Agenda - Council - March 23, 2005

Report - Standing Policy Committee on Property and Development - March 7, 2005

Item No. 8 Subdivision and Rezoning – northwest corner McGillivray and Kenaston Boulevard
File DASZ 39/2004 [c/r DAC 21/2004]

STANDING COMMITTEE RECOMMENDATION:

On March 16, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 39/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2004 dated January 12, 2005, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 24, 2005, with the following amendments:

        i. That Condition No. 2 be deleted in its entirety and that Condition Nos. 3 to 7, inclusive, be renumbered to Condition Nos. 2 to 6.

        ii. That a new Condition No.7 be added as follows:

            "7. That payments and works described in new Condition Nos. 5 and 6 not be required until 250,000 square feet of gross leasable area have been developed. It is understood and agreed, however, that the Developer shall construct a continuous internal asphaltic concrete roadway between Kenaston Boulevard and McGillivray Boulevard as soon as practicable following commencement of any development within the total site."

        iii. That Condition Nos. 10 and 11 be deleted in their entirety, and that Condition Nos. 12 to 18 be renumbered to Condition Nos. 10 to 16.

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

Report - Standing Policy Committee on Property and Development - March 7, 2005

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 39/2004 dated January 12, 2005, to an "CR" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

   A. That for the development of any building, accessory parking area and signage, plans shall be submitted showing internal street networks, the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Assiniboia Community Committee 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.

   B. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with an official opening event.

   C. That prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete and/or wood barrier fence that is at least six (6) inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development.

   D. That the Applicant shall erect two, four (4) feet by eight (8) feet signs on the vacant subject property indicating the location and zoning of the commercial property and plans for the signs showing their location and design shall be submitted to the Assiniboia Community Committee for approval by June 30, 2005, and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a commercial land use.

   E. That the internal road system and overall site development allow for an access aisle way from the proposed north/south roadway to/from the adjacent property to the east at a location and width all to the satisfaction of the Director of Planning, Property and Development.

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

Report - Standing Policy Committee on Property and Development - March 7, 2005

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

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

7. 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.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

Report - Standing Policy Committee on Property and Development - March 7, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 16, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee with the following amendments, namely:

- That the words "internal street networks" be added in line 3 of Recommendation 3A. following the word "showing"

- That a new Recommendation 3E. be added as follows:

    "3E. That the internal road system and overall site development allow for an access aisle way from the proposed north-south roadway to/from the adjacent property to the east at a location and width all to the satisfaction of the Director of Planning, Property and Development."

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 22, 2005, the Assiniboia Community Committee concurred in the administrative recommendation with the following amendments, namely:

- That the Report of the Administrative Coordinating Group be amended as follows:

    - That Condition No. 2 be deleted in its entirety, and that Condition Nos. 3 to 7, inclusive, be renumbered to Condition Nos. 2 to 6.

    - That a new Condition No.7 be added as follows:

        "7. That payments and works described in new Condition Nos. 5 and 6 not be required until 250,000 square feet of gross leasable area

have been developed. It is understood and agreed, however, that the Developer shall construct a continuous internal asphaltic concrete roadway between Kenaston Boulevard and McGillivray Boulevard as soon as practicable following commencement of any development within the total site."

- That Condition Nos. 10 and 11 be deleted in their entirety, and that Condition Nos. 12 to 18 be renumbered to Condition Nos. 10 to 16.

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning – northwest corner McGillivray and Kenaston Boulevard**
File DASZ 39/2004[c/r DAV 101489/2005D, DAC 21/2004]

For submission to: **The Standing Policy Committee on Property and Development**

Prepared by: **Inga Skundberg, Clerk**
Assiniboia Community Committee

Report date: **February 25, 2005**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 22, 2005, the Assiniboia Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 39/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 39/2004, dated January 12, 2005 for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 24, 2005, with the following amendments:

        i. That Condition No. 2 be deleted in its entirety, and that Condition Nos. 3 to 7, inclusive, be renumbered to Condition Nos. 2 to 6.

        ii. That a new Condition No.7 be added as follows:
        "7. That payments and works described in new Condition Nos. 5 and 6 not be required until 250,000 square feet of gross leasable area have been developed. It is understood and agreed, however, that the Developer shall construct a continuous internal asphaltic concrete roadway between Kenaston Boulevard and McGillivray Boulevard as soon as practicable following commencement of any development within the total site."

        iii. That Condition Nos. 10 and 11 be deleted in their entirety, and that Conditions Nos. 12 to 18 be renumbered to Condition Nos. 10 to 16.

