Agenda - Council - January 29, 2003

Report - Standing Policy Committee on Property and Development - January 6, 2003

Item No. 1 Proposed Amendment to Development Agreement AG 16/94 - Promenade du parc - North Grassie Properties Inc.
File DASZ 16/94

STANDING COMMITTEE RECOMMENDATION:

On January 22, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submits the following to Council:

1. That Recommendation 1.A be deleted and substituted with the following:

    1.A. That the Developer be required to enter into a Development Agreement with the City, in accordance with the Administrative Coordinating Group report dated April 24, 1995, as outlined on Schedule "C", the terms which were approved by the (former) Committee on Planning and Community Services, and include provision for:

        i. A sidewalk continuing on Drake Boulevard to its northerly limit on both sides of Drake Boulevard.

        ii. A clause outlining:
        "The Developer may, after registration of the plan of subdivision establishing lot lines for each phase of development, file a petition in accordance with The City of Winnipeg Act for the construction of land drainage facilities to serve the benefiting land.

        The City agrees to levy the benefiting properties within each phase of development at the City's uniform frontage rate, which includes the City's rate of interest plus 1% per annum handling, in equal annual instalments over a period of 20 years. It is understood and agreed that such levies as are collected annually minus handling charges shall be paid by the City to the Developer on December 1st of each year until fully paid, such levies to commence within one year from the date of completion of the land drainage facilities in each phase. It is also understood and agreed that the full cost of construction shall in the first instance be paid by the Developer. The City reserves the right to

commute and pay to the Developer the amount of the levies outstanding against any land within any phase of the development."

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing, including the execution of any documents related thereto.

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 22, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 6, 2002, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, and recommended that Council reconsider that portion of its decision of July 12, 1995, pertaining to Development Agreement AG 16/94 and the construction of land drainage facilities, and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 10, 2002, the Riel Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

COUNCIL:

On July 12, 1995, Council approved a plan of subdivision and zoning change under File DASZ 16/94 for lands located on the north boundary of Windsor Park between DeBourmont Avenue and the C.P.R. Emerson Subdivision, as follows:

I. That the plan of subdivision proposed under File DASZ 16/94 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor as outlined on Schedule "B" for File DASZ 16/94, dated June 1, 1995, for registration in the Winnipeg Land Titles Office subject to:

   A. That the Developer be required to enter into a Development Agreement with the City, in accordance with the Administrative Coordinating Group report dated

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DECISION MAKING HISTORY (continued):

April 24, 1995, as outlined on Schedule "C", the terms which were approved by the Committee on Planning and Community Services, and to include a sidewalk continuing on Drake Boulevard to its northerly limit on both sides of Drake Boulevard.

II. That the Director of Land and Development Services be authorized to certify any documents in connection therewith.

III. That Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "B" for File DASZ 16/94, dated June 1, 1995, to a "PR1" Parks and Recreation District, an "R1-4" Single- family District, and an "RM-4" Multiple-family District, subject to the following:

A. That the Developer be required to enter into a Zoning Agreement with the City pursuant to Section 591 (1) of The City of Winnipeg Act to provide for the following.

1. that the "RM-4" site be restricted to a maximum height of 3 storeys;

2. that no building or structure (including free-standing signs and fencing), parking or loading area, or landscaping be erected or located on the "RM-4" site except in accordance with plans approved by the Riel Community Committee and the Commissioner of Planning and Community Services;

IV. That By-law 6400/94 be amended to establish a special alignment from the east limit of and parallel to the CPR Emerson Subdivision, providing a depth of 17.5 metres to any dwelling.

V. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

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

DECISION MAKING HISTORY (continued):

VII. That the zoning section of the by-law shall come into force and effect when the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against the lands.

VIII. That the Proper Officers of the City be authorized to execute all necessary agreements.

IX. That in the event this application is not proceeded with expeditiously and the by-law is not enacted within 24 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

X. That the City Solicitor be requested to do all things necessary for implementation of the above in accordance with the terms of The City of Winnipeg Act.

Re: Amendment to Development Agreement AG 16/94 – Promenade du parc
North Grassie Properties Inc.

On September 5, 2002, North Grassie Properties Inc. (NGP), executed Development Agreement AG 16/94 covering land located on the north boundary of Windsor Park between DeBourmont Avenue and the C.P.R. Emerson Subdivision. The plan of subdivision was registered in October 2002 and Phase 1A comprising some 35 lots has already been serviced.

In a letter dated October 3, 2002, NGP requested that "the City enact a Local Improvement By-law to place the cost of the installation of Storm Sewers to be constructed in the development on local improvements." The Developer is requesting that the City implement an arrangement utilized in two instances in 1975 i.e. Development Agreements AG 44/74 and AG 45/74 covering Richmond West and Garden Grove respectively, whereby the Developer initially installs and/or pays the cost of land drainage facilities within the subdivision and recoups its costs by way of 20 annual payments from the purchasers of the benefiting lots. The procedure has not been utilized for single-family residential development since 1975 although it has been utilized for a full range of services in commercial and industrial development such as Omands Creek Industrial Park, Southwood Mall and Winfield Business Park. A copy of NGP's letter dated October 3, 2002 is attached for your Committee's information.

