Minute No. 79
Report – Standing Policy Committee on Property and Development – November 25, 2014

Item No. 9 **Request to Amend Development Agreement Conditions for File DASZ 11/2011 (Transcona Ward)**

COUNCIL DECISION:

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

1. That the Council Decision of July 17, 2013, regarding timing for developer payback for off-site works be amended from five years to two years.

2. That the relevant clauses in the July 17, 2013 Council Decision regarding pavement in Ravelston Avenue West be amended to include and allow the Developer to construct a 7.5 metre wide pavement on Ravelston Avenue West instead of a 10.0 metre wide pavement and to include appropriate Developer payment clauses in the Agreement in the event that the works are constructed by others.

3. 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 – November 25, 2014

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 3, 2014, the Executive Policy Committee concurred in the recommendations 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 November 25, 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 September 18, 2014, the East Kildonan-Transcona Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development

ADMINISTRATIVE REPORT

Title: **REQUEST TO AMEND DEVELOPMENT AGREEMENT CONDITIONS FOR FILE DASZ 11/2011 (AG 11/11)**

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 Committee considers the Developer's request to amend Council's July 17, 2013 decision regarding timing for developer payback for off-site works from five years to two years.

2. That the relevant clauses in the July 17, 2013 Council Decision regarding pavement in Ravelston Avenue West be amended to include and allow the Developer to construct a 7.5 metre wide pavement on Ravelston Avenue West instead of a 10.0 metre wide pavement and to include appropriate Developer payment clauses in the Agreement in the event that the works are constructed by others.

3. 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

Recommendation 1. In the event that Committee concurs with the Developer's request, the relevant clauses in file DASZ 11/2011 (AG 11/11) will be amended and, Capital Budget funding approval will be required within two years of the completion of the said work to fulfill the City's contractual obligation for this developer payback.

Recommendation 2. No implications. This recommendation is consistent with Council's September 24, 2014 minute 784 under file DASZ 15/2013 (AG 15/13) which approved an amendment to allow Ravelston Avenue West to be constructed to a width of 7.5 metres instead of 10.0 metres since the road will not function as a permanent collector street.

HISTORY

On March 21, 2012, Council approved minute 297, the subdivision and rezoning of land located at 1326 and 1330 Ravelston Avenue West under file DASZ 11/2011 to allow for future residential development including the establishment of new public rights-of-way as shown on the sketch attached as Appendix "A".

On July 17, 2013, Council approved minute 543, several amendments to rezoning approvals under DASZ 11/2011 which approval, amongst other things, also amended certain servicing conditions required as part of the March 21, 2012 Council approvals.

Discussion: Recommendation 1

The Developer, North Grassie Properties Inc. represented by Susan Russell of McGowan Russell Group Inc., has requested that consideration be given to amend the July 17, 2013 Council approvals with respect to the timing of payback provisions for Developer installed off-site works by specifically shortening the City Capital Funding payback provisions from five (5) years to two (2) years following completion of the works. See attached correspondence dated October 24, 2014, Appendix "B".

Committee is advised that the Winnipeg Public Service have recommended to the 2015 Draft Capital Budget process that a Developer payback be made for this item in 2017. If the WPS recommendation is adopted into the 2015 Capital Budget, this request will be automatically satisfied.

Discussion: Recommendation 2

North Grassie Properties is required to construct a portion of Ravelston Avenue West, to the west of Peguis Street to a 10 metre wide collector standard. This requirement is duplicated in part, in Development Agreement AG 15/13, Waterside Development Corp. the developers of land on the north side of Ravelston Avenue.

On September 24, 2014 Council approved an amendment to Waterside's Agreement AG 15/13 to allow Ravelston Avenue West to be constructed to a width of 7.5 metres instead of 10.0 metres since the road will not function as a permanent collector street.

It is therefore recommended that the relevant clauses in DASZ 11/2011 (AG 11/11) be also amended to allow Ravelston Avenue West to be constructed to a width of 7.5 metres instead of 10.0 metres and further, that new clause(s) be added requiring North Grassie Properties to pay their proportionate share of the cost of these works in the event that the works are constructed by others.

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:	Rob Deighton, P.Eng, Land Development Branch
Date:	November 7, 2014
File No.	DASZ 11/2011 (AG 11/11)

Appendix “A” – Sketch showing DASZ 11/2011
Appendix “B” – Developer’s letter requesting amendment

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APPENDIX "A" – SKETCH SHOWING DASZ 11/2011

