Minute No. 515
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 8, 2021

Item No. 9 Subdivision of Land Located at 11 Plymouth Street – Proposed Servicing Agreement – File DASSF 554/2020 (Point Douglas 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 the plan of subdivision under Development Application No. DASSF 554/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map attached as Schedule A to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City pursuant to subsection 27(1)(b) of the City of Winnipeg Development Procedures By-law 104/2020 in accordance with the report of the Administrative Coordinating Group dated March 6, 2021 and attached as Schedule B to this report.

2. That the City enter into, execute and deliver with the Developer a Servicing Agreement in accordance with Recommendation 1;

3. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. 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 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 Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: Proposed Servicing Agreement – DASSF 554/2020 Proposed Subdivision of Land Located at 11 Plymouth Street

Critical Path: 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	M. Ruta, Interim CAO

EXECUTIVE SUMMARY

The Winnipeg Public Service has identified servicing requirements resulting from the proposed DASSF short-form subdivision application; specifically, the construction of a sidewalk and related works on Burrows Avenue between Plymouth Street and Tyndall Avenue. Council approval is required for the City to enter into the necessary Servicing Agreement to fulfill the servicing conditions, in accordance with standard development practice.

RECOMMENDATIONS

1. That the plan of subdivision under Development Application No. DASSF 554/2020 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map attached as Schedule A to this report, with such minor changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City pursuant to subsection 27(1)(b) of the City of Winnipeg Development Procedures By-law 104/2020 in accordance with the report of the Administrative Coordinating Group dated March 6, 2021 and attached as Schedule B to this report.

2. That the City enter into, execute and deliver with the Developer a Servicing Agreement in accordance with recommendation 1;

3. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement any Ancillary Agreements in accordance with this report and such other

terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

4. 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

In accordance with Clause 27(1)(b) of the Development Procedures By-law 104/2020, Council approval is required for the City to enter into Servicing Agreements that are a condition of approval under a short-form subdivision application (DASSF).

IMPLICATIONS OF THE RECOMMENDATIONS

Concurrence with this recommendation will enable servicing conditions to be applied to this application via a Servicing Agreement.

HISTORY/DISCUSSION

An application was received from AECOM Canada Ltd. for a proposed plan of subdivision, as outlined in Schedule A, to facilitate the redevelopment of the land for the establishment of a parcel delivery operation in the existing warehouse building.

The application was circulated for review and comment by internal and external stakeholder departments. As there is currently no sidewalk servicing the proposed lot, the Public Works Department recommended approval subject to the Developer constructing a sidewalk, and all related works, on the north/east side of Burrows Avenue between Plymouth Street and Tyndall Avenue, as determined by, and to the satisfaction of, the Director of Public Works.

Therefore, it is recommended that the Developer enter into a Servicing Agreement with the City to fulfill the conditions outlined in the attached Schedule B, the report of the Administrative Coordinating Group.

FINANCIAL IMPACT

Financial Impact Statement Date: April 22, 2021

Project Name:

Proposed Servicing Agreement - DASSF 540/2020 Proposed Subdivision of Land located at 11 Plymouth Street

COMMENTS:

There are no direct financial implications to the City resulting from the recommendations contained within this report.

C Turman, for
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

- Public Works Department

OURWINNIPEG POLICY ALIGNMENT

The subject property is located within a Recent Communities area under OurWinnipeg's Urban Structure Plan.

01-1a, OurWinnipeg's Approach to City Building

Direction 3:
Promote Compact Urban Form and Manage the Extension of Municipal Services for New Growth

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

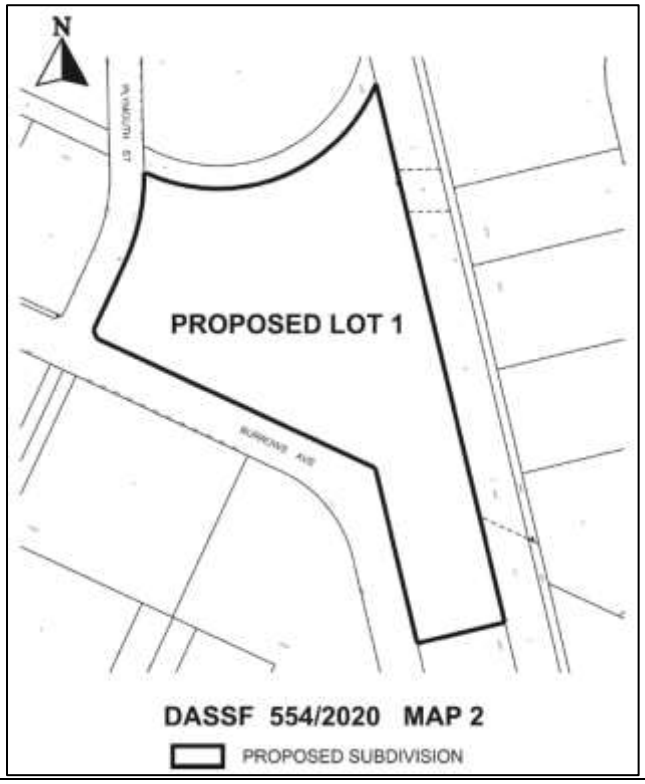
SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: D. Trenchard, P.Eng., Land Development Engineer
Date: May 25, 2021
File No: DASSF 554/2020

Attachments:
Schedule A – Proposed Plan of Subdivision (DASSF 554/2021)
Schedule B – Report of the Administration Coordinating Group

SCHEDULE A – Proposed Plan of Subdivision





SCHEDULE B – REPORT OF THE ADIMINSTRATIVE COORDINATING GROUP

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION OF LAND LOCATED AT 11 PLYMOUTH STREET AND THE ABUTTING LOT TO THE SOUTH

It is recommended that approval of DASSF 554/2020, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions:

Section I - Servicing Conditions

1) Sidewalks

a) 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 or as determined by Public Works, on the north/east side of Burrows Avenue between Plymouth Street and Tyndall Avenue, as determined by and to the satisfaction of the Director of Public Works.

b) The City shall endeavor to collect, within the limits of its powers, to make recoveries from other benefitting privately owned land(s) through subsequent development applications, as determined by and to the satisfaction of the Director of Public Works.

2) Boulevards

a) The Developer shall, at no expense to the City, plant trees on all boulevards within and fronting on the Planned Area, all in accordance with City specifications and guidelines and, where required, with concept plans prepared by the Developer and submitted to, and approved by, the Director of Public Works.

b) The Developer shall, at no expense to the City, maintain the trees for a period of two years, in accordance with specifications approved by the Director of Public Works.

3) Construction Traffic

a) The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works.

b) The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

4) Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area and will pay the full cost to convert any existing overhead services within the Planned Area to underground to the satisfaction of the Director of Public Works.

b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

5) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

6) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

Section II – Costs and Fees

1) By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of this Agreement and the physical development of the Planned Area.

2) Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, parklands, parkways and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3) Administration Fees

The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASSF 554/2020
March 6, 2021

"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department