site Design

- Preliminary site plans have been submitted that are conceptual in nature, illustrating how the Planned Area may develop with buildings, parking areas, and internal roads: details regarding landscaping, lighting, pathways, etc. have not been provided.
- The developer, as a condition of approval, will be required to provide a master site plan for the Planned Area (except for the IKEA Site) for approval by the Director of Planning, Property and Development.
- Design performance guidelines for regional commercial developments based upon sound land use planning principles and best practices, and relying on experience in other North American cities, will be used to assess the site design in this review process, and are provided in Attachment “5”.
- The objective of the Site Plan Review and Guidelines in the approval process is to promote, encourage, and develop the positive aspects of a project while ensuring the potential impacts are sufficiently mitigated.

9. Land Dedication

- In lieu of dedication of 10% of the land within the Planned Area being set aside as Public Open Space as per Section 259(1) of the City of Winnipeg Charter, the Developer will be paying $10,000 per gross acre of the Planned Area, in accordance with the Developer's agreement with the City.

10. Public Input

- At the time of this report, the applicant indicated a public consultation process will be initiated prior to the public hearing.

C. REASONS FOR RECOMMENDATION

The Public Service supports this development and the associated applications for the following reasons:

- The re-designation of these lands under *Plan Winnipeg* will support the logical and orderly re-alignment of the Tuxedo Industrial Policy area's boundaries to reflect the nearby changing land-uses.
- The loss of lands designated 'Industrial Policy Area' in the Tuxedo Industrial Policy area will not negatively impact the industrial land supply in relation to demand in the quadrant or the entire city.
- The addition of these lands to 'Neighbourhood Policy Area' as an 'Area of Regional and Mixed Use Commercial Concentration' will help meet the critical shortage of available and readily serviceable commercial lands.
- This will be a 'smart' development where the surrounding area's current infrastructure deficit will be accelerated for implementation by the Developer front-ending the costs to extend services for their development and the City will use incremental municipal tax dollars generated by the development to pay back the developer over a number of years.
- Private capital investment could exceed $400M.
- The total development would generate from between 3,500 to 4,000 new jobs.
- Based on rough estimates, the completed development will generate approximately, $3.7M of incremental municipal realty and business tax dollars annually and including Provincial School and Levy taxes, the total taxes are estimated at $5.93M annually.
- Based on the type and size of unique stores within the development, the retail "catchment" area could extend as far west as Alberta, east to Northwestern Ontario, and south to North & South Dakota & Minnesota. attracting out-of-town visitors to Winnipeg.
- Needed infrastructure improvements infrastructure for the surrounding area will be front-ended by the Developer at an accelerated rate. And by using incremental municipal taxes, the current 5 year capital budget will not need to be adjusted.
- Commercial developments on the former CNR Intermodal industrial lands will be more compatible with the surrounding residential, major open space and nearby redevelopment opportunities than the previous / existing heavy industrial uses.
- Rezoning the land from 'M2 – Manufacturing Light' and 'M3 - Manufacturing Heavy Districts will ensure that noxious, heavy industrial users such as rail yards, garbage incinerators, slaughter houses, etc. will no longer have the right to establish in close proximity to nearby residential homes.
- A unique destination centre with super-regional retailers drawing customers from the Capital Region, Alberta, Northwestern Ontario, and North & South Dakota & Minnesota, is well located with good access to major street networks that connect to the Perimeter Highway and the Airport / Bus Terminal.
- The scale of the signage is consistent with the overall purpose of this development to be a unique, 'super-regional' commercial 'destination centre' with large retail stores that establish in only one location in a marketplace.
- The size and design of the navigational towers and flags for IKEA is distinct - consistent with their strong and unique market area.
- The dimensional standards of the Zoning By-law are not appropriate given that a 350,000 square foot retailer on 27 acres is provided the same scale of signage as an 8,000 square foot restaurant on 2.4 acres of land.

D. CONDITIONS OF RECOMMENDATION

The Public Service is recommending:

- The site plan for this regional commercial site, excluding the IKEA, be reviewed by the Director of Planning, Property and Development to ensure any potential impacts are sufficiently mitigated. A design guideline for the site plan approval is provided in Schedule 'C'.

- Transit requirements be implemented into the Planned Area to ensure Transit Service can be provided satisfactorily.

- Active transportation pathways are constructed to facilitate pedestrian and cycling modes of transportation to and from, and through, the Planned Area.

- The land owners are required to attach private cross-access agreements as caveats, or by master or declarations of easements, on all land titles of the new lots to ensure continual access for building owners/occupiers as well as for Winnipeg Fire and Paramedic Services, and Winnipeg Transit.

- The internal roadways to be used by emergency and transit vehicles to include sufficient access, clearances, lane widths, turning radii, vehicle loads, etc be implemented into the Planned Area to ensure Transit and Emergency Services have continual access to each building in the Planned Area.

- The space at bus stop locations is sufficient for Winnipeg Transit amenities (shelters, signage, benches, and a stop area to accommodate at least two stopped 40-ft buses with front bike carriers).

- Temporary signage (mobile signs, poster boards, balloon signs) be restricted unless they are a new occupancy permit is issued.

- Any expansion of the retail space beyond the forecasted 1.5 millions square feet, which has been the estimated benchmark used for the Traffic Impact Study to determine infrastructure needs, trigger a second Traffic Impact Study.

- Incremental municipal taxes generated annually by the total development are assigned back to the Developer of the site over a period not exceeding 12 years to cover the costs of the City's contribution to improvements to the regional street network.

- The Chief Administrative Officer be given delegated authority to negotiate and acquire the privately-owned lands near the Planned Area that are required for the widenings of Kenaston Boulevard and Sterling Lyon Parkway, the widening of Shaftesbury Boulevard, and the widening of the Shaftesbury Boulevard/Sterling Lyon Parkway/ McCreary Road/Wilkes Avenue intersection associated with this development.

- The Chief Administrative Officer report back to Council should any of the estimates for infrastructure improvements identified as the City's responsibility, which the Developer will be front-ending, exceed 10 percent of the costs estimated in 2009 Dollars described in the Development Agreement and Economic Agreement.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy	**X**		**Change from Industrial Policy Area to Neighbourhood Policy Area is consistent with *Plan Winnipeg* 2020 Vision policies and will facilitate orderly and logical development.**
Regulatory	**X**		**Allows development permits to be issued.**
Environmental	**X**		**Appropriate redevelopment of an Industrial Brownfield site.**
Human Resources		**X**	
Financial	**X**		**An additional $22 million in capital budget will be required with $8 million being funded by the Province and $14 million by the City.**
Legal (Contracts)	**X**		**Municipal incremental taxes assigned to the developer/owner. Zoning and Development Agreement signed between City and Developer.**
Communications	**X**		
Council Priorities Direction	**X**		
Other, e.g. Organizational, community, etc. (Specify)	**X**		**Will allow commercial development of a 'super regional' nature to be established that has a significant market draw beyond Winnipeg.**

FINANCIAL IMPACT

Financial Impact Statement

Date: February 23, 2009

Project Name:
Economic Development Initiative

First Year of Program **2009**

	2009	2010	2011	2012	2013-2023
Capital					
Capital Expenditures Required	$ -	$ 2,666,667	$ 2,666,667	$ 2,766,667	$ 13,900,000
Less: Existing Budgeted Costs	-	2,666,667	2,666,667	2,766,667	13,900,000
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ 100,000	$ 13,900,000
Debt - External	-	-	-	-	-
Grants (Province)	-	2,666,667	2,666,667	2,666,666	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Front-Ended By Developer	-	-	-	-	-
Total Funding	$ -	$ 2,666,667	$ 2,666,667	$ 2,766,666	$ 13,900,000
Total Additional Capital Budget Required	$ 22,000,000				
Total Additional Debt Required	$ 14,000,000				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	1,963,000	100,000	30,380,000
Net Cost/(Benefit)	$ -	$ -	$ (1,963,000)	$ (100,000)	$ (30,380,000)
Less: Existing Budget Amounts	-	-	(1,963,000)	(100,000)	(30,380,000)
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Capital expenditures in each of 2010, 2011 & 2012 equal 1/3 of the $8M provincial grant with an additional $100,000 of internally financed capital budget in 2012. Another $13.9M in internally financed capital is assumed to be budgeted from 2013 to 2023 to meet the City's $14M capital contribution to this project. Revenues consist of cash in lieu of land dedication of $1,963,000 (i.e. $10,000 per acre), assumed to be collected in 2011 and credited to the LDRF, and incremental taxes assumed to be generated as follows: $100,000 when IKEA opens in 2012 and increasing by $500,000 each year from 2013 to 2017 and remaining constant at $3,730,000 from 2018 to 2023 (i.e. the maximum period over which the developer is to receive tax credits) will be realized. Based on these assumptions, incremental taxes will be sufficient to fund the City's net $14 million share of the capital improvements to be front-ended by the developer ($8M province, $4.5M developer).

The amount of interest to be paid to the developer is not reasonably estimable at this time; however, given the estimated incremental taxes to be generated over the 12-year tax credit period, it is reasonable to conclude that sufficient budget will be available to fund interest costs that accrue over the 7-year period. Note - internal overheads and debt/finance charges have been excluded from this analysis for simplicity.

Note: This analysis pertains to Recommendation # 2 only. There are no direct financial implications associated with the other recommendations.

original signed by
Chief Financial Officer

CONSULTATION

In preparing this Report there was consultation with:

Water and Waste

Public Works

Community Services

Winnipeg Transit

Winnipeg Fire and Paramedic Services

SUBMITTED BY

Department	Planning, Property and Development
Division	Planning and Land Use
Prepared by	John S. Wintrup, Principal Planner
File No.	PW 2 / 2008; DASZ 37/08; DAV 08-157053/D; DAC 1/2009.

Appendix:

1. Schedule “A” for Plan Winnipeg Amendment, By-law and Map.
2. Schedule “B” for File No. DASZ 37/08, Executive Policy Committee, dated March 2, 2009.
3. Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.
4. Schedule “C” – Administrative Coordinating Group Report File No. AG 37/08, dated February 13, 2009.
5. Schedule “D” – Variances Requested under Zoning By-law 200/2006.
6. Attachment “3” – Kenaston Boulevard and Sterling Lyon Parkway Widenings.
7. Attachment “4” – Provincial Contribution Agreement.
8. Schedule “E” – Misc. Plan No. 9178/38 for Street Closing under DAC 1/2009.
9. Schedule “F” – Drawing No. A-09040 for Private Access By-law No. 49/2008.
10. Attachment “5” – Design Guidelines for Plan Approval for File No. DASZ 37/08.

Schedule “A” for Plan Winnipeg Amendment, By-law and Map

THE CITY OF WINNIPEG

BY-LAW NO. 2/2009

A By-law of THE CITY OF WINNIPEG to amend By-law No. 7630/2000, a By-law establishing Plan Winnipeg, being a statement of the City’s policy and general proposals in respect of development or use of land in the City.

