Minutes – Council – February 22, 2024

Minute No. 186
Report – Standing Policy Committee on Property and Development – February 1, 2024

Item No. 8 Amendment to Development Agreement AG 31/84 – River Park South – Dakota Street (St. Norbert-Seine River Ward)

COUNCIL DECISION:

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

1. That the Developer's request to amend Development Agreement AG 31/84 be approved with the following amendments to Schedule "C":

   A. Delete Condition 6. a).

   B. Replace Condition 6. e) with the following:

      "6.e) The Developer shall, at no expense to the City, construct a 3.0m wide asphalt multi-use path within the Dakota Street right-of-way south of Aldgate Road to Frobisher Road, as determined by and to the satisfaction of the Director Public Works."

   C. Replace Condition 13. a) with the following:

      "13. a) The Developer shall, pay to the City, in cash, on demand, the costs associated with the of installation of Rapid Rectangular Flashing Beacons and all related works crossing Dakota Street, 240 m south of John Forsyth Road and John Forsyth Road and Manor Haven Drive, as determined by and to the satisfaction of the Director of Public Works."

   D. Delete Condition 13. b).

2. That the City will endeavor, within the limits of its powers, to make recoveries from other benefiting privately owned land(s) through subsequent and existing development agreements.

3. 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 – February 1, 2024

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

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

Carried

Councillor Wyatt was absent from the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 13, 2024, 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 February 1, 2024, 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 26, 2024, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment:

- Delete Recommendations 1 and 2 in their entirety and replace with the following:

    "1. That the Developer's request to amend Development Agreement AG 31/84 be approved with the following amendments to Schedule "C":

        A. Delete Condition 6. a).

        B. Replace Condition 6. e) with the following:

Report – Standing Policy Committee on Property and Development – February 1, 2024

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

"6. e) The Developer shall, at no expense to the City, construct a 3.0m wide asphalt multi-use path within the Dakota Street right-of-way south of Aldgate Road to Frobisher Road, as determined by and to the satisfaction of the Director Public Works."

C. Replace Condition 13. a) with the following:

"13. a) The Developer shall, pay to the City, in cash, on demand, the costs associated with the of installation of Rapid Rectangular Flashing Beacons and all related works crossing Dakota Street, 240 m south of John Forsyth Road and John Forsyth Road and Manor Haven Drive, as determined by and to the satisfaction of the Director of Public Works."

D. Delete Condition 13. b).

2. That the City will endeavor, within the limits of its powers, to make recoveries from other benefiting privately owned land(s) through subsequent and existing development agreements."

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

On January 3, 2024, the Riel Community Committee laid over the matter to its meeting on January 26, 2024.

On November 16, 2023, the Riel Community Committee laid over the matter to its meeting on January 3, 2024.

REVISED ADMINISTRATIVE REPORT

Title: Amendment to Development Agreement AG 31/84 – River Park South – Dakota Street

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

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Kowalyk	N/A	N/A	N/A

EXECUTIVE SUMMARY

Qualico Developments (Winnipeg) Ltd. (the Developer) is requesting an amendment to Development Agreement AG 31/84, pertaining to the River Park South Development.

The proposed amendment seeks to remove outstanding obligations for traffic signals and pavement works which have been deemed unwarranted at this time.

The Public Service supports development agreement amendment as modified.

RECOMMENDATIONS

1. That the Developer's request to amend Development Agreement AG 31/84 be approved as modified with the following conditions:

    a. Delete Schedule "C" -13 a) and b)

    b. Delete Schedule "C" – 6 a) and e)

2. Subject to the following conditions:

    a. Add clause Schedule "C" 13 a) The Developer shall, pay to the City, in cash, on demand, the costs associated with the of installation of Rapid Rectangular Flashing Beacons and all related works crossing Dakota Street, 240 m south of John Forsyth Road and John Forsyth Road and Manor Haven Drive, as determined by and to the satisfaction of the Director of Public Works.

b. Add clause Schedule “C” 6 e) The Developer shall, at no expense to the City, construct a 3.0m wide asphalt multi-use path and pay all costs for the installation of pedestrian lighting within the Dakota Street right-of-way south of Aldgate Road as determined by and to the satisfaction of the Director Public Works.

