Minutes – Council – January 30, 2025

Minute No. 138
Report – Standing Policy Committee on Property and Development – January 13, 2025

Item No. 17 **Amendment to Development Agreement AG 15/22 – 230 University Crescent**
(Waverley West Ward)
File DASZ 15/2022

COUNCIL DECISION:

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

1. That Servicing Agreement No. AG 15/22 dated July 21, 2022 (the "Servicing Agreement"), entered into pursuant to Development Application No. DASZ 15/2022, be amended in Section 1, Clause 1 of Schedule "C" to allow for the installation of public infrastructure in Markham Road.

2. That the City enter into, execute and deliver an agreement to amend the Servicing 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.

Report – Standing Policy Committee on Property and Development – January 13, 2025

DECISION MAKING HISTORY:

Moved by Councillor Duncan,

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

Carried

Councillor Orlikow was absent for the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2025, 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 January 13, 2025, 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 7, 2025, 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 15/22 – 230 University Cr

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

AUTHORIZATION

Author	Department Head	CFO	CAO
A. Savage	N/A	N/A	N/A

EXECUTIVE SUMMARY

U of M Properties (the Developer) is requesting an amendment to Development Agreement AG 15/22, pertaining to the site at 230 University Cresent.

The proposed amendment to Section 1, Clause 1 of Schedule “C” seeks to allow the installation of a public water main and wastewater sewer in Markham Road.

The Public Service has no objection to this request.

RECOMMENDATIONS

1. That Servicing Agreement No. AG 15/22 dated July 21, 2022 (the “Servicing Agreement”), entered into pursuant to Development Application No. DASZ 15/2022, be amended in Section 1, Clause 1 of Schedule “C” to allow for the installation of public infrastructure in Markham Road.

2. That the City enter into, execute and deliver an agreement to amend the Servicing 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 Recommendation of the Winnipeg Public Service is concurred in, the proposed amendment will enable the Developer to install services in Markham Road to the benefit of both the City and the development.

HISTORY/DISCUSSION

On September 29, 2023 Council enacted By-law No. 132/2022, which approved the subdivision and rezoning of 230 University Cresent under file no. DASZ 15/2022. The approximately 112.39 acre property, located near the University of Manitoba consisted of six (6) lots and one (1) parcel which were rezoned and subdivided into 45 lots, within seven (7) blocks and five (5) public reserves.

Pursuant to the above-referenced approval, U of M Properties and The University of Manitoba. (the Developer) entered into Development Agreement AG 15/22 with the City of Winnipeg outlining the municipal infrastructure required to develop the property. This agreement includes the following clause indicating that underground servicing is to be private.

1. *Underground Servicing*

    (a) The Developer agrees that all water, wastewater and land drainage servicing for Phase 1 shall be private infrastructure, owned, operated and maintained by the Developer (the "Private Infrastructure").

    (b) The Developer shall enter into encroachment agreement(s) with the City in respect of any part of the Private Infrastructure required under (a) that is located within any right-of-way.

Correspondence was received from the Developer to consider a formal request to amend the development agreement to allow for the installation of a public water main and wastewater sewer in Markham Road between University Cresent and Pembina Highway.

The Public Service has no objection to the proposed amendment.

Therefore, it is recommended that Clause 1 under Section 1 of Schedule C in the development agreement for AG 15/22 be amended by deleting Clause 1.a) and replacing it with the following:

(a) The Developer shall, at no expense to the City, construct and install the following infrastructure along Markham Road to serve the Planned Area and adjacent lands as determined and to the satisfaction of the Director of Water and Waste.

i. A wastewater sewer; and
ii. water main

With the exception of the infrastructure specified in i and ii above and the land drainage sewer for Markham Road, the Developer agrees that all water, wastewater and land drainage servicing for Phase 1 shall be private infrastructure, owned, operated and maintained by the Developer (the "Private Infrastructure").

The Developer also requested additional amendments regarding phasing; however these can be completed administratively as they relate to securities for the works.

FINANCIAL IMPACT

N/A

CONSULTATION

Water and Waste Department

OUR WINNIPEG POLICY ALIGNMENT

This report aligns with OurWinnipeg 2045, Policy 6.36 Full Range of Municipal Services, by enabling the installation of the municipal services.

Objective: Facilitate planned and orderly development.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

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

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to the Winnipeg Poverty Reduction Strategy (PRS) and its Goals and Objectives, and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: K. Kowalyk, Land Development Engineer
Date: December 18, 2024
File No: AG 15/22 c/r DASZ 15/2022

Attachments: Appendix "A" – DASZ 15/2022 Planned Area
Appendix "B" – Developer's letter request