THE CITY OF WINNIPEG, in Council assembled, enacts as follows:

1 *Policy Plate A (Land Use), attached to and forming part of By-law No. 7630/2000, is hereby amended as follows:*

The lands shown outlined on the map below are hereby designated as “NEIGHBOURHOOD” Policy Area and “AREA OF REGIONAL COMMERCIAL AND MIXED USE CONCENTRATION”, and Policy Plate A shall hereafter be read and construed as though the said lands were indicated thereon as “NEIGHBOURHOOD” and “AREA OF COMMERCIAL AND MIXED USE CONCENTRATION”.

RECEIVED FIRST READING on this ***28th*** day of ***January*** , 2009.

RECEIVED SECOND READING on this day of , 2009.

RECEIVED THIRD READING on this day of , 2009.

DONE AND PASSED this day of , 2009.

_____
Mayor

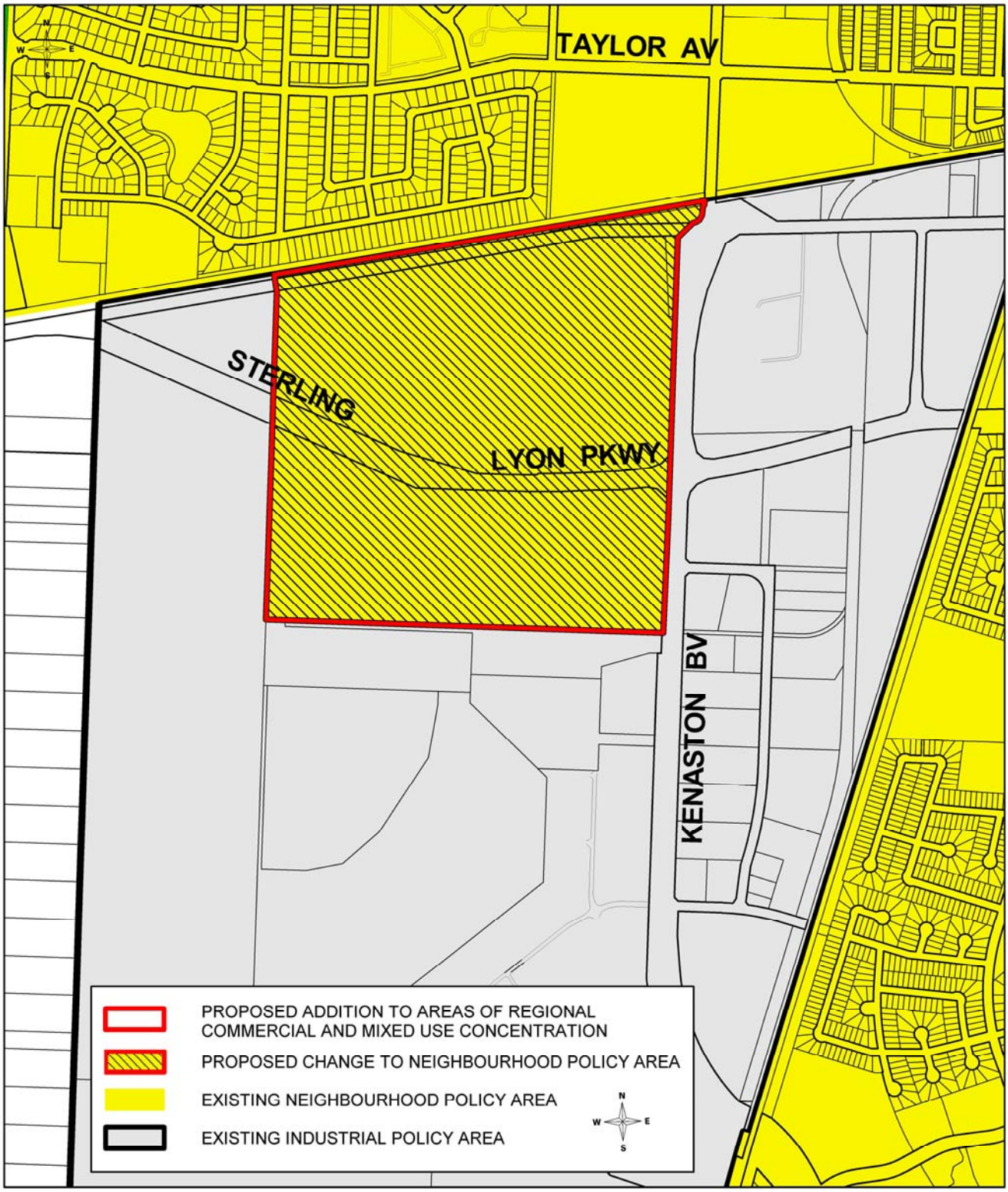
_____
City Clerk

Approved as to planning details:

_____
for Director of Planning, Property and Development

Approved as to form:

_____
for Acting City Solicitor/Manager of Legal Services


TAYLOR AV
STERLING
LYON PKWY
KENASTON BV
PROPOSED ADDITION TO AREAS OF REGIONAL COMMERCIAL AND MIXED USE CONCENTRATION
PROPOSED CHANGE TO NEIGHBOURHOOD POLICY AREA
EXISTING NEIGHBOURHOOD POLICY AREA
EXISTING INDUSTRIAL POLICY AREA
N
W
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S

Schedule “B” for File No. DASZ 37/08, Executive Policy Committee, dated March 2, 2009.

By–Law No. _____

File No. **DASZ 37/08**

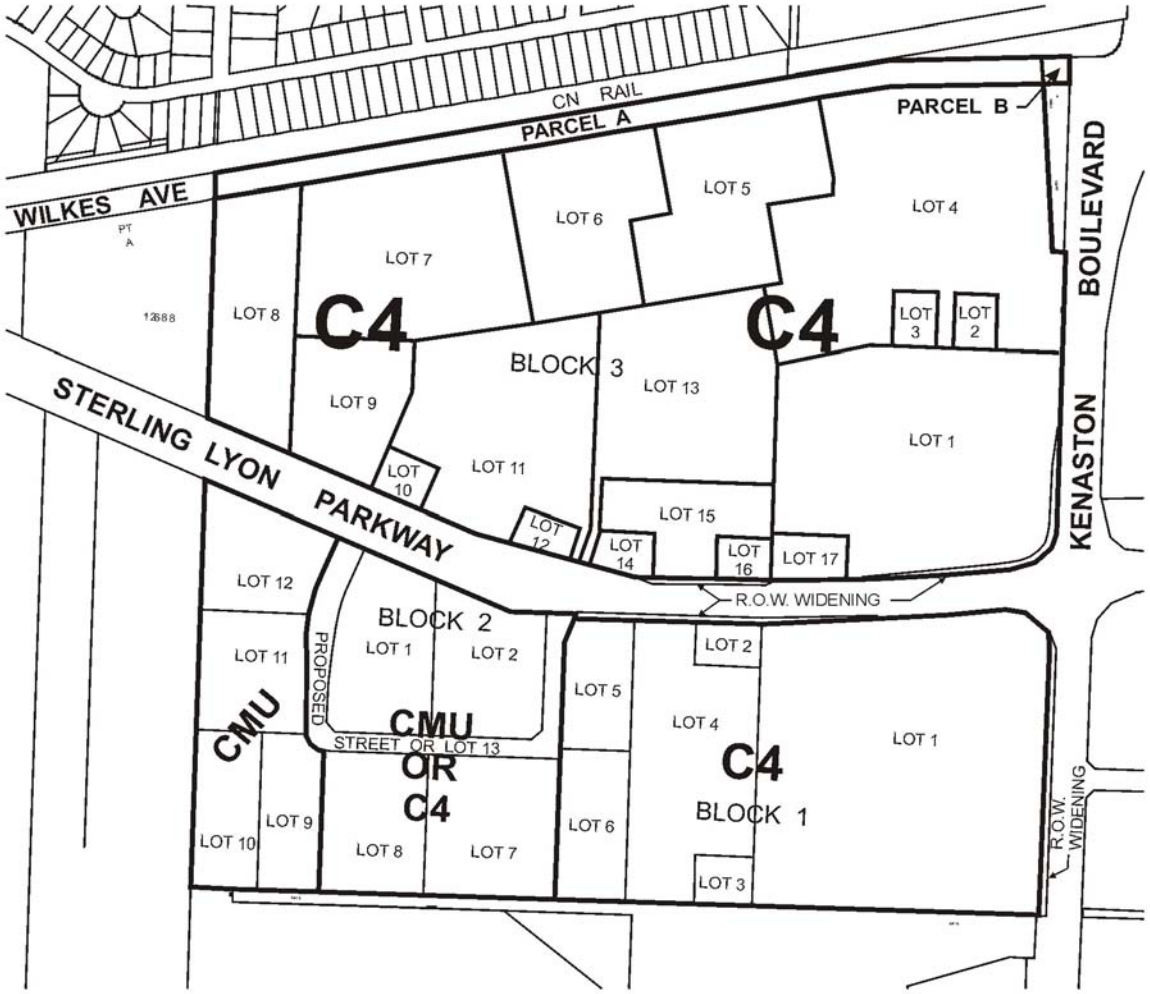
Atlas Sheet No.

N

AF19
ASSINIBOIA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on the west side of Kenaston Boulevard, south and north side of Sterling Lyon Parkway from an "M2" and “M3” MANUFACTURING DISTRICTS to a "C4" COMMERCIAL REGIONAL DISTRICT and/or “CMU” COMMERCIAL MIXED USE DISTRICT as shown outlined below.



