Minute No. 609
Report – Standing Policy Committee on Property and Development – September 10, 2013

Item No. 8 Amendment to Administrative Coordinating Group Recommendation – 444 Grassie Boulevard (Transcona Ward) File DASZ 34/2010

COUNCIL DECISION:

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

1. That the Administrative Coordination Group recommendation under File DASZ 34/2010, as adopted by Council on May 25, 2011, be amended as follows:

   A. Subject to confirmation that the land is clear, delete Recommendation 8 in its entirety and adopt attached Schedule C.

   B. Amend Recommendation 9 by adding the following:

      "that will accommodate garbage trucks ideally within the right-of-way and that the City be authorized to register caveats as necessary to accommodate the turnaround."

   C. Delete Recommendation 10 in its entirety and replace with the following:

      "10. That the Developer shall pay its share of the cost of those services installed to date by others on Grassie Boulevard (approximately $89,000)."

   D. Renumber the recommendations accordingly.

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 Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation 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 September 10, 2013, 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 July 16, 2013, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and the following be recommended to the Standing Policy Committee on Property and Development:

1. That the Administrative Coordination Group recommendation under File DASZ 34/2010, as adopted by Council on May 25, 2011, be amended as follows:

    A. Subject to confirmation that the land is clear, delete Recommendation 8 in its entirety and adopt attached Schedule C.

    B. Amend Recommendation 9 by adding the following:

    "that will accommodate garbage trucks ideally within the right-of-way and that the City be authorized to register caveats as necessary to accommodate the turnaround."

Report – Standing Policy Committee on Property and Development – September 10, 2013

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

C. Delete Recommendation 10 in its entirety and replace with the following:

"10. That the Developer shall pay its share of the cost of those services installed to date by others on Grassie Boulevard (approximately $89,000)."

D. Renumber the recommendations accordingly.

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

Mike O'Shaughnessy submitted a communication dated June 27, 2013 and two area maps in support of the amendment to Administrative Coordinating Group Recommendation at 444 Grassie Boulevard under File DASZ 34/2010.

Gord Steeves submitted a communication dated July 3, 2013 with respect to the amendment to the Administrative Coordinating Group Recommendation at 444 Grassie Boulevard under File DASZ 34/2010.

On June 27, 2013, in accordance with Rule 8(6) of The Procedure By-law No. 50/2007, the Special Meeting of the East Kildonan-Transcona Community Committee scheduled to be held on that day at 5:30 p.m. stood adjourned, due to lack of a quorum.

ADMINISTRATIVE REPORT

Title: **Amendment to Administrative Coordinating Group Recommendation – 444 Grassie Boulevard – DASZ 34/2010**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
Marc Pittet	Barry Thorgrimson	N/A	N/A

RECOMMENDATIONS

That the Developers request be denied.

REASON FOR THE REPORT

Council authority is required to amend Council's instructions.

IMPLICATIONS OF THE RECOMMENDATIONS

Council's May 25, 2011 Decision requiring the developer to pay for fronting services in Grassie Boulevard under DASZ 34/2010 will be upheld. This is consistent with the Developer Payback provisions in the City's Development Agreement Parameters

HISTORY

On May 25, 2011 Council approved Minute 363, the subdivision and rezoning of 444 Grassie Boulevard under File DASZ 34/2010 to create new lots fronting Williamson Crescent and Grassie Boulevard, see Appendix "A" sketch. The conditions of approval included a requirement for the Developer to enter into a Development Agreement with the City in accordance with the City's Administrative Coordinating Group (ACG) report dated December 31, 2010 as amended by Council. The ACG report, amongst other things, contained the following provisions;

"1. The Developer shall, at no expense to the City, construct all watermains, wastewater sewers and land drainage sewers in ~~Grassie Boulevard and~~ Williamson Crescent from ~~their~~ (its) existing ~~termini~~ (terminus) to the east limit of the proposed subdivision. This shall include a looped watermain connection at the east end of the development.
(Strikethroughs and Brackets = amended by Council)

10. ~~The Developer shall, at no expense to the City, finance and construct in Grassie Boulevard between the existing terminus of the portland cement concrete pavement at Skowron Crescent and the east limit of the Planned Area abutting Grassie Boulevard a portland cement concrete pavement to a width as determined by the Director of Public Works by 200mm in thickness and all related works, including but not necessarily limited to sidewalks on both sides, ornamental street lighting, boulevard landscaping on both sides and any necessary land drainage works, all as determined by and to the satisfaction of the Director of Public Works.~~
(Strikethrough = amended by Council)

11. In the event that services (watermains, wastewater sewers, land drainage sewers, pavement, boulevards, sidewalks) fronting the subject property in Grassie Boulevard are installed by others, the Developer shall pay its share of the cost of those services. ~~in lieu of constructing them~~. *(Strikethrough = amended by Council)*."