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

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 39/2004, dated January 12, 2005, to an "CR" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

   A. That for the development of any building, accessory parking area, and signage, plans shall be submitted showing the location and design of the proposed buildings, the location and design of accessory parking areas, private approaches, garbage enclosures, fencing, landscaping and signage to the Assiniboia Community Committee 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;

   B. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with an official opening event;

   C. That prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

   D. That the Applicant shall erect two, 4 feet by 8 feet signs on the vacant subject property indicating the location and zoning of the commercial property; and plans for the signs showing their location and design shall be submitted to the Assiniboia Community Committee for approval by June 30, 2005; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a commercial land use;

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

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

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

7. 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.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

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

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

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. The Assiniboia Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated January 12, 2005.

PUBLIC HEARING SUMMARY

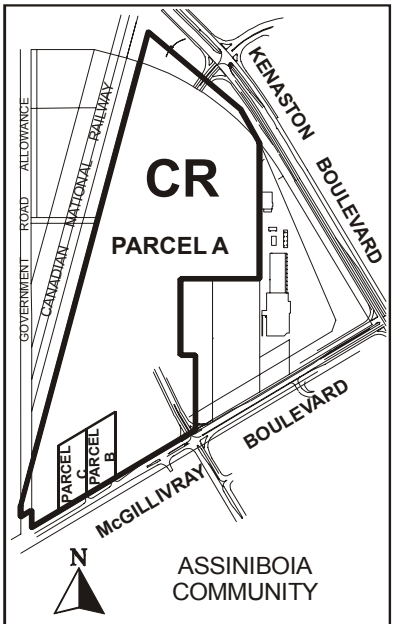
File: DASZ 39/2004 [c/r DAV 101489/2005D, DAC 21/2004]

Before: Assiniboia Community Committee
Councillor De Smedt, Chairperson
Councillor Clement
Councillor Eadie

Public Hearing: February 22, 2005
Community Committee Chamer
5006 Roblin Boulevard

Applicant: Hopewell Development Corporation (Patrick Hamilton/Jim Gillies)

Subject:



APPLICANT : HOPEWELL DEVELOPMENT CORP.
FILE : DASZ 39/04
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. 6400/94 by rezoning the land shown outlined above from an "M1" INDUSTRIAL DISTRICT and an "M3" INDUSTRIAL DISTRICT to a "CR" COMMERCIAL DISTRICT. **For information, phone Mr. J. Wintrup, Planner at 986-5102.**

Premises Affected: Northwest corner McGillivray and Kenaston Boulevards

Exhibits Filed:

1. Application dated November 12, 2004
2. Notification of Public Hearing dated January 26, 2005
3. Manitoba Status of Titles 1317699, 1656495, 1993770, 1297850, 1196662, 1065126

4a. Letter of authorization dated December 8, 2004 from R. Gilchrist, President, Hydra-Bore and Machine Ltd. to Stevenson Advisors Ltd., representing Hopewell Development Corporation

4b. Letter of authorization dated December 15, 2004 from Allan Wojnowski, President, I.V.C. Ltd. to Stevenson Advisors Ltd., representing Hopewell Development Corporation

4c. Letter of authorization dated September 22, 2004, from Ross Larsen, Lafarge Canada Inc. to Stevenson Advisors Ltd., representing Hopewell Development Corporation

4d. Letter of authorization dated September 22, 2004, from John Reid McCall, J. McCall Ltd. to Stevenson Advisors Ltd., representing Hopewell Development Corporation

4e. Letter of authorization dated September 22, 2004 from J. Rempel, 4844395 Manitoba Ltd. to Stevenson Advisors Ltd., representing Hopewell Development Corporation

4f. Letter of authorization dated October 12, 2004, from Kurt Topp Jensen, Jensen Nurseries to Stevenson Advisors Ltd., representing Hopewell Development Corporation

5. Plans (3 pages)
6. Plan
7. Caveat No. 87-48406
8. Report from the Manager of Planning and Land Use dated January 12, 2005
9. Report from the Administrative Coordinating Group dated January 24, 2005
10. Inspection Report

REPRESENTATIONS:

In Support:

Patrick Hamilton, Stevenson Advisors Ltd.
James Gillies, Hopewell Development Corporation
Ross Roy
Douglas J. Scott
Ross McGowan

In Opposition

Bill Kocsis

For the City:

Ernie Carriere, Land Development Engineer, Planning, Property and Development Department
Martin Grady, Senior Planner, Planning, Property and Development Department
Randy Humble, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Patrick Hamilton, Stevenson Advisors Ltd., appeared in support of the application, and provided an overview of the subject site.