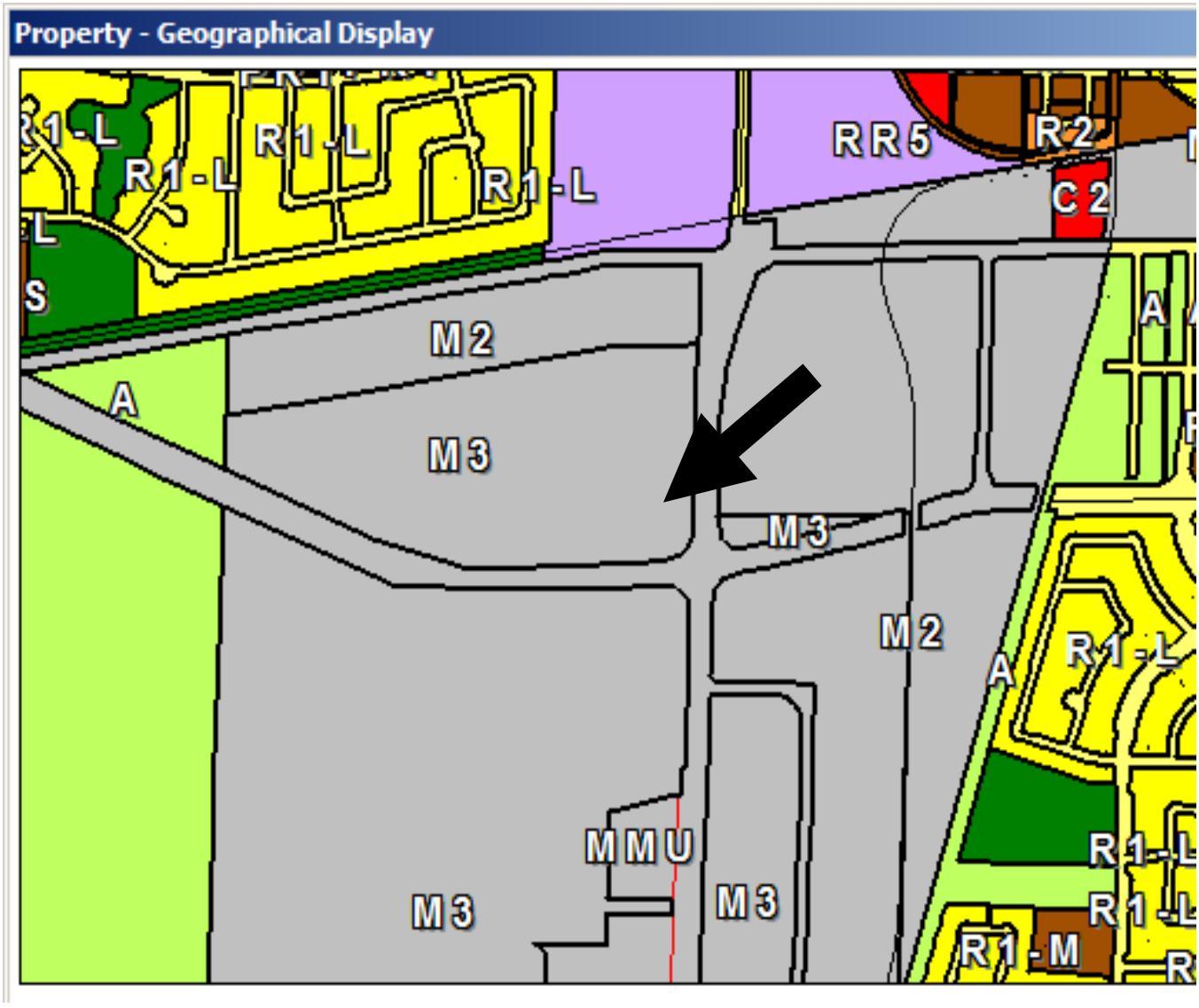
THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Attachment “1” – Existing Land-Uses for ‘Planned Area’ and Surrounding Lands.



Attachment “2” – Existing Zoning for ‘Planned Area’ and Surrounding Lands.



Schedule “C” – Administrative Coordinating Group Report File No. AG 37/08, dated February 13, 2009.

RE: Subdivision and Rezoning of land SW & NW quadrants of Sterling Lyon and Kenaston – DASZ 37/08

MMM Group Ltd. has submitted application DASZ 37/08 to subdivide and rezone approximately 196.3 acres of land at the SW & NW quadrants of Sterling Lyon Parkway and Kenaston Boulevard (the Planned Area). The subdivision is to consist of two separate developments:

1. DASZ 37A/08 – a 150.5-acre development, comprising the easternmost 105.3 acres north of Sterling Lyon Parkway and the easternmost 45.2 acres south of Sterling Lyon Parkway; and

2. DASZ 37B/08 – a 45.8-acre development, comprising the westernmost 6.3 acres north of Sterling Lyon Parkway and the westernmost 39.5 acres south of Sterling Lyon Parkway.

It is recommended that the approval of DASZ 37A/08 be subject to the following:

A. Plan Considerations - Plan of Subdivision

1. The Developer shall provide and legally open, at no expense to the City, property for the widening of the Kenaston Boulevard right-of-way along the length of the Planned Area to the satisfaction of the Director of Public Works.

2. The Developer shall provide and legally open, at no expense to the City, property for the widening of the Sterling Lyon Parkway right-of-way along the length of the Planned Area to the satisfaction of the Director of Public Works.

B. Site Plan Considerations to Accommodate Winnipeg Transit and Winnipeg Fire Paramedic Service

1. The Developer shall submit to the City, for the approval of Winnipeg Transit and Winnipeg Fire Paramedic Service, a conceptual site plan, showing the proposed internal roadways, bus route, and bus stops through the Planned Area.

2. The Developer shall design the internal roadways to be used by emergency and transit vehicles to include sufficient access, clearances, lane widths, turning radii, vehicle loads, etc. to accommodate emergency and transit vehicles. Where roundabouts are to be constructed, they shall be designed to a sufficient standard to ensure that the use of a truck apron is not necessary to accommodate the operation of a transit bus or emergency vehicle. The location and design of internal roadways shall be subject to approval by the Winnipeg Fire Paramedic Service and Winnipeg Transit for the purposes of their requisite access.

3. The Developer shall provide sufficient space at bus stop locations for Winnipeg Transit amenities (shelters, signage, benches, and a stop area with sufficient length to accommodate at least two stopped 40-ft buses with front bike carriers). Taper lanes shall also be provided, where necessary.

4. If the Developer purchases, from the City, Parcel A of the existing Wilkes Avenue right-of-way, the Developer shall maintain Parcel A as a roadway, provide unrestricted access

to that roadway to enable emergency vehicles to service the CNR Rivers Subdivision, and maintain a fire lane to Winnipeg Fire Paramedic Service standards.

C. Servicing Reports

1. The Developer shall provide, prior to the City's entering into a Servicing Agreement regarding this property, and to the satisfaction of the Director of Water & Waste, a comprehensive servicing report, prepared by a qualified municipal engineer, describing the provision of underground services for the entire site (i.e. for the Planned Areas for DASZ 37A/08 and DASZ 37B/08), providing a water network flow analysis, addressing fire-flow requirements, estimating the wastewater flow generation from the site, estimating the land-drainage flow generation from the site and the storage requirements, and demonstrating that the existing systems can adequately meet the needs of the development and/or recommending any upgrading requirements.

2. If the Developer purchases, from the City, Parcel A of the existing Wilkes Avenue right-of-way, which contains two feedermains, the Developer shall, prior to the release of the subdivision mylars, provide to the City a comprehensive report on the structural impact of, and special requirements for, construction over and in the vicinity of the existing feedermains, both prepared by a municipal engineer to be approved by, and to the satisfaction of, the Director of Water & Waste.

D. Servicing Agreement

The Developer shall enter into a Servicing Agreement with the City, containing the following requirements:

1. The Developer shall, at no expense to the City, construct all watermains required to service the Planned Area. These watermains must be looped to achieve adequate flows, may be constructed within easements acceptable to the Director of Water & Waste, but may not connect to either of the feedermains in Wilkes Avenue.

2. The Developer shall, at no expense to the City, construct all wastewater sewers required to service the Planned Area, including a sewer in Kenaston Boulevard from the Planned Area to Rothwell Road.

3. The Developer shall, at no expense to the City, construct all land drainage sewers required to service the Planned Area.

4. The Developer shall pay its share of the regional land drainage system at the current rate at the time of payment (2008 TSR = $14,126.00/acre).

5. The Developer shall pay the Park Boulevard Trunk User Charge ($362.57/acre).

6. Any upgrading work to the regional land drainage system to be required of and completed by the Developer shall be credited against the Developer's TSR charges.

7. The Developer shall, prior to the release of the approved subdivision mylars for registration in the Land Titles Office, pay to the City the combined share of the cost of the following services in Sterling Lyon Parkway for applications DASZ 37A/08 and DASZ

37B/08, in accordance with the Release and Quit Claim on the subject property, based on the average of the lengths of the combined frontage along the north side of Sterling Lyon Parkway and the combined frontage along the south side of Sterling Lyon Parkway:

i) a 4.0-m-wide by 200-m-thick portland cement concrete lane of pavement and related works (rural cross-section);
ii) a 1.5-m-wide by 100-mm-thick portland cement concrete sidewalk (one side);
iii) street lighting (one side); and
iv) boulevard landscaping (one side).

all as determined by the Director of Public Works.

8. The Developer shall finance and construct a third northbound traffic lane and a third southbound traffic lane in Kenaston Boulevard, from Taylor Avenue to the south limit of the subject property, including the following, to the satisfaction of the Director of Public Works:

i) re-establishing the northbound right-turn deceleration lane and upstream transition at Sterling Lyon Parkway to their current lengths and configurations;
ii) re-establishing the southbound right-turn deceleration lane and upstream transition at Sterling Lyon Parkway to their current lengths and configurations;
iii) re-establishing the southbound right-turn deceleration lane and upstream transition at the right-in private approach to the Planned Area north of Sterling Lyon Parkway;
iv) re-establishing the northbound right-turn deceleration lane and upstream transition at Lowson Crescent to their current lengths and configurations;
v) re-establishing the northbound right-turn deceleration lane and upstream transition at Wilkes Avenue to their current lengths and configurations;
vi) modifying the traffic control signal at the intersection of Kenaston Boulevard and Sterling Lyon Parkway; and
vii) modifying the traffic control signal at the intersection of Kenaston Boulevard and Taylor Avenue.

9. The City shall acquire from others, and the Developer shall finance the acquisition of, property required to accommodate the works identified in Paragraph 8 above, as determined by the Director of Public Works.

10. The Developer shall be responsible for the costs described in paragraph 9 to a maximum total of Four-hundred and Fifty Thousand ($450,000) Dollars. The City shall upon payment of such costs, deduct the amount from the estimated $14,000,000 of Developer-recoverable amounts, or if such amount has been recovered, then the Developer shall pay its responsibility to the maximum amount.

11. The City of Winnipeg shall negotiate with CNR and arrange to complete the modifying of any railway crossing protection at the spur line serving 1191 Kenaston, as may be required by Transport Canada and/or Canadian National Railways. The Developer shall be responsible for the costs to a maximum of Three-hundred Thousand ($300,000) Dollars. The City shall upon payment of such costs, deduct the amount from the estimated $14,000,000 of Developer-recoverable amounts.

12. Subject to City Council's approval of the legal closure under a future Closing Application, and the Developer's acquisition of, a portion of the Sterling Lyon Parkway right-of-way,

the Developer shall finance and re-construct, to an urban cross section, in portland cement concrete pavement, the existing two-lane roadway in Sterling Lyon Parkway, from approximately 400 m west of Kenaston Boulevard to Shaftesbury Boulevard, and shall complete all related works, including, but not limited to, extending the land drainage sewer, filling in and landscaping the existing ditches, and relocating/reconstructing the existing active-transportation pathway on the south side of Sterling Lyon Parkway as necessary, all as determined by, and to the satisfaction of, the Director of Public Works.

13. The City shall acquire from others, and the Developer shall finance the acquisition of, property required to accommodate the works identified in Paragraph 12 above, as determined by the Director of Public Works.

