Minute No. 192
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

Item No. 8 **Amendment to Development Agreement Conditions AG 19/2014 (North Kildonan Ward)**
File DASZ 19/2014

COUNCIL DECISION:

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

1. That the approved Development Agreement conditions of file DASZ 19/2014 be amended to include a new condition for payment of existing regional infrastructure costs benefiting the Planned Area.

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, Heritage and Downtown Development – February 16, 2016

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 16, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 January 19, 2016, 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, Heritage and Downtown Development.

ADMINISTRATIVE REPORT

Title: **REQUEST TO AMEND DEVELOPMENT AGREEMENT CONDITIONS FOR FILE DASZ 19/2014 (AG 19/14)**

Critical Path: **East Kildonan-Transcona Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown Development → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
M. Pittet	J. Kiernan	N/A	N/A

RECOMMENDATIONS

1. That the approved Development Agreement conditions of file DASZ 19/2014 be amended to include a new condition for payment of existing regional infrastructure costs benefiting the Planned Area.

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.

EXECUTIVE SUMMARY

Regional infrastructure works were installed in the area bounded by Gateway Road, Devries Avenue, Bonner Avenue and the north City Limit under Development Agreements AG 20/04 and AG 45/04. The subject agreements contain clauses that require the City to endeavor to collect a proportionate share of the costs from other Developers in the area and reimburse the original developers. The lands being developed under file DASZ 19/2014 fall within these boundaries and should be subject to the above charges, however, provision for collecting these costs was overlooked in the Winnipeg Public Service Report going forward for DASZ 19/2014. The City and the Developer have been working collaboratively to correct this oversight, resulting in the Developer supporting this proposed amendment as evidenced by the attached letter (Appendix "B").

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the Agreement for Servicing (Development Agreement AG 19/14) would include a Clause to provide for the Developer to pay its share of the cost of existing regional infrastructure installed by others in the area to ensure consistency with existing service charges applied to developing lands within the immediate area. The City's related obligation to endeavor to collect under terms of Development Agreements with others for associated cost recoveries for these services would also be satisfied.

HISTORY

On May 18, 2005, Council approved DASZ 20/04 and DASZ 45/04 which developments, amongst other things, jointly included the construction of oversized pavement in Headmaster Row between Gateway Road and Lagimodiere Boulevard and works and improvements at the Headmaster Row/Lagimodiere Boulevard intersection. The associated Development Agreements require the City to endeavor to collect a proportionate share of the cost of infrastructure works installed by these Developers within lands developing in the area bounded by Gateway Road, Devries Avenue, Bonner Avenue and the north City Limits.

On January 28, 2015, Council approved Minute 149, the subdivision and rezoning of 741-765 Bonner Avenue under File DASZ 19/2014 to create 19 new lots fronting on an extension to Cindy Klassen Way. See Appendix "A" attached. 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 November 10, 2014 as amended by Council. The lands under DASZ 19/2014 are located within the boundaries of the above noted area. The Agreement has yet to be prepared as the City is awaiting information and servicing drawings from the Developer.

Following the January 28, 2015 approvals under application DASZ 19/2014 it was discovered that the November 10, 2014 ACG report overlooked provisions for payment for certain road work services installed by others as noted above. The Winnipeg Public Service and Developer have been working collaboratively to correct this oversight.

The following payment provision for existing services is necessary to address the above;

Regional Transportation Infrastructure

a) The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of improvements previously installed by others at and in the vicinity of the intersection of Headmaster Row and Lagimodiere Boulevard, as follows:

i)	1.615% x $1,217,896.05 =	$19,669.02
ii)	G.S.T. (5%) =	$893.45
	Total	**$20,652.47**

b) The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of the oversized pavement previously installed by others in Headmaster Row, as follows:

i) 1.615% x $568,721.37 =	$9,184.85
ii) G.S.T. (5%)	$459.24
Total	**$9,644.09**

The developer representative, McGowan Russell Group Inc., Attn: Susan Russell, President has provided the Bonner Residents Group's support for the proposed amendment. See Appendix "B" attached.

The Winnipeg Public Service supports this request as the provisions for payment as noted above are consistent with servicing conditions applied in the immediate area and satisfy the City's obligations under existing Development Agreements for recovery collections.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

In accordance with OurWinnipeg policies, intensification of land-uses through the development application process is supported when a full range of municipal services is provided. Installation of services pursuant to Development Agreements is necessary to align with those policies. The requested servicing charges are supported in fulfillment to standard development requirements and the Development Agreement Parameters.

