Minute No. 107
Report - Standing Policy Committee on Property and Development - November 29, 2005

Item No. 3 **Amendment to Development Agreement 20/2004 - Land located on the west side of DeVries Avenue between Knowles and Bonner Avenues**
File DASZ 20/2004

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That Development Agreement 20/2004 be amended as follows:

   A. By adding the following to Clause 5:

      "The City shall endeavor to reimburse the Developer for a portion of the cost of pavements wider than 7.5m and thicker than 150mm calculated on the basis of traffic generated as and when the City collects from the benefiting undeveloped lands bounded by Gateway Road, DeVries Avenue, Bonner Avenue and the north City Limits as determined by the Director of Public Works."

   B. By adding the following at the end of Clause 7.c):

      "or with interest in accordance with the Development Agreement Parameters within five (5) years from the date of substantial completion of the works subject to the approval of capital funding (maximum funding currently estimated at $1,100,000.00)".

   C. By adding the following sentence at the end of Clause 5:

      "The pavement in Headmaster may be constructed in 2 phases with the first phase being the portion from Mitchelson Way to Gateway Road."

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

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DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 29, 2005, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 1, 2005, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation dated October 21, 2005, and submitted its recommendation to the Standing Policy Committee on Property and Development.

On October 4, 2005, the East Kildonan-Transcona Community Committee referred a communication submitted by the applicant to the Administration for consideration and report back to the meeting of the East Kildonan-Transcona Community Committee to be held on November 29, 2005.

Further, on October 4, 2005, the East Kildonan-Transcona Community Committee considered a communication from Doug Henne, Doug Henne Planning Services dated October 4, 2005, with respect to amendments to the development agreement affecting the subdivision and rezoning on land located on the west side of DeVries Avenue between Knowles and Bonner Avenues.

ACG Report - October 21, 2005

Re: Proposed subdivision and rezoning of land located on the west side of DeVries Avenue between Knowles Avenue and Bonner Avenue – DASZ 20/04

At the meeting held on October 4, 2005, the East Kildonan/Transcona Community Committee considered a report of the Administrative Coordinating Group (A.C.G.) dated September 22, 2005 which report dealt with Amendments to Council's approval on May 18, 2005 of the above-referenced development application. The Developer's representative, Doug Henne, appeared in delegation and submitted a response dated October 4, 2005 to the A.C.G.'s report. The East Kildonan/Transcona Community Committee referred the communication submitted by Mr. Henne to the Administration for consideration and report back to the East Kildonan/Transcona Community Committee's meeting to be held on November 29, 2005.

On October 12, 2005, the Administration met with Mr. Henne and a representative of Stantec to review the points raised in Mr. Henne's submission and hereby advises the East Kildonan/Transcona Community Committee that the Administration is now prepared to support the proposal that cost sharing be based on traffic generation and also supports the phased construction of Headmaster Row.

It is therefore recommended that this report complement the A.C.G.'s report dated September 22, 2005 and that the recommendation contained in that report be superseded by the following new recommendation:

It is recommended that the A.C.G.'s report dated March 23, 2005 be amended as follows:

1. By adding the following to Clause 5:
   "The City shall endeavor to reimburse the Developer for a portion of the cost of pavements wider than 7.5m and thicker than 150mm calculated on the basis of traffic generated as and when the City collects from the benefiting undeveloped lands bounded by Gateway Road, DeVries Avenue, Bonner Avenue and the north City Limits as determined by the Director of Public Works.

2. By adding the following at the end of Clause 7.c):
   "or with interest in accordance with the Development Agreement Parameters within five (5) years from the date of substantial completion of the works subject to the approval of capital funding (maximum funding currently estimated at $1,100,000.00)".

3. By the following sentence at the end of Clause 5.:
   “The pavement in Headmaster may be constructed in 2 phases with the first phase being the portion from Mitchelson Way to Gateway Road.”

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 20/04
October 21, 2005

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

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