Agenda - Council - March 22, 2006

Report - Standing Policy Committee on Property and Development - February 28, 2006

Item No. 2 Extension of Time – Subdivision and Rezoning - 499 River Avenue File DASZ 1/2004

STANDING COMMITTEE RECOMMENDATION:

On March 15, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the time limit to provide for the enactment of Rezoning By-law No. 107/2004 be extended to June 24, 2008.

2. 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 28, 2006

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 15, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 28, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 31, 2006, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: EXTENSION OF TIME - PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 499 RIVER AVENUE - FILE NO. DASZ 1/04

RECOMMENDATION:

That your Community Committee recommend to the Standing Policy Committee on Property and Development that it recommend to Council that the time limit to provide for the enactment of Rezoning By-law No. 107/04 be extended to June 24, 2008.

REASON:

Council approval is required for all extension of time applications.

HISTORY:

On June 23, 2004 Council adopted Item 9 of the report of the Standing Committee on Property and Development dated June 8, 2004 which clause recommended approval of the subject subdivision and rezoning to a "C2" COMMERCIAL DISTRICT as shown on the attached Schedule "A" to allow for commercial re-development including the re-establishment of a supermarket and fuel kiosk.

Recommendation 7 contained in the said report stipulates:

> "That in the event this application is not proceeded with expeditiously and the By-law is not enacted within twenty-four (24) months after adoption of this report by Council the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council."

Recommendation 10 further stipulates the following:

> "That the zoning section of the By-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning By-law is adopted by Council."

The rezoning By-law No. 107/04 was passed by Council on June 23, 2004. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by June 23, 2006, failing which the By-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such

extended date.

The By-law has not been enacted and the 24-month time limit will expire on June 23, 2006.

DISCUSSION:

Mr. Herb Peters, Aikins, MacAulay & Thorvaldson, 30th Floor - 360 Main Street, Winnipeg, Manitoba, R3C 4G1 acting on behalf of the registered owners is requesting a two-year extension of time in order to complete subdivision and rezoning requirements. A condition of the subdivision and rezoning approval was that all the property owned by Canada Safeway Limited (the applicants) at this location be consolidated into two lots, as shown on Schedule "A" attached, prior to registration of the plan of subdivision in the Winnipeg Land Titles Office. Canada Safeway is now requesting an extension of time in order to facilitate its dealing with certain financial encumbrances registered against the subject lands. The encumbrances are registered against nine of the present eleven Certificates of Title registered in the name of Canada Safeway Limited at this location. In order to facilitate the registration of the plan of subdivision, the registration of these mortgages would have to be amended to cover all the property at this location. The negotiations to amend these securities will take longer to complete than the current deadline for the enactment of the rezoning by-law.

The Administration has reviewed the request for the extension of time and is of the opinion that approval of the subject extension of time would be acceptable in view of the fact that the City's interests remain secured and circumstances leading to the original approval remain unchanged.

THIS REPORT SUBMITTED BY:

E. Axelrod
Subdivision Officer
January 25, 2006
File: DASZ 1/04

c.c. Aikins MacAulay & Thorvaldson, Attn: Herb Peters, 30th Flr-360 Main St, Wpg., R3C 4G1
Councillor Gerbasi

By-Law No. _____

File No. **DASZ 1/04**

Atlas Sheet No. **AB24**
CITY CENTRE COMMUNITY

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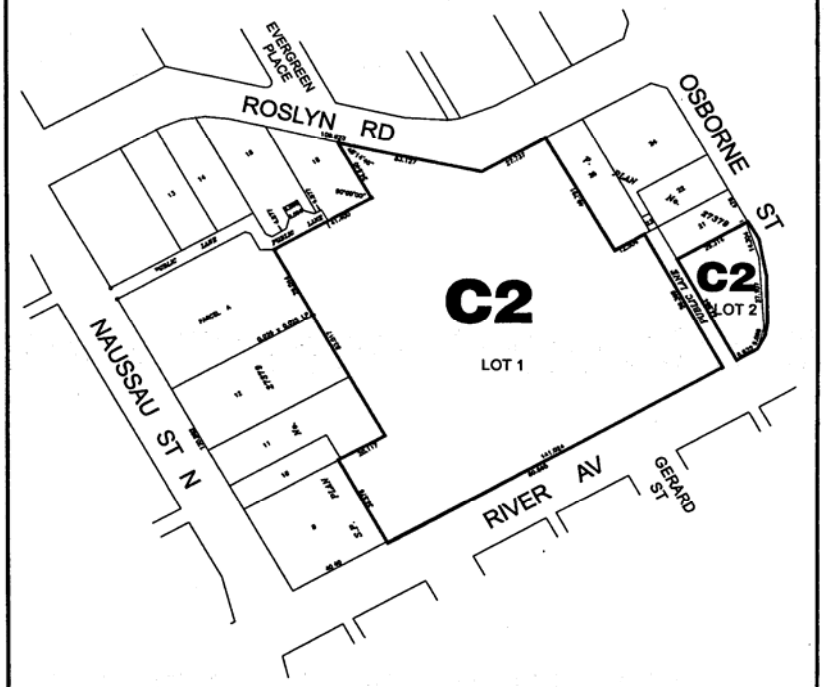
Explanation

The attached By-law approves the plan of subdivision shown outlined below and amends By-law No. 6400/94 by rezoning the land located north of River Avenue west of Osborne Street from a "C1.5" COMMERCIAL DISTRICT and an "RM-7" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE "A" FOR THE REPORT TO THE CITY CENTRE COMMUNITY COMMITTEE FOR FILE NO. DASZ 1/04

DATED: JANUARY 26, 2006