Minute No. 83
Report – Standing Policy Committee on Property and Development – November 25, 2014

Item No. 13 **Amendment to Servicing Agreement AG 233/2007 – Cornerstone Housing Corp. 1865 Gateway Road (North Kildonan Ward) File DAZ 223/2007**

COUNCIL DECISION:

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

1. That the amendments to Servicing Agreement AG 223/2007 as contained in Schedule "B" the report of the Administrative Coordinating Group dated September 3, 2014 attached hereto, be approved.

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 – 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 16, 2014, the East Kildonan-Transcona Community 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 SERVICING AGREEMENT AG 223/07- CORNERSTONE HOUSING CORP. 1865 GATEWAY ROAD – FILE DAZ 223/2007**

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

1. It is recommended that Council adopt the proposed amendments to Servicing Agreement AG 223/07 as contained in Schedule “B” the report of the Administrative Coordinating Group dated September 3, 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 rezoning applications adopted by Council.

IMPLICATIONS OF THE RECOMMENDATIONS

1. Knowles Avenue will be upgraded to an urban cross section from Gateway Road easterly approximately 100 metres.
2. The proponents will be eligible to apply for a private approach permit to access their property from Knowles Avenue.

HISTORY

The subject property was created under development application DAZ 223/2007 in 2008, and was subsequently subdivided into two phases by development application DASSF 507/2013. Phase 1 is complete and building construction is currently underway on phase 2.

The land is subject to the terms and conditions of Servicing Agreement AG 223/07 which, amongst other things, restricts access to the subject property to Gateway Road. No access is permitted from Knowles Avenue.

On September 2, 2014, The Cornerstone Housing Corp. requested an amendment to the Servicing Agreement to delete the following sentence from Schedule "C", Clause 3, namely; **"Access to the Planned Area shall be from this new pavement in Gateway Road."** Deleting this sentence would allow the applicant to apply for a private approach permit to access their phase 2 parking garage from Knowles Avenue.

The Winnipeg Public Service supports this request subject to Cornerstone Housing Corp. fulfilling the obligations to upgrade Knowles Avenue abutting their property as described in the report of the Administrative Coordinating Group attached hereto as Schedule "B".

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: K.T. Raban, P.Eng., Land Development Branch
Date: September 3, 2014
File No. DAZ 223/2007 (AG 223/07)

Attachments:
Schedule “A” – Planned Area
Schedule “B” – Report of the Administrative Coordinating Group
Schedule “C” - Letter Request to Amend Servicing Agreement

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SCHEDULE "A" - PLANNED AREA



SCHEDULE "B" – REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

SCHEDULE B

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – September 3, 2014

RE: PROPOSED AMENDMENT TO DEVELOPMENT AGREEMENT AG 223/2007

It is recommended that Servicing Agreement AG 223/07 be amended by deleting Schedule "C" Clause 3. in its entirety and replacing it with a new Clause 3., and appending a new Schedule "E–1" Agreement Drawing, as follows:

3. Roadway Improvements

a) Extending Gateway Road North

The Developer shall construct in Gateway Road, from Knowles Avenue north for a length equivalent to the Developer's share of these services based on the Local Improvement rates in effect at the time, a 10-m-wide by 200-mm-thick portland cement concrete pavement, complete with land drainage sewer, a 1.5-m-wide by 100-mm-thick portland cement concrete sidewalk in the east boulevard, landscaping in the east boulevard, and ornamental street lighting, all as determined by, and to the satisfaction of, the Director of Public Works.

The Developer's share of these services is based on the effective length of the Developer's property fronting Gateway Road, calculated as follows:

612.5 ft frontage – 6.0 ft Knowles Avenue widening – 120.0 ft flankage allowance = 486.5 ft

For construction in 2009, the length of Gateway Road to be paved shall be the length that can be constructed for $174,084.30, calculated as follows:

Concrete pavement	486.5 ft x $290.48/ft =	$141,318.52
Concrete sidewalk (low rate)	486.5 ft x $9.48/ft =	4,612.02
Ornamental street lighting	486.5 ft x $9.40/ft =	4,573.10
Land drainage sewer	486.5 ft x $40.00/ft =	19,460.00
Boulevard sodding (10.5 ft)	486.5 ft x $8.47/ft =	4,120.66
		$174,084.30

b) Knowles Avenue Improvements

Prior to the issuance of a private approach permit, the Developer shall, at no expense to the City, construct the following improvements in Knowles Avenue along the length of the subject property abutting Knowles Avenue.

i. A portland cement concrete pavement urban cross-section roadway to a width of 7.5m wide x 150mm thick and all related works;

ii. A portland cement concrete sidewalk 1.5m wide x 100mm thick in the north boulevard; and

iii. Boulevard landscaping (sod - both sides);

all to the satisfaction of the Director of Public Works.

SCHEDULE "E-1"

The Developer shall, at no cost to the City, submit a Schedule "E-1" Agreement drawing incorporating those amendments described in Clause 3. b) above to be appended to Servicing Agreement AG 223/07.

In the event that the above-described works are installed by others, the Developer shall pay its share of the cost of those works in lieu of constructing them, all as determined by, and to the satisfaction of the Director of Public Works. In which case, a Schedule "E-1" Agreement Drawing shall not be required.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DAZ 223/2007

"Original Signed by K.T. Raban, P.Eng."

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

"Original Signed by C.J. Desjardine, P.Eng."

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

KTR/ktr

SCHEDULE "C" - LETTER REQUEST TO AMEND SERVICING AGREEMENT

RECEIVED
SEP 03 2014

The CORNERSTONE HOUSING CORP.

The CORNERSTONE HOUSING (Phase II) CORP

The City of Winnipeg

Land Development Branch

Main Floor

65 Garry St.

Winnipeg, MB. R3C 4K4

September 2, 2014

Request to amend AG 223/07

Attention: Mr. Kim Raban

Further to our discussions of August 18, 2014, regarding an access to Knowles Ave. for the phase 2 garage, we are requesting herewith that the city amend AG 223/07, Schedule C, clause 3, by deleting "Access to the Planned Area shall be from this new pavement in Gateway Rd."

It is our understanding that in so amending, the city will require Cornerstone phase 2, at its expense, to upgrade Knowles Ave from Gateway Rd. east to the eastern limit of our property with paving, boulevard and sideway WALK acceptable to the city. As discussed, our neighbour to the south of Knowles, Mr. Lorne Kostynyk, is applying simultaneously to develop the south side of Knowles Avenue and we understand that approval of his application will be subject to similar conditions regarding paving, boulevard and sidewalk in Knowles Avenue. We recognize a synergy in moving forward together at this time so we can cost-share the street development works 50/50 to our mutual benefit.

Access for the phase 2 parking garage would then be onto the paved Knowles Ave. (Councillor Browaty strongly urged us to request Knowles access and we committed to him our best efforts to achieve same.)

For The Cornerstone Housing Corp.

President, Mr. Fred Algera

Secretary, Mr. Henry Bakker

For The Cornerstone Housing (Phase II) Corp.

President, Mr. Calvin Vaags

Secretary, Mr. Gerry Wyenberg