James Gillies, Hopewell Development Corporation, appeared in support of the application, and provided an overview of the Hopewell Development Corporation and of the subject application, including benefiting revenue to the City of Winnipeg in terms of municipal taxes.

Ross Roy, BKDI Architects, appeared in support of the application. He referred to renderings by BKDI when describing the concept plan for the commercial development.

Ross McGowan appeared in support of the application and referred to a rendering when describing the landscaping of the subject site.

Pat Hamilton indicated support of the administrative report from the Manager of Planning and Land Use (Exhibit 8), however, advised concerns regarding Conditions Nos. 2, 3, 10 and 11 as outlined in the report from the Administrative Coordinating Group (Exhibit 9). He advised that they have accommodated the City's planning on the site in a number of ways, especially the extension of Columbia Drive to Lindenwood Drive. In this connection, he requested that consideration be given to revising the conditions of the Administrative Coordinating Group in an effort to offset the extra financial expenses incurred by the applicant, as well as consideration be given inasmuch as Hopewell will not benefit from all the improvements and services.

Douglas Scott appeared in support of the application and referred to a rendering when describing land drainage and wastewater services.

James Gillies indicated that with respect to Condition No. 2 regarding the wastewater sewer charge, that Hopewell will not be connecting to the interceptor in Kenaston Boulevard and will be installing their own sewers. With respect to Condition No. 3 and the installation of a 4 metre width concrete pavement in McGillivray Boulevard abutting the south limit of the subject

property, he indicated that the lane has already been built by the City. Ernie Carriere, Land Development Engineer, City of Winnipeg, responded that it is a City of Winnipeg parameter and that the development agreement allows the City to charge for the lane whether the applicant utilizes it or not.

James Gillies referenced Condition No. 10 with respect to the construction of a second northbound left turn storage lane and upstream transition on Kenaston Boulevard at McGillivray Boulevard, and Douglas Scott referred to the rendering to depict the location of the lane. Ernie Carriere indicated that the second lane would benefit the area at large and commented that the applicants' view is why should they improve the traffic characteristics if they won't be solely responsible for creating the traffic issues. With respect to Condition No. 11 and contributing to the cost of upgrading the automatic railway crossing protection at the McGillivray Boulevard crossing of the CPR LaRiviere Subdivision, he commented that to their knowledge no other groups have been requested to contribute towards it. In summary, he indicated that the total cost of concessions they have requested with respect to reconsidering Condition Nos. 2, 3, 10 and 11 of the report of the Administrative Coordinating Group is approximately $300,000.00.

Councillor Clement questioned the period of time before the site would be completed if the subject application were to proceed, to which James Gillies responded by advising approximately 5 years.

Bill Kocsis appeared in opposition to the application. He advised that he is associated with the alfalfa products company on the west side of the tracks, and that the company farms, swaths, harvests, processes and stores the product. He indicated that he receives complaints with respect to smell, dust, and noise attributed to the alfalfa business, and in this connection, expressed concern how the proposed development will impact him. He further commented that he does not have complaints regarding the proposed development as long as the development does not have complaints about his business.

Councillor Clement indicated that he agreed with many of the concerns expressed by the applicant with respect to the report of the Administrative Coordinating Group, and that they would be required by the administrative conditions to expend money that they would not necessarily benefit from.

Exhibit "8" referred to in DASZ 39/2004 [c/r DAV 101489/2005D, DAC 21/2004]

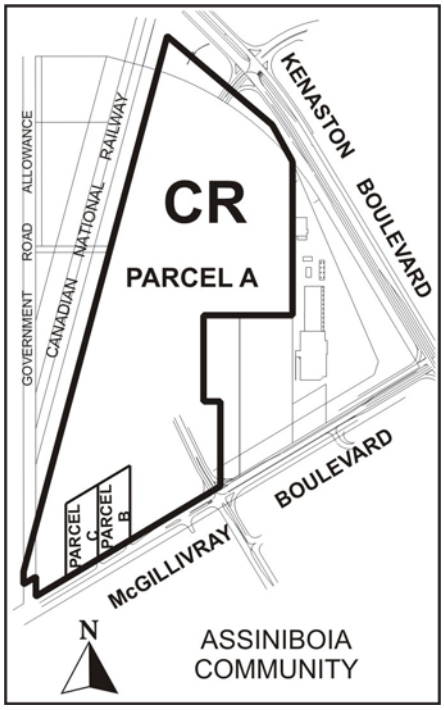
Winnipeg

Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date: **January 12, 2005**
File: **DASZ 39/2004**
Related Files: **PW 2/2004; DAC 21/2004**
Subject: Rezone from "M1" and "M3" Industrial District to "CR" Commercial District.