On April 2, 2012 the Developer, Global Homes Ltd., received a Draft of the terms and Conditions of the Development Agreement, and in a letter dated May 27, 2013, attached Appendix "B", the Developer requested amendments to the draft Development Agreement, which, effectively translates to a request to delete clause 11 of Council's instructions, above, ie: to not pay for their share of services installed by others in Grassie Boulevard. It should be noted that requirements to build services in Grassie Boulevard clauses 1 and 10, above, were deleted by Council.

The following table identifies the services that have been installed, or will be installed by others in Grassie Boulevard fronting the subject property as development proceeds eastward, and also shows the Developer's obligatory payments (update to 2013 rates) required for reimbursement to the Developer of lands on the north side of Grassie Boulevard for the works that they have installed to date, or for services that will be installed in the future.

Payments for Lot 1, Block 1 (444 Grassie Boulevard)

i) Wastewater sewer 100 ft x $116.00/ft =	$11,600.00
ii) Land drainage sewer 43 ft x $40.00/ft =	1,720.00
iii) Watermain 100 ft x $93.00/ft =	9,300.00*
iv) Concrete pavement 100 ft x $290.48/ft =	29,048.00
v) Boulevard sod, trees 100 ft x $20.70/ft =	2,070.00
vi) Ornamental street lighting 100 ft x $9.40/ft =	940.00
vii) Sidewalk (high rate) 100 ft x $46.26/ft =	4,626.00
viii) G.S.T. (5%) on i) to vi) above =	2,965.20
TOTAL …….	**$62,269.20**

*It should be noted that the watermain has been added to the above costs as this service has been extended across Lot 1 by others.

Payments for Lot 2, Block 1 (Residual Lands)

i) Wastewater sewer 100 ft x $116.00/ft =	11,600.00
ii) Land drainage sewer 100 ft x $40.00/ft =	4,000.00
iii) Watermain 43 ft x $93.00/ft =	3999.00*
iv) Concrete pavement 100 ft x $290.48/ft =	29,048.00
v) Boulevard sod, trees 100 ft x $20.70/ft =	2,070.00
vi) Ornamental street lighting 100 ft x $9.40/ft =	940.00
vii) Sidewalk (high rate) 100 ft x $46.26/ft =	4,626.00
viii) G.S.T. (5%) on i) to vi) above =	2,814.15
TOTAL …….	**$59,097.15**

*It should be noted that the watermain has been added to the above costs as this service has been extended partly fronting Lot 2 by others; balance of watermain to be constructed by the Developer as part of this applications watermain looping requirements in accordance with submitted servicing drawings.

DISCUSSION:

In principle, developers are required to either build, or pay for their share of services that have been installed by others. In this case, North Grassie Properties Inc. has installed a full range of services across approximately three-quarters of the frontage of the planned area. The City is contractually obligated to recover costs on their behalf and reimburse them. The recoveries would come from this development application DASZ 34/2010, Global Homes Inc., who are the direct beneficiaries of these services installed by others.

It is therefore recommended that the Developer's request to delete the required payments be denied.

FINANCIAL IMPACT

There is no financial impact associated with this recommendation.

