Minutes – Council – February 22, 2024

Minute No. 183
Report – Standing Policy Committee on Property and Development – February 1, 2024

Item No. 5 Amendment to Development Agreement AG 33/12 – Prairie Pointe (Waverley West Ward)

COUNCIL DECISION:

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

1. That Development Agreement No. AG 33/12 dated November 18, 2014 (the "Development Agreement"), entered into pursuant to Development Application No. DASZ 33/2012, be amended in Section 1 of Schedule "C" by replacing the existing Clause with a new Clause 11 as follows:

    A. The Developer shall, at no expense whatsoever to the City, construct two additional lanes of Portland cement concrete pavement on Waverley Street (one eastbound and one westbound) between Kenaston Boulevard and Eaglewood Drive/Ken Oblik Drive, and all related works, including but not limited to an appropriate transition west of Eaglewood Drive/Ken Oblik Drive, as determined by and to the satisfaction of the Director of Public Works.

    B. The Developer shall, at no expense whatsoever to the City, add an additional lane of Portland cement concrete pavement to the round-about at Waverley Street and Eaglewood Drive/Ken Oblik Drive, and all related works, all as determined by and to the satisfaction of the Director of Public Works.

    C. The Developer shall, at no expense whatsoever to the City, construct a 3.5-meter-wide asphalt path along the west side of Kenaston Boulevard, extending south from Waverley Street and connecting with the path in the Public Reserve lands in the Prairie Pointe neighbourhood, all as determined by and to the satisfaction of the Director of Public Works.

2. That the City enter into, execute and deliver an agreement to amend the Development Agreement in accordance with recommendation 1 (the "Amending Agreement"), and such other agreements determined by the City Solicitor/Director of Legal Services to be necessary to implement the intent of the foregoing (the "Ancillary Agreements").

3. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the Amending Agreement and the Ancillary Agreements in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

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

COUNCIL DECISION (continued):

4. 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 Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 23, 2024, the Assiniboia 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 Development Agreement AG 33/12 – Prairie Pointe

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

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Hayer, RPP, MCIP	N/A	N/A	N/A

EXECUTIVE SUMMARY

Ladco Company Limited (the Developer) is requesting an amendment to Development Agreement AG 33/12, which pertains to the Prairie Pointe neighbourhood. The proposed amendment deals with Section 1, Clause 11 of Schedule "C," which obligates the Developer to pay the City for their share of costs associated with specified surface works on Brady Road adjacent to the Developer's lands. The Developer proposes to reallocate this financial obligation to the following improvements instead:

- Adding two (2) additional lanes on Waverley Street (one eastbound and one westbound) from Kenaston Boulevard to Eaglewood Drive/Ken Oblik Drive.
- Adding a lane to expand the roundabout at Waverley Street and Eaglewood Drive/Ken Oblik Drive; and
- Construct a 3.5-meter-wide asphalt path along the west side of Kenaston Boulevard, extending south from Waverley Street and connecting with the path in the Public Reserve in the Prairie Pointe neighbourhood.

The Public Service has no objections to the proposed amendment.

RECOMMENDATIONS

1. That Development Agreement No. AG 33/12 dated November 18, 2014 (the "Development Agreement"), entered into pursuant to Development Application No. DASZ 33/2012, be amended in Section 1 of Schedule "C" by replacing the existing Clause with a new Clause 11 as follows:
    a. The Developer shall, at no expense whatsoever to the City, construct two additional lanes of Portland cement concrete pavement on Waverley Street (one eastbound and one westbound) between Kenaston Boulevard and Eaglewood Drive/Ken Oblik Drive, and all related works, including but not limited to an

appropriate transition west of Eaglewood Drive/Ken Oblik Drive, as determined by and to the satisfaction of the Director of Public Works.

b. The Developer shall, at no expense whatsoever to the City, add an additional lane of Portland cement concrete pavement to the round-about at Waverley Street and Eaglewood Drive/Ken Oblik Drive, and all related works, all as determined by and to the satisfaction of the Director of Public Works.

c. The Developer shall, at no expense whatsoever to the City, construct a 3.5-meter-wide asphalt path along the west side of Kenaston Boulevard, extending south from Waverley Street and connecting with the path in the Public Reserve lands in the Prairie Pointe neighbourhood, all as determined by and to the satisfaction of the Director of Public Works.

2. That the City enter into, execute and deliver an agreement to amend the Development Agreement in accordance with recommendation 1 (the "Amending Agreement"), and such other agreements determined by the City Solicitor/Director of Legal Services to be necessary to implement the intent of the foregoing (the "Ancillary Agreements").
3. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the Amending Agreement and the Ancillary Agreements in accordance with this report and such other terms and conditions deemed 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

Council approval is required for a Development Agreement Amendment.