14. The Developer shall finance and construct a second eastbound traffic lane and a second westbound traffic lane, and associated median work, in Sterling Lyon Parkway, from their current termini, approximately 400 m west of Kenaston Boulevard, to Shaftesbury Boulevard.

15. The Developer shall finance and extend construction of the additional eastbound and westbound traffic lanes on Sterling Lyon Parkway, identified in Paragraph 14 above, including associated median works, through the Shaftesbury Boulevard/McCreary Road intersection, including construction of transitions west of the Shaftesbury Boulevard/McCreary Road intersection and modifications to the traffic control signal at the intersection of Sterling Lyon Parkway/Wilkes Avenue with Shaftesbury Boulevard/McCreary Road, all as determined by, and to the satisfaction of, the Director of Public Works.

16. The Developer shall finance and construct the following improvements at and in the vicinity of the intersection of Kenaston Boulevard and Sterling Lyon Parkway:

    i) a third northbound left-turn storage lane and all related works;
    ii) a third eastbound left-turn storage lane and all related works;
    iii) a third westbound traffic lane from Kenaston Boulevard to the second signalized, all-directional private approach west of Kenaston Boulevard, plus downstream transition, and all related works;
    iv) a third eastbound traffic lane from the east Sterling Lyon Parkway access to Kenaston Boulevard, and all related works;
    v) a second southbound right-turn cut-off lane, and all related works;
    vi) a second westbound right-turn cut-off lane, and all related works;
    vii) a second eastbound right-turn cut-off lane, and all related works;
    viii) modifications to the traffic-control signals at the intersection of Kenaston Boulevard and Sterling Lyon Parkway to accommodate the above-referenced works; and
    ix) the installation of advance overhead lane designation/guide signs for northbound Kenaston Boulevard and eastbound Sterling Lyon Parkway.

    all as determined by, and to satisfaction of, the Director of Public Works.

17. The City shall acquire from others, and the Developer shall finance the acquisition of, property required to accommodate the works identified in Paragraph 16 above, as determined by the Director of Public Works.

18. The Developer shall finance and construct the intersection of Kenaston Boulevard and the all-directional private approach to the Planned Area opposite Lowson Crescent with

fully channelised northbound and southbound left-turn and right-turn storage lanes with upstream transitions, including two northbound left-turn storage lanes and southbound and northbound right-turn acceleration lanes, all as determined by, and to the satisfaction of, the Director of Public Works.

19. The Developer shall pay all costs associated with the installation of traffic-control signals at the intersection of Kenaston Boulevard and the all-directional private approach to the Planned Area opposite Lowson Crescent and all related works, including, but not limited to, pedestrian and vehicle actuation, and interconnection with the adjacent signalized intersections and adjacent railway-crossing warning system, all as determined by, and to the satisfaction of, the Director of Public Works.

20. The Developer shall finance and construct a right-turn lane and upstream transition and all related works at the right-in-only private approach to the Planned Area on Kenaston Boulevard south of Lowson Crescent, all as determined by, and to the satisfaction of, the Director of Public Works.

21. The Developer shall finance and construct the intersection of Sterling Lyon Parkway and the first all-directional private approach to the Planned Area west of Kenaston Boulevard with fully channelized eastbound and westbound left-turn and right-turn storage lanes with upstream transitions, including two westbound left-turn storage lanes, all as determined by, and to the satisfaction of, the Director of Public Works.

22. The Developer shall pay all costs associated with the installation of traffic-control signals and all related works including, but not limited to, pedestrian and vehicle actuation and interconnection with the adjacent signalized intersections at the intersection of Sterling Lyon Parkway and the first all-directional private approach to the Planned Area west of Kenaston Boulevard, all as determined by, and to the satisfaction of, the Director of Public Works.

23. The Developer shall finance and construct a right-turn lane and upstream transition at the first right-in/right-out private approach to the Planned Area on Sterling Lyon Parkway west of Kenaston Boulevard, as determined by, and to the satisfaction of, the Director of Public Works.

24. The Developer shall finance and construct the intersection of Sterling Lyon Parkway and the second all-directional private approach to the Planned Area west of Kenaston Boulevard with fully channelised eastbound and westbound left-turn and right-turn storage lanes with upstream transitions, all as determined by, and to the satisfaction of, the Director of Public Works.

25. The Developer shall pay all costs associated with the installation of traffic-control signals at the intersection of Sterling Lyon Parkway and the second all-directional private approach to the development west of Kenaston Boulevard, including, but not limited to, pedestrian and vehicle actuation and interconnection with the adjacent signalized intersections, the timing of the installation of which shall be determined by the Director of Public Works.

26. The Developer shall finance and construct a right-turn lane and upstream transition at the second right-in/right-out private approach to the Planned Area on Sterling Lyon Parkway west of Kenaston Boulevard, as determined by, and to the satisfaction of, the Director of Public Works.

27. The Developer shall finance and construct the widening of Shaftesbury Boulevard north of Sterling Lyon Parkway/Wilkes Avenue to provide two southbound left-turn storage lanes, 100 m and 150 m in length plus transitions, and all related works - including, but not limited to, the realignment of the south (McCreary Road) approach to the intersection, modifications to the existing traffic-control signals at the intersection of Shaftesbury Boulevard and Sterling Lyon Parkway/Wilkes Avenue all as determined by, and to the satisfaction of, the Director of Public Works.

28. The City shall acquire from others, and the Developer shall finance the acquisition of, any property required to accommodate the works identified in Paragraph 27 above, as determined by the Director of Public Works.

29. The City shall negotiate with CNR and arrange to complete the construction and/or modifying of any railway-crossing protection at the CNR Mainline - all as determined by, and to the satisfaction of, the Director of Public Works. The Developer shall be responsible for the costs to a maximum of Two-hundred Thousand ($200,000) Dollars. The City shall upon payment of such costs, deduct the amount from the estimated $14,000,000 of Developer-recoverable amounts.

30. The Developer shall construct the internal roadways to be used by transit buses and emergency vehicles through the Planned Area at locations, to widths and thicknesses, and with geometry satisfactory to the Directors of Winnipeg Transit and Winnipeg Fire Paramedic Service, and with sidewalks and pedestrian-scale ornamental street lighting satisfactory to the Director of Winnipeg Transit.

31. If the Developer purchases, from the City, Parcel A of the existing Wilkes Avenue right-of-way, the Developer shall enter into (an) easement agreement(s) with the City to provide the City with:

    i) unlimited use of the roadway for emergency vehicle access to at least the CNR Rivers Subdivision and to the Planned Area; and
    ii) unlimited access to the feedermains located within Parcel A .

32. It is the Public Works Department's recommendation that the new Public Street south of Sterling Lyon Parkway be developed by the Developer of DASZ 37B/08 as a private roadway. Whether it develops as a public street or a private roadway, the Developer shall, at no expense to the City, and as a part of the required looped watermain system to serve the Planned Area, finance and construct a watermain in the east leg of this street, as determined by, and to the satisfaction of, the Director of Water & Waste.

33. The Developer shall finance and construct a 3.5-m-wide asphalt pathway on the west side of Kenaston Boulevard, along the Planned Area to the satisfaction of the Director of Public Works.

34. The Developer shall, at no expense to the City, cause to be provided underground electrical and telephone services within the Planned Area, and pay the full cost of converting any existing overhead services within the Planned Area to underground.

35. The City shall negotiate and pay Manitoba Hydro for any costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of, or required to accommodate, works required by the Developer to serve the

Planned Area, as determined by, and to the satisfaction of, the Director of Public Works. The Developer shall be responsible for all such costs as part of infrastructure work and the amount thereof shall be paid by the Developer to the City.

36. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

37. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

38. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the Planned Area.

39. The Developer shall pay $450.00 plus GST per acre to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

40. It is understood that the Developer is currently negotiating agreements with the City of Winnipeg and/or the Province of Manitoba regarding the financial responsibility for a number of the foregoing requirements. It is agreed that, for all requirements for which such agreements are executed, the terms of those agreements regarding payment, reimbursement, etc. shall prevail. It is further agreed that, for each requirement for which no such agreement exists, the Developer shall be solely responsible for the cost of that requirement.

41. In lieu of dedication of 10 percent of the land within the Planned Area, the Developer shall pay to the City $10,000 per gross acre of the Planned Area, in accordance with the Developer's agreement with the City.

E. Joint Services Agreements

1. The Developer and all successors in title to the affected lots in the Planned Area shall enter into, and register and maintain in perpetuity by way of caveat against the titles to the affected lots, appropriate joint services easement agreements with the owners of the other affected lots so as to:

    i) enable the joint, private servicing of lots in the Planned Area which do not front on streets, with water, wastewater, and land drainage services; and

    ii) ensure that all owners of affected lots acknowledge that the City is not responsible for the construction, operation, maintenance, repair and replacement of the joint water, wastewater and land drainage services.

"Affected lots" means all lots in the Planned Area which do not front on streets and any other lots in the Planned Area that have joint services.

2. The Developer shall absolve the City of any responsibility for the construction, operation, maintenance, repair and replacement of the joint services, and shall submit form of the acknowledgements to the Director of Water & Waste for approval prior to execution.

It is recommended that the approval of DASZ 37B/08 be subject to the following:

F. Plan Considerations - Plan of Subdivision

1. The Developer shall provide and legally open, at no expense to the City, property for the widening of the Sterling Lyon Parkway right-of-way along the length of the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works.

2. It is the Public Works Department's recommendation that the new Public Street south of Sterling Lyon Parkway in the Planned Area be developed as a private roadway. However, if this is to become a Public Street, then the Developer shall provide and legally open, at no expense to the City, property, as determined by and to the satisfaction of the Director of Public Works, for this Public Street south of Sterling Lyon Parkway.

G. Site Plan Considerations to Accommodate Winnipeg Transit and Winnipeg Fire Paramedic Service

1. The Developer shall submit to the City, from time to time, for the approval of Winnipeg Transit and Winnipeg Fire Paramedic Service, a conceptual site plan (as changed from time to time), showing the proposed internal roadways, bus route, and bus stops through the Planned Area.

2. The Developer shall design the internal roadways to be used by emergency and transit vehicles to include sufficient access, clearances, lane widths, turning radii, vehicle loads, etc. to accommodate emergency and transit vehicles. Where roundabouts are to be constructed, they shall be designed to a sufficient standard to ensure that the use of a truck apron is not necessary to accommodate the operation of a transit bus or emergency vehicle. The location and design of internal roadways shall be subject to approval by the Winnipeg Fire Paramedic Service and Winnipeg Transit for the purposes of their requisite access.

3. The Developer shall provide sufficient space at bus stop locations for Winnipeg Transit amenities (shelters, signage, benches, and a stop area with sufficient length to accommodate at least two stopped 40-ft buses with front bike carriers). Taper lanes shall also be provided, where necessary.

