Minute No. 426
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 8, 2018

Item No. 1 Development Agreements Amendment – File DASZ 9/2011 (AG 9/2011)
(St. Vital Ward)

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 seven (7) Development Agreements under File DASZ 9/2011 (AG 9/2011) be amended by deleting the following from the second paragraph of Clause 1 in Section II of Schedule "C", namely:

   "The value of the shortfall shall be used for the Developer to undertake improvements to the dedicated park, including trails or other works acceptable to and according to plans and specifications approved by the Riel Community Committee."

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 Pagtakhan,

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 June 13, 2018, 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 June 8, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 7, 2018, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, and forwarded to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

ADMINISTRATIVE REPORT

Title: Development Agreements Amendment - File DASZ 9/2011 (AG 9/2011)

Critical Path: Riel Community Committee - Standing Policy Committee on Property and Development, Heritage and Downtown Development - Executive Policy Committee - Council

AUTHORIZATION

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

EXECUTIVE SUMMARY

The Developer has submitted a request to amend Clause 1 in Section II of Schedule "C" within the Development Agreements for AG 9/2011, Phases 1 to 7 inclusive, by deleting the requirement for any excess cash in lieu of land dedication to be used for improvements within the dedicated park area. The cash in lieu of land dedication collected will be deposited in the Land Dedication Reserve Account in accordance with policy should this condition be deleted. The Winnipeg Public Service supports the Developers request.

RECOMMENDATIONS

1. That the seven (7) Development Agreements under File DASZ 9/2011 (AG 9/2011) be amended by deleting the following from the second paragraph of Clause 1 in Section II of Schedule "C", namely:

   "The value of the shortfall shall be used for the Developer to undertake improvements to the dedicated park, including trails or other works acceptable to and according to plans and specifications approved by the Riel Community Committee."

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 a Development Agreement.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the cash in lieu of land dedication collected will be deposited in the Land Dedication Reserve account.

HISTORY/DISCUSSION

On June 22, 2011, Council approved a subdivision and rezoning under File No. DASZ 9/2011 that allowed for a residential development in the southern part of River Park South. The lands were developed in seven phases with separate Development Agreements for each phase.

Pursuant to the above-referenced approval, the applicant was required to dedicate 10.08 acres of land for park purposes but only 1.21 acres of land was used leaving a shortfall of 8.87 acres. Clause 1 in Section II of Schedule "C" to the Development Agreements reads as follows:

1. Public Reserve Dedication

   The Developer shall dedicate to the City, as public reserve, at least 8% of the land contained within the Planned Area, and pay its share of the cost of services in streets abutting the dedicated land, all in accordance with City policy, and as determined by, and to the satisfaction of, the Director of Public Works and the Director of Planning, Property and Development. The public reserve configuration shall be almost entirely linear, completing the pathway network initiated within the development to the north.

   If, as expected, the Developer is unable to dedicate a full 8% of the land, the Developer shall dedicate the amount of land satisfactory to the Director of Public Works and the Director of Planning, Property and Development. The shortfall shall be valued by calculating the value of the difference between 8% of the land and the land actually dedicated the value of the servicing of the land not dedicated and the value of the landscaping of the land not dedicated. The value of the shortfall shall be used for the Developer to undertake improvements to the dedicated park, including trails or other works acceptable to and according to plans and specifications approved by the Riel Community Committee. The Developer acknowledges that it will not seek public reserve credit for reserve land created for noise attenuation berms.

The Developer has requested that the Development Agreements under File DASZ 9/2011 be amended to allow for payment of any remaining cash-in-lieu of land dedication to the City of Winnipeg rather than utilizing the funds for the construction of improvements. It should be noted that the Developer has already undertaken some improvements to the dedicated park and trails.

The Public Services supports this request.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

This neighbourhood development falls within the areas of Stability Policy Area of OurWinnipeg and Complete Communities – Recent Communities policy area.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Real Estate and Land Development
Prepared by:	G.V. Jasper, Land Development Administrator
Date:	April 30, 2018
File No:	V:\DA Amendment Requests\AG 9-11 Amendment Request – Land Dedication
Attachments:	Appendix “A” – Letter requesting amendment to DASZ 9/2011 Appendix “B” – Planned Area of DASZ 9/2011

APPENDIX "A" – LETTER REQUESTING AMENDMENT TO AG 9/2011

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LAND DEVELOPMENT

April 19, 2018

Greg Jasper
The City of Winnipeg
Planning, Property and Development
Main Floor, 65 Garry Street
Winnipeg, Manitoba
R3C 4K4

Dear Sir,

River Park South – AG 9/11, Phase 1 to 7
Development Agreement Amendment

Further to our recent discussions, please accept this letter as our application for a Development Agreement Amendment that will amend Schedule "C" – Special Terms, Section II – Land Acquisition and Dedication, Public Reserve Dedication clause contained within Development Agreement AG 9/11 for each of Phases 1 to 7, inclusive, to allow for payment of any remaining cash-in-lieu of improvements payable pursuant to each of the seven (7) Development Agreements to the City of Winnipeg rather than utilizing the funds for construction of improvements.

We have now undertaken improvements approved by the Riel Community Committee, and there is remaining cash-in-lieu of improvements payable pursuant to Development Agreement AG 9/11 for each of Phases 1 to 7.

Enclosed please find our cheque in the sum of $777.00, representing the fee of $740.00 plus $37.00 GST for this Development Agreement Amendment. If you have any questions or require additional information, please do not hesitate to contact us.

Yours truly,

RIVER PARK SOUTH DEVELOPMENTS INC.

Lyne B. Jones
Development Manager

Enclosure

APPENDIX "B" – PLANNED AREA WITHIN DASZ 8/2012