IMPLICATIONS OF THE RECOMMENDATIONS

If the Recommendations of the Winnipeg Public Service are concurred in, the proposed amendment will remove the Developer's obligations to pay for surface improvements on Brady Road and replace this with obligations to:

- construct two (2) additional lanes on Waverley Street (one eastbound and one westbound) between Kenaston Boulevard and Eaglewood/Ken Oblik Drive;
- add a lane to the roundabout at Waverley Street and Eaglewood Drive /Ken Oblik Drive; and
- construct a 3.5-meter-wide asphalt path on the west side of Kenaston Boulevard extending south from Waverley Street and connecting with the path in the Public Reserve lands in Prairie Pointe,

all as determined by and to the satisfaction of the Director of Public Works.

HISTORY/DISCUSSION

On June 26, 2013, Council enacted By-law No. 68/2013, which approved the subdivision and rezoning of land bounded by Kenaston Boulevard, Brady Road, and the Perimeter Highway under File No. DASZ 33/2012.

The approximately 636-acre property, located in the Prairie Pointe neighborhood of the Waverley West Ward, currently comprises a mix of residential land uses, Public Reserves, and vacant/undeveloped land across various zoning districts.

Pursuant to the above-referenced approval, Ladco Company Limited (the Developer) entered into Development Agreement AG 33/12 with the City of Winnipeg. This agreement specified the Developer's obligations for municipal infrastructure required to develop the property. The Agreement includes an obligation requiring the Developer to pay their share of the cost of specific improvements on Brady Road, accordance with Clause 11 under Section 1 of Schedule "C", as follows:

11. <u>Brady Road Improvements</u>

a) The Developer shall pay to the City, on demand, its share of the cost of the following surface works to be installed in Brady Road, along the full length of the Planned Area abutting the east side of Brady Road:

a) a 4.0-m-wide by 200-mm-thick lane of Portland cement concrete pavement and all related works (Pavement);

b) a 1.5-m-wide by 100-m-thick Portland cement concrete sidewalk (Sidewalk);

c) street lighting in the east boulevard (Street Lighting); and

d) landscaping in the east boulevard (Landscaping). all as determined by and to the satisfaction of the Director of Public Works.

Based on the 2014 Regional Rate in effect when the Agreement was executed, that share was calculated to be $1,637,895.00.

Correspondence was received from the Developer to consider a formal request to amend the Development Agreement. The proposed amendment deals with reallocating the financial obligation for Brady Road detailed above to the following improvements:

- Adding two additional lanes on Waverley Street (one eastbound and one westbound) from Kenaston Boulevard to Eaglewood/Ken Oblik Drive.
- Adding a lane to expand the roundabout at Waverley Street and Eaglewood/Ken Oblik Drive; and
- Constructing a 3.5-meter-wide asphalt path along the west side of Kenaston Boulevard, extending south from Waverley Street and connecting with the path in the Public Reserve in Prairie Pointe.

The amendment is proposed due to the uncertainty as to the timing for when improvements in Brady Road will be required and the evolving needs of the Prairie Pointe neighborhood.

The Public Service has no objection to the proposed amendment.

Therefore, it is recommended that Clause 11 under Section 1 of Schedule C of AG 33/12 be amended in accordance with the recommendations detailed in this report.



Figure 1: Aerial Photograph showing AG 33/12 Development Area (flown 2021).

FINANCIAL IMPACT

N/A

CONSULTATION

Public Works Department.

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: R. Hayer, RPP, MCIP, Land Development Coordinator
Date: January 12, 2024
File No: AG 33/12 c/r DASZ 33/2012

Attachments: Appendix “A” – DASZ 33/2012 Planned Area and Proposed Changes
Appendix “B” – Developer’s letter dated January 11, 2024

APPENDIX "A" – DASZ 33/2012 Planned Area and Proposed Changes

By-Law No.

