**Minute No. 353**
**Report – Standing Policy Committee on Property and Development – March 11, 2014**

**Item No. 5** **Development Agreement Amendment - Subdivision and Rezoning at 50 Ridgecrest Avenue (Old Kildonan Ward) File DASZ 13/2012**

COUNCIL DECISION:

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

1. That amendments to Development Agreement AG 13/2012 be approved as contained in Schedule "B" to the report of the Administrative Coordinating Group dated February 7, 2014 attached hereto, with the following amendment:

   A. Amend Clause 4.a. by deleting "both sides" and substituting "one side"

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

**Report - Standing Policy Committee on Property and Development – March 11, 2014**

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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 18, 2014, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Amend Clause 4.a. by deleting “both sides” and substituting “one side”

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

# ADMINISTRATIVE REPORT

**Title:** **AMENDMENT TO DEVELOPMENT AGREEMENT - PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 50 RIDGECREST AVENUE – FILE DASZ 13/2012**

**Critical Path:** **LORD SELKIRK WEST KILDONAN 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

1. It is recommended that Council adopt the proposed amendments to Development Agreement AG 13/2012 as contained in Schedule “B” the report of the Administrative Coordinating Group dated February 7, 2014 attached hereto.

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 approval is required to amend conditions imposed on subdivision and rezoning applications by Council.

## IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with this recommendation will partially reinstate, at no expense to the City, the original administrative recommendations for works to be completed by the Developer in the Scotia Street.

## HISTORY

On September 27, 2012 Council considered the subject development application and recommended amongst other things;

A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated July 13, 2012 with the following amendments, namely:

i. Servicing Requirements and Payments

b. Delete Condition 2 in its entirety

***~~2. The Developer shall, at no expense to the City, construct portland cement concrete pavement to a width 7.5m and thickness of 150mm in Scotia Street from the existing terminus of the existing Scotia Street roadway near the south limit of the Planned Area to Ridgecrest Avenue, and all related works including, but not necessarily limited to asphalt transition to the existing Scotia Street roadway, sidewalks on both sides, boulevard landscaping, ornamental street lighting and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.~~***

and replace with the following:

***"2. The Developer shall, at no expense to the City, construct an active transportation pathway from Scotia Street to Ridgecrest Avenue within the Scotia Street extension right of way described in A. 1 above, all as determined by and to the satisfaction of the Director of Public Works."***

On January 28, 2014 Mr. Erik Dickson of Scatliff+Miller+Murray Inc. on behalf of River Ridge 2 Facility Inc. requested an amendment to Servicing Agreement AG 13/2012. See Appendix "C".

As generally illustrated in Appendix "A"; the proposed amendment effectively reinstates the above original condition 2. for approximately ½ of the length of the Scotia Street extension. The northerly ½ of the right of way will be improved with a reinforced concrete street pavement and sidewalk and related works and the southerly ½ of the right of way will be landscaped with sodding and trees and contain a 3.5 metre wide granular surfaced pedestrian pathway and asphalt vehicular turnaround.

The Committee is advised, as information, that the Developer was granted a $50,000 credit against his $101,501.60 land dedication payment obligation in consideration of enhanced landscaping to be established in the Scotia Street right of way extension. It is noted that the requested amendments described in the paragraph above will reduce the Developer's requirement to provide enhanced landscaping by approximately 50%. Committee may consider recommending a reduction to the $50,000 land dedication credit accordingly.

It is recommended that Council adopt the proposed amendments to Development Agreement AG 13/2012 as contained in Schedule "B" the report of the Administrative Coordinating Group dated February 7, 2014 attached hereto as Appendix "B".

## FINANCIAL IMPACT

There is no financial impact associated with this recommendation.

