**Minute No. 52**
**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016**

**Item No. 15 Development Agreement Amendment for File DASZ 30/2013 (Old Kildonan Ward)**
**File AG 30/2013**

COUNCIL DECISION:

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

1. That the Developer's request to amend Schedule "C" by deleting clause 11.1 under File DASZ 30/2013 be approved.

2. That the following Clause be added:

   A. That the Developer shall provide secondary access to the planned area to Jefferson Avenue as determined by and to the satisfaction of the Director of Public Works.

   B. That Jefferson Avenue be upgraded with asphalt pavement from King Edward Street to the access point of the development, as approved and to the satisfaction of the Director of Public Works.

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, Heritage and Downtown Development – November 8, 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 November 9, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 8, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, with the following amendment:

- Add the following new recommendation 2. B.:

    2. B. That Jefferson Avenue be upgraded with asphalt pavement from King Edward Street to the access point of the development, as approved and to the satisfaction of the Director of Public Works.

and submitted the matter to the Executive Policy Committee and Council.

On October 11, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter to its meeting on November 8, 2016.

On September 20, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid over the matter to its meeting on October 11, 2016.

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016**

DECISION MAKING PROCESS (continued):

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2016, the Lord Selkirk-West Kildonan Community Committee did not concur in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the Developer's request to amend Schedule "C" by deleting clause 11.1 under file DASZ 30/2013 be approved.

2. That the following Clause be added:

   "That the Developer shall provide secondary access to the planned area to Jefferson Avenue as determined by and to the satisfaction of the Director of Public Works."

# ADMINISTRATIVE REPORT

**Title:** **REQUEST TO AMEND DEVELOPMENT AGREEMENT FOR FILE DASZ 30/13 (AG 30/2013)**

**Critical Path:** **Lord Selkirk/West Kildonan 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 |

## RECOMMENDATION

1. That the Developer's request to amend Schedule "C" by deleting clause 11.1 approved under file DASZ 30/2013 be denied.

## REASON FOR THE REPORT

Council authority is required to amend Council's instructions.

## EXECUTIVE SUMMARY

The applicant is requesting that the following condition (clause 11.1, Schedule "C" be removed in its entirety from Development Agreement AG 30/13:

Restriction on Development on RMF-M Lands

*"The Developer agrees it will not apply for, and the City will not grant, any building permits for the lands in the Planned Area which are to be zoned "RMF-M" Residential Multi-Family (Medium) District, until Commercial Avenue, from King Edward Street to the future extension of*

*Hazelton Drive, is constructed as a collector road."*

The Winnipeg Public Service is opposed to removing this clause.

## IMPLICATIONS OF THE RECOMMENDATIONS

## HISTORY/DISCUSSION

On October 2, 2013, the Executive Policy Committee conducted a public hearing regarding subdivision and rezoning application DASZ 30/13 which pertained to lands located at the southwest corner of Jefferson Avenue and King Edward Street, presently referred to as Castlebury Meadows.

One issue discussed was with respect to the road network within and around the development site. Single access to the site is provided via King Edward Street as shown on the plan in Schedule "A". In addition, future secondary access would be provided from the south via Commercial Avenue. Although currently a gravel road, Commercial Avenue is proposed to be upgraded to a fully paved collector when Development along Commercial Avenue occurs. To date, there are no development applications along Commercial Avenue.

Because there is only one access to the site, the public service had recommended that the mid-east-west road traversing the site should be upgraded to a collector. This would serve to accommodate projected traffic volumes, as well as providing transit the opportunity to service the area prior to the future connection to Commercial Avenue.

In addition to upgrading the road from a residential to a collector width, the applicant would also be required to provide frontage roads as direct driveway access along collector roads would not be allowed. The applicant concluded that because of the overall site configuration providing a collector street and frontage roads would require a major change to his plans and therefore was opposed to this recommendation.

To address these concerns, the committee concluded that the amount of building within the development should be restricted until a secondary access is provided and Commercial Avenue is upgraded to a fully paved collector roadway. In addition, the applicant, although not required to construct Commercial Avenue, should pay a proportional cost to upgrade the pavement from a residential to a collector cross-section in the future.

The following clause was then added to the conditions to reflect the above;

*"The Developer agrees it will not apply for, and the City will not grant, any building permits for the lands in the Planned Area which are to be zoned "RMF-M" Residential Multi-Family (Medium) District, until Commercial Avenue, from King Edward Street to the future extension of*

*Hazelton Drive, is constructed as a collector road."*

This application then proceeded and was approved by council on November 20, 2013.

