Minute No. 172
Report – Standing Policy Committee on Property and Development – January 9, 2023

Item No. 6 **Amendment to Council Conditions for the Subdivision and Rezoning of Land Located at 228 and 230 Grassie (Elmwood – East Kildonan Ward) File DASZ 31/2020**

On January 17, 2023, the Executive Policy Committee referred the recommendation of the Standing Policy Committee on Property and Development to the East Kildonan-Transcona Community Committee for comment, in accordance with Section 56(3) of the Procedure By-law No. 50/2007.

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DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2023, the Executive Policy Committee referred the recommendation of the Standing Policy Committee on Property and Development to the East Kildonan-Transcona Community Committee for comment, in accordance with Section 56(3) of the Procedure By-law No. 50/2007, namely:

1. That Clause 2 of Schedule "C" under file AG 31/20 be deleted in its entirety and replaced with the following:

   "2.A. That Council initiate a Local Improvement petition for an urban cross section roadway including concrete curb and gutter, pavement, boulevard landscaping, ornamental street lighting and land drainage sewers from the roundabout on Molson Street to Lagimodiere Boulevard and that the subject property be obligated to be in support of this petition and any subsequent local improvement petitions in this area for 5 years.

   2.B. That in the event that a Local Improvement benefitting the Planned Area does not proceed in 5 years, the Developer shall pay to the City, in cash, on demand, their share of the cost of the improvements, 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.

STANDING COMMITTEE RECOMMENDATION:

On January 9, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendments:

- In Recommendation 1, add "2.A." immediately prior to the words "That Council initiate"

- In Recommendation 1, add the following:

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

> "2.B. That in the event that a Local Improvement benefitting the Planned Area does not proceed in the 5 years, the Developer shall pay to the City, in cash, on demand, their share of the cost of the improvements, as determined by and to the satisfaction of the Director of Public Works."

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

COMMUNITY COMMITTEE RECOMMENDATION:

On January 3, 2023, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- In Recommendation 1 delete the following words:

  "The Developer shall, at no expense to the City, construct an urban cross section roadway, including concrete curb & gutter, pavement as determined by Public Works and all related works, in Grassie Boulevard from the existing terminus west of 226 Grassie to the east limit of the Planned Area, and all related works including boulevard landscaping, ornamental street lighting and land drainage sewers, all as determined by and to the satisfaction of the Director of Public Works."

  and replace with:

  "That Council initiate a Local Improvement petition for an urban cross section roadway including concrete curb and gutter, pavement, boulevard landscaping, ornamental street lighting and land drainage sewers from the roundabout on Molson Street to Lagimodiere Boulevard and that the subject property be obligated to be in support of this petition and any subsequent local improvement petitions in this area for 5 years."

and forwarded the matter to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: Amendment to Council conditions for the subdivision and rezoning of land located at 228 and 230 Grassie – File DASZ 31/2020

Critical Path: East Kildonan – Transcona 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 subdivision and rezoning under DASZ 31/2020; the Developer has requested to delete two requirements under the Council approval. Namely, to delete the requirement to construct Portland cement concrete pavements, and all related works, in Grassie Boulevard, and to construct a Portland cement concrete sidewalk on the south side of Grassie Boulevard.

The Public Service is agreeable to the request, in part, to limit the extents of the improvements on Grassie Boulevard to the existing terminus of the urban cross-section, and to alter the pavement type as currently exists on Grassie Boulevard west of the Planned Area. The Public Service is not agreeable to the request to delete the requirement for the sidewalk on the south side of Grassie Boulevard.

RECOMMENDATIONS

1. That Clause 2 of Schedule “C” under file AG 31/20 be deleted in its entirety and replaced with the following:

   The Developer shall, at no expense to the City, construct an urban cross section roadway, including concrete curb & gutter, pavement as determined by Public Works and all related works, in Grassie Boulevard from the existing terminus west of 226 Grassie to the east limit of the Planned Area, and all related works including boulevard landscaping, ornamental street lighting and land drainage sewers, all 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 urbanize Grassie Boulevard from the limit of the existing urban cross-section to the east limit of the Planned Area. The Developer's obligation to construct a sidewalk in the south side of Grassie Boulevard would remain as originally approved by Council.

HISTORY/DISCUSSION

On June 24, 2021, Council approved the subdivision and rezoning of land located at 228 and 230 Grassie Boulevard, 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, amongst other requirements, construct a 10m wide by 200mm thick Portland cement concrete pavement, and all related works, in Grassie Boulevard from the existing terminus of the Portland cement concrete pavement to the east limit of the Planned Area.

Prior to the original Public Hearing, the Developer had requested the Public Service to reconsider the requirement to construct the pavement in Grassie Boulevard. Upon further consideration, the Public Works Department agreed to amend the condition to limit the extents of construction from the terminus of the existing Portland cement concrete pavement to the existing terminus of the urban cross section, reducing the limits of construction by approximately 40m.

The recommendation of the Public Service was not concurred in by the East Kildonan – Transcona Community Committee, and the above amendment was not recommended to the Standing Policy Committee. The Standing Policy Committee on Property and Development, Heritage and Downtown Development did not concur in the recommendation of the East Kildonan – Transcona Community Committee and concurred in the original recommendation of the Public Service, with no amendments.

