Minute No. 806
Report - Standing Policy Committee on Property and Development – September 5, 2006

Item No. 4 **Amendment to Development Agreement AG 34/2005 - 2307 St. Mary's Road File DAZ 259/2005 (c/r DASZ 34/2003)**

COUNCIL DECISION:

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

1. That Development Agreement AG 34/03 be amended by calculating the frontage at the mid-point of the site.

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 September 21, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 5, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee with the following amendments, namely:

- That Recommendation No. 1.A. not be concurred in.

- That Recommendation Nos. 1B. and 1C. be concurred in and renumbered 1A. and 1B.

and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 18, 2006, the Riel Community Committee concurred, in part, in the request from Pollock and Wright dated May 25, 2006, namely:

1. That Development Agreement AG 34/03 be amended as follows:

    A. That development charges be collected at a blended rate, namely fifty percent (50%) at the 2005 rate and fifty percent (50%) at the 2006 rate.

    B. That the frontage be calculated at the mid-point of the site.

    C. That the development charges not be reduced by an amount equal to one-half of the developer’s cost for construction of the back lane adjacent to the site,

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DECISION MAKING HISTORY (continued)

COMMUNITY COMMITTEE RECOMMENDATION (continued)

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

On June 26, 2006, the Riel Community Committee laid over consideration of the matter to its meeting on July 18, 2006.

On May 30, 2006, the Riel Community Committee referred the request from A. G. Degner, Pollock and Wright, dated May 25, 2006, to the administration for review and report back.

INTER-OFFICE MEMORANDUM

Planning, Property and Development Department

Development and Inspections Division, Land Development Branch
Main Floor, 65 Garry Street

Winnipeg

Date: **June 15, 2006**

To: M. Pittet, Community Committees Division

From: E.L. Carrière, Land Development Branch

RE: **REQUEST FOR AMENDMENT TO APPROVAL OF DAZ 259/05**
File: AG 259/05 (Please quote when replying)

This is in response to the Riel Community Committee's motion of May 30, 2006 that the request from A.G. Degner, Pollock and Wright, dated May 25, 2006, be referred to the Administration for review and report back.

We have previewed Mr. Degner's request and discussed the matter with the Public Works Department. Following are our comments on each of the three points raised by Mr. Degner:

1. ***That the charges be applied using 2005 rates***:

   It has been City policy for some 25 years that development charges are collected on the basis of the rates prevailing at the time payment is made. It is therefore recommended that the policy be adhered to and that the charges be collected on the basis of 2006 rates assuming payment will be made in 2006. (For your Committee's information the 2006 rates have increased by $39.80/foot over the 2005 rates, an increase of approximately 14%).

2. ***That the frontage be calculated at the mid-point of the site***:

   We concur that the suggested method be utilized. This can be done administratively.

3. ***That the charges be reduced by one-half the cost of constructing the back lane adjacent to the site***:

   The back lane was constructed to provide access to the lots fronting onto Burland Avenue and its use for access to the proposed multi-family site would have been incidental. It is therefore recommended that this request not be concurred in.

_____

E.L. Carrière, P.Eng.
Land Development Engineer

ELC/hp

cc: R. Hartmann, P. Eng.
v/ernie/june/05ag259

Pollock &Wright

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6 MAY 25 A11:01

Our File: 0401137

Albert G. Degner M.L.S., C.L.S.

Leslie N. McLaughlin M.L.S., C.L.S.

Donald N. Bourgeois M.L.S., C.L.S.

James G. Watling P.Eng., BSc., S.E., M.L.S., C.L.S.

K.M. (Ken) Yerex M.L.S., C.L.S., BSc.

James E. Bailie M.L.S.

L. O. (Laurie) LeClair M.L.S.

May 25, 2006

City of Winnipeg
Council Building
510 Main Street
Winnipeg, Manitoba
R3B 1B9

Attention: Mr. Marc Pittet, Clerk - Riel Community Committee

Dear Sir:

Re: **DAZ 259/2005**

The developer has recently received Council approval for the referenced re-zoning which confirmed the Riel Community Committee's recommendations.

As a result of conditions iii and v of the attached council decision, our site area has been reduced such that only 16 or 17 units can be constructed, rather than the approved 18.

As you are aware, the developer built the back lane in Phase 1 of the development believing it would serve as access to both the homes on Burland and the subject site. That access has now been denied which, in the developer's opinion, negatively impacts the site.

Given the foregoing, the developer is asking the Community Committee to recommend to the Property and Development Committee and/or the Administration that:

a) Frontage Improvement charges for St. Mary's Road be applied at the 2005 rates;
b) That the frontage be calculated at the mid-point of the lot rather than along St. Mary's Road;
c) That these charges be reduced by an amount equal to one-half of the developer's cost for the back lane adjacent to the site.

We would be pleased to appear as a delegation at the next available Community Committee meeting to speak of these matters.

If you have any questions, please call me.

Yours truly,

Pollock and Wright

per:

A. G. Degner, M.L.S., C.L.S.

AGD/ad
Enc.