Minute No. 352
Report – Standing Policy Committee on Property and Development – March 11, 2014

Item No. 4 **Amendment to Servicing Agreement Conditions – 311 Grassie Boulevard**
(Transcona Ward)
File DASZ 24/2011

COUNCIL DECISION:

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

1. That the December 14, 2011 Council decision adopting the subdivision and rezoning under File DASZ 24/2011, be amended by deleting condition B.12 under the Servicing Requirements and Payments, and replacing it with the following:

   "12. a) The Developer shall install and construct terminus landscaping works in accordance with the landscape plan approved by the East Kildonan-Transcona Community Committee on January 21, 2014 within the same construction season of surface works to be undertaken under the Servicing Agreement. The landscaping works shall include, but not limited to, maintaining the existing large boulders, extending the concrete sidewalk (1.5m wide x 100-mm-thick) adjacent to the rear lot line of 307 Grassie Boulevard, asphaltic concrete walkway, site grading, topsoil including sod, traffic bollards, and the planting of ten (10) trees.

   b) That upon completion of the approved landscaping works, to the satisfaction of and approval by the Director of Public Works, the City shall reimburse the Developer 50% of the cost of the works (estimated at $7,967.50), from the East Kildonan -Transcona Land Dedication Reserve.

   c) That in the event that all or a portion of the concrete sidewalk to be installed under the approved landscaping works adjacent to the rear lot line of 307 Grassie Boulevard is maintained to serve as a permanent sidewalk for future development on Jacques Avenue, the City will endeavor within the limits of its power to compensate the Developer proportionately as determined by the Director of Public Works."

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 March 19, 2014, 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 March 11, 2014, 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 February 18, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: **AMENDMENT TO SERVICING AGREEMENT CONDITIONS – 311 GRASSIE BOULEVARD – DASZ 24/2011**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	B. Thorgrimson		

RECOMMENDATIONS

1. That the December 14, 2011 Council Decision to add new Condition B.12 under Item 1, A, ii.) be amended by deleting new Condition B.12 and replacing as follows;

   "12. a) The Developer shall install and construct terminus landscaping works in accordance with the landscape plan approved by the East Kildonan-Transcona Community Committee on January 21, 2014 within the same construction season of surface works to be undertaken under the Servicing Agreement. The landscaping works shall include, but not limited to, maintaining the existing large boulders, extending the concrete sidewalk (1.5m wide x 100-mm-thick) adjacent to the rear lot line of 307 Grassie Boulevard, asphaltic concrete walkway, site grading, topsoil including sod, traffic bollards, and the planting of ten (10) trees.

   b) That upon completion of the approved landscaping works, to the satisfaction of and approval by the Director of Public Works, the City shall reimburse the Developer 50% of the cost of the works (estimated at $7,967.50), from the East Kildonan -Transcona Land Dedication Reserve.

   c) In the event that all or a portion of the concrete sidewalk to be installed under the approved landscaping works adjacent to the rear lot line of 307 Grassie Boulevard is maintained to serve as a permanent sidewalk for future development on Jacques Avenue, the City will endeavor within the limits of its

power to compensate the Developer proportionately as determined by the Director of Public Works. ”

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

REASON FOR THE REPORT

Council authority is required to amend Council’s instructions.

IMPLICATIONS OF THE RECOMMENDATIONS

Rather than pay for a portion of the terminus landscaping costs, the Developer will be obligated under terms of the Servicing Agreement to install and construct terminus landscaping with a proportionate (50%) reimbursement of the costs from the City upon satisfactory completion of the works.

HISTORY

On December 14, 2011, Council approved Minute 124, the subdivision and rezoning of 311 Grassie Boulevard under File DASZ 24/2011 to create new lots fronting Jacques Avenue and Grassie Boulevard, see Appendix “A” sketch. The conditions of approval included a requirement for the Developer to enter into a Servicing Agreement with the City in accordance with the City’s Administrative Coordinating Group (ACG) report dated September 12, 2011 as amended by Council. Council Decision contained the following new Condition B. 12 added to the ACG recommendation;

“12. That at the time of development of the lots fronting onto Jacques Avenue, the Developer shall pay 50% of the costs of the terminus landscaping requirements which would include emergency break-away bollards (landscape plan to be submitted to the East Kildonan – Transcona Community Committee for approval prior to the issuance of development permits).”

On January 21, 2014, the East Kildonan – Transcona Community Committee considered the Developers, 6651802 Manitoba Ltd., Attn: Mr. Dale Davis, terminus landscaping plan and approved it subject to, and amongst other things, that the Developer request an amendment to their required Servicing Agreement which would effectively require the Developer to complete the landscaping works during the same construction season as surface works to be completed under the Agreement and further provide for partial reimbursement (50%) of said works from City funding.

On January 28, 2014, the Developer requested an amendment to the required Servicing Agreement, see Appendix “B”, to complete the terminus landscaping works as approved by the East Kildonan – Transcona Community Committee, see attached Appendix “C”.

The Winnipeg Public Service has no objection to the Developer’s request.

FINANCIAL IMPACT

Financial Impact Statement **Date:** February 11, 2014

Project Name: **First Year of Program** **2014**

AMENDMENT TO SERVICING AGREEMENT CONDITIONS – 311 GRASSIE BOULEVARD – DASZ 24/2011

	2014	2015	2016	2017	2018
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	$ 7,968	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ 7,968	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	7,968	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: Direct costs consist of the reimbursement to the developer of 50% of the estimated cost of landscaping works. For the purposes of this analysis, these works are assumed to be completed in 2014. Funding for the reimbursment will be from the EKT Land Dedication Reserve Fund account.