Location: NW Corner of McGillivray and Kenaston Blvds.
Legal Description:



Applicant: **Hopewell Development – Patrick Hamilton**

Owner(s): **4844395 Manitoba Ltd.**
Kurt Topp Jensen
John Reid McCall
Lafarge Canada Inc.

Recommendation: **Approve.**

Report Summary:

- The applicant is proposing to consolidate 4 lots into one (l) lot for a multi-tenant commercial development on 35 acres of vacant land.
- The proposed commercial use represents a reasonable and logical extension of the commercial uses at the McGillivray and Kenaston intersection in Whyte Ridge.
- The "CR" zoning is consistent for a major commercial development within an Area of Regional Commercial and Mixed-Use Concentration identified in Plan Winnipeg.
- The establishment of regional scale commercial uses at this location will meet the growing consumer retail demand in the southwest quadrant of Winnipeg.
- With improvements, the surrounding road infrastructure has the capacity to service the additional commercial development. The direct costs associated with upgrading surrounding road infrastructure will be contributed to by the proponents of this commercial development.

Site Description

The subject properties are located on the northwest corner of McGillivray and Kenaston Blvds in the Tuxedo Industrial neighbourhood of the Charleswood – Tuxedo Ward. The site is zoned "M1" and "M3" Industrial District. Adjacent properties include commercial lands to the east zoned "M1", and vacant industrial lands to the west zoned "M3". Across McGillivray Blvd are lands zoned "R1-20", "PR1" and "A" that are currently under application for a residential rezoning. East across Kenaston are commercial lands zoned "C2" that include Safeway, Wal-Mart and similar large format retail outlets.

Background

In 1998, several applications to amend the previous version of Plan Winnipeg were approved to re-designate industrial lands east of Kenaston Boulevard both north and south of McGillivray resulting in the creation of over 130 acres of land for commercial purposes. Plan Winnipeg 2010 at that time did not identify the Kenaston - McGillivary area as a "Regional Shopping Centre". An Area of Regional Commercial and Mixed-Use Concentration was designated in 2001 in Plan Winnipeg 2020 in recognition of this regionally significant concentration of commercial development that was emerging adjacent to the east of Kenaston Boulevard around the McGillivray Boulevard intersection.

Plan Winnipeg 2020 Vision identifies “Regional Commercial Concentrations” as:
“..the general desired locations for large scale commercial development attracting customers city-wide and beyond, with the intent to direct future development of that nature to those general locations.”

The designated area did not include land in the north west corner of McGillivray and Kenaston.

In the fall of 2003, Hopewell Development Corporation, a major developer of large scale commercial projects, indicated an intent to pursue the development of the subject property to the west of the existing Sobeys site for a series of regional commercial/retail developments. The proposed development site comprises the majority of approximately 63 acres of a triangular area of land, including the Sobeys site, bounded by Kenaston Boulevard to the east, McGillivray Boulevard to the south and the CPR La Riviere subdivision to the northwest.
After an extensive analysis, the Department of Planning, Property and Development proposed an amendment to Plan Winnipeg. An amendment to Plan Winnipeg was required to re-designate the subject properties from Industrial to Neighbourhood Policy Area, and to extend the boundaries of the Area of Regional Commercial and Mixed-Use Concentration. Council gave the proposed amendment Second Reading on December 15, 2004 and has forwarded the amendment to the Minister of Intergovernmental Affairs. An application to rezone the property can proceed to a Public Hearing but can not be given final approval by Council until Third and Final Reading of the Plan Winnipeg amendment.

Description of the Proposed Development

A concept plan has been submitted that indicates a private roadway will connect Columbia Drive with Lindenwoods Drive East. Parking and retail stores will be developed on both sides of the private roadway. The applicant is proposing to close a portion of the Kenaston right-of-way on the north side of the subject properties and acquire the land (DAC 21/2004). There appears to be an attempt to connect the subject lands with the adjacent Sobeys development with an internal roadway.

Analysis

PLAN WINNIPEG
The proposed concept complies with Plan Winnipeg in that a rezoning is allowed in Neighbourhood Policy Areas. The removal of vacant industrial land will not have a negative impact on the industrial land supply in relation to demand in the southwest quadrant of the City.