4. If the Developer purchases, from the City, Parcel A of the existing Wilkes Avenue right-of-way, the Developer shall maintain Parcel A as a roadway, provide unrestricted access to that roadway to enable emergency vehicles to service the CNR Rivers Subdivision, and maintain that roadway to Winnipeg Fire Paramedic Service standards.

H. Servicing Reports

1. The Developer shall provide, prior to the City's entering into a Servicing Agreement regarding this property, and to the satisfaction of the Director of Water & Waste, a comprehensive servicing report, prepared by a qualified municipal engineer, describing the provision of underground services for the entire site (i.e. for the Planned Areas for DASZ 37A/08 and DASZ 37B/08), providing a water network flow analysis, addressing fire-flow requirements, estimating the wastewater flow generation from the site, estimating the land-drainage flow generation from the site and the storage requirements, and demonstrating that the existing systems can adequately meet the needs of the development and/or recommending any upgrading requirements.

2. If the Developer purchases, from the City, Parcel A of the existing Wilkes Avenue right-of-way, which contains two feedermains, the Developer shall, prior to the release of the subdivision mylars, provide to the City a comprehensive, highly specialized engineering report on the structural impact of, and special requirements for, construction over and in the vicinity of the existing feedermains, both prepared by a municipal engineer to be approved by, and to the satisfaction of, the Director of Water & Waste.

I. Development Agreement

The Developer shall enter into a Development Agreement with the City, containing the following requirements:

1. The Developer shall, at no expense to the City, construct all watermains required to service the development. These watermains must be looped to achieve adequate flows, may be constructed within easements acceptable to the Director of Water & Waste, but may not connect to either of the feedermains in Wilkes Avenue.

2. The Developer shall, at no expense to the City, construct all wastewater sewers required to service the Planned Area.

3. The Developer shall, at no expense to the City, construct all land drainage sewers required to service the Planned Area.

4. The Developer shall pay its share of the regional land drainage system at the current rate at the time of payment (2008 TSR = $14,126.00/acre).

5. The Developer shall pay the Park Boulevard Trunk User Charge ($362.57/acre).

6. It is the Public Works Department's recommendation that the Public Street south of Sterling Lyon Parkway be developed as a private roadway. However, if this is to become a Public Street, then:

    i) The Developer shall, at no expense to the City, construct portland cement concrete pavement to widths and thicknesses determined by the Director of Public Works in the Public Street within the Planned Area, and all related works including, but not limited to, 1.5-m-wide by 100-mm-thick sidewalks on both sides, boulevard landscaping, ornamental street lighting, drainage works, and advance permanent

street-name signs on Sterling Lyon Parkway, all as determined by, and to the satisfaction of, the Director of Public Works.

7. The Developer shall, at no expense to the City, cause to be provided underground electrical and telephone services within the Planned Area, and pay the full cost of converting any existing overhead services within the Planned Area to underground.

8. The City shall negotiate with and pay Manitoba Hydro for any costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works required by the Developer to serve the Planned Area, as determined by, and to the satisfaction of, the Director of Public Works. The Developer shall be responsible for all such costs as part of infrastructure work and the amount thereof shall be paid by the Developer to the City.

9. The Developer shall, at no expense to the City, construct a paved cul-de-sac-style vehicle turnaround at the terminus of any temporarily dead-ended public street and provide any rights-of-way or easements necessary to accommodate same, all as determined by, and to the satisfaction of, the Director of Public Works.

10. The Developer shall, at no expense to the City, erect and maintain barricades and signing across the full width of any temporarily dead-ended public street, due to phasing of development, immediately upon completion of the paving or when building construction has begun, whichever is sooner, as determined by, and to the satisfaction of, the Director of Public Works.

11. The Developer shall, at no expense to the City, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction, as determined by, and to the satisfaction of, the Director of Public Works.

12. The Developer shall, at no expense to the City, ensure that construction traffic uses access routes determined by the Director of Public Works; maintain those access routes, at no expense to the City, in a clean, dust-free condition, free of dropped and tracked-on mud; and undertake the regular cleaning of streets – all until building construction, including landscaping, is complete, and all as determined by, and to the satisfaction of, the Director of Public Works.

13. The Developer shall ensure that two paved means of public vehicular access are available at all times through all stages of development of the Planned Area to the satisfaction of the Director of Public Works.

14. The Developer shall construct the internal roadways to be used by transit buses and emergency vehicles through the Planned Area at locations, to widths and thicknesses, and with geometry satisfactory to the Directors of Winnipeg Transit and Winnipeg Fire Paramedic Service, and with sidewalks and pedestrian-scale ornamental street lighting satisfactory to the Director of Winnipeg Transit.

15. If the Developer purchases, from the City, Parcel A of the existing Wilkes Avenue right-of-way, the Developer shall enter into (an) easement agreement(s) with the City to provide the City with:

i) unlimited use of the roadway for emergency vehicle access to at least the CNR Rivers Subdivision and to the Planned Area; and
ii) unlimited access to the feedermains located within Parcel A .

16. In lieu of dedication of 10 percent of the land within the Planned Area, the Developer shall pay to the City $10,000 per gross acre of the Planned Area, in accordance with the Developer's agreement with the City.

17. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the Planned Area.

18. The Developer shall pay $450.00 plus GST per acre to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

J. Joint Services Agreements

1. The Developer and all successors in title to the affected lots in the Planned Area shall enter into, and register and maintain in perpetuity by way of caveat against the titles to the affected lots, appropriate joint services easement agreements with the owners of the other affected lots so as to:

   i) enable the joint, private servicing of lots in the Planned Area which do not front on streets, with water, wastewater, and land drainage services; and
   ii) ensure that all owners of affected lots acknowledge that the City is not responsible for the construction, operation, maintenance, repair and replacement of the joint water, wastewater and land drainage services.

   "Affected lots" means all lots in the Planned Area which do not front on streets and any other lots in the Planned Area which have joint services.

2. The Developer shall absolve the City of any responsibility for the construction, operation, maintenance, repair and replacement of the joint services, and shall submit the form of acknowledgment to the Director of Water & Waste for approval prior to execution.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 37/08
February 13, 2009

S. Matile, P. Eng., Chair
Land Development Branch

R. Hartmann, P. Eng.
Public Works Department, Transportation Division

F. Mazur, P. Eng.
Water & Waste Department

B. Radstrom, EIT
Winnipeg Transit, Service Development Division

D. Beaton, MLArch
Riverbanks, Parks, & Community Initiatives Branch

Schedule “D” – Variances Requested under Zoning By-law 200/2006.

1. To vary the proposed "C4" dimensional standards of Zoning By-Law No. 200/2006, for the erection of free standing signs to permit as follows:

   A. on proposed Lot 1, Block 1:
      i. a height of 155 feet (47.2 metres), for the navigational tower, instead of 30 feet (9.1 metres);
      ii. a height of 40 feet (12.2 metres), for the store flags, instead of 30 feet (9.1 metres);
      iii. a total sign surface area of 2,920 square feet (271.3 square metres) instead of 646 square feet (60.0 square metres);
      iv. an individual sign (the navigational tower) exceeding 323 square feet (30 square metres);

   B. on proposed Lot 4, Block 1:
      i. a height of 35 feet (10.7 metres) instead of 30 feet (9.1 metres);
      ii. a sign surface area of 377 square feet (35 square metres) instead of 281 square feet (26.1 square metres);
      iii. an individual sign exceeding 323 square feet (30 square metres);

   C. on proposed Lot 1, Block 2 and Lot 9, Block 3:
      i. a height of 35 feet (10.7 metres) instead of 30 feet (9.1 metres);
      ii. a sign surface area of 377 square feet (35 square metres) instead of 323 square feet (30 square metres);
      iii. an individual sign exceeding 323 square feet (30 square metres);

   D. on proposed Lot 1, Block 3:
      i. a height of 35 feet (10.7 metres) instead of 30 feet (9.1 metres);
      ii. an individual sign exceeding 323 square feet (30 square metres);

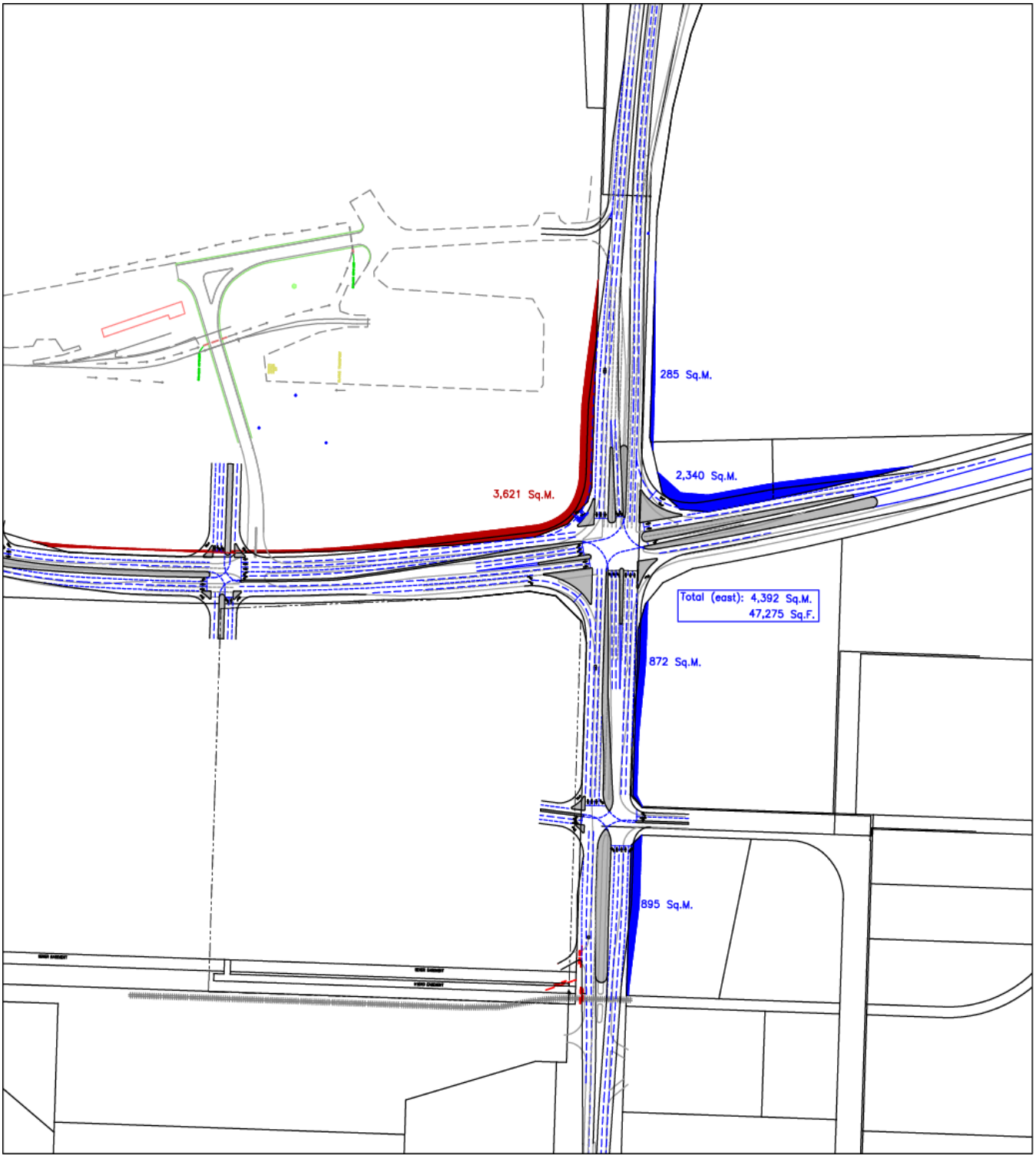
   E. on Lot 16, Block 3:
      i. a height of 35 feet (10.7 metres) instead of 30 feet (9.1 metres);
      ii. a sign surface area of 377 square feet (35 square metres) instead of 257.5 square feet (23.92 square metres);
      iii. an individual sign exceeding 323 square feet (30 square metres);

2. To vary the proposed “CMU” dimensional standards of Zoning By-Law No. 200/2006, for the erection of a free standing sign on proposed Lot 1, Block 2, to permit as follows:
   i. a height of 35 feet (10.7 metres) instead of 20 feet (6.1 metres);
   ii. a sign surface area of 377 square feet (35 square metres) instead of 323 square feet (30 square metres).

