Agenda – Council – June 24, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 8, 2021

Item No. 16 Development Agreement Amendment – File DASZ 39/2013 (AG 39/13) (Transcona Ward)

STANDING COMMITTEE RECOMMENDATION:

On June 16, 2021, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That Schedule C of Development Agreement AG 39/13 be amended as follows:

    A. Delete Clause 9.c, namely:

        c. 100% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicle actuation, and interconnection to adjacent traffic control signals and audible pedestrian signal at the intersection of Regent Avenue and Bienvenu Street.

    B. Add the following Clause 13.b. and renumber the remaining clause accordingly:

        b. The Developer shall, at no expense to the City, sod and plant trees on the South boulevard and medians of Transcona Boulevard from Plessis Road to the railway crossing west of Bienvenu Street, all in accordance with City specifications and guidelines where required.

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 8, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2021, 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 9, 2021, 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 May 26, 2021, 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: Development Agreement Amendment – File DASZ 39/2013 (AG 39/13)

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
G. Jasper			

EXECUTIVE SUMMARY

On February 26, 2014, Council approved the subdivision and rezoning of land located at 1500 Plessis Road, which allowed for the development and servicing of the Park City Commons Community.

Pursuant to the above-referenced approval, the Developer entered into a Development Agreement AG 39/13 with the City of Winnipeg. Clause 9 c) of AG 39/13 required the Developer to pay 100% of the cost of traffic control signals at the intersection of Regent Avenue and Bienvenu Street. The Public Works Department has subsequently determined that a traffic control signal is not warranted at the intersection.

The Developer has submitted a request to amend AG 39/13 to eliminate the payment requirement for traffic control signals at Regent Avenue and Bienvenu Street and replace with a condition allowing the Developer to install boulevard landscaping in the median and south boulevard on Transcona Boulevard, from Plessis Road to the railway crossing west of Bienvenu Street; the Public Service supports the request.

RECOMMENDATIONS

1. That Schedule C of Development Agreement AG 39/13 be amended as follows:

    A. Delete Clause 9.c, namely:

        c. 100% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicle actuation, and interconnection to adjacent traffic control signals and audible pedestrian signal at the intersection of Regent Avenue and Bienvenu Street

B. Add the following Clause 13.b. and renumber the remaining clause accordingly:

b. The Developer shall, at no expense to the City, sod and plant trees on the South boulevard and medians of Transcona Boulevard from Plessis Road to the railway crossing west of Bienvenu Street, all in accordance with City specifications and guidelines where required.

2. That the proper officers of the City by 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 Developer will construct and install boulevard landscaping in the median and south boulevard on Transcona Boulevard, from Plessis Road to the railway crossing west of Bienvenu Street, and be released from the obligation to pay for traffic control signals, and all related works, at the intersection of Regent Avenue and Bienvenu Street.

HISTORY/DISCUSSION

On February 26, 2014, Council approved the subdivision and rezoning of land located at 1500 Plessis Road, which allowed for the development and servicing of the Park City Commons Community.

As a condition of approval, the Developer was required to cover 100% of the costs associated with traffic control signals, and all related works, at the intersection of Regent Avenue and Bienvenu Street. The Public Works Department has reviewed the condition and determined that a traffic control signal is not warranted at the intersection.

Further, the Planning, Property and Development Department has determined that boulevard landscaping is required on the median and south boulevard on the expanded Transcona Boulevard which was not a condition of approval under AG 39/13. The Developer has expressed an interest in landscaping the area to improve the visual aesthetics adjacent to their development.

The City and Developer have agreed to provide boulevard landscaping in lieu of the referenced traffic control signals, which requires an amendment to AG 39/13.
The Public Service recommends approval of this request.

FINANCIAL IMPACT

N/A

CONSULTATION

This Report has been prepared in consultation with:

Public Works Department

OURWINNIPEG POLICY ALIGNMENT

N/A

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: D. Trenchard
Date: 2021-04-16
File No: DASZ 39/2013

Attachments: Appendix A – Letter request dated August 27,2020

APPENDIX A – LETTER REQUEST

EDGECORP GROUP
DEVELOPMENT DESIGN BUILDERS MANAGEMENT

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Winnipeg, MB R3X 2J9
Office: Unit 1-1480 Plessis Road
Winnipeg, MB R2C 5R5

August 27, 2020

City of Winnipeg
Planning, Property & Development Department
Zoning and Permits Branch
31-30 Fort Street
Winnipeg, Manitoba R3C 4X7

Attention Greg Jasper, Land Developer Engineer

RE AG 39/13 DASZ 39/13 Development Agreement Amendment Request

Further to our meeting on August 10, we are writing to request an amendment to the Development Agreement between The City of Winnipeg and EdgeCorp Development Ltd. regarding AG 39/13 DASZ 39/13. We reference Schedule C "Special Terms", Section 9 "Share of Traffic Control Signals", Paragraph "C" for the below requested change:

Delete:

> "c) 100% of the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation, and interconnection to adjacent traffic control signals and audible pedestrian signals at the intersection of the Regent Avenue and Bienvenue Street.
>
> when and as determined by and to the satisfaction of the Director of Public Works.
>
> ***The lands located along the north side of Transcona Boulevard are responsible for 50% of the cost to modify and/or install traffic signals as described in clauses 9a) and 9b) above.***
>
> ***The lands located along the north side of Transcona Boulevard are responsible for 34% of the cost to install traffic signals as described in clause 9c above."***

and replace with:

> "c) The Developer shall, at no expense to the City, sod and plant trees on the South boulevard and medians of the Kildare Avenue West extension from Plessis Road to the railway crossing West of Bienvenue Street, see attached drawing for reference, all in accordance with City specifications and guidelines where required.
>
> The Developer shall, at no expense to the City, maintain the boulevard sod for a period of one year and the boulevard trees for a period of two years, in accordance with specifications approved by the Director of Public Works.
>
> ***The lands located along the north side of Transcona Boulevard are responsible for 50% of the cost to modify and/or install traffic signals as described in clauses 9a) and 9b) above.***
>
> ***The lands located along the north side of Transcona Boulevard are responsible for 34% of the cost to install sod and trees as described in clause 9c above"***

We trust we have captured the essence of the agreement in our meeting, if not please advise.

EdgeCorp Developments Ltd.

By: _____
Keith Merkel, President

Park City Commons JV

By: _____
Keith Merkel, Managing Partner