Minute No. 171
Report – Standing Policy Committee on Property and Development – January 9, 2023

Item No. 5 **Amendment to Council Conditions for the Rezoning of Land Located at 662 St. Mary's Road**
(St. Vital Ward)
File DAZ 209/2019

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the Council conditions for the Rezoning under File DAZ 209/2019, be amended as follows:

   A. Delete Recommendation 3 in its entirety and replace with the following:

      "The Developer shall pay to the City, in cash, prior to the release of the Zoning Agreement for registration in the Winnipeg Land Titles Office, their share of the cost of the Portland cement concrete pavement, and all related works, for the full length of the Planned Area, as determined by and to the satisfaction of the Director of Public Works."

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

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DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 9, 2023, the Standing Policy Committee on Property and 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 January 3, 2023, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: Amendment to Council conditions for the Rezoning of land located at 662 St. Mary's Road – File DAZ 209/2019

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Trenchard	N/A	N/A	N/A

EXECUTIVE SUMMARY

A request was made by the applicant to amend Council conditions for the Rezoning under DAZ 209/2019. The request is to delete the recommendation requiring the Developer to enter into a servicing agreement to construct an asphalt lane pavement from Rosewarne Avenue and the north limit of 662 St. Mary's Road. The Public Service is agreeable to the Developer's request, subject to the Developer paying to the City, in cash, prior to the release of the zoning agreement for registration in the Winnipeg Land Titles Office.

RECOMMENDATIONS

1. Delete recommendation 3. in its entirety and replace with the following:

   The Developer shall pay to the City, in cash, prior to the release of the Zoning Agreement for registration in the Winnipeg Land Titles Office, their share of the cost of the Portland cement concrete pavement, and all related works, for the full length of the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

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 Council decision.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the Developer will be required to pay the City for their share of the cost of the concrete pavements, and all related works, to be installed under DASZ 13/2022. The City will then reimburse the Developer who installs the services.

HISTORY/DISCUSSION

On May 6, 2020, Council approved the rezoning of land located at 662 St. Mary's Road, which allowed for the development and servicing of the Planned Area.

As a condition of approval, the Developer was required to enter into a Servicing Agreement with the City to construct, at no expense to the City, concrete pavements and all related works in the Public Lane between Kingston Row and Rosewarne Avenue. The Servicing Agreement has never been executed by the Developer, who has advised that they were looking for alternative solutions as the servicing requirement stipulated by Council was not economically feasible for the proposed development.

On May 26, 2022, Council approved the rezoning of land located at 2 Kingston Row, 656 St. Mary's Road, and 658 St. Mary's Road (DASZ 13/2022), which allowed for the development and servicing of that property.

As a condition of approval of that application, the Developer was required to enter into a Servicing Agreement with the City to construct, at no expense to the City, concrete pavement(s) and all related works in that same Public Lane between Kingston Row and Rosewarne Avenue.

The Developer for this file subsequently requested that the City remove the requirement to enter into a Servicing Agreement to construct the concrete pavement. The Public Service is agreeable to the removal of this requirement as it's redundant with the proposed development under DASZ 13/2022, however our recommendation is that the Developer be required to pay their share of the cost of pavement to be installed by others.

The City's Development Agreement Parameters state:

Where the land of a third party directly benefits from services installed by a Developer as determined by the City, the City may covenant in the development agreement to endeavour to collect a cost recovery for the Developer being the actual cost of that benefit, as determined by the City;

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

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Daniel Trenchard
Date: 2022-12-08
File No: DAZ 209/2019

Attachments: Appendix A – Letter request dated October 31,2022

APPENDIX A – LETTER REQUEST

File number DAZ 209/2019
Address: 662 St. Mary's Road
Winnipeg, Manitoba
R2M 3M4

This letter of intent is to request deletion of recommendation 3 of Council's minutes, which requires the developer to construct asphalt related works in the north-south public lane between Rosewarne Avenue and the northwesterly limit of 662 St. Mary's Road (LOT 25 BLOCK 2 PLAN 1349 109 ST B), as determined by and to the satisfaction of the Director of Public Works.

The reason for this request is due to financial restraints and adversity faced over the past couple of years not only by covid but equity loans obtained in order to fulfill the city's zoning requirements. As a small business still establishing itself, there is no way of securing anymore loans to pay for the construction of an asphalt back lane. I am concerned that if I am faced with further financial hardships it will ruin my business.
After meeting with Councilor Brian Mayes he has agreed that I shouldn't be responsible for the paving of the back lane.

Sincerely,
Cal Zankowski