3. To vary the proposed “C4” dimensional standards of Zoning By-Law 200/2006 for the establishment of an accessory parking area, on proposed Lot 1, Block 1, to permit 50 lockable bicycle parking spaces instead of 140 bicycle parking spaces.

4. To vary the proposed "C4" and "CMU" dimensional standards to permit the establishment of proposed Lot 3, Block 1, Lots 6 to 11, Block 1 and Lots 2 to 3 and Lots 5 to 7, Block 3, which do not abut upon a public street.

Attachment “3” – Kenaston Boulevard and Sterling Lyon Parkway Widenings.



Attachment "4" – Provincial Contribution Agreement.

Manitoba

Competitiveness, Training and Trade
Community and Economic Development
Committee of Cabinet
648 – 155 Carlton Street
Winnipeg Manitoba R3C 3H8

Angela Mathieson
Secretary
Phone: (204) 945-0346
Fax: (204) 945-8229
E-mail: angela.mathieson@gov.m

December 11, 2008

Michael Nozick
Fairweather Properties Inc.
Suite 110 - 1600 Ness Avenue
Winnipeg, Manitoba
R3J 3W7

Dear Mr. Nozick:

I can advise that the Province of Manitoba has reviewed your proposal for the development of a new IKEA store in Winnipeg and I can confirm that we have completed our necessary approvals regarding the City of Winnipeg infrastructure.

The City of Winnipeg has advised that the widening of Kenaston and Sterling Lyon Parkway are components of their long term capital plan for growth. They are prepared to accelerate these infrastructure investments to meet the development timelines of IKEA. The Province of Manitoba is therefore prepared to accelerate a grant of $8 million toward the widening of Kenaston Boulevard, as we believe this project would have been the subject of a future infrastructure partnership between the two parties. Provincial funds will flow to the City of Winnipeg over three fiscal years by way of a contribution agreement (2010, 2011, and 2012).

This provincial contribution is subject to approval of all your city planning applications and requirements with the City of Winnipeg. Congratulations on the progress you have achieved with this exciting project. A new IKEA store has tourism and economic spin-off impacts that are unique in the retail industry and to Manitoba.

Sincerely,

A. Mathieson

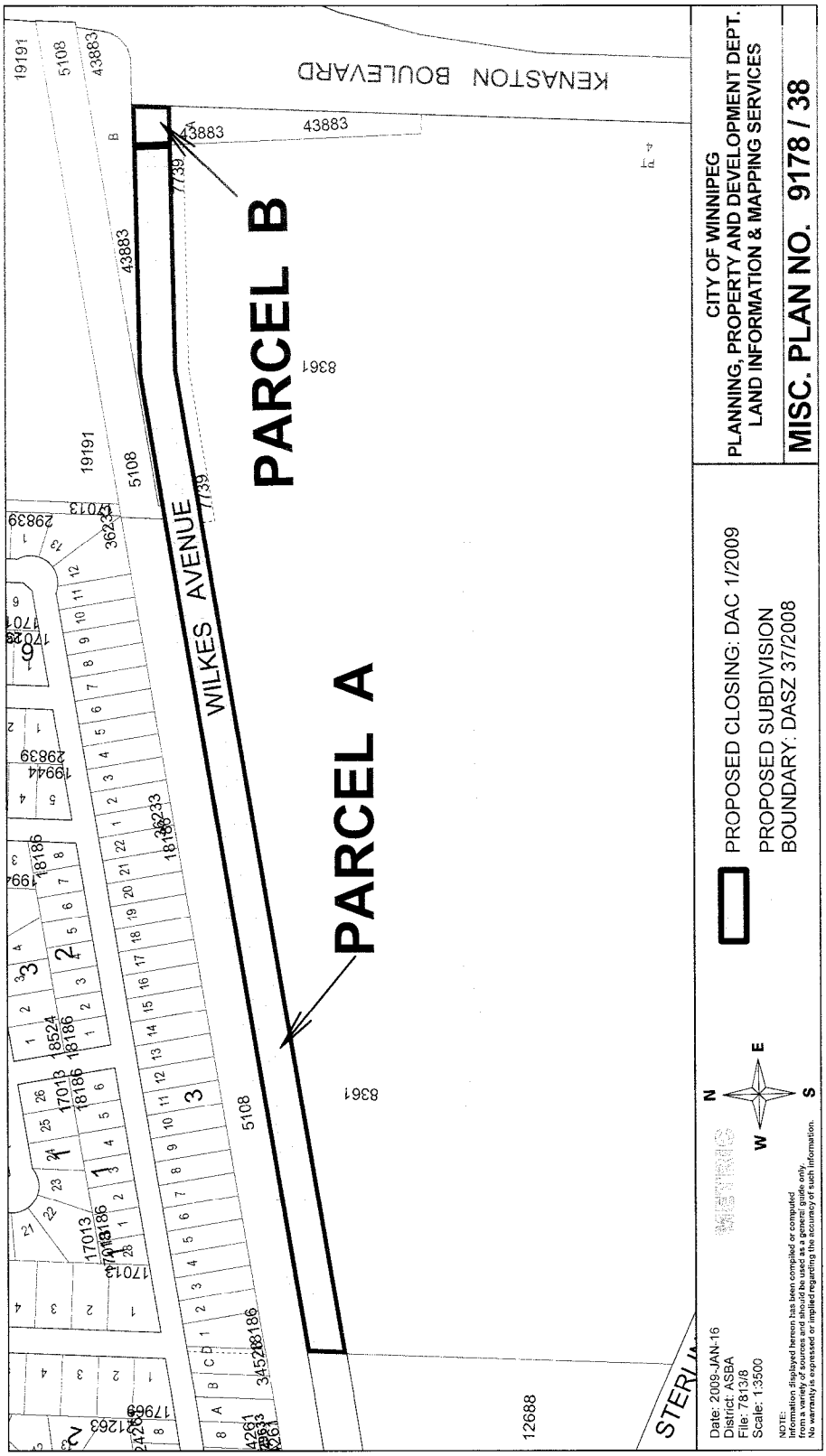
Angela Mathieson

cc. Phil Sheegl

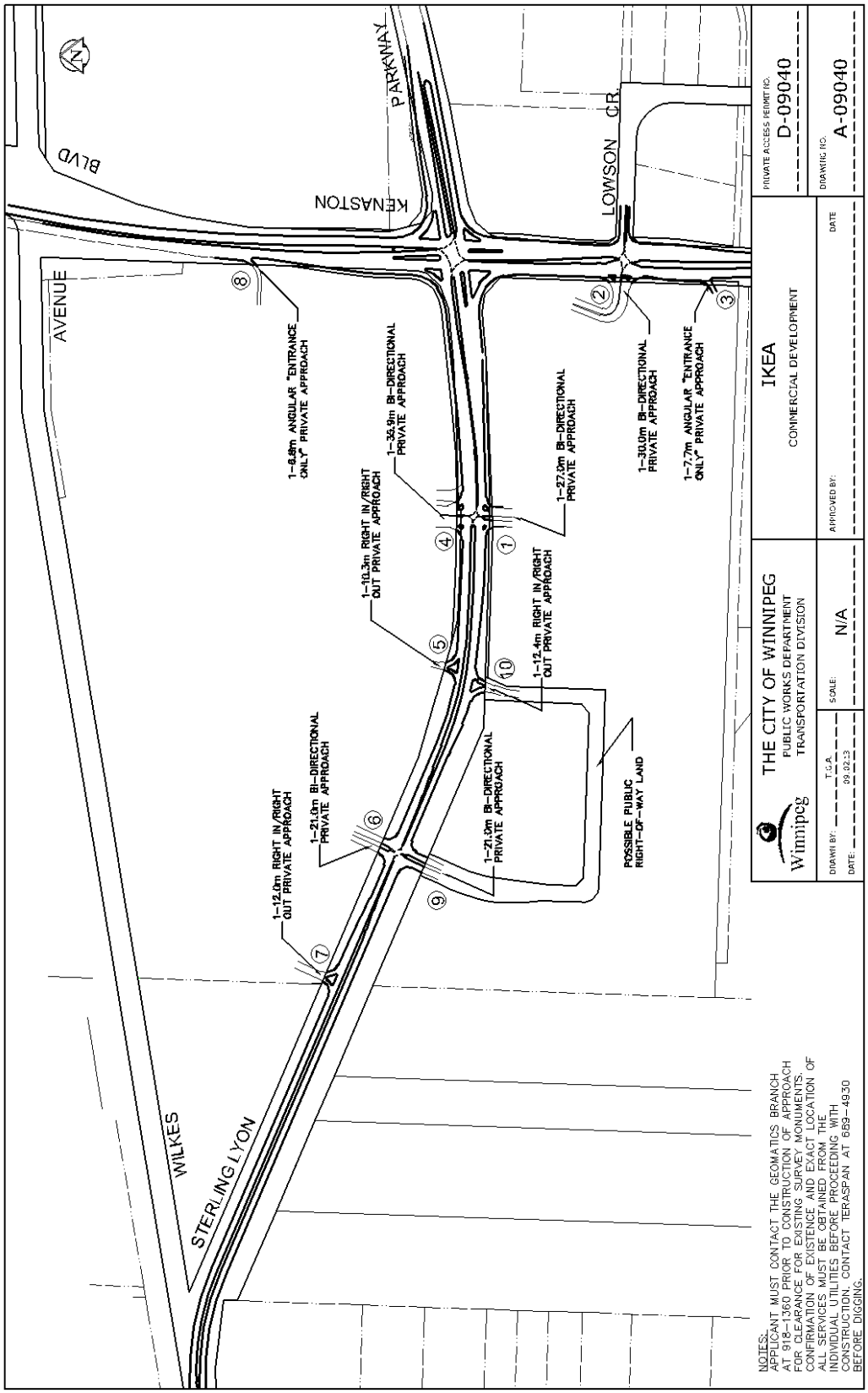
Copies to:
Deepak Joshi
Bill Harkin
Barry Thorgeson
[illegible]

Manitoba
spirited energy
vibrant d'énergie

Schedule “E” Misc. Plan No. 9178/38 for Street Closing under DAC 1/2009.