ZONING
A “CR” zone is the most appropriate zone for the proposed development. The intensity of this commercial development requires an amendment to Plan Winnipeg to become an Area of Regional Commercial and Mixed-Use Concentration. The City’s expectations are that these areas

six (6) areas in Winnipeg will develop as 'Town Centres' and take on urban, mixed-use character over time. The zoning by-law clearly states that:

The "CR" Commercial District is intended to regulate development upon the six existing regional shopping centre sites as identified by Plan Winnipeg.

The land on the east side of Kenaston Boulevard, north of McGillivray is zoned "C2". This land was rezoned from industrial to commercial prior to being identified in Plan Winnipeg as an Area of Regional Commercial and Mixed-Use Concentration.

TRAFFIC AND INFRASTRUCTURE IMPACTS

Stantec Consulting Ltd. analyzed the impacts upon traffic and intersection performance on adjacent roadways resulting from the addition of 63 acres of commercial lands at the intersection of Kenaston and McGillivray in consultation with the City of Winnipeg Public Works Department.

It was concluded that with a series of improvements to the surrounding road network, there would be sufficient capacity to manage additional vehicle activity for at least the next 10 years. Hopewell Development Corporation, as the major developer within the proposed expansion area, would contribute the majority of the estimated costs associated with these improvements that include:

- An extension of Columbia Drive north into the subdivision.
- McGillivray and Columbia Drive Intersection Improvements that include signal installation/upgrades, new turning lanes and new acceleration lanes.
- Contributions of land for a widening of McGillivray.
- Kenaston/Lindenwoods Drive Intersection Improvements that include signal upgrades and new turning lanes.
- Kenaston and McGillivray Intersection Improvements that include signals and new turning lanes.
- Financial contributions for upgrading the automatic railway crossing protection on McGillivray Blvd.

Recommendation

The Department recommends approval of the application subject to the requirements of the "CR" zoning and site plan approvals.

- The establishment of regional scale commercial and retail uses on the subject lands is compatible with the existing surrounding pattern of development and land uses.
- The development of commercial uses will allow for the growth and intensification of regional scale commercial uses to meet the growing consumer retail demand in the southwest quadrant of the City of Winnipeg.

- The final site plans for landscaping, building design, etc. should meet expectations related to quality and character that is creative and innovative for the scale of this development.
- Signage should be erected on the site to indicate the future commercial nature of the existing land-use to the potentially new residents in the nearby Whyte Ridge neighbourhood (DASZ 44/04).

Recommended Conditions of Approval

11. That the plan of subdivision proposed under File No. DASZ 39/2004 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 39/2004 , attached hereto and dated January 12, 2005 for registration in the Winnipeg Land Titles Office, subject to the following:

    B. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated January 24, 2005;

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

13. That the Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 39/2004, attached hereto and dated January 12, 2005, to an "CR" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

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

    ii. That there shall be no advertising signs, mobile signs, poster signs and A-frame signs on the entire site, except that a mobile sign shall be permitted on the site for a period of thirty (30) days in association with an official opening event;

    iii. That prior to the issuance of any occupancy permits, all garbage containers be fully enclosed by a brick/concrete, and/or wood barrier fence that is at least 6 inches above the top of the garbage container, and thereafter maintained to the satisfaction of the Director of Planning, Property and Development;

iv. That the Applicant shall erect two, 4 feet by 8 feet signs on the vacant subject property indicating the location and zoning of the commercial property; and plans for the signs showing their location and design shall be submitted to the Assiniboia Community Committee for approval by June 30, 2005; and the signs shall be maintained to the satisfaction of the Director of Planning, Property and Development until such time as the land is either rezoned or developed as a commercial land use;

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

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

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

17. 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.

18. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office, and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.**

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

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

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: John S. Wintrup
PPD File # 2.668

Schedule "A"

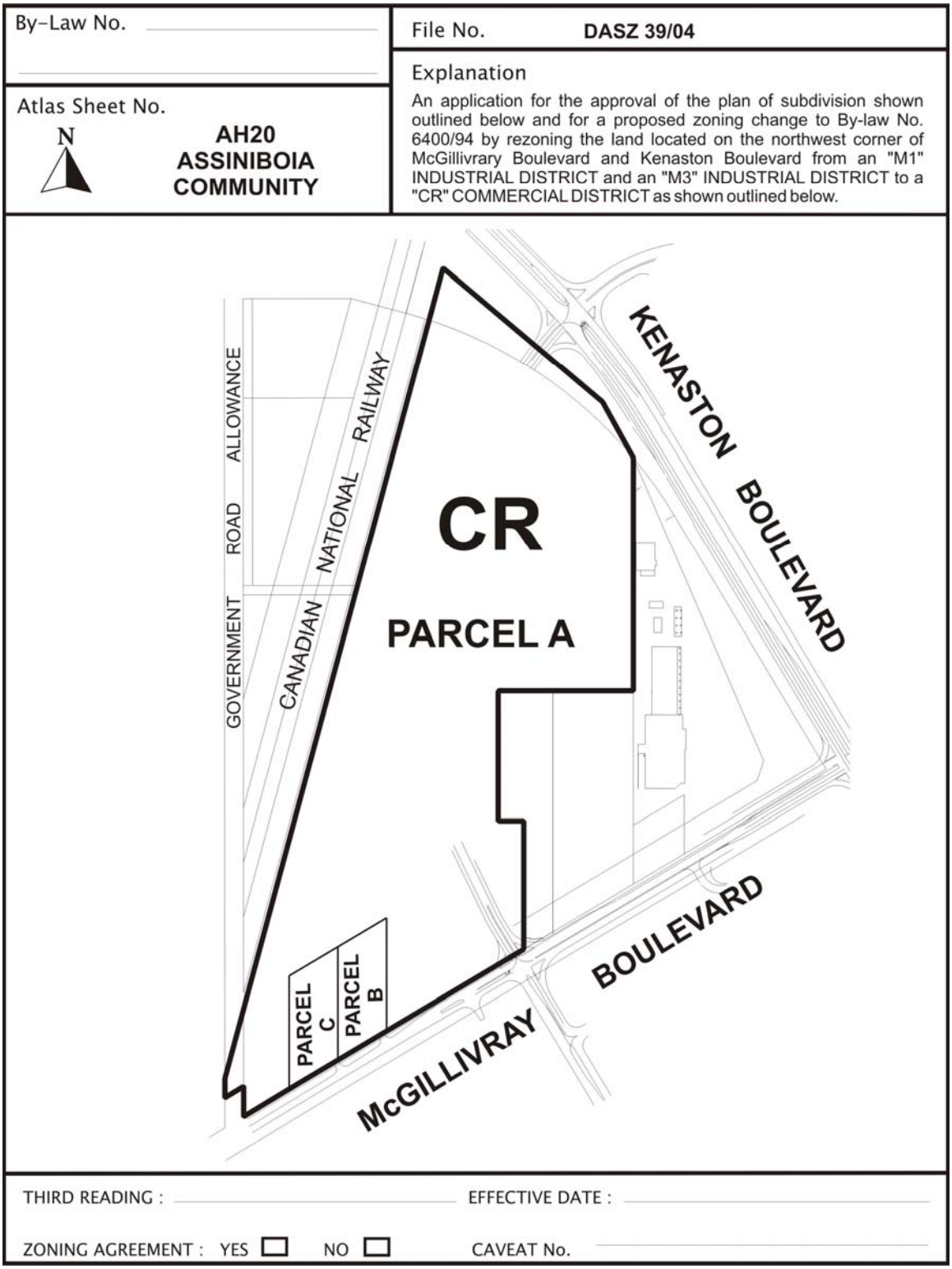


Figure 1: Schedule "A" to the report to the Assiniboia Community Committee for File No. DASZ 39/2004, dated January 12, 2005.



Figure 2: Existing Land-Uses for subject property and Surrounding Area.