SCHEDULE A

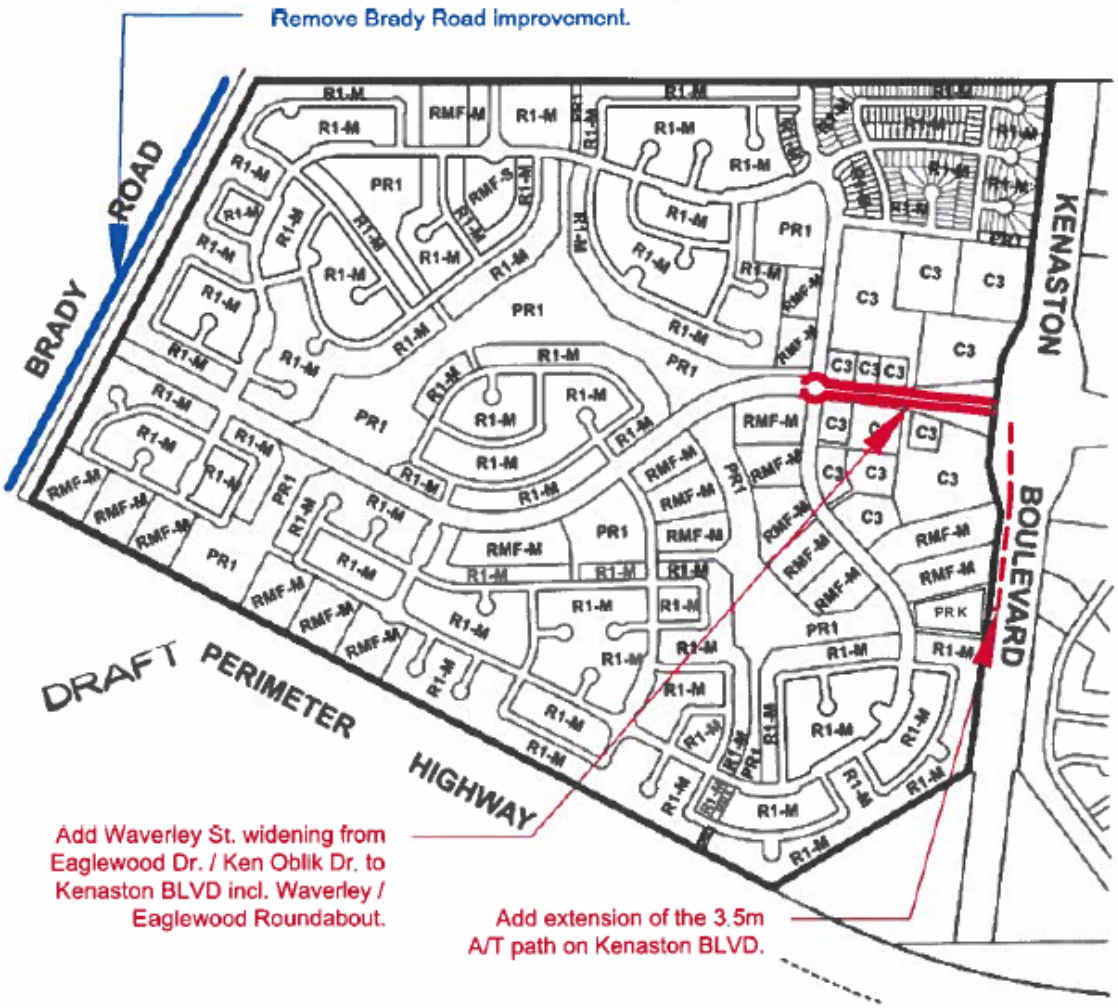
Atlas Sheet No.

AO19
RIEL
COMMUNITY

File No. **DASZ 33/12**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located in Waverley West South Pointe West Neighbourhood from an "A" AGRICULTURAL DISTRICT to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT, "RMF-S" & "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT, "C3" COMMERCIAL CORRIDOR DISTRICT and "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the development of the Waverley West Southwest Neighbourhood through the creation of lots, block plans and public right-of-ways as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – DEVELOPER'S LETTER

LADCO COMPANY LIMITED
200 - 40 LAKEWOOD BOULEVARD, WINNIPEG, MANITOBA R2J 2M7
TELEPHONE (204) 982-5900 FAX (204) 255-3652

January 11, 2024

Land Development Branch
Planning, Property and Development Dept
65 Garry Street
Winnipeg MB
R3C 3K4

Attn: Kevin Kowalyk, CET, P. Eng

Re: AG 33/12 – Prairie Pointe: Development Agreement Amendment

Ladco Company Limited is requesting an amendment to Clause 11 of AG 33/12 in the community of Prairie Pointe. Clause 11 deals with boundary road improvements to Brady Road. As there is uncertainty as to when and if improvements to Brady Road will be required, Ladco is proposing moving those obligations to improvements that will immediately benefit the community, specifically:

- addition of two traffic lanes on Waverley Street (one east and one west bound) from Kenaston Blvd to Eaglewood/Ken Oblik Drive,
- adding a lane to the round-about at Waverley St and Eaglewood/Ken Oblik Drive, and
- extension of a 3.5m asphalt path on the west side of Kenaston Blvd from Waverley Street to the end of path in Park Area "K".

The attached sketch (Schedule "A") identifies the proposed changes.

Should any additional information be requested, please contact me at your convenience.

Sincerely,

Michael Carruthers, MCIP
Manager of Land Development

Enc.
cc: C. Desjardine