Minute No. 170
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 17, 2022

Item No. 2 Development Agreement Amendment – File DASZ 10/2013 (AG 10/13) (Transcona 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 Development Agreement AG 10/13 be amended as follows:

   A. Add the following Clause 40 to Section I of Schedule C:

      40. Larry Vickar Drive East

         a. The Developer shall, at no expense to the City, supply and install barrier fencing between the existing (west) front and (east) rear pillars, including a 2.4 m (8 foot) wide, double gated access for maintenance; signage at the west and east limits of the public reserve advising of the alternate access path; naturalized plantings for the area enclosed by the fencing; and sod for the area between the boulevard and proposed west fence, within the Public Reserve located between 87 Larry Vickar Drive East and 95 Larry Vickar Drive East, as determined by and to the satisfaction of the Director of Public Works.

         b. The Developer shall, at no expense to the City, supply and install one bench within an asphalt bench node and all related works, adjacent to the Public Reserve described in clause a. above, flanking the Deep Pond multi-use pathway, to the satisfaction of the Director of Public Works.

   B. Delete Schedule G in its entirety, and replace with "Revised Schedule G" attached to this report as "Appendix B".

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 Gilroy,

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 January 19, 2022, 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 January 17, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendment:

- Delete recommendation 1 A. in its entirety and replace with the following:

    A. Add the following Clause 40 to Section I of Schedule C:

        40. <u>Larry Vickar Drive East</u>

            a. The Developer shall, at no expense to the City, supply and install barrier fencing between the existing (west) front and (east) rear pillars, including a 2.4 m (8 foot) wide, double gated access for maintenance; signage at the west and east limits of the public reserve advising of the alternate access path; naturalized plantings for the area enclosed by the fencing; and sod for the area between the boulevard and proposed west fence, within the Public Reserve located between 87 Larry Vickar Drive East and 95 Larry Vickar Drive East, as determined by and to the satisfaction of the Director of Public Works.

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STANDING COMMITTEE RECOMMENDATION:

DECISION MAKING HISTORY (continued):

b. The Developer shall, at no expense to the City, supply and install one bench within an asphalt bench node and all related works, adjacent to the Public Reserve described in clause a. above, flanking the Deep Pond multi-use pathway, to the satisfaction of the Director of Public Works.

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

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

On December 2, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid the matter over for 30 days.

On September 14, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development laid the matter over for 90 days.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 7, 2021, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Delete Recommendation 1.A. in its entirety and replace with the following:

  "1. That Development Agreement AG 10/13 be amended as follows:

    A. Add the following Clause 40 to Section I of Schedule C:

      40. Larry Vickar Drive East

      a. The Developer shall, at no expense to the City, construct and install naturalized plantings within the Public Reserve located between 87 Larry Vickar Drive East and 95 Larry Vickar Drive East, as determined by and to the satisfaction of the Director of Public Works.

      b. The Developer shall, at no expense to the City, supply and install (2) benches and all related works, within or adjacent to the Public Reserve described in clause a. above, with one located adjacent to Larry Vickar Drive East and the other located adjacent to the Deep Pond multi-use pathway, to the satisfaction of the Director of Public Works."

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 10/2013 (AG 10/13)

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 July 17, 2013, Council approved the subdivision and rezoning of land located at the southeast corner of Ravelston Avenue West and Peguis Street, which allowed for the development and servicing of the Devonshire Village Community.

Pursuant to the above-referenced approval, the Developer entered into a Development Agreement AG 10/13 with the City of Winnipeg. Schedule G of AG 10/13 required the Developer to construct a pathway connection between Larry Vickar Drive East and park pathway adjacent to the deep pond.

The Developer has submitted a request to amend AG 10/13 (Appendix A) to eliminate the pathway connection due to concerns with the existing grading in the area and adherence to universal design standards.

The Public Service has recommended approval of the request, subject to the Developer, at no expense to the City, consolidating the Public Reserve with the adjacent properties (as applicable) and constructing an alternative sidewalk connection at the southeast corner of Larry Vickar Drive East, as noted in Appendix B.