Development of the area is well underway and the Developer is now wishing to develop the multi-family lands impacted by the above noted clause. Because there are still no plans currently in place to upgrade Commercial Avenue, the Developer is requesting that the clause be deleted. The Public Service is concerned that by allowing development to advance without access to Commercial Avenue would have a detrimental effect on the operation of the roadway network within the development.

Therefore, It is recommended that the Developer's request to delete clause 11.1 Schedule "C" under file DASZ 30/2013 be denied.

## FINANCIAL IMPACT

N/A

## CONSULTATION

Public Works
Transit

## OURWINNIPEG POLICY ALIGNMENT

The subject property is identified as a New Communities Policy Area in Our Winnipeg/ Complete Communities. A more detailed analysis of our Winnipeg and Complete Communities policies relating to this development is included within the Precinct T Plan.

**SUBMITTED BY**

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Systems
Prepared by: G.V. Jasper, P. Eng, Land Development Branch
Date: September 5, 2016

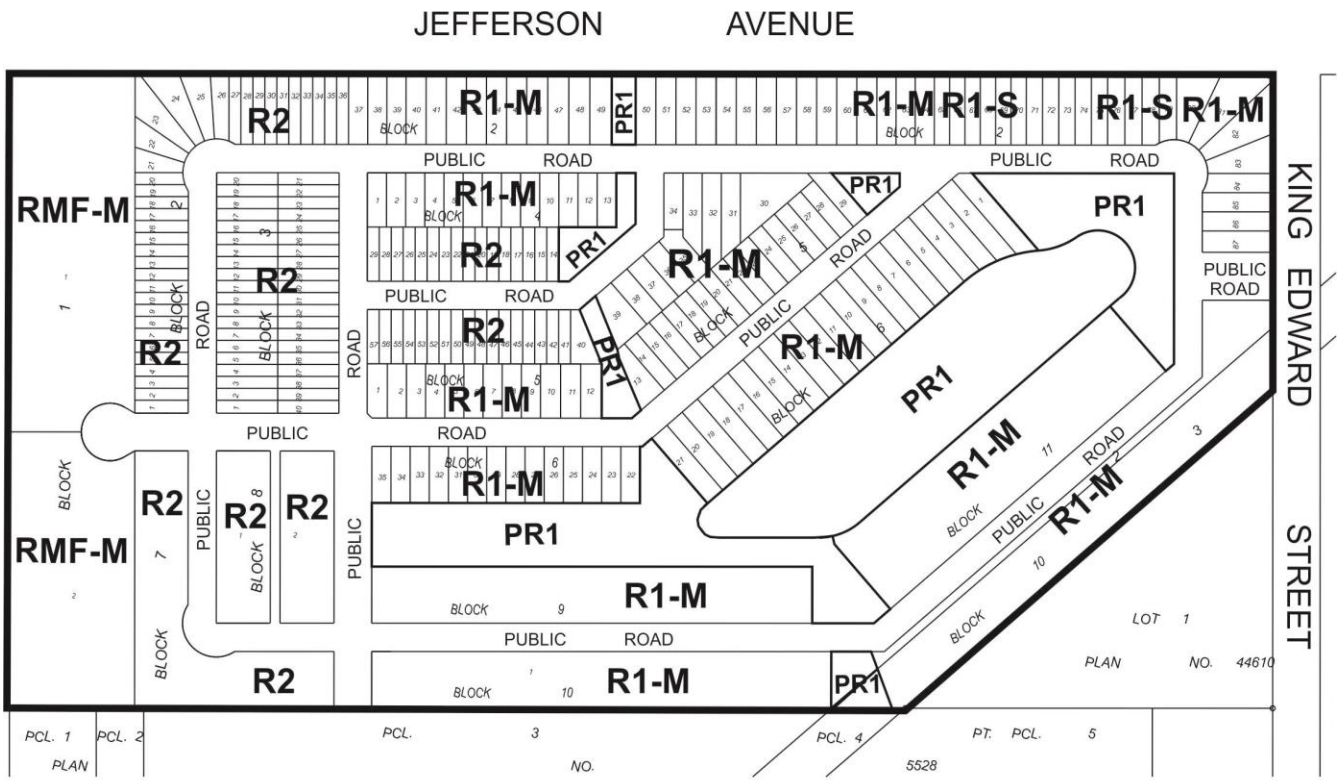
File No. AG / DASZ 30/2013

Appendix “A” – Schedule A – Plan approved for DASZ 30/2013
Appendix “B” – Developer request letter

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**APPENDIX "A" – SCHEDULE A – PLAN APPROVED FOR DASZ 3/2014**




DASZ 30/13 MAP 2

PROPOSED SUBDIVISION

N

**APPENDIX "B" – DEVELOPER REQUEST LETTER**