Minute No. 102
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 5, 2016

Item No. 6 **Development Agreement Amendment for File DASZ 39/2015 (Old Kildonan Ward)**
File AG 39/2015

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 request to replace the condition that the Developer provides and landscape a public reserve with the following new condition be approved:

    A. Delete and replace Clause 2A.i as follows:

        2A.i. The Developer shall provide a cash payment, prior to the approval of the development bylaw by council, representing 10% of the appraised value of the development application as determined by the Director of Planning, Property and Development.

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

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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 December 7, 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 December 5, 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 and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 15, 2016, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public 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 39/2015 (AG 39/15)**

DASZ FILE (AG 39/2015)

Critical Path: **Lord Selkirk-West Kildonan 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

RECOMMENDATION

That the request to replace the condition that the Developer provides and landscape a public reserve with the following new condition be approved:

Delete and replace Clause 2A.i as follows:

The Developer shall provide a cash payment, prior to the approval of the development bylaw by council, representing 10% of the appraised value of the development application as determined by the Director of Planning, Property and Development.

REASON FOR THE REPORT

Council authority is required to amend Council's instructions.

EXECUTIVE SUMMARY

The Developer is seeking to amend council instructions to allow the Developer to pay cash for land dedication in lieu of providing and landscaping a public reserve site in the Development.

IMPLICATIONS OF THE RECOMMENDATIONS

Approval of the recommendations would allow the Developer to finalize the Subdivision Plan and associated agreements.

HISTORY/DISCUSSION

On July 13, 2016 Council approved the subdivision and rezoning application for DASZ 39/2015 pertaining to land located at the Northwest intersection of King Edward Street and Inkster Boulevard as shown in Appendix "A".

One of the conditions of approval was for the Developer to provide for and landscape a public reserve site stated as follows:

"The Developer shall, in accordance with the Development Agreement parameters, dedicate and landscape a public reserve site at a location and configuration to be approved by the Lord Selkirk-West Kildonan Community Committee and all to the satisfaction of the Director of Property and Planning and the Director of Public Works."

After an extensive review of the site, the Developer has not been able to provide a park site that is suitable to all parties and therefore would like to provide the City with a cash in lieu dedication. This would allow the City to find a more suitable park site off site.

The applicant, Richard Wintrup and Associates, on behalf of the Developer has requested to delete the clause to provide and build the public reserve with a new clause that would allow the Developer to pay to the City cash in lieu dedication:

The Developer shall provide a cash payment representing 10% of the appraised value of the Development application, as determined by the City and prior to the release of the subdivision mylars by the city.

The administration has reviewed this request and recommends approval subject to the Developer providing a cash payment prior to the approval of the applicable development/zoning bylaw by council.

FINANCIAL IMPACT

N/A

CONSULTATION

Urban Design - Parks

OURWINNIPEG POLICY ALIGNMENT

The subject property will provide consistency with Our Winnipeg/ Complete Communities be enabling uses on the subject lands to be generally consistent with the General Manufacturing Policy Area Designation.

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: November 7, 2016

File No. AG / DASZ 39/2014

Appendix “A” – Plan approved for DASZ 39/2015
Appendix “B” – Developer request Letter