3. 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

Council approval is required for a Development Agreement Amendment.

IMPLICATIONS OF THE RECOMMENDATIONS

If the Recommendation of the Winnipeg Public Service is concurred in, the proposed amendment to AG 31/84 can proceed.

HISTORY/DISCUSSION

On August 20th, 1986 Council approved the subdivision and rezoning of River Park South under file no. DASZ 31/1984.

Pursuant to the above-referenced approval, Qualico Developments (Winnipeg) Ltd. (the Developer) entered into Development Agreement AG 31/84 with the City of Winnipeg outlining the municipal infrastructure required to develop the property. This agreement includes clauses requiring the Developer to construct traffic intersection improvements pay their share of traffic signals to be installed in Dakota Street, in accordance with Clauses 6e and 13 under Section 1 of Schedule “C” as follows.

6. <u>Street Pavements</u>

a) The Developer shall, at no expense to the City, construct reinforced portland cement concrete pavements on all streets within the Planned Area to widths of 7.5 m, 8.0 m and 10.0 m and thicknesses of 150 mm and 200 mm overlaying a base course and sub-base as determined by and as conceptually shown on Schedule "E" hereto to the satisfaction of the Commissioner of Works and Operations to serve the Planned Area;

e) The Developer shall, at no expense to the City, construct portland cement concrete paved channelization, auxiliary lanes, transitions and median openings on streets within the Planned Area where and as determined by and to the satisfaction of the Commissioner of Works and Operations which are shown conceptually on Schedule "E" attached hereto.

13. <u>Traffic Signals</u>

a) The Developer shall pay to the City in cash upon demand, by the City all costs associated with the installation of traffic signals at Dakota Street and Aldgate Road, and, when and if required and as determined by the Commissioner of Works and Operations at the intersections of Dakota Street and John Forsyth Road and St. Anne's Road and Aldgate Road.

b) *The City will endeavour to recover and reimburse the Developer, upon and subject to recovery by the City, the share(s) of the costs of installations of traffic signals benefitting other lands under subsequent development agreements with respect to the intersections of Dakota Street and John Forsyth Road and St. Anne's Road and Aldgate Road, and Dakota Street and Aldgate Road, which share(s) shall be as determined by the Commissioner of Works and Operations or the relevant future development agreement conditions.*

Correspondence was received from Veronica Eno on behalf of the Developer to consider a formal request to amend the development agreement. The proposed amendment seeks to delete the Developer's obligation as the build out is complete and the requirements for the traffic signals have not been met.

The Public Service recommends modifications to the proposed amendment.

The original requirement was to extend Dakota Street south of Aldgate Road, which would have required sidewalk on both sides and street lighting to meet City standards. The City agrees that, if a road is required south of Aldgate, it will be a considerable period of time before it occurs and will not occur before significant development occurs to the south of the Perimeter Highway.

However, pedestrian facilities along the Dakota corridor south of Aldgate Road are still required. Currently, there are land dedications (pedestrian openings) onto the old Frobisher Road alignment at Twickenham Crescent and Paddington Road for an anticipated pathway along Frobisher Road. In addition, a portion of the Frobisher pathway is being constructed as part of the PTH 101/St. Mary's interchange with a proposed half signal crossing St. Mary's Road. An active transportation connection along the Dakota alignment is consistent with the area planning and enhances connectivity in the community. Therefore, Public Works recommends that the Developer shall construct a 3.0 m wide asphalt multi-use path and pay all costs for the installation of pedestrian lighting in leu of two 1.5 m wide concrete sidewalks and street lighting within the Dakota right-of-way south of Aldgate Road, which would have been constructed as part of the original obligation.

Based on the current traffic volumes, the warrant for traffic signals is not met. The area is fully developed and the traffic volumes on these two streets are not expected to increase significantly. The existing all-way stop control at Dakota Street and John Forsyth Road, and the one way stop at Dakota Street and Aldgate Road provide adequate traffic control for vehicles in this development but opportunities for safe and controlled pedestrian crossings are lacking.