The procedure has no financial implications on the City and the administration has no objection to it being implemented providing that the costs be limited to the City's Local Improvement rate of $48.00 per foot although this amount only covers approximately 75% of the Developer's costs associated with the installation of land drainage facilities.

If your Committee concurs with the Developer's request, it should recommend to Standing Policy Committee on Property and Development as follows:

1. That Development Agreement AG 16/94 between the City and North Grassie Properties Inc. be amended by adding a clause as follows:

   "The Developer may, after registration of the plan of subdivision establishing lot lines for each phase of development, file a petition in accordance with The City of Winnipeg Act for the construction of land drainage facilities to serve the benefiting land.

   The City agrees to levy the benefiting properties within each phase of development at the City's uniform frontage rate, which includes the City's rate of interest plus 1% per annum handling, in equal annual installments over a period of 20 years. It is understood and agreed that such levies as are collected annually minus handling charges shall be paid by the City to the Developer on December 1st of each year until fully paid, such levies to commence within one year from the date of completion of the land drainage facilities in each phase. It is also understood and agreed that the full cost of construction shall in the first instance be paid by the Developer. The City reserves the right to commute and pay to

the Developer the amount of the levies outstanding against any land within any phase of the development."

2. That the proper officers of the City be authorized to execute any documents in connection with the above.

Enclosure

THIS REPORT SUBMITTED BY:

E.L. Carrière, P.Eng.
Land Development Engineer
File No.: AG 16/94
November 13, 2002

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Canadian Home Builders Association Manitoba Home Builders Association

North Grassie Properties Inc.,
Box 25094, Mission Park P.O.
Kelowna, British Columbia,
V1W 3Y7
Call 1-250-764-4499, Facsmile 1-250-764-0688 or email v.wiebe@shaw.ca

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OCT 8 - 2002
LAND DEVELOPMENT
BRANCH

October 03, 2002

City of Winnipeg
Main Floor, 65 Garry Street
Winnipeg, Manitoba
R3C 4X7

Attention: Mr. Ernest Carriere, P.Eng., Development Agreement Officer

Dear Sir:

Re: AG 16/94, Windsor Park

With reference to the above file, please consider this letter as our request to have the City of Winnipeg, City Council inact a Local Improvement Bylaw to place the cost of the installation of the Storm Sewers to be constructed in the development, reference to which is referred to above, on local improvements.

Our supporting reasons for this request are as follows:

1. During the process of approving the Servicing Plans, the City of Winnipeg instructed our Consultant to add a number of catch basins along the north side of our property, thus increasing our construction costs .
2. During the process of approving the Servicing Plans, the City of Winnipeg instructed our Consultant to amend the Storm Sewer flow from the originally approved outlet to a new planned lake, which lake will be built sometime in the future on the old Canada Packers site. We consented to the re-direction although there was a substantial increase in our construction costs. I understand that this change will benefit not only our development, but also have a positive effect on the existing Windsor Park neighborhood.
3. In order to achieve the goals of the City of Winnipeg City Council, with regard to downtown renewal and the encouragement of development in the inner city, as a private developer, we must constantly remember that these areas must be affordable in order to have young families purchase new homes in them. The constant increase in construction costs are making it more difficult for young families to qualify to purchase these new homes. By the enactment of this bylaw, it will enable more purchasers to qualify and will, in fact, result directly in more people choosing this inner city residential community in which to purchase their home instead of choosing the suburbs or one of the smaller communities surrounding the City of Winnipeg.

4. Down payments when purchasing a home where some of the services are levied against the lot, will be less, thus resulting in more purchasers being able to afford to purchase a new home in our subdivision.
5. By the enactment of a this local improvement bylaw, the City of Winnipeg in effect is encouraging home buyers to purchase a new home on infill land without City or other government grants, thereby discouraging urban sprawl.
6. As a private developer, it is our goal to present an opportunity, which will allow young people that are starting out, the chance to be part of a desirable community in the inner city where they can raise their families and have access to existing amenities such as shopping, schools, parks, community clubs, churches and so on. Our success in achieving this, will also create renewed interest from the Private sector to developed lands that the City currently holds to the north of the subject site referred to as the Canada Packers site and the North St Boniface lands.

We understand that, if approved by Council, the City of Winnipeg will pay the funds received from Homeowners to the Developer on an annual basis and that it will deduct an administration fee for it's involvment.

As this is one of the largest infill subdivisions that has taken place in Winnipeg in the last fifteen (15) years, our intentions were to keep the lot and home prices at a very affordable level in order that as many home buyers as possible would consider purchasing in our location instead of in the suburbs or in communities adjacent to the City of Winnipeg.

In summation, we are confident that the enactment of the requested Local Improvement Bylaw will result in assisting us to achieve our goals and result in renewed interested from the Private sector in creating new communities in the inner city .Finding ways such as this to renew the inner city could become a blueprint for the private sector to develop other areas such as the Canada Packers site or the North St Boniface holdings currently held by the City.

Thank you for your consideration in regards to this matter. Please be so kind as to confirm receipt of this letter. Your response is appreciated is due course.

North Grassie Properties Inc.,

Per:

John E. Wiebe