

2 March 2012



City Council Committee Report

To: Mayor Canfield & Members of Council

Fr: Tara Rickaby

Re: Qualico Headwaters (Ontario) Inc. – Amendment to Development Agreement

Recommendation:

That Council gives three readings to a by-law to authorize the execution of an amendment to a development agreement between the Corporation of the City of Kenora and Qualico Headwaters (Ontario) Inc. and that such by-law will amend by-law number 108-2009; and

That execution of the document is subject to the City of Kenora Municipal Engineer approving the proposed new entrance and the property owner receiving an approved entrance permit.

Background:

In June of 2009, the City of Kenora entered into a development agreement with Qualico Headwaters. In January of 2012 the City of Kenora Planning Advisory Committee gave conditional approval of a condominium description for the lands occupied by "The Current" – the existing structure located on the east west branch of the Winnipeg River.

One of the conditions of approval is:

2. The developer shall provide revised site plan sketch for the location of the entrance and parking layout in the development agreement, and receive approval from the City of Kenora for said amendment.

In order to satisfy the condition of approval, the City must execute an amendment.

A review of the existing agreement indicates that it does not clearly state that the City's responsibility ends at the lot line and that sewer and water are, in fact, private lines once they go on to the lands. This statement must be included in the amended agreement. It is recommended that Section 7. Connections to Municipal Services be amended by including a statement that it is not the City of Kenora's intention to assume the sewer and water works located north of its sewer and water valves located on Part 4 on Plan 23R- 11882.

In addition, the agreement does not specify the timing of the construction of the required third lane to be developed along the north side of Lakeview Drive, in order to accommodate turning movements into the Headwaters development. The agreement will now indicate that construction of the additional lane will be required to begin when the building permit is approved and must be complete before the new phase has been issued an occupancy permit.

The City has not yet received comments from a professional traffic engineer with respect to the impacts (or lack thereof) of the new entrance on the Lakeview Drive left turn lane which will be required to be developed.

Budget: Developer to pay all costs associated with review and registration of development agreement.

Communication: Per Notice By-law 144-2007 – Agenda of Property and Planning Committee, Council, Municipal Solicitor, Qualico Headwaters