Schedule “F” – Drawing No. A-09040 for Private Access By-law No. 49/2008.



Attachment “5” – Design Guidelines for Plan Approval for File No. DASZ 37/08.

Regional / Community Commercial Centres Site Plan Review and Guidelines

The purpose of this section is to provide design performance guidelines in the review process that are based upon sound land use planning principles and best practices, relying on the positive experience in other North American cities, to assess the site designs for new commercial developments in Community and Regional centres.

The intent of using Site Plan Guidelines and Review in the approval process is to promote, encourage, and develop the positive aspects of a project while ensuring the negative impacts are sufficiently mitigated. The site plan review and approval process provides proponents the opportunity to show how public space interacts with the private development, and to demonstrate how the proposal achieves or exceeds the following goals:

- Ensure that the pedestrian and cycling environment is safe, accessible, comfortable, convenient and attractive;
- Ensure the vehicular environment for both public and private transportation is well integrated with the pedestrian environment;
- Respect the existing context, including current uses, scale and functions of adjacent land-uses and streets;
- Strengthen the continuity of the Planned Area and the site’s development by using elements and/or adding new elements that unify and connect individual areas and buildings;
- Utilize the architectural elements of the building(s) in a sensitive and cohesive manner (i.e.: facades, roofs, entrances, landscaping, signage, and lighting) to enhance the development. .

The Design Principles and General Design Guidelines Identified below provide guidance on achieving these goals. These design principles and guidelines will be used when reviewing the final site plans as part of the approval process for Development Applications as required as a condition under the Zoning Agreement.

In providing the principles and guidelines in advance of the Site Plan review, the Planning, Property and Development Department is committed to a collaborative and transparent process.

A. Learning from Other Locations

A large majority of major retail complexes and destinations facilities constructed in North American cities over the past several years have been located within or on the edge of suburban areas and designed for car access. In reviewing these developments, the following is found:

- Development injects many thousands of persons into the area, mostly in evening hours and on weekends making it a much more active place. The success of this scale of development is reflected in the amount of vehicle activity, days and evenings, weekdays and weekends.

- Retail complexes and similar facilities establish major meeting places in communities. Locating these facilities appropriately reinforces the concept of the site being a meeting place for Winnipeggers and visitors, as well as a major retail, office, entertainment and residential centre.

- A major retail complex is a highly intensive activity-oriented destination. As such, it should be connected with other such destinations. The development has potential to create development synergy, and to complement and support certain other nearby businesses and land uses.

- Major commercial facilities were originally designed for cars only, characterized by a lack of pedestrian facilities and amenities; with no aesthetic consideration for a community's unique context and sense of place; consisting of internally oriented buildings located within asphalt parking lots and with no relationship to the local environment. The use of Design Guidelines / Review has proven to be successful in mitigating negative impacts and ensuring commercial facility development that respects and enhances local communities. It also ensures pedestrians can connect from the neighbouring areas to the commercial facility in a safe and accessible manner.

B. Plan Winnipeg Policies

The City has defined a long-term commitment through *Plan Winnipeg*, its major policy document, providing vision and giving direction for managing change over the next 20 years. *Plan Winnipeg* seeks to ensure that major developments are appropriately designed and properly integrated into our city.

- Policy 3B-05 Promote Commercial Densification

  iii) Ensuring that areas of regional commercial and mixed-use concentration be designed and built as focal points for public transit

- Policy 3C-01 Provide Integrated Transportation Network

  ii) Minimizing walking distances to transit in the planning of new developments and making transit connections quick, easy, and weather protected;

  v) Promoting alternative modes of transportation through the inclusion of transit routes and bicycle paths in transportation plans and in the design of new developments;

- 4B-01 Integrate Safety into Overall Planning & Urban Development

  i) Evaluating, in consultation with appropriate organizations, all new developments and major redevelopments in terms of design safety requirements such as universal access, lighting, sightlines, building security, landscaping, and parking facilities;

- 5E-1 Promote High-Quality Urban Design

  iii) encouraging private landowners to incorporate public spaces and landscaping of high visual and functional quality into new developments;

C. General Design Principles and Detailed Design Guidelines

The Director of Planning, Property and Development will use the design principles and guidelines to assess site design when reviewing the final plan submitted as required under the Zoning Agreement for the Planned Area (excluding the IKEA site).

General Design Principles embody the values and goals a redevelopment scheme should strive for in its urban design. The General Design Principles are the 'broad brush', large scale conceptual recommendations made for guiding major commercial developments. The Detailed Design Guidelines and Considerations provide more specific recommendations and strategies.

The principles, guidelines and considerations are anchored to several *Plan Winnipeg* Policies. These policies essentially strive to ensure that major commercial developments are designed to address the needs of its users in a sustainable manner.

Principle 1: *Enhance Pedestrian Comfort, Safety & Accessibility*

General Design Guidelines:

- Create a safe and comfortable pedestrian environment.
  - Apply Universal Design Guidelines.
  - Promote Active Transportation.
  - Ensure the principles of Crime Prevention Through Environmental Design (CPTED) are applied.
  - Ensure safe and convenient access to transit facilities.
  - Protect pedestrians from adverse environmental elements.

Detailed Design Considerations:

- Sidewalks
  - Size according to their intended use and place in the overall scheme: Wide sidewalks where restaurants and outdoor dining will be concentrated; narrower sidewalks on less intensively used streets.
  - Create direct, comfortable and safe pedestrian routes leading to front entrances of stores from parking areas, transit stops, public sidewalks, other stores, and other pedestrian destinations.
  - Sidewalks need to impart a sense of permanence. They should be lined by trees, high-quality landscaping, and high-quality materials.

- Parking lots
  - Ensure the parking lot design program includes pedestrian safety, comfort and amenity as key priorities.
  - Provide a pedestrian route between main buildings and the public sidewalk that is uninterrupted by surface parking and driveways.
  - Provide shade and high-quality landscaping in surface parking areas.
  - Position parking rows perpendicular to main building entrances to assist safe pedestrian movement toward the building.
  - Limit the length of parking rows to a maximum of 20-30 contiguous spaces. Longer rows should include landscaped breaks, e.g. islands with shade trees for all season to ensure pedestrian safety.

- Divide large surface parking areas both visually and functionally into smaller parking courts through the use of landscaped islands and protected pedestrian pathways.
- Edge treatments along public streets and other public spaces should visually screen parked vehicles but not completely obstruct views into and out of the parking lot for the purpose of supporting pedestrian safety and security.

- Pedestrian Crossings
  - Consider installing 'tables' (rolled curbs bordering slightly elevated crossings) at major internal pedestrian routes across drive aisles to serve as a traffic calming feature and provide uninterrupted pedestrian connection.
  - Where pedestrian routes cross street access driveways and other major drive aisles, clearly mark crossings and provide unobstructed sight distance for pedestrians and vehicles.

- Signage
  - Use thematic signage in a consistent way finding system to direct pedestrians to different buildings.

- Lighting
  - Select different luminaries with a coordinated appearance to light pedestrian pathways, parking spaces, drive aisles, building and site entrances and other relevant parking lot features.
  - Install lighting that is appropriately scaled to its purpose, i.e. avoid over lighting.
  - Consider providing pedestrian scale lighting, such as bollards or lower scale pole fixtures, along pedestrian routes.

- Transit
  - Ensure transit facilities are near and relate to building exits and entrances, and key on-site pedestrian routes.
  - Explore opportunities for incorporating transit stops into buildings for the purpose of creating weather protection for transit users.

- Building Design – as it impacts the pedestrian environment:
  - Preliminary thought should be given to locating potential uses with associated outdoor areas (such as cafeteria/café/restaurant) where they will receive maximum exposure to sunshine and protection from wind.
  - Buildings and streets should be oriented to provide maximum protection from prevailing winds (streets oriented east/west, buildings situated to buffer wind) and maximum exposure to sunshine in winter to improve pedestrian comfort.
  - Encourage open and inviting building facades at street and 2nd storey level to enhance the convenience, comfort and enjoyment of pedestrian experiences and enhance interactions between the public space and business operations.
  - Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.
  - Direct access to be provided to retailers, service providers and customer service areas from street level.

- Universal Design
  - Ensure the City of Winnipeg Universal Design Standard is used to guide barrier free design on public lands and encourage application of these standards on private exterior and interior spaces.

- In particular, ensure all pedestrian routes (interior and exterior) are inclusive and incorporate a consistent way finding system through
  - signage and site design (i.e. zoned sidewalk concept - furniture zone at back of curb, pedestrian circulation zone/clear path of travel, building frontage zone); and
  - sidewalks that utilize colour and textural contrasting bands defining pedestrian circulation zone and building entries.

<u>Principle 2</u>: *Create Identifiable Central Features & People Places Where Appropriate to the Overall Site Context*

General Design Guidelines:

- Layout the site to clearly define open spaces for people to gather.
- Provide continuity within and through the public environment through such cues as a theme or character to the development.
- Integrate art and aesthetics into all aspects of the project (signage, street furniture, planting, lighting, etc).
- Arrange buildings such that complementary uses are close to each other to minimize walking distances and the need to lock/unlock bicycles or drive personal vehicles for multiple stops.

Detailed Design Considerations

- Create "outdoor rooms" and gathering places
  - Provide comfortable places with amenities such as seating areas that provide opportunity for people to rest and observe surrounding activity; this includes creating places people want to be, be seen, and/or meet others.
- Use amenities such as water features, clock towers, public art and/or architectural features throughout the site plan as landmarks to guide people to different areas of the development.
  - Not all buildings and spaces must be landmark statements: it is equally important for non-landmark buildings to be well designed as "background buildings" and/or to define spaces on the site".
- Use central features and safe pedestrian routes from parking to building entrances to break up large parking areas into smaller parking courts.
- Open space should be designed positively with clear definition and enclosure. Each outdoor space should have a clear function, character and shape and clear boundaries through the positioning of adjacent buildings, walls, fences, trees and plantings.
- Consider using public art to provide identity to the development and use as a tool to give a distinct theme / character to the development.
  - Explore opportunities for public art early in the planning process.
  - Encourage a public art strategy - identify locations and types of work and provide a framework for commissioning artists and seeking funding.