"Original signed by"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this Report there was consultation with:

Public Works Department

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	Rob Deighton, P.Eng, Land Development Branch
Date:	February 11, 2014
File No.	DASZ 24/2011 (AG 24/11 - pending)

Appendix "A" – Sketch showing proposed lots for DASZ 24/2011
Appendix "B" – Developer's Request to amend DASZ 24/2011 Servicing Condition
Appendix "C" – Plan Approval- EKTCC – Western Terminus of Jacques Avenue – Approved Landscaping Drawing

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APPENDIX "A" – SKETCH SHOWING PROPOSED LOTS FOR DASZ 24/2011

By-Law No. _____

File No. **DASZ 24/11**

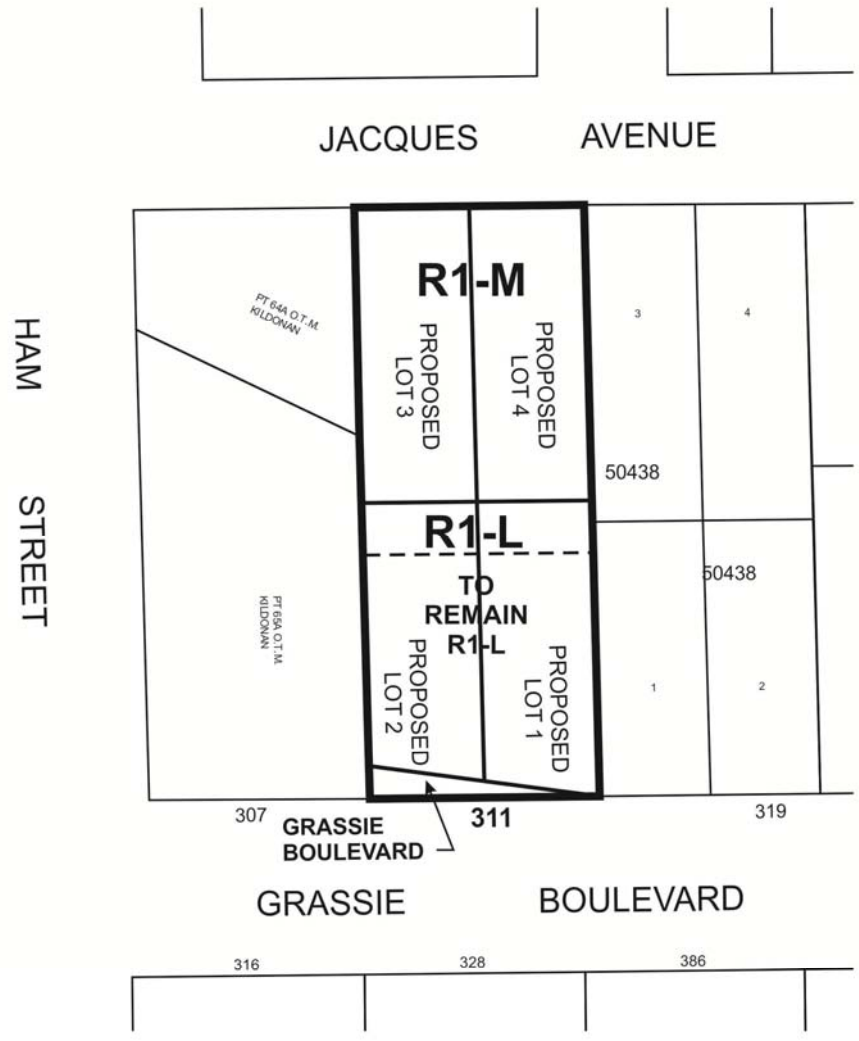
Atlas Sheet No. **W32**

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EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 311 Grassie Boulevard from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-L" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT and an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT to allow for the creation of lots for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – DEVELOPER'S REQUEST LETTER

To: Rob Deighton, P.Eng.
Land Development Coordinator, City of Winnipeg Jan 28,2014
Planning, Property and DevelopmentLand Development Branch
Main Floor – 65 Garry Street Winnipeg, Manitoba R3C 4K4
Hi Rob,
Pursuant to Plan Approvals for Terminus Landscaping for File AG 24/11 (DASZ 24/2011) – 311 Grassie Boulevard (EKTCC – Minute No.70, January 21, 2014), 6651802 Manitoba Ltd. would like to request an amendment to the required Servicing Agreement AG 24/11.
We request that conditions of Servicing Agreement AG 24/11 be amended to require the Developer to install the approved terminus landscaping (including maintaining the existing large boulders) within the same construction season of the surface works to be undertaken under the Agreement.
That upon completion of the works to the satisfaction and approval by the Public Works Department, the Developer be refunded 50% of the associated costs (estimated at approximately $7,967.50).
Please invoice us for the Amendment request and we will provide payment forthwith.
Please feel free to email me any questions.
Sincerely,
Dale Davis
President
6651802 Manitoba Ltd
Cc George Hacking, Jessica Manness

APPENDIX "C" – PLAN APPROVAL – EKTCC- WESTERN TERMINUS OF JACQUES AVENUE – APPROVED LANDSCAPING DRAWING