## 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: | K.T. Raban, P.Eng., Land Development Branch |
| Date: | February 7, 2014 |
| File No. | DASZ 13/2012 |

Attach.
Appendix "A" - Plan
Appendix "B" – Report of the Administrative Coordinating Group
Appendix "C" - Letter Request To Amend Servicing Agreement

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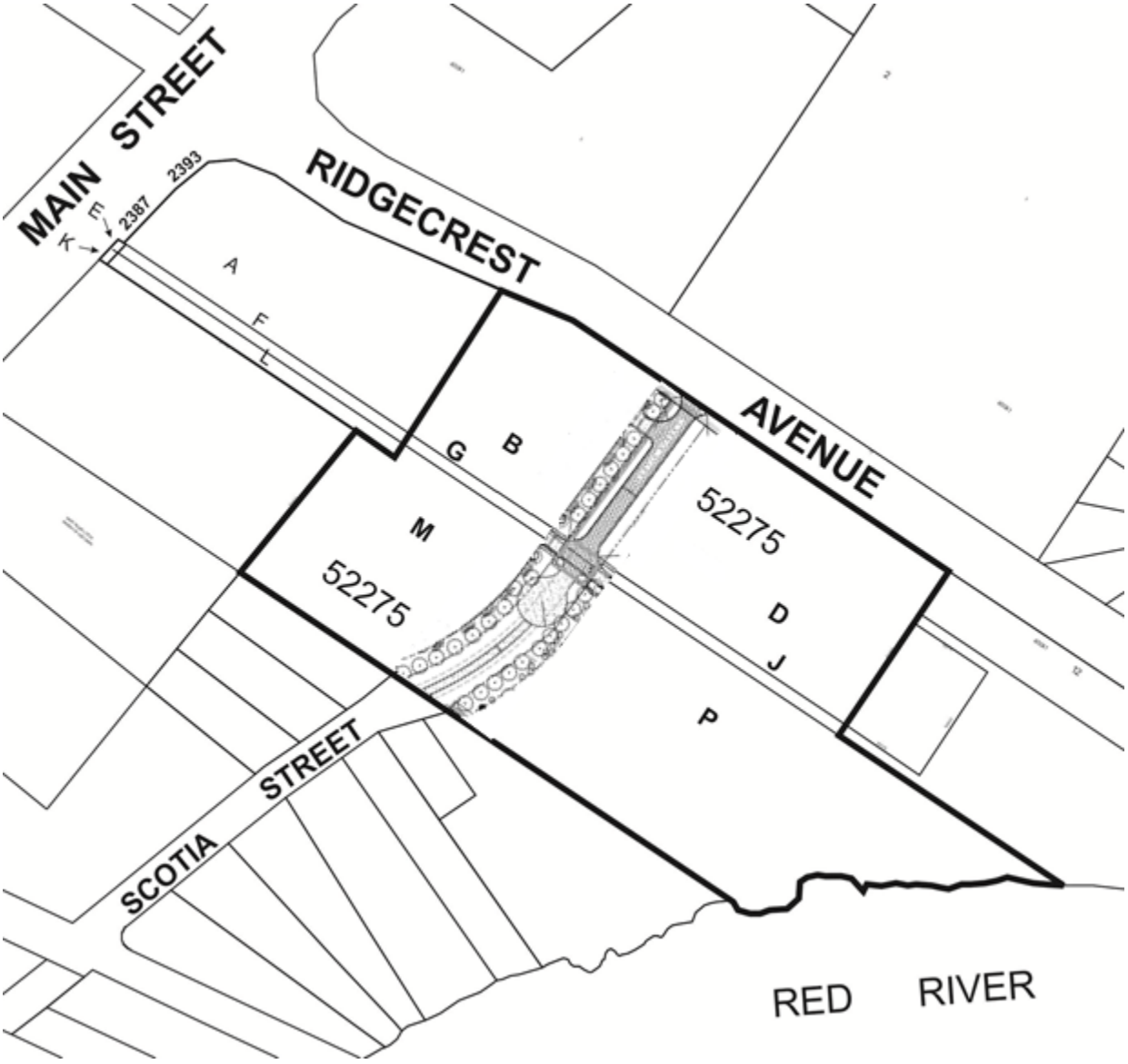
## APPENDIX "A" - PLAN



## APPENDIX "B" – REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

### SCHEDULE B

### REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – February 7, 2014

**RE: PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT AG 13/2012**

It is recommended that the items below be amended as follows:

SECTION I – SERVICING

**Add a new Clause 4. a. and renumber the remaining clauses to b. and c. and amend the new clauses b. and c. by striking out the words ~~Ridgecrest Avenue~~ in the third line of clause b. and adding those words shown in bold italictext:**

4. Scotia Street Right of Way

***a. The Developer shall, at no expense to the City, construct a portland cement concrete pavement to a width 7.5m and thickness of 150mm in Scotia Street from Ridgecrest Avenue to a point approximately 118 metres south, and all related works including, but not limited to an asphalt turnaround, sidewalks on both sides, boulevard landscaping, ornamental street lighting and land drainage sewer all to the satisfaction of the Director of Planning, Property and Development and the Director of Public Works.***

**b.** The Developer shall, at no expense to the City, construct a 3.5 metre wide granular surfaced pedestrian pathway, hereafter referred to as the Active Transportation Trail, connecting from Scotia Street to ***~~Ridgecrest Avenue~~ the southerly terminus of the pavement works described in a. above*** within the Scotia Street right-of-way extension ***and in Ridgecrest Avenue as previously required***. The section of pathway located within the Ridgecrest Avenue right-of-way shall be constructed of portland cement concrete to a thickness of 100 mm; all of the above as determined by and to the satisfaction of the Director of Public Works.

It is acknowledged that following a one year maintenance period for the pathway the on-going operation and maintenance of the Active Transportation Trail shall be the sole responsibility of the City of Winnipeg.

**c.** The Developer shall landscape ***that part of*** the Scotia Street Right of Way ***extension described in b. above*** including grade, level and sod and planting

trees all in accordance with site plan approvals for the Planned Area and all to the satisfaction of the Director of Planning, Property and Development and the Director of Public Works.

The City will credit $50,000.00 toward the cost of this work against the Developer's land dedication payment obligations.

**Add the following:**

**SCHEDULE "E"**

***That the Schedule "E" Agreement drawing in Development Agreement AG 13/2012 be replaced with a new Agreement Drawing incorporating those amendments described in Clause 4. above, all to the satisfaction of the Director of Public Works.***

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 13/2012
February 7, 2014

(Original Signed By)

K.T. Raban P. Eng.,
Land Development Branch

(Original Signed By)

C.J. Desjardine P. Eng.
Public Works Department, Transportation Division

(Original Signed By K. McKim for)

D. Beaton, MLArch
Parks, Riverbanks, & Community Initiatives Branch

KTR/ktr

## APPENDIX "C" - LETTER REQUEST TO AMEND SERVICING AGREEMENT

SCATLIFF + MILLER + MURRAY

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Mr. Kim Raban
Land Development Administrator
Planning, Property and Development Department
Main Floor - 65 Garry Street
Winnipeg MB R3C 4K4

January 28, 2014

Dear Kim,

**RE: Amendment to Servicing Agreement - DASZ 13/2012**

Please accept this letter as notice that our client River Ridge Facility 2 Inc., registered owner on the Current Status of Titles for Parcels B, G, and M Plan 52275 WLTO; and Parcels D, J, and P Plan 52275 WLTO would like to amend the existing Servicing Agreement for these properties.

The existing agreement states that the Developer shall construct a 3.5 metre wide granular surfaced pedestrian pathway connecting Scotia Street to Ridgecrest Avenue located within the Scotia Street right-of-way extension. The Developer wishes to amend this to state that they will construct a street pavement and related works in the Scotia Street right-of-way extension from Ridgecrest Avenue to approximately 118 metres south, including a temporary turnaround. The temporary turnaround will be constructed with asphalt. The Developer will also construct a 1.5 metre sidewalk on the west side of Scotia Street along the new roadway and will connect to the existing sidewalk on the north side of Ridgecrest Avenue. Finally the Developer will also construct a 3.5 metre granular surfaced pathway connecting the existing Scotia Street south of the property to the new extension of Scotia Street approximately 118 metres south of Ridgecrest Avenue.

Please review the above described proposed amendment and should you have any questions or need additional clarification please contact Erik Dickson at 927-3444 or edickson@scatliff.ca. We would be happy to provide conceptual drawings to the City to facilitate discussions should you require.

Sincere regards,

Erik Dickson
Scatliff+Miller+Murray Inc.

Enclosure