CONSULTATION

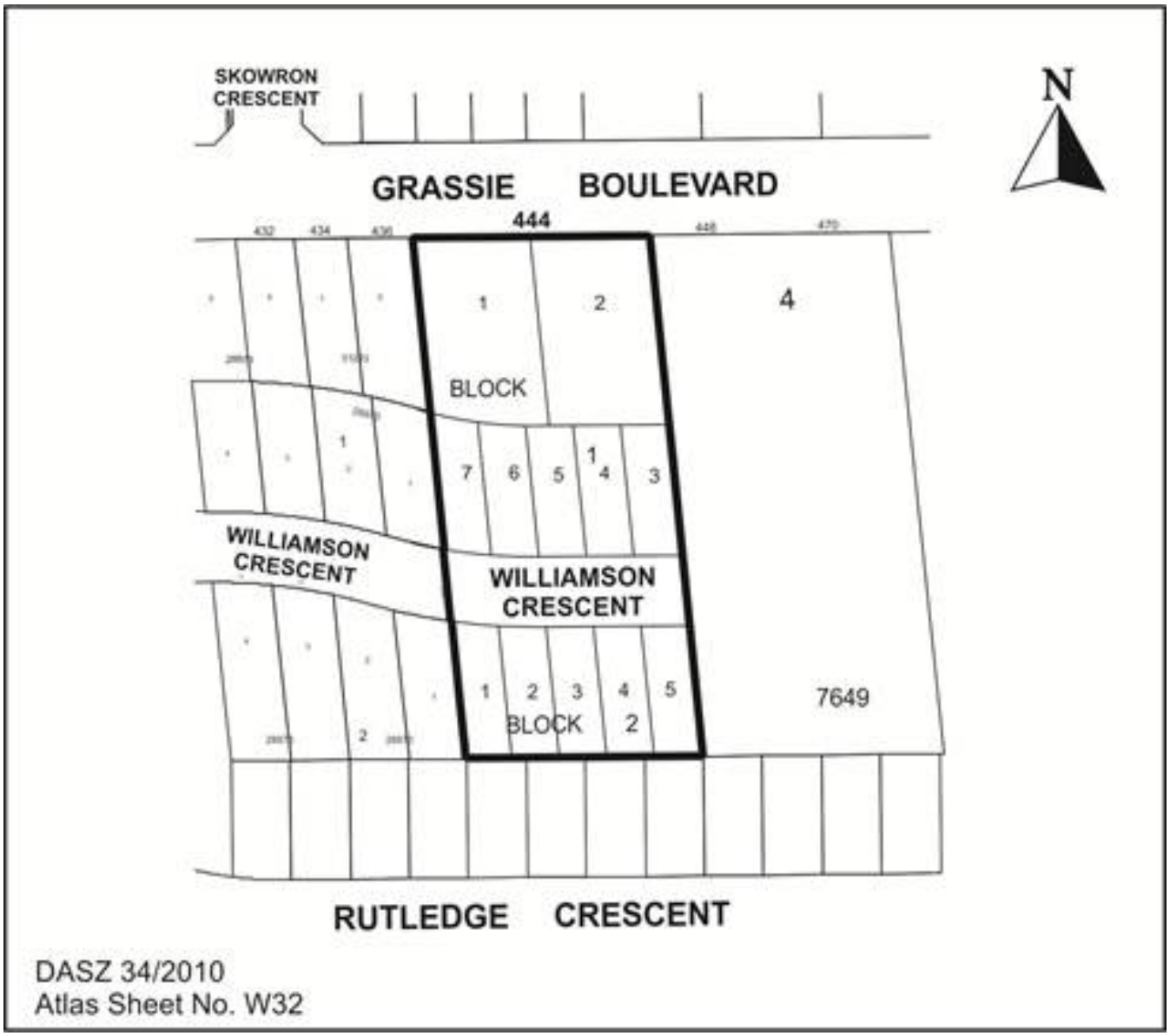
In preparing this Report there was consultation with:
n/a

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	Rob Deighton/Kim Raban, Land Development Branch
Date:	June 20, 2013
File No.	DASZ 34/2010 (AG 34/10)

Appendix “A” – Sketch showing proposed lots for DASZ 34/2010
Appendix “B” – Developer’s Request to amend DASZ 34/2010
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APPENDIX "A" – SKETCH SHOWING PROPOSED LOTS FOR DASZ 34/2010



APPENDIX "B" – DEVELOPER'S REQUEST LETTER

4713096 Manitoba Ltd.
230-1695 Henderson Hwy
Winnipeg, MB R2G 1P1
Ph: 204.339.2300
Fax: 204.339.8366

May 27, 2013

Kim Raban
The City of Winnipeg
Land Development Branch
Main Floor-65 Garry Street
Winnipeg, Manitoba
R3C 4K5

Dear Kim Raban:

RE: Amendment to the Development Agreement for plan 34/10

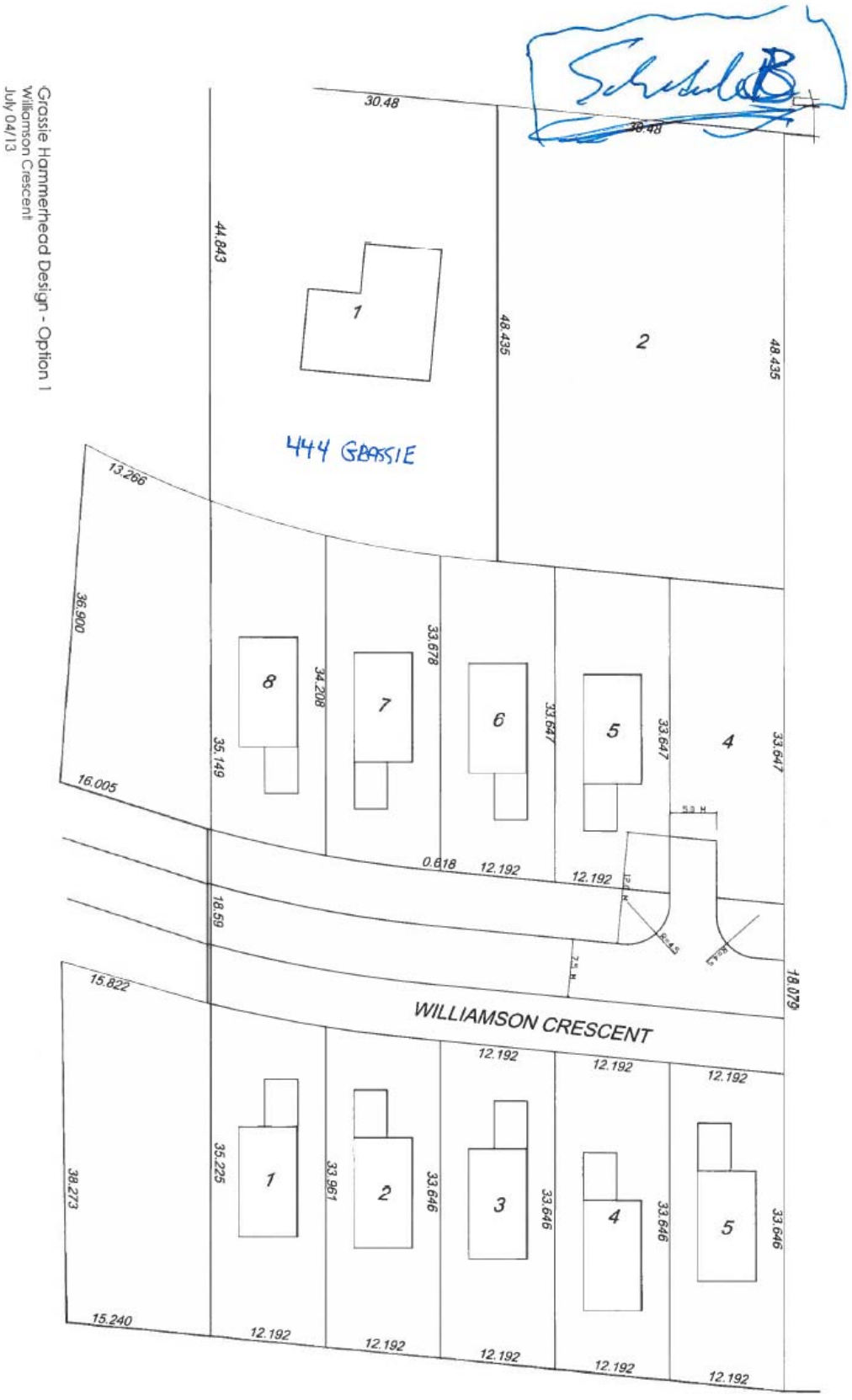
It is the intentions of 4713096 Manitoba Ltd to request that 8.e) is removed from the Development Agreement Draft. These fees refer to the frontage costs of the properties fronting Grassie Boulevard, please see the attached documents.

Sincerely,

Global Homes Ltd

Josh Smith

Land Development Project Manager


Schedule B
Grassie Hammerhead Design - Option 1
Williamson Crescent
July 04/13
444 GRASSIE
WILLIAMSON CRESCENT
30.48
44.843
48.435
13.266
36.900
16.005
35.149
34.208
33.678
33.647
33.647
33.647
0.618
12.192
12.192
18.59
18.079
15.822
38.273
15.240
35.225
33.961
33.646
33.646
33.646
33.646
12.192
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Schedule C
TOP GRADE CONSULTING
OPTION 1
CONCEPTUAL LOT PLAN
SK-01
ISSUED FOR REVIEW
GRASSIE BOULEVARD
WILLIAMSON CRESCENT
RUTLEDGE CRESCENT
OPTION 1
DASZ 34/10