Agenda - Council – June 23, 2010

Report - Standing Policy Committee on Property and Development – June 8, 2010

Item No. 7 Amendment to Development Agreement AG 42/87 – Public Walkways/Openings to Pandora Avenue East – Canterbury Park (Transcona Ward)
File DASZ 42/87

STANDING COMMITTEE RECOMMENDATION:

On June 16, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submits the following to Council:

1. By attaching the Figure 1.0 sketch to open the three (3) Public Walkways along the south legs of Harlow Bay, Hiley Bay and Ed Golding Bay to Schedule "B" (a plan showing the Planned Area) and Schedule "C" (a plan showing staging of development).

2. By deleting Schedule "D", Clause 10, item ii); in its entirety and renaming item iii) to ii); and inserting thereafter a new paragraph;

   The Developer shall at no expense to the City construct a 3.5 metre wide multi-use asphalt pathway along the north side of Pandora Avenue East between Redonda Street and Ravenhurst Street.

3. By adding the following to Schedule "D", Clause 10;

   Public Walkways at Harlow Bay, Hiley Bay and Ed Golding Bay

   i) The Developer shall open Public Walkways, 6 metres in width, at Harlow Bay, Hiley Bay and Ed Golding Bay as connections to Pandora Avenue East, to the satisfaction of the Director of Public Works.

   ii) The Developer shall, at no expense to the City, construct within the proposed Public Walkways the following works:

      a) a 1.5 metre in width by 100 mm Portland cement concrete sidewalk down the centre of the public walkway, right of way to include a "flare out" to the road at the north and to the multi use pathway to the south;

      b) a minimum of six (6) American Elm trees (three on either side) of the walkway adjacent to the private property line;

c) wood fencing along both sides of the walkways along the property lines within the residential lots abutting the walkway; if and where applicable, the fence is to be 1.2 and 2.0 metres in height respectively along the front and rear side yard lot lines;

The Developer is to permit the City to file a caveat against the title of each of the proposed lots abutting the walkways 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;

d) post fencing, with appropriate sidewalk opening, at both street ends of the Public Walkways;

e) That the requirement for precast planters at the intersection of Harlow Bay, Ed Golding Bay and Hiley Bay walkways be eliminated

f) That American Elm trees be planted along the north right of way of Pandora Avenue East from Ravenhurst Street to Redonda Street.

4. That a site plan of the landscaping and fencing for the multi-use active transportation corridor along Pandora Avenue East be submitted to the East Kildonan - Transcona Community Committee for approval.

Report - Standing Policy Committee on Property and Development – June 8, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, as amended, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 8, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendments, namely:

- Amend Recommendation. 1 as follows;
  - Delete the words "and amended" and replace with the word "the"
  - Delete the "two (2)" and replace with "three (3)"
  - Add the words "Harlow Bay," before the words "Hiley Bay";

- Amend paragraph 2 of Recommendation 2. by deleting "3.2" and replacing it with "3.5";

- Amend line 2 of Recommendation 3. by adding the words "Harlow Bay," before the words "Hiley Bay";

- Amend Recommendation 3. i) by adding the words "Harlow Bay," before the words "Hiley Bay";

- Amend Recommendation 3. ii) b) by deleting the words
  " a 1.5 metre in width concrete surfacing abutting the concrete sidewalk and a 2.5 metre wide strip planted with";

- Amend Recommendation 3. ii) c) by deleting the words "an iron fence similar to that used by Novamet / Qualico backing onto the park in Canterbury Park be installed on either side of the walkways" and replacing them with "wood fencing along both sides of the walkways along the property lines";

- Delete Recommendation 3. ii) e) in its entirety and renumber the remaining recommendations accordingly;

Report - Standing Policy Committee on Property and Development – June 8, 2010

DECISION MAKING HISTORY: (continued)

STANDING COMMITTEE RECOMMENDATION: (continued)

- Amend Recommendation 3. ii) f) (new Recommendation 3. ii) e)) by adding the words "Harlow Bay," before the words "Ed Golding Bay"

- Amend Recommendation 4. by adding the words "and fencing" after the word "landscaping",

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

COMMUNITY COMMITTEE RECOMMENDATION:

On May 25, 2010, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments, namely:

- Delete Recommendation 1. in its entirety and replace with the following:

  "1. By attaching an amended Figure 1.0 sketch to open two (2) Public Walkways along the south legs of Hiley Bay and Ed Golding Bay to Schedule "B" (a plan showing the Planned Area) and Schedule "C" (a plan showing staging of development)."