École Christine-Lespérance is located at the south-east corner of the intersection of Dakota and John Forsyth, and there are two signed and painted crosswalks in the vicinity. It is recommended that in lieu of Traffic Signals at Dakota Street and John Forsyth Road and at Aldgate Road, the Developer shall pay to the City, all costs associated with the installation of Rapid Rectangular Flashing Beacons at the following two crosswalk locations:

- Dakota 240 m south of John Forsyth
- John Forsyth and Manor Haven (150m east of Dakota)

Therefore, it is recommended that Clause 1 under Section 1 of Schedule C in the development agreement for AG 31/84 be amended by replacing the clauses 6 e) and 13 a) and b) with:

6 e) The Developer shall, at no expense to the City, construct a 3.0m wide asphalt multi-use path and pay all costs for the installation of pedestrian lighting within the Dakota Street right-of-way south of Aldgate Road as determined by and to the satisfaction of the Director Public Works.

13. <u>Pedestrian Signals</u>

a) *The Developer shall, pay to the City, in cash, on demand, the costs associated with the installation of installation of Rapid Rectangular Flashing Beacons and all related works crossing Dakota Street, 240 m south of John Forsyth Road and John Forsyth Road and Manor Haven Drive, as determined by and to the satisfaction of the Director of Public Works.*

FINANCIAL IMPACT

N/A

CONSULTATION

Public Works

OUR WINNIPEG POLICY ALIGNMENT

01-1a OurWinnipeg Approach to City Building: *Promote compact urban form and manage the extension of municipal services for new growth: Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Ensure New Areas of Growth are Designed According to the Principles of Complete Communities.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

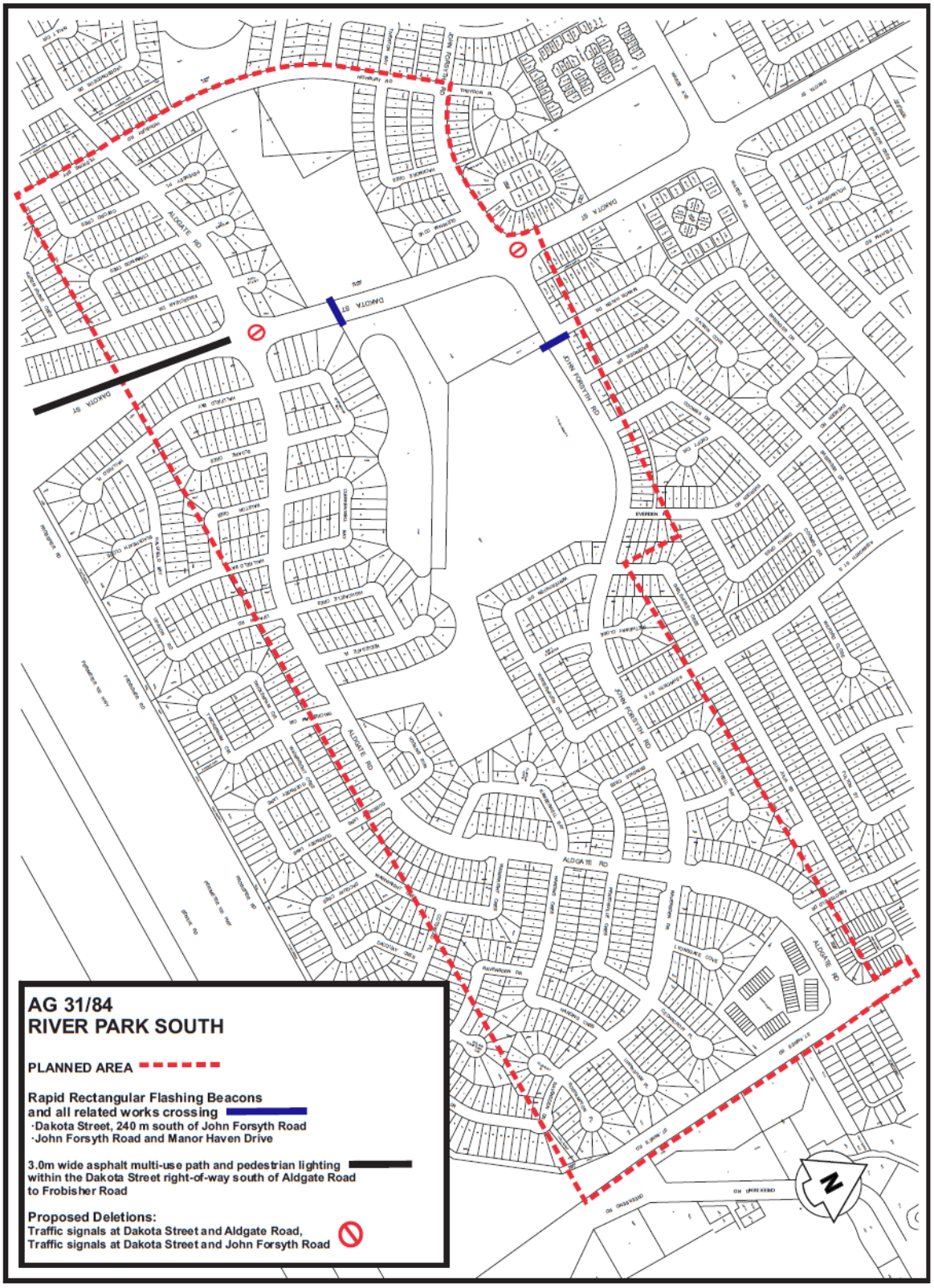
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: K. Kowalyk, Land Development Engineer
Date: December 21, 2023
File No: AG 31/84 c/r DASZ 31/1984