RECOMMENDATIONS

1. That Development Agreement AG 10/13 be amended as follows:

    A. Add the following Clause 40 to Section I of Schedule C:

        40. <u>Larry Vickar Drive East</u>

            a) The Developer shall, at no expense to the City, consolidate the Public Reserve area with the adjacent land owner(s), subject to the City Council

declaring the subject property “surplus”, as determined by and to the satisfaction of the Director of Planning, Property and Development.

b) The Developer shall submit to the City for approval, a lot grading plan for the consolidated lot(s), prepared by a municipal engineer, and shall construct all swales, catch basins, and leads necessitated by the approved lot grading plan, to the satisfaction of the Director of Water and Waste.

c) The Developer shall , at no expense to the City, provide easements considered necessary by the City with respect to the installation, construction, maintenance and replacement of swales, catch basins, and leads for drainage of the consolidated lot(s).

d) If City Council does not declare the Public Reserve as “surplus”, the Developer shall, at no expense to the City, construct the pathway within the Public Reserve as originally stipulated in AG 10/13.

B. Delete Schedule G in its entirety, and replace with “Revised Schedule G” attached to this report as “Appendix B”,

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 no longer be required to construct a pathway within the Public Reserve between Larry Vickar Drive East and the deep pond, subject to consolidation of the Public Reserve with the adjacent land owner(s) and construction of an alternate sidewalk connection at the southeast corner of Larry Vickar Drive East.

HISTORY/DISCUSSION

On July 17, 2013, Council approved the subdivision and rezoning of land located at the southeast corner of Ravelston Avenue West and Peguis Street, which allowed for the development and servicing of the Devonshire Village Community.

As a condition of approval, the Developer was required to dedicate Public Reserve land to the City and construct, at no expense to the City, a pathway connection from Larry Vickar Drive East to the park path adjacent to the deep pond.

The Developer has indicated that existing grades in the area do no allow for construction of the Public Walkway to universal design standards, and has proposed that the pathway connection be removed and replaced with an informal, low maintenance granular pathway and landscaping within the Public Reserve.

The Public Works Department has indicated that the City cannot accept a pathway connection (regardless of material) that does not conform to universal design standards. The Public Works Department has noted that construction of the pathway connection in this area would require the Developer to construct retaining walls adjacent to the existing residences and would require additional review by their Department to determine feasibility.

The Public Works Department is agreeable to removal of this pathway connection if a suitable alternative sidewalk connection is built at the southeast corner of Larry Vickar Drive East.

The Public Works Department does not wish to maintain ownership of the Public Reserve in this area if no pathway connection is built.

The Public Works Department recommends that the Developer's requested amendment be subject to the following conditions:

1. Add the following clause 40 to Section I of Schedule C under AG 10/13:

    40. <u>Larry Vickar Drive East</u>

    a) The Developer shall, at no expense to the City, consolidate the Public Reserve area with the adjacent land owner(s), subject to the City Council declaring the subject property "surplus", as determined by and to the satisfaction of the Director of Planning, Property and Development.

    b) The Developer shall submit to the City for approval, a lot grading plan for the consolidated lot(s), prepared by a municipal engineer, and shall construct all swales, catch basins, and leads necessitated by the approved lot grading plan, to the satisfaction of the Director of Water and Waste.

    c) The Developer shall , at no expense to the City, provide easements considered necessary by the City with respect to the installation, construction, maintenance and replacement of swales, catch basins, and leads for drainage of the consolidated lot(s).

    d) If City Council does not declare the Public Reserve as "surplus", the Developer shall, at no expense to the City, construct the pathway within the Public Reserve as originally stipulated in AG 10/13.

2. Delete "Schedule G" from AG 10/13 in its entirety and replace with "Revised Schedule G" attached as Appendix B to this report.