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: December 18, 2015
File No. DASZ 19/14 (AG 19/14)

Appendix “A” – Sketch showing DASZ 19/2014 – Option 1
Appendix “B” – Letter of Support from Developers Representative

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APPENDIX "A" – SKETCH SHOWING DASZ 19/2014 – OPTION 1

By-Law No. _____

File No. **DASZ 19/14**

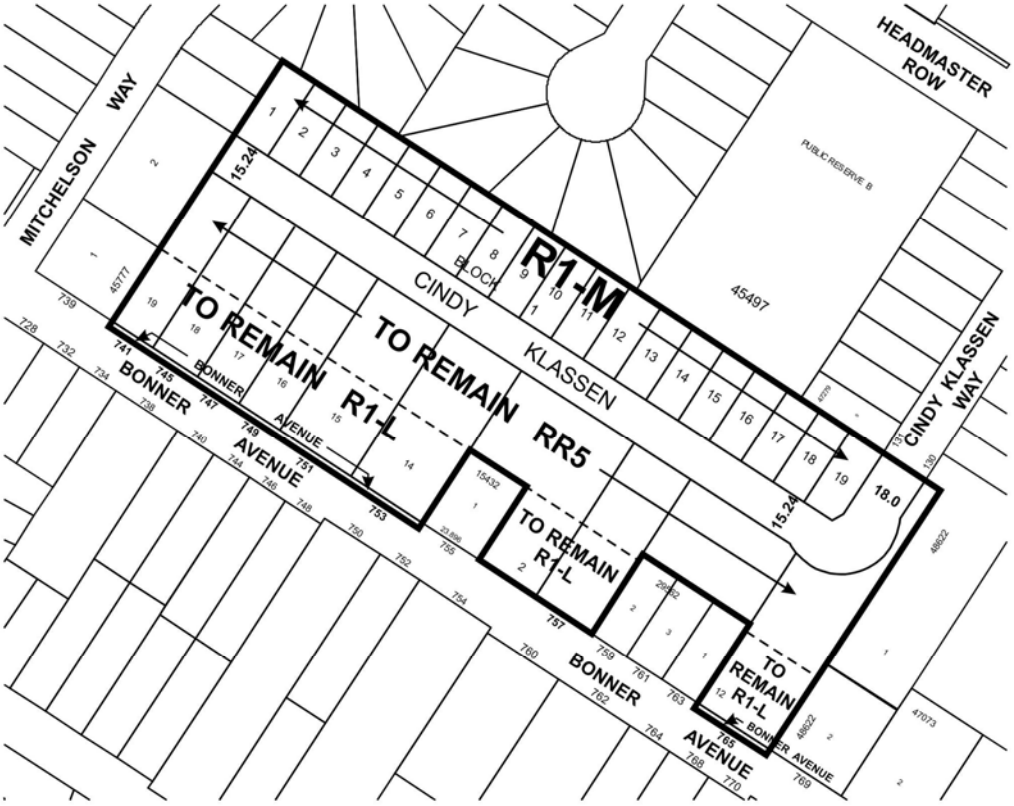
Atlas Sheet No. **U32**

N

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 741 – 765 Bonner Avenue from an "RR5" RURAL RESIDENTIAL 5 DISTRICT, to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to include the establishment of residential building lots and the Cindy Klassen Way right-of-way extension connecting to Mitchelson Way to allow for future residential development as shown outlined below.



OPTION 1

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – LETTER OF SUPPORT FROM DEVELOPERS REPRESENTATIVE

McGOWAN•RUSSELL

December 10, 2015

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

Attention: Mr. Kim Raban, Land Development Administrator

Dear Mr. Raban

RE: SUBDIVISION AND REZONING – 741 - 765 BONNER AVENUE
FILE DASZ 19/2014

On behalf of the Bonner Residents Group, McGowan Russell Group Inc. is writing to advise that the Bonner Residents Group support the Proposed Amendment of File DASZ 19/2014.

It is our understanding that the proposed amendment will include the following provision being added to Council approvals:

Regional Transportation Infrastructure

a) The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of improvements previously installed by others at and in the vicinity of the intersection of Headmaster Row and Lagimodiere Boulevard, as follows:

i)	1.615% x $1,217,896.05 =	$19,669.02
ii)	G.S.T. (5%) =	$893.45
	Total.....	**$20,652.47**

b) The Developer shall, prior to the release of the subdivision mylars for registration in the Land Titles Office, pay its share of the cost of the oversized pavement previously installed by others in Headmaster Row, as follows:

i)	1.615% x $568,721.37 =	$9,184.85
ii)	G.S.T. (5%)=	$459.24
	Total.....	**$9,644.09**

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

Thank you
MCGOWAN RUSSELL GROUP INC.

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

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McGowan Russell Group Inc.