**Minute No. 493**
**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 25, 2018**

**Item No. 4 Development Agreement Amendment**
**(River Heights – Fort Garry Ward)**
**File AG 11/2014 (DASZ 11/2014)**

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 Development Agreement under file DASZ 11/2014 ( AG 14/11) be amended by deleting Clause 15 j) in Section I of Schedule "C" , namely:

   "The Developer shall, at no expense to the City, construct a compacted granular trail on the west boulevard of Lanark Street adjacent to the Public Reserve area, as determined by and to the satisfaction of the Director of Public Works."

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 – June 25, 2018**

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 July 11, 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 25, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 12, 2018, the City Centre 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:** Development Agreement Amendment – DASZ 11/2014 (AG 11/2014)

**Critical Path:** City Center 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 Development Agreement AG 11/2014 by deleting Clause 15 j) in Section I of Schedule "C" requiring the Developer to install a granular trail on Lanark Street adjacent to the public reserve area.

The Winnipeg Public Service concurs with the Developers request to delete the clause in question.

## RECOMMENDATIONS

1. That the Development Agreement under file DASZ 11/2014 ( AG 14/11) be amended by deleting Clause 15 j) in Section I of Schedule "C" , namely:

   "The Developer shall, at no expense to the City, construct a compacted granular trail on the west boulevard of Lanark Street adjacent to the Public Reserve area, as determined by and to the satisfaction of the Director of Public Works."

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 a Development Agreement.

## IMPLICATIONS OF THE RECOMMENDATIONS

Deleting Clause 15J), Section I, Schedule ”C” will allow the Developer to continue with orderly residential development of the subdivision, under DASZ 14/2011.

## HISTORY/DISCUSSION

On April 9, 2014, a subdivision and rezoning application was made by 6745394 Manitoba Ltd. (Mr. Ryan Skrabyk) to allow for a residential development at the northwest corner of Grosvenor Avenue and Lanark Street.

On June 30th, 2014, the City Center Community Committee recommended approval of the plan, modified to include the creation of a buffer strip of public open space on the east side of the site (Lanark Street), in order to preserve a row of existing mature oak trees. In addition, the committee added the following clauses:

> *15.i. It is acknowledged that the anticipated under-dedication of Public Reserve land will be deemed to have been fulfilled by the developer's provision of fencing, pathways, and additional trees along the lanes, or other improvements as determined by and to the satisfaction of the Director of Public Works.*
>
> *15.j. The Developer shall, at no expense to the City construct a compacted granular trail on the west boulevard of Lanark Street adjacent to the Public Reserve area, as determined by and to the satisfaction of the Director of Public Works*

In supporting the application the community committee provided the following comments:

> *The pathway, in limestone with a wrought iron fence, will provide a nice corridor that will serve the public well. With the linear park and the trees, this is keeping with the neighbourhood the best we can.*

On July 16, 2014, Council concurred with the community committee's recommendations and approved the subdivision and rezoning application under File No. DASZ 11/2014.

Upon further review and evaluation, the public service felt that a sidewalk of any kind in this location could be detrimental to the health of the trees. The Park Strategic Planner, in consultation with other member of the public service, stated the following:

> *With the exception of two very short blocks (one at Academy and a half block one immediately north of the subject development) there are currently no sidewalks along the west side of Lanark. Given that the sole purpose of establishing public reserves along Lanark*

*under DASZ 11/14 was to preserve many significant and valued Oak trees, the Urban Forestry Branch had strongly urged that sidewalks not be proposed along the Lanark frontage. Their concern was the negative impact the construction of the sidewalks would have on the adjacent trees due to root damage from excavation and compaction from heavy equipment. During the public hearing process granular paths were suggested as a less intrusive alternative. However, even granular require excavation and the leaching from the lime is not ideal for tree health. Concurrently Streets is not supportive of granular paths in a boulevard so have proposed an alternative to ensure connectivity is maintained.*

Therefore, as a result of the concern regarding the impact of constructing the proposed sidewalk on the existing trees, the Public Service recommends concurrence with the applicant to delete the requirement to construct a sidewalk.

**FINANCIAL IMPACT**

N/A

**CONSULTATION**

Public Works, Forestry, Parks Planning

**OURWINNIPEG POLICY ALIGNMENT**

This development falls within the Sir John Franklin neighborhood and is designated as an area of stability.

**SUBMITTED BY**

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|---|---|
| Department: | Planning, Property and Development |
| Division: | Real Estate and Land Development |
| Prepared by: | G.V. Jasper, Land Development Administrator |
| Date: | April 6, 2018 |
| File No: | V:\DA Amendment Request\AG 11-14 Amendment Request – sidewalk deletion |
| Attachments: | Appendix “A” – planned Area of DASZ 11/ 2014 |

**APPENDIX "A" – Planned Area of DASZ 11/2014**