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 B – Revised Schedule G

APPENDIX A – LETTER REQUEST

GENSTAR
BRINGING LAND TO LIFE

Genstar Development Company
Winnipeg Region
320-530 Kenaston Boulevard
Winnipeg, Manitoba R3N 1Z4
Tel: (204) 488-6537
Fax: (204) 489-6918
Website: www.genstar.com

May 13, 2021

LETTER OF INTENT – AG 10/13 amendment

Applicant
Genstar Development Company (Marc Brown)
1371 Kenaston Blvd.
Winnipeg, MB R3P 2T5

Description of Application
This application is to amend the above noted Development Agreement to provide for a change to some of the sidewalk requirements as set out in the existing agreement. Proposed sidewalk and active transportation paths in Devonshire Village are shown on the attached maps forming part of this application. The proposed changes are as follows:

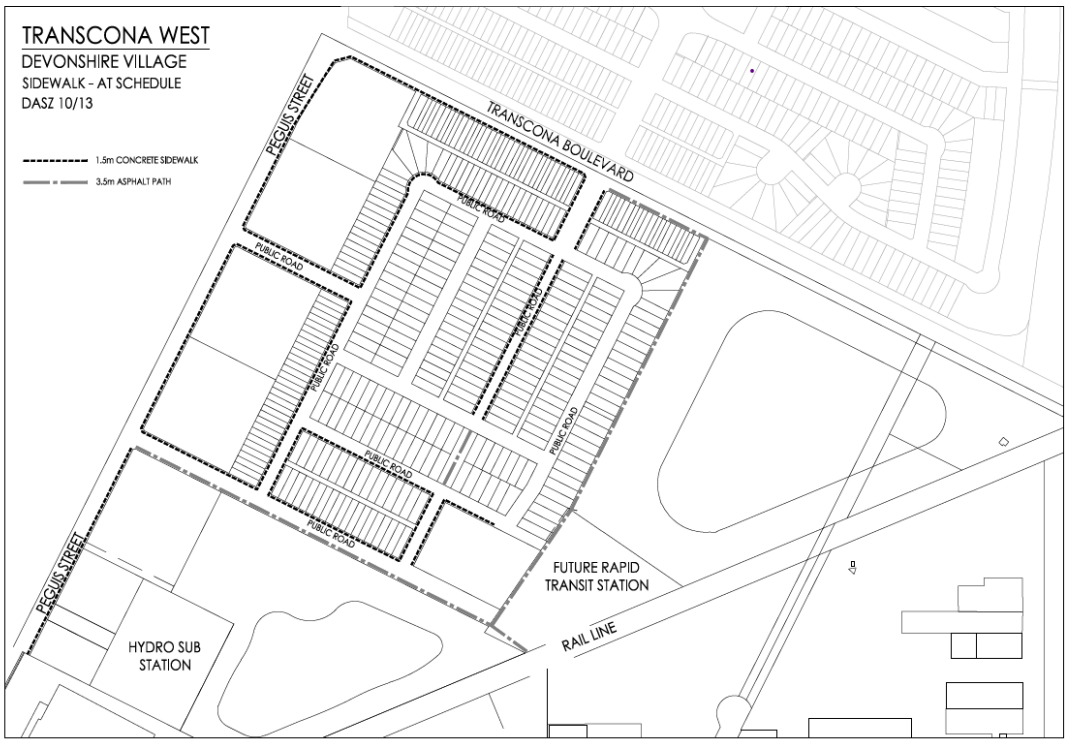
- Amend Schedule "G" to:
  Remove the requirement for a sidewalk connection from Larry Vickar Drive East to the Deep Pond AT pathway (as shown on the attached map).