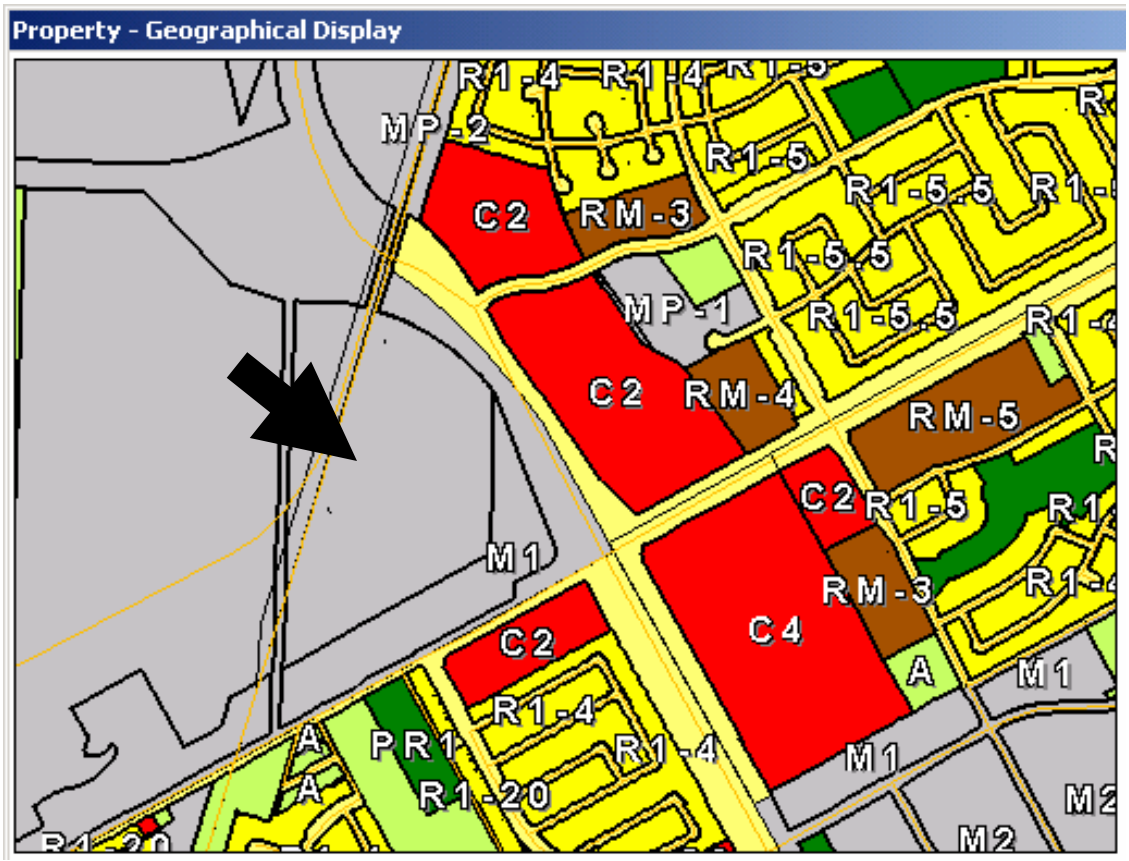


Figure 3: Existing Zoning for subject property and Surrounding Area.

Re: Proposed subdivision and rezoning on land located on the northwest corner of McGillivray Boulevard and Kenaston Boulevard – DASZ 39/04

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE ASSINIBOIA COMMUNITY COMMITTEE

"Original signed by E.L. Carrière"
E.L. Carrière, P.Eng.
Land Development Engineer

January 24, 2005

Re: Proposed subdivision and rezoning on land located on the northwest corner of McGillivray Boulevard and Kenaston Boulevard – DASZ 39/04

An application has been submitted by Hopewell Development Corporation to subdivide and rezone land located at the northwest corner of the intersection of Kenaston Boulevard and McGillivray Boulevard. The Developer's plan includes street rights-of-way being closed by the City (Kenaston Boulevard) and a 27.5m widening to McGillivray Boulevard being acquired by the City partially in exchange for the closed streets.

It is recommended that approval of DASZ 39/04 be subject to the Developer entering into a Development Agreement containing the following:

1. a) The Developer shall, at no expense to the City, construct all facilities required for land drainage management as approved by the Director of Water and Waste.
   b) The Developer shall pay its share of the cost of the regional land drainage system which will include the TSR charge (2005 rate = $10,529.00/acre) and the Park Boulevard Trunk User Charge (2005 rate = $362.57/acre). The cost of any regional land drainage facilities constructed by the Developer shall be credited against these charges. The City shall reimburse the Developer, with interest commencing one year following completion of the work, for the cost of regional land drainage facilities in excess of the Developer's share subject to the approval of capital funding therefor by the City.
2. The Developer shall direct all wastewater flows from the proposed development to the interceptor sewer in Kenaston Boulevard and shall pay the local improvement by-law charge of $38.00/foot based on the Kenaston Boulevard frontage of the proposed development in accordance with the Special Connection provision of the City's Sewer By-law. At the Developer's request, the City will levy the wastewater sewer charge as a Local Improvement over 20 years.
3. The Developer shall pay to the City in cash, on demand, its share of the cost of the following services previously installed in Kenaston Boulevard abutting the east limit of the subject property:
   a) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;
   b) street lighting in the east boulevard;
   c) landscaping in the east boulevard;
   d) a share of the required land drainage works;

   all as determined by the Director of Public Works.