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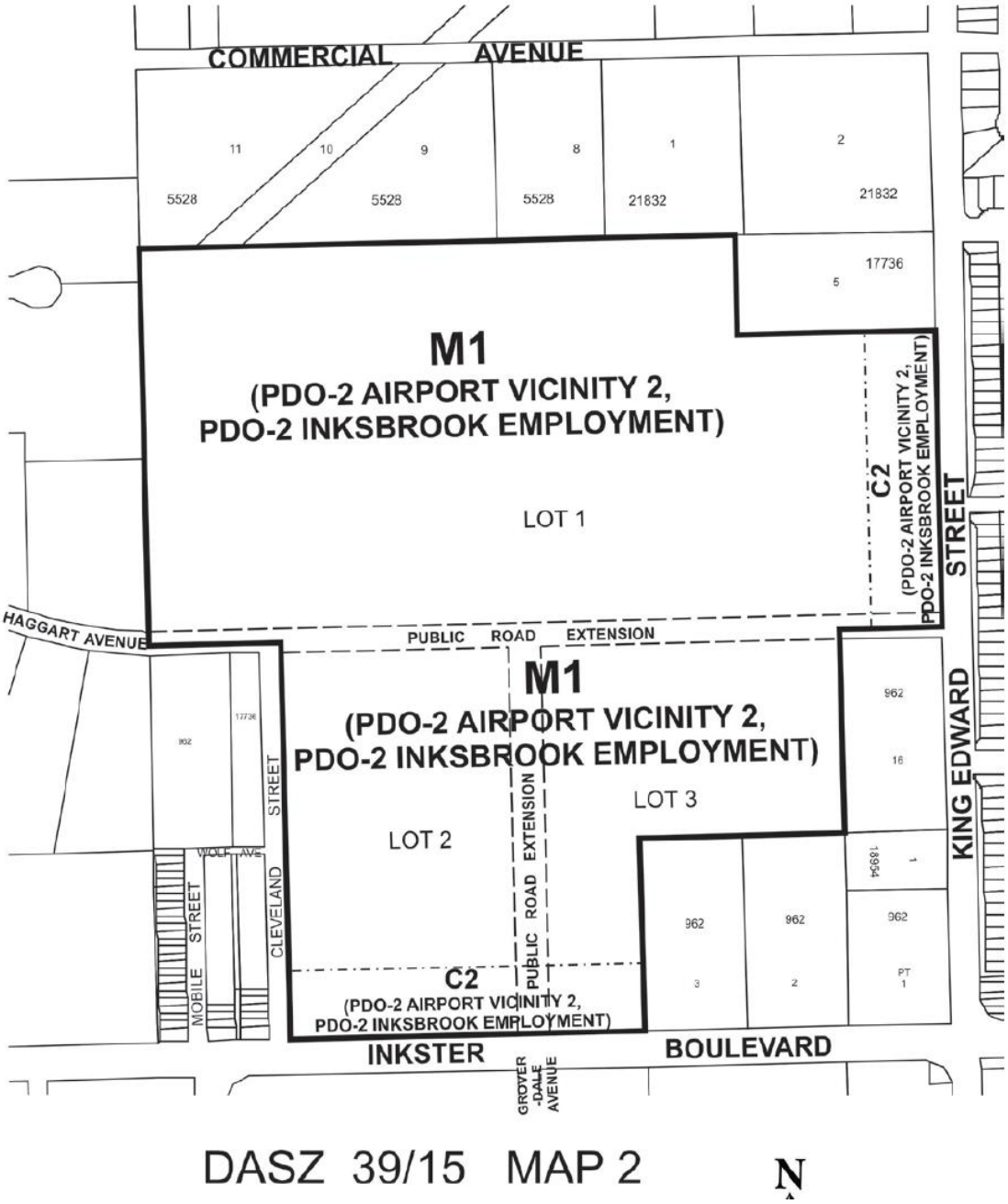
Filename: V:\DA Amendment Requests\AG 39-15 request to amend.doc

APPENDIX "A" – PLAN APPROVED FOR DASZ 39/2015



APPENDIX "B" – DEVELOPER REQUEST LETTER

RICHARD WINTRUP & ASSOCIATES

Greg Jasper, P.Eng

Land Development Branch

Land Development, Geomatics and Land Information Services Division

Planning, Property and Development Department

Main Floor - 65 Garry Street Winnipeg, Manitoba R3C 4K4

October 18, 2016

RE: DASZ 39/2015 NORTHWEST INTERSECTION OF KING EDWARD STREET AND INKSTER BOULEVARD

On July 13, 2016 Council approved DASZ 39/2015 subject to a number of conditions including: Condition 2.A.i.

> *The Developer shall, in accordance with the Development Agreement parameters, dedicate and landscape a public reserve site at a location and configuration to be approved by the Lord Selkirk- West Kildonan Community Committee and all to the satisfaction of the Director of Property and Planning and the Director of Public Works.*

We respectfully request Condition 2.A.i. be deleted and replaced with the following condition:

> *The Developer shall provide a cash payment representing 10% of the appraised value of the Development application, as determined by the City and prior to the release of subdivision mylars by the City."*

Yours truly,

John S. Wintrup, B.A. (Hons), M.Sc. Planning

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