Location and Legal Description
The affected area is located in West Transcona within Genstar's Devonshire Village (AG 10/13) community. The impacted sidewalk is fully within public road ROW or Public Reserve as shown on Plan 56595 WLTO

Comments
The objective of the proposed amendment is to delete the sidewalk connection from Larry Vickar Drive East to the deep pond AT pathway. This connection is redundant as there is east-west connection to the deep pond AT path along Transcona Boulevard to the north and Cal Gardner Drive to the south. This specific agreement provision was added by the City during the public hearing for DASZ 10/13 without opportunity to fully review the feasibility of the requirement in relation to site characteristics. The existing grades in the area do not make it reasonable or possible to construct the public walkway to universal design standards. As such, Genstar is proposing that the sidewalk be removed and replaced with an informal, low maintenance granular pathway. The surrounding public reserve area will be developed with low/no maintenance naturalized plantings and grasses, and landscaping boulders. The intent is to provide an informal and passive connection to the deep pond AT path while using design interventions to discourage unsafe travel.

GENSTAR DEVELOPMENT COMPANY

Marc Brown – Senior Development Manager, Genstar Development Company


TRANSCONA WEST
DEVONSHIRE VILLAGE
SIDEWALK - AT SCHEDULE
DASZ 10/13
1.5m CONCRETE SIDEWALK
3.5m ASPHALT PATH
PEGUIS STREET
TRANSCONA BOULEVARD
PUBLIC ROAD
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PEGUIS STREET
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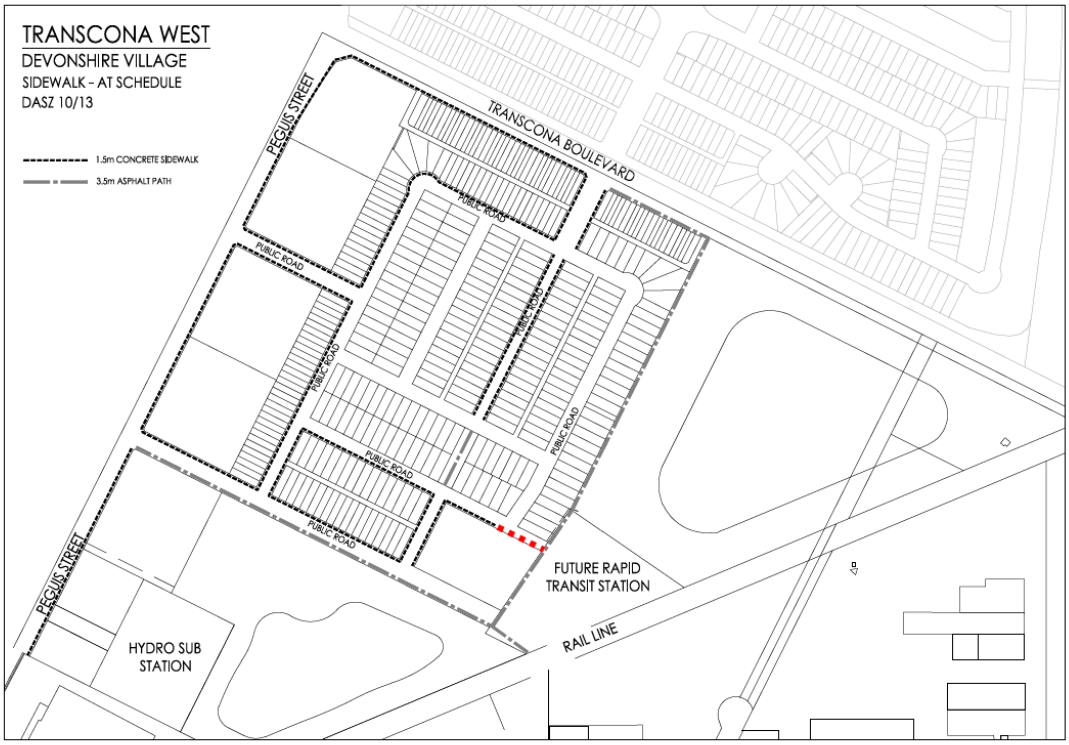
TRANSIT STATION
RAIL LINE
HYDRO SUB
STATION

SCHEDULE 'G'

APPENDIX B – REVISED SCHEDULE G



REVISED SCHEDULE G