<u>Principle 3:</u> *Respect The Tradition Of Streets And Streetscapes*.

General Design Guidelines:

- Site layout should provide clear obvious, direct and convenient linkages to site destinations (building entrances, etc.)
- Provide a highly connected roadway system that encourages slow and safe vehicular movement while supporting non-vehicular travel modes with short direct routes.

- Use landscaping features as design elements to create or strengthen a sense of street/connection.

Detailed Design Considerations:

- Establish a site layout that is easily understood and provides visual cues so as to minimize the need for signs, especially those concerned with traffic direction and control
- Create identifiable streets that provide the framework or "mental map" that orients people as to where they are within the development.
    - Provide spatial definition by orienting buildings to the street to support walking, pedestrian accessibility, active transportation and social contact
    - Visually link the interior with pedestrian streets (CPTED).
- Promote local street connectivity to the adjacent communities by creating an interconnected system that encourages walking, cycling and transit use.
- Encourage an interconnected internal roadway pattern to accommodate the development of "town" centre feeling.
- Lay out internal roadway to reduce excessive motor vehicle traffic across primary on-site pedestrian routes.
- Configure internal roads to minimize the number of potential conflicts with walking and cycling routes.
- Parking lot edges along public streets should consist of continuous planting, alone or in combination with low decorative fence / wall or a landscaped berm.
    - Provide a variety of deciduous and coniferous vegetation in plantings for year-round interest, texture, shape, and screening.
- Make main entrances on the primary street visible and highly identifiable with landscaping features, public art and/or architectural features.
- Connect the internal transportation network to external bike routes passing the site. These connections should provide a seamless interface between the internal and external road systems.

<u>Principle 4:</u> ***Celebrate & Build On The Best Features Of The Surrounding Context***

General Design Guidelines:

- Reinforce the notion of place, character and identity in all aspects the project.
- Celebrate Winnipeg as a winter city, and prairie city through appropriate site planning and design.

Detailed Design Considerations:

- Open space planning should take its cue from the patterns of local natural landscape, particularly the density and composition of existing forested areas.
- Be aware of adjacent development and amenities such as Fort Whyte Alive, Assiniboia Forest and promote activity linkages.
- Ensure active transportation linkages with adjacent, complimentary land uses.
- Ensure site planning respects the local winter conditions and prairie environment through: use of colour, light; sun and wind protection, plant selection, etc.
    - Use native species that are hardy and resistant to stresses of weather exposure;
    - Avoiding monocultures and non-native species that can be susceptible to disease.
    - Consider impacts of snow glare on people and plants
    - Celebrate and take advantage of seasonal changes:
    - Incorporate mix of deciduous and coniferous plant species to provide year round colour.

<u>Principle 5</u>: *Strive For Quality & Character In The Interface Between Private & Public Space*

General Design Guidelines:

- Ensure detailed design supports the identity and quality of the place through good design; quality, sustainable materials; and commitment to long-term maintenance.
- Encourage variety in architectural expression to create richness and diversity and to strengthen local identity; architecture should appear rich at every scale from a range of viewing distances.
- Provide high quality design and construction attending to human scale, function and sensory experience.
- Design for refinement and integration.

Detailed Design Considerations

- Manage Massing of Buildings and Their Scale
    - Detailed design should create high quality urban space within the building line and three-dimensional mass that helps create the character of streets and squares.
    - Carefully consider the interface between the design of buildings and the public space that surrounds them: including but not limited to surface treatment and articulation of building elevations; fenestration; entrances style, scale and location and perimeter landscaping
    - Minimize blank walls – use landscaping, aesthetic characters (such as reveals, projecting ribs, offsets), change in cladding material, glass, etc. to break up tracts of continuous blank walls
    - Locate loading, service and garbage zones in areas not visible from the public streets.
    - Scale building elevations and cross sections to support and reinforce public spaces; to foster a sense of urbanism so that streets, squares and green space are defined by appropriately scaled buildings or trees fronting onto them.
    - Wrap the perimeter of big box stores with small units to establish a fine-grained setting, externalize active uses (cafes and boutiques) and increase their links to the street
    - Ensure building animation on pedestrian streets, with ground level retail activity, transparent windows, window displays and active uses
- Use building materials that promote permanence, quality and integrated design.
- Provide a coordinated signage strategy for the overall complex.
    - Signage is expected to enhance visibility, identity, enable orientation and to contribute to the image of a vibrant pedestrian oriented place.
- Encourage measures to enhance visibility and accessibility of building entrances
    - Make frontages ‘active’ to add interest, life and vitality to the public realm by providing multiple entry points, window openings, few blank walls, narrow frontage buildings, giving vertical rhythm to the street, articulation of facades, with projections such as bays and porches and lively internal uses visible from the outside or extending onto to the street (e.g. sidewalk café, etc.).
- Provide a comprehensive lighting plan for the development complex.
    - Select different luminaries with a coordinated appearance to light pedestrian routes, parking spaces, drive aisles, building and site entrances and other relevant site features.
    - Lighting should create an identity for parking areas, enhance adjacent streets / pedestrian environments and be appropriate to the location, context and scale of the areas being lit.

Principle 6: ***Practice Sustainable Design***

General Design Guidelines:

- Incorporate sustainable materials and technologies and practices.
- Promote sustainable forms of transportation.
- Implement practices that protect and preserve our natural features and resources.

Detailed Design Considerations:

- When appropriate use site grading to enhance the screening of parking lots.
- Mitigate the urban heat island effect of surface parking lots.
    - Retain natural landscape, minimize pavement and promote natural infiltration; explore feasibility of impervious alternatives. If alternatives are not feasible, surface parking lots should be carefully designed to enhance urban design and environmental conditions.
    - Maximize tree canopy coverage by protecting existing trees and by planting large street trees with wide spreading canopies that are long-lived.
    - Select plant material to encourage sustainable landscapes; strive for maximum species diversity.
- Manage storm water quality and quantity on site.
    - Treat storm water as an environmental process (tree canopy intercept precipitation, encourage infiltration into the ground as quickly as possible).
    - Consider incorporating an oil and gas separator into the parking lot land drainage system to capture and remove these products from entering into the storm water retention pond).
    - Provide a site grading plan compatible with the storm water management approach selected for the site.
- Organize parking spaces and rows to provide consolidated soft landscaped areas and opportunity for on-site storm water management.
- If development is phased, ensure a phasing plan to identify all current and future parking requirements. Parking areas constructed incrementally should match land use build-out schedules. Areas not required for parking should be landscaped.
- Balance the need for safety and security with the reduction of energy consumption and light pollution. Avoid “over lighting”, light spillage on adjacent properties, streets and open spaces, use energy-efficient fixtures and bulbs, incorporate opportunities for off-grid power generation, e.g. solar, wind.
- Integrate bicycle parking into the design and layout of the parking facilities.
- Incorporate transit stops into building design and internal roadway design to provide easy and convenient access for its users.
- Organize and layout the site and provide site infrastructure and amenities to promote safe and convenient pedestrian, bicycle, and transit circulation to and within the site.

Schedule “G” for File No. DASZ 37/08, Executive Policy Committee, dated March 18, 2009

By-Law No. _____

File No. **DASZ 37/08**

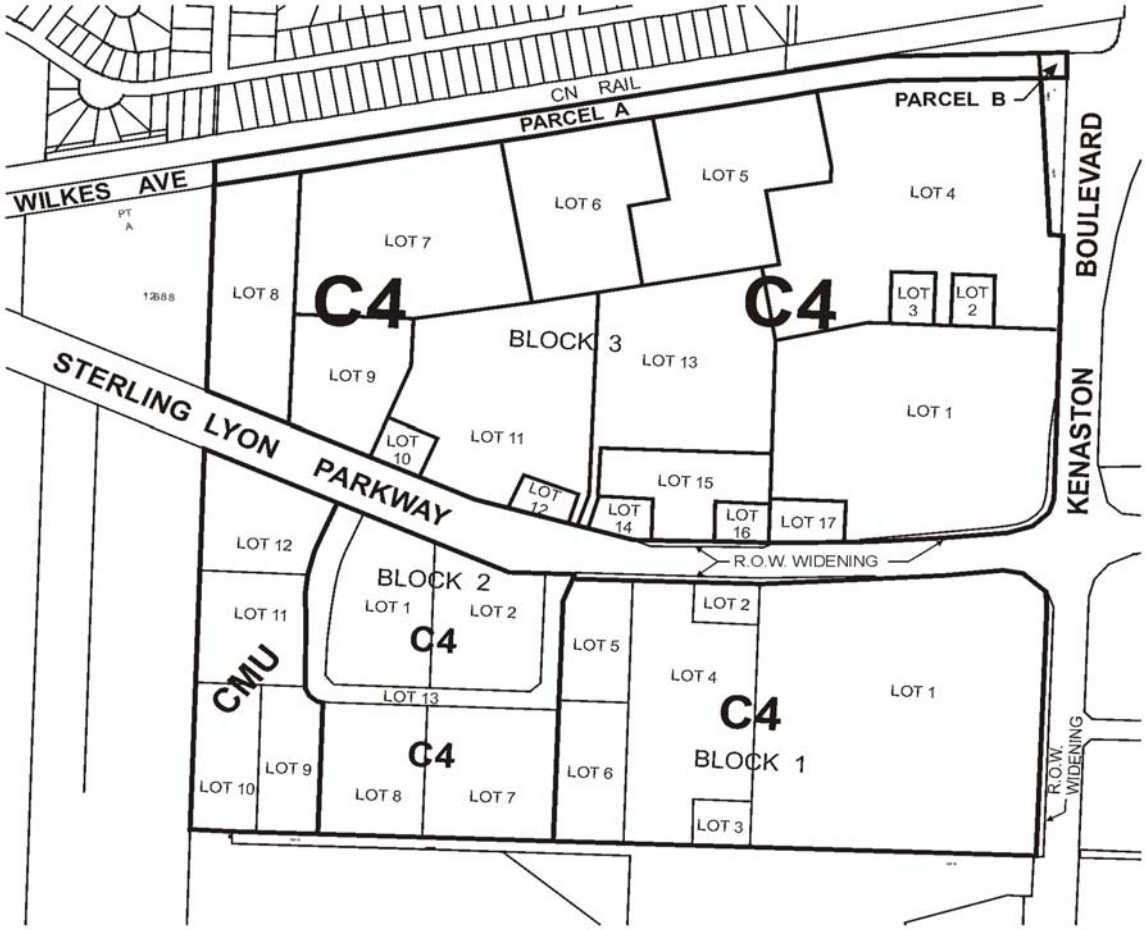
Atlas Sheet No.

N

AF19
ASSINIBOIA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on the west side of Kenaston Boulevard, south and north side of Sterling Lyon Parkway from an "M2" and "M3" MANUFACTURING DISTRICTS to a "C4" COMMERCIAL REGIONAL DISTRICT and/or "CMU" COMMERCIAL MIXED USE DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____