Subsequently, the Developer has submitted a request to delete the requirements to construct the concrete pavement in Grassie Boulevard and the concrete sidewalk on the south side of Grassie Boulevard in their entirety. The Public Service is agreeable, in part, recommending the previously noted amendment to the requirements for Grassie Boulevard, however the Public Service does is not agreeable to deleting the requirement in its entirety, nor are we agreeable to the deletion of the sidewalk on the south side of Grassie Boulevard. The Public Service recommends that the requirement for construction of Grassie Boulevard be replaced with the following:

The Developer shall, at no expense to the City, construct an urban cross section roadway, including concrete curb & gutter, pavement as determined by Public Works and all related

works, in Grassie Boulevard from the existing terminus west of 226 Grassie to the east limit of the Planned Area, and all related works including boulevard landscaping, ornamental street lighting and land drainage sewers, all as determined by and to the satisfaction of the Director of Public Works.

Grassie Boulevard fronting the Planned Area is classified as a collector street and the Public Service recommends that all collector streets have sidewalks and/or multi-use pathways on both sides of the street.

Further, the City's Development Agreement Parameters state:

The development agreement may require the Developer to construct and pay for designated access roads and/or modifications to existing streets outside the subdivision boundaries, where it is agreed these works serve the subdivision. In addition, the development agreement may require the Developer to finance and construct street pavements within the subdivision of such materials, width and depth, as required to by the City to service other areas outside the subdivision. Cost recoveries to the Developer shall be in accordance with the DEVELOPER REIMBURSEMENT section.

And,

The development agreement may require the Developer to construct and install sidewalks of such width, thickness and materials overlaying base course and subbase of such materials, depth, width and density along street rights-of-way as the City may designate and which will be shown on schedules to the development agreement at the time of execution. As a general rule, sidewalks are not required on bays, crescents and cul-de-sacs.

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: DASZ 31/2020

Attachments: Appendix A – Letter request dated November 3,2022

APPENDIX A – LETTER REQUEST

November 03, 2022

Michelle Hammerberg, Development Applications Coordinator
Land Development Branch
Planning, Property and Development Department
City of Winnipeg
Main Floor, 65 Garry Street
Winnipeg MB R3C 4K4

Dear Ms. Michelle Hammerberg,

RE: Letter of Intent - DASZ 31/2020 228/230 Grassie Blvd
Development Agreement Amendment AG 31/20

On behalf of **10051335 Manitoba Ltd.**, the landowners and the Developer of the property identified in CT# **3068128/1**, I am the 'Applicant' for submitting under §275.1 of *The City of Winnipeg Charter S.M. 2002 c.39* [October 29, 2021] an amendment to a development agreement, namely, amending ***AG 31/20*** **- DASZ 31/2020 228/230 Grassie Blvd**.

1. **AMENDMENTS**

A. The **following** amendments:

i. Delete Condition 2) Grassie Boulevard under Section 1 Servicing, 'Special Terms' Schedule C.

2. Grassie Boulevard

The Developer shall, at no expense to the City, construct Portland cement concrete pavements, 10.0m wide by 200mm thick, in Grassie Boulevard between the existing terminus of the Portland cement concrete pavement and the east limit of the Planned Area, and all related works including but not limited to boulevard landscaping, ornamental street lighting, and land drainage sewer, all as determined by and to the satisfaction of the Director of Public Works.

ii. Delete Condition 4) Sidewalks under Section 1 Servicing, 'Special Terms' Schedule C in its entirety.

4.Sidewalks

The Developer shall, at no expense to the City, construct 1.5m wide by 100mm thick Portland cement concrete sidewalks and all related works, on the standard alignment, 0.3m from the property line, on

the south side of Grassie Boulevard, from the existing sidewalk on the south side of Grassie Boulevard at Molson Street to the proposed private approach serving the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

2. PLANNING RATIONALE (MERITS)

There should be a nexus and rough proportionality as the standard requirements for the level of service that a government determines is adequate for public facilities being funded by private development. This is important because developers should not be charged the costs of upgrading an existing system to better serve existing users and customers. The government may condition a land-use permit or development when there's a nexus and rough proportionality between the enhanced property rights and the effects of the requested permit/development on public facilities: the government's demand for improvements of public infrastructure from a land-use permit/development applicant must have a nexus and rough proportionality between the demand and the impacts of the proposed development.

Grassie Blvd is a two-lane P2 Collector Snow Route. Bus Route, and on-street Parking Restrictions that is a rural cross section from Lagimodiere Blvd to 100 feet west of 226 Grassie.

The current wording of the Development Agreement, specifically, Condition 2) under 'Special Terms' Schedule C requires the Developer of 228/230 Grassie to make improvements to Grassie Blvd beyond the typical frontage improvements: the improvements include in front of 226 Grassie Blvd which was redeveloped under DAZ 211/2014 with no requirements for frontage improvements.

We are requesting Development Agreement **AG 31/20** be amended to align to the *Development Agreement Parameters* PART IV – SERVICES AND IMPROVEMENTS, Section (31) STREET PAVEMENTS and the fact the portion of Grassie Blvd fronting 226 Grassie does not abut the Planned Area, is not within the Planned Area, nor does the improvement of this section of Grassie Blvd is required to service the Planned Area; thus **10051335 Manitoba Ltd.** should not have to pay for the improvement to Grassie Blvd beyond its own frontage requirements.

3. **APPLICATION MATERIAL**

Information that is being provided with this Letter of Intent to complete this development agreement amendment application for 228/230 Grassie Blvd includes the following:

1. Current Status of Titles;
2. Letter of Authorization;
3. By-law 113/2021 [File DASZ 31/2020];
4. Application Fee.

Please do not hesitate to contact me directly if there is any information or materials missing from this application. We respectfully request this matter be advanced and processed in a timely manner.



John Scott Wintrup, *B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™*
301-139 Roslyn RD
Winnipeg MB R3L0G7
Encl.