By-Law No. _____

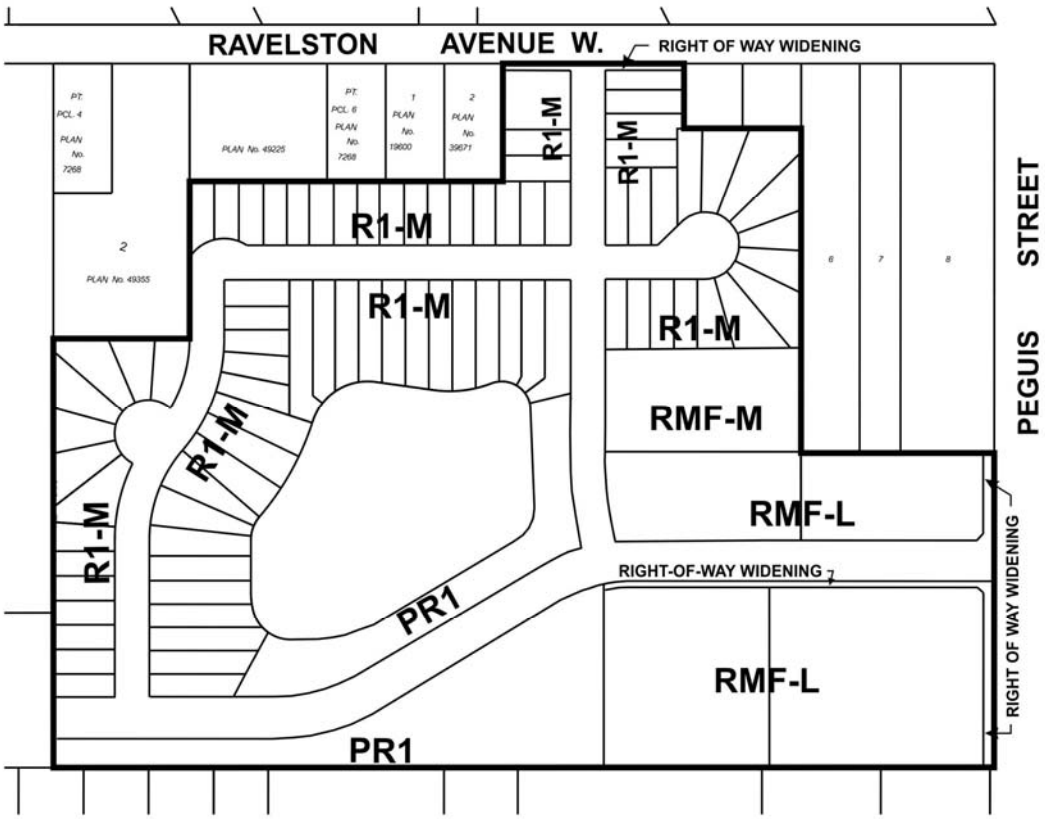
File No. **DASZ 11/11**

Atlas Sheet No. **Y31**

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 1326 & 1330 Ravelston Avenue West from an "RR5" RURAL RESIDENTIAL DISTRICT and an "R1-L" RESIDENTIAL SINGLE-FAMILY (Large) DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY (Medium) DISTRICT, an "RMF-M" & "RMF-L" RESIDENTIAL MULTI-FAMILY (Medium & Large) DISTRICTS and a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT to allow for future residential development including the establishment of new public rights-of-ways as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – DEVELOPER'S REQUEST LETTER



October 24, 2014

City of Winnipeg
Planning, Property and Development Department
Land Development, Geomatics & Land Information Services Division
Land Development Branch
65 Garry Street
Winnipeg, Manitoba R3C 4K4

Dear Mr. Deighton

RE: **DASZ 11/2011 – AMENDMENDS TO COUNCIL DECISION**

The Developer has been unable to arrange interim financing at its Bank based on a five (5) year payback and therefore is requesting that the payback period be reduced from five (5) years to two (2) years. The Developer has discussed this matter with the local Councillor and with City Staff and both have been supportive. We respectfully request the following amendments to the July 17, 2013 Council Decision as follows:

JULY 17, 2013 COUNCIL DECISION

1) **Council Decision, Item 2C**
That this clause be amended by replacing five years with two years to read as follows:
The City of Winnipeg will reimburse the Developer for the work done in excess of the Developers proportionate (as per the historical fronting obligations) share of said costs, and within two years of the completion of said work, including an interest rate agreeable to the City of Winnipeg, and to the satisfaction of the Director of Public Works".

2) **Council Decision, Item 2D**
That this clause be amended by replacing five years with two years to read as follows:
That within two years of the construction of Ravelston Avenue West, between Fiorentino and Peguis Street, and all associated works, the City of Winnipeg will reimburse the developer for works done in excess of the developer's proportionate (as per the historical fronting obligations) share of said costs, including an interestrate agreeable to the City of Winnipeg, and to the satisfaction of the Director of Public Works.

Strategic Planning • Landscape Architecture • Urban Design
825 St. Joseph Street Winnipeg, MB, R2H 3A8 • Telephone (204) 956-0396 • Fax (204) 956-1265 • info@mcgowanrussell.com
McGowan Russell Group Inc.

3) **Council Decision, Item 2F**
That this clause be amended by replacing five years with two years to read as follows:
That the Active Transportation (3.5m wide) pathway be built on the west side of Peguis Street from Ravelston Avenue West to Regent Avenue West concurrent with construction of the two westerly (southbound) lanes of Peguis Street from Ravelston Avenue West to Regent Avenue West, including the installation of nonsignalized pedestrian crossings for said AT corridor at Ravelston Avenue West, El Tassi Drive, and Almey Avenue, and that the City of Winnipeg will reimburse the Developer for the work done in excess of the Developers proportionate (as per the historical fronting obligations) share of said costs, and within two years of the completion of said work, including an interest rate agreeable to the City of Winnipeg, and to the satisfaction of the Director of Public Works.

Please call should you have any questions or require additional information.

Thank you

MCGOWAN RUSSELL GROUP INC.

S. Russell

Susan Russell, M.A.L.A., C.S.L.A.
President