4. The Developer shall pay to the City in cash, on demand, it share of the cost of the following services to be installed in McGillivray Boulevard abutting the south limit of the subject property:
   a) a 4.0m in width by 200mm in thickness portland cement concrete lane of pavement and all related works;
   b) street lighting in the north boulevard;
   c) landscaping in the north boulevard;
   d) a 1.5m in width by 100mm in thickness portland cement concrete sidewalk;
   e) a share of the required land drainage works;

   all as determined by the Director of Public Works.

5. The Developer shall pay to the City in cash, on demand, its share of the cost of services previously installed by others in McGillivray Boulevard at and in the vicinity of Columbia
Drive as determined by the Director of Public Works. This payment is intended as a reimbursement to the developer of the Whyte Ridge area for a share of the works benefiting this proposed development.
6. The Developer shall, at no expense to the City, construct in portland cement concrete pavement a westbound right turn storage lane and upstream transition and a westbound acceleration lane and downstream transition on McGillivray Boulevard at Columbia Drive, and all related works, as determined by and to the satisfaction of the Director of Public Works.
7. The Developer shall pay to the City in cash, on demand, the cost of the upgrading of the existing traffic control signals at the intersection of Columbia Drive and McGillivray Boulevard to include the fourth leg of the intersection, being created by this proposed development, as determined by the Director of Public Works.

   The Developer shall also pay a share of the cost of the existing traffic control signal as a reimbursement to the developer responsible for the original traffic control signal installation, the share shall be such that together with the cost of upgrading the traffic control signal to include the fourth leg of the intersection this developer will have contributed 50% of the costs of the complete traffic control signal installation as determined by the Director of Public Works.
8. The Developer shall, at no expense to the City, construct in portland cement concrete pavement a southbound right turn storage lane and upstream transition, a southbound acceleration lane tying into the existing turning lane serving the development to the south of the subject development, a dual northbound left turn storage lane and upstream transition, and a second southbound left turn storage lane and upstream transition, on Kenaston Boulevard at Lindenwood Drive East, and all related works, all as determined by and to the satisfaction of the Director of Public Works.
9. The Developer shall pay to the City in cash, on demand, the cost of the upgrading of the existing traffic control signals at the intersection of Lindenwood Drive East and Kenaston Boulevard to include the fourth leg of the intersection, being created by this proposed development, as determined by the Director of Public Works.

   The Developer shall also pay a share of the cost of the existing traffic control signal as a reimbursement to the developer responsible for the original traffic control signal installation, the share shall be such that together with the cost of upgrading the traffic control signal to include the fourth leg of the intersection this developer will have contributed 50% of the costs of the complete traffic control signal installation as determined by the Director of Public Works.

10. The Developer shall, at no expense to the City, construct in portland cement concrete pavement a second northbound left turn storage lane and upstream transition, on Kenaston Boulevard at McGillivray Boulevard, and all related works, all as determined by and to the satisfaction of the Director of Public Works.
11. The Developer shall pay to the City in cash, on demand, 25% of the cost of the upgrading of the automatic railway crossing protection at the McGillivray Boulevard crossing of the CPR LaRiviere Subdivision, if such upgrading is required by Transport Canada, as determined by the Director of Public Works.
12. The City shall endeavour to recover approximately 12.9% of the costs paid by the Developer for Items 5 to 11 above from the owners of the land described as 2233 and 2245 McGillivray Boulevard when those properties are redeveloped and to turn over any such monies collected to the Developer.
13. The Developer shall, at no expense to the City, construct within the yards of the subject property abutting the CPR La Riviere Subdivision, a uniform fence 2.0m in height, to the satisfaction of the Director of Public Works. The Developer is to permit the City to file a caveat requiring the owner(s) to maintain and/or repair or replace the fence as originally constructed, to the satisfaction of the Director of Public Works. Said fence is intended to ensure that "pedestrian trespass" to the tracks does not become a consequence of the subject development, thereby jeopardizing existing and/or future anti-whistling regulations along the subject railway line.
14. a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the proposed subdivision to the satisfaction of the Director of Public Works.
    b) The Developer shall pay all costs associated with the relocation of streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.
15. The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up 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. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.
16. The Developer shall, at no expense to the City, ensure that construction traffic uses routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

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 proposed development.
18. The Developer shall pay $20,000.00 to defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 39/04
January 24, 2005

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division