- Amend Recommendation 2. by deleting the word "multi-use" and replacing it with "3.2 metre wide multi-use asphalt"

- Delete Recommendation 3. in its entirety and replace with the following:

  3. By adding the following to Schedule "D", Clause 10;

  <u>Public Walkways at Hiley Bay and Ed Golding Bay</u>

  i) The Developer shall open Public Walkways, 6 metres in width, at Harlow Bay, Hiley Bay and Ed Golding Bay as connections to Pandora Avenue East, to the satisfaction of the Director of Public Works.

  ii) The Developer shall, at no expense to the City, construct within the proposed Public Walkways the following works:

Report - Standing Policy Committee on Property and Development – June 8, 2010

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

a) a 1.5 metre in width by 100 mm Portland cement concrete sidewalk down the centre of the public walkway, right of way to include a "flare out" to the road at the north and to the multi use pathway to the south;

b) a 1.5 metre in width concrete surfacing abutting the concrete sidewalk and a 2.5 metre wide strip planted with a minimum of six (6) American Elm trees (three on either side) of the walkway adjacent to the private property line

c) an iron fence similar to that used by Novamet / Qualico backing onto the park in Canterbury Park be installed on either side of the walkways, within the residential lots abutting the walkway; if and where applicable, the fence is to be 1.2 and 2.0 metres in height respectively along the front and rear side yard lot lines;

The Developer is to permit the City to file a caveat against the title of each of the proposed lots abutting the walkways 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;

d) Post fencing, with appropriate sidewalk opening, at both street ends of the Public Walkways;

e) That an entrance feature be installed at the entrance of Canterbury Park facing south at the east side of Ravenhurst Street just north of Pandora Avenue East

f) That the requirement for precast planters at the intersection of Ed Golding Bay and Hiley Bay walkways be eliminated

g) That American Elm trees be planted along the north right of way of Pandora Avenue East from Ravenhurst Street to Redonda Street.

Report - Standing Policy Committee on Property and Development – June 8, 2010

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Add the following Recommendation 4.

    4. That a sight plan of the landscaping for the multi-use active transportation corridor along Pandora Avenue East be submitted to the East Kildonan - Transcona Community Committee for approval,

and forwarded the matter to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

SUBJECT: **DASZ 42/87 AMEND DEVELOPMENT AGREEMENT AG 42/87 – Public Walkways/Openings to Pandora Avenue East – Canterbury Park**

Critical Path: **East Kildonan/Transcona Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Raban Land Development Administrator	D.Joshi		

RECOMMENDATIONS

That Development Agreement AG 42/87 be amended as follows;

1. By attaching the Figure 1.0 sketch to open the three (3) Public Walkways along the south legs of Harlow Bay, Hiley Bay and Ed Golding Bay to Schedule "B" (a plan showing the Planned Area) and Schedule "C" (a plan showing staging of development).

2. By deleting Schedule "D", Clause 10, item ii); in it's entirety and renaming item iii) to ii); and inserting thereafter a new paragraph;

   The Developer shall at no expense to the City construct a multi-use pathway along the north side of Pandora Avenue East between Redonda Street and Ravenhurst Street.