Attachments: Appendix “A” – DASZ 31/1984 Planned Area
Appendix “B” – Developer’s letter dated September 12, 2023

APPENDIX "A" – DASZ 31/1984 Planned Area



APPENDIX "B" – DEVELOPER'S LETTER

One Dr. David Friesen Drive Winnipeg, MB R3X 0G8
QUALICOCOMMUNITIES.COM

QUALICO communities

September 12, 2023

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

Attention: Greg Jasper, Land Development Administrator

RE: REQUEST FOR A DEVELOPMENT AGREEMENT AMENDMENT
RIVER PARK SOUTH SUBDIVISION AG 31/84

Qualico Developments (Winnipeg) Ltd. is requesting an amendment to AG 31/84 for the following clauses:

CLAUSE	LOCATION	PROPOSED AMENDMENT
Schedule "C"- 13 a	Dakota at Aldgate and Dakota at John Forsyth	Delete the Developer's requirement to pay for the installation of traffic signals at these two locations.
Schedule "C"- 13 b	Dakota at Aldgate and Dakota at John Forsyth	Delete the corresponding requirement for the City to reimburse the Developer for the benefitting landowner's share of the cost of installing traffic signals at the mentioned locations
Schedule "C" - 6 e	Dakota south of Aldgate	Delete the clause in its entirety. All required roads have been constructed.

The City has completed recent traffic analyses that confirm traffic signals are not warranted at either the Dakota–Aldgate or Dakota–John Forsyth intersections. Therefore, we believe it is appropriate to eliminate this Development Agreement requirement since the area is fully constructed and operating at its built-out capacity.

Similarly, the pavement extension of Dakota south of Aldgate has been determined to be unnecessary. Deletion of this Development Agreement obligation is consistent with

subsequent development applications that do not require the extension of this pavement (AG 9/11).

Approval of these amendments will allow the Developer's security on these items to be released.

The fees required for this application may be taken from the Qualico Land Development account number 04 116919 TR.

Qualico Developments (Winnipeg) Ltd.

Veronica Eno, MCIP, RPP
Land Development Project Manager
204-257-9377
Veronica.Eno@Qualico.com

cc. Marc Pittet, Manager of Real Estate and Land Development
Kevin Kowalyk, Land Development Engineer