3. By adding the following to Schedule "D", Clause 10;

   <u>Public Walkways at Harlow Bay, Hiley Bay and Ed Golding Bay</u>

i) The Developer shall open Public Walkways, 6 metres in width, at Harlow Bay, Hiley Bay and Ed Golding Bay as connections to Pandora Avenue East, to the satisfaction of the Director of Public Works.

ii) The Developer shall, at no expense to the City, construct within the proposed Public Walkways the following works:

a) a 2.0 metre in width by 100 mm Portland cement concrete sidewalk from the edge of the adjacent private property line;

b) a 1.5 metre in width asphaltic concrete surfacing abutting the concrete sidewalk and a 2.5 metre wide wood chip strip planted with trees to the adjacent private property line;

c) a chain link fence or approved wood fence along the side property lines, within the residential lots abutting the walkway; if and where applicable, the fence is to be 1.2 and 2.0 metres in height respectively along the front and rear side yard lot lines.

The Developer is to permit the City to file a caveat against the title of each of the proposed lots abutting the walkways 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;

d) post and chain fencing, with appropriate sidewalk opening, at both street ends of the Public Walkways;

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

IMPLICATIONS OF THE RECOMMENDATIONS

Council approval is required for Public Openings and the above recommendation to amend Development Agreement AG 42/87 will serve to make possible the requested openings and construction of ancillary walkway and landscaping works required to facilitate the Public walkway connections to Pandora Avenue East, at no expense to the City.

HISTORY

On May 31, 1987 the Developer, Novamet Development Corporation entered into Development Agreement AG 42/87 with the City establishing development conditions to serve the planned area for various stages of development in their Canterbury Park subdivision.

The Developer is now reviewing the assembly of lands in the south-west section of Canterbury Park and has requested that Development Agreement AG 42/87 be amended (see Appendix "A") to introduce three (3) public openings to Pandora Avenue East from the south legs of Harlow Bay, Hiley Bay and Ed Golding Bay respectively and provide enhanced landscaping and pedestrian access adjacent Pandora Avenue East.

The Land Development Branch has review the opening request with the Administrative Coordinating Group (ACG) and in general the Winnipeg Public Service supports the opening request subject to appropriate opening widths, walkway surface treatments, landscaping, trees, fencing and lighting being taken into consideration that would provide for a low maintenance, safe and accessible Public walkway.

In accordance with Appendix "B", report to the East KIldonan/Transcona Community Committee, attached for additional information and background the following amendments to AG 42/87 are recommended to facilitate the Public Walkway openings and additional enhancements to landscaping and pedestrian access along Pandora Avenue East for the benefit of the planned area under DASZ 42/87.

FINANCIAL IMPACT

Financial Impact Statement

Date:

Project Name:

First Year of Program

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments:

original signed by
Department Controller

CONSULTATION

In preparing this Report there was consultation with:

Administrative Coordinating Group
Public Works Department

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Rob Deighton, Land Development Coordinator
Date:	May 18, 2010
File No.	Development Agreement AG 42/87 (DASZ 42/87)

Appendix A – Letter from Novamet

Appendix B – Report to East Kildonan-Transcona Community Committee from the Land Development Branch

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APPENDIX "A" – NOVAMET REQUEST TO AMEND AG 42/87 (DASZ 42/87)

NOVAMET
DEVELOPMENT
CORPORATION

One Dr. David Friesen Drive
Winnipeg, MB R3X OG8
Telephone: (204) 233-2451
Fax: (204) 233-2965

May 13, 2010

Kim Raban
The City of Winnipeg
Planning, Property and Development
Main Floor, 65 Garry Street
Winnipeg, Manitoba
R3C 4K4

Dear Kim,

Canterbury Park – DASZ 42/87
Development Agreement Amendment

Further to our recent discussions, please accept this letter as our application for a Development Agreement Amendment that will allow for the opening of three pathways from Pandora Avenue East into the community of Canterbury Park. This request is in response to discussions with Councillor Wyatt regarding enhanced landscaping and pedestrian access within the 37 foot wide boulevard area adjacent to Pandora.

In support of our application, we enclose a plan of the balance of the lands west of Ravenhurst Street detailing the three (3) proposed openings from Pandora Avenue East to each of Ed Golding Bay, Hiley Bay and Harlow Bay.

Please take the fees for this application from the Novamet Development Corporation account number Acct. No. 04-117161 TR

Yours truly,

NOVAMET DEVELOPMENT CORPORATION

ERIC VOGAN
Land Development Manager

/lj
Enclosure(s): As Noted

xc: Rob Deighton, The City of Winnipeg

APPENDIX "B" – LAND DEVELOPMENT BRANCH - AG 42/87 AMENDMENT REPORT

RE: REQUEST TO AMEND DEVELOPMENT AGREEMENT AG 42/87 – NOVAMET DEVELOPMENT CORPORATION

FOR SUBMISSION TO THE EAST KILDONAN - TRANSCONA COMMUNITY COMMITTEE

"original signed by R.R. Deighton"
R.R. Deighton, P. Eng.
Land Development Coordinator

May 18, 2010

RE: REQUEST TO AMEND DEVELOPMENT AGREEMENT AG 42/87 – NOVAMET DEVELOPMENT CORPORATION

On May 31, 1987 the Developer, Novamet Development Corporation entered into Development Agreement AG 42/87 with the City establishing development conditions to serve the planned area for various stages of development in their Canterbury Park subdivision.

The Developer is now reviewing the assembly of lands in the south-west section of Canterbury Park and has requested that Development Agreement AG 42/87 be amended to introduce three (3) public openings to Pandora Avenue East (as shown on attached Figure 1.0) from the south legs of Harlow Bay, Hiley Bay and Ed Golding Bay respectively and to enhance landscaping and pedestrian access to Pandora Avenue East.

The Administrative Coordinating Group (ACG) has reviewed the opening request and supports it subject to appropriate opening widths, walkway surface treatments, landscaping, trees, fencing and lighting being taken into consideration.

Further amendments to Development Agreement AG 42/87 are requested to facilitate a multi-use Active Transportation pathway along the north side of Pandora Avenue East from Redonda Street to Ravenhurst Street in lieu of a standard sidewalk.

It is therefore recommended that Development Agreement AG 42/87 be amended as follows;

1. By attaching the Figure 1.0 sketch to open the three (3) Public Walkways along the south legs of Harlow Bay, Hiley Bay and Ed Golding Bay to Schedule "B" (a plan showing the Planned Area) and Schedule "C" (a plan showing staging of development).

2. By deleting Schedule "D", Clause 10, item ii); in it's entirety and renaming item iii) to ii); and inserting thereafter a new paragraph;

   The Developer shall at no expense to the City construct a multi-use pathway along the north side of Pandora Avenue East between Redonda Street and Ravenhurst Street.

3. By adding the following to Schedule "D", Clause 10;

Public Walkways at Harlow Bay, Hiley Bay and Ed Golding Bay

i) The Developer shall open Public Walkways, 6 metres in width, at Harlow Bay, Hiley Bay and Ed Golding Bay as connections to Pandora Avenue East, to the satisfaction of the Director of Public Works.

ii) The Developer shall, at no expense to the City, construct within the proposed Public Walkways the following works:

a) a 2.0 metre in width by 100 mm Portland cement concrete sidewalk from the edge of the adjacent private property line;

b) a 1.5 metre in width asphaltic concrete surfacing abutting the concrete sidewalk and a 2.5 metre wide wood chip strip planted with trees to the adjacent private property line;

c) a chain link fence or approved wood fence along the side property lines, within the residential lots abutting the walkway; if and where applicable, the fence is to be 1.2 and 2.0 metres in height respectively along the front and rear side yard lot lines.

The Developer is to permit the City to file a caveat against the title of each of the proposed lots abutting the walkways 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;

d) post and chain fencing, with appropriate sidewalk opening, at both street ends of the Public Walkways;

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

THIS REPORT SUBMITTED BY:

Land Development Branch
File No. AG 42/87
May 18, 2010

"original signed by R.R.Deighton"
R.R. Deighton, P. Eng.,
Land Development Branch

"original signed by R.Hartmann"
R. J. Hartmann, P. Eng.
Public Works Department, Transportation Division

"original signed by J.Ewart"
J.Ewart, BA, MLA
Public Works Department, Parks and Open Space Division

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PROPOSED AMENDMENT TO AG 42/87 – OPENINGS AT HARLOW BAY, HILEY BAY and ED GOLDING BAY – FIGURE 1

