Report - Standing Policy Committee on Property and Development - November 25, 2008

Item No. 4 Extension of Time - Rezoning - 1884 McGillivray Boulevard (River Heights-Fort Garry Ward) File DAZ 269/2004

STANDING COMMITTEE RECOMMENDATION:

On December 10, 2008, the Executive Policy Committee concurred in the recommendation 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. 190/2005 be extended to March 21, 2011.

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 - November 25, 2008

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 10, 2008, the Executive Policy Committee concurred in the recommendation 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 November 25, 2008, 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 October 28, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the time limit to provide for the enactment of Rezoning By-law No. 190/2005 be extended to March 21, 2011.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

RE: EXTENSION OF TIME - Proposed rezoning on land located at 1884 McGillivray Boulevard - File No. DAZ 269/04 - (c/r DASSF 577/05)

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE CITY CENTRE COMMUNITY COMMITTEE

"Original Signed By A. Savage"
A. Savage
Subdivision Officer

October 20, 2008

RE: EXTENSION OF TIME - Proposed rezoning on land located at 1884 McGillvray Boulevard - File No. DAZ 269/04 - (c/r DASSF 577/05)

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. 190/2005 be extended to March 21, 2011.

REASON:

Council approval is required for all extension of time applications.

HISTORY:

On March 23, 2005 Council adopted Item 12 of the report of the Standing Committee on Property and Development dated March 7, 2005 which clause recommended approval of the subject rezoning to a "RM-5" MULTIPLE-FAMILY DISTRICT as shown on the attached Schedule "A" to allow for residential development.

Recommendation 4 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 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 the twenty-four (24) month period and the extension is subsequently approved by Council."

Item 6 further stipulates the following:

> "That the Rezoning By-law shall become effective when the Zoning Agreement has been registered by caveat against the subject land at the Winnipeg Land Titles Office 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. 190/2005 was passed by Council on October 25, 2005. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by October 26, 2007 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.

DISCUSSION:

The solicitor, Mr. Frank Bueti, of Tapper Cuddy LLP, 1000 - 330 St. Mary Avenue, Winnipeg, Manitoba, R3C 3Z5 is requesting a two-year extension of time in order to complete the necessary rezoning requirements, on behalf of his client 4977859 Manitoba Ltd.. His client has indicated that due to changes in market conditions and delays in several other projects, that it will not be able to proceed with the construction of this project some time during 2009 or 2010.

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 and circumstances leading to the original approval remain unchanged.

THIS REPORT SUBMITTED BY:

A. Savage
Subdivision Officer
October 20, 2008
File: DAZ 269/04 - (c/r DASSF 577/05)
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c.c. Councillor Leipsic
A. & S. Construction, Attn: V. Spezzano, Unit 1 - 25 Scurfield Blvd., Wpg., R3Y 1G4
Tapper Cuddy, Attn: F. Bueti, 1000 - 330 St. Mary Ave., Wpg. R3C 3Z5

By-Law No. _____

Subsection (573)

Atlas Sheet No.

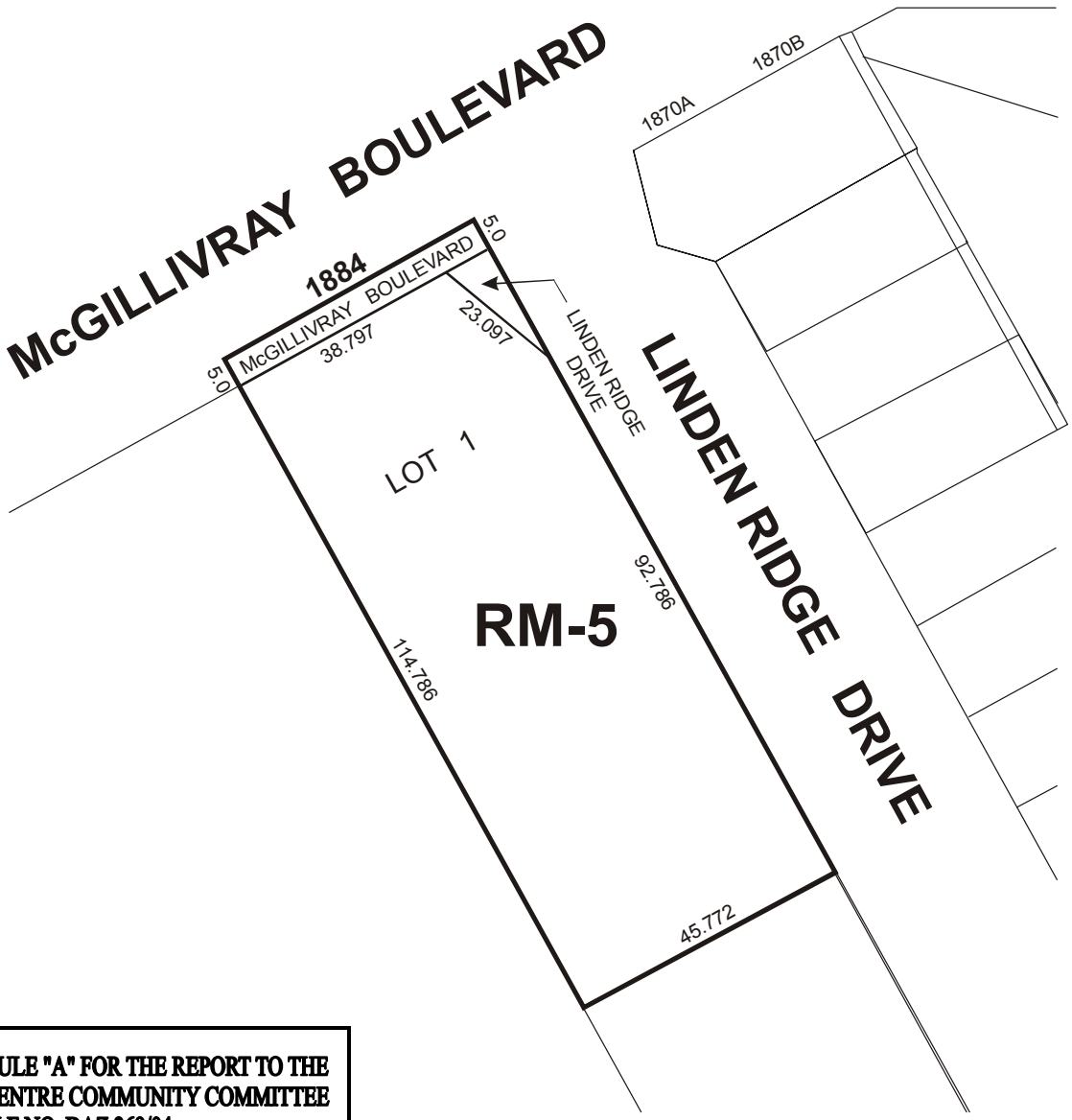
N

AH21
CITY CENTRE
COMMUNITY

File No. **DAZ 269/04**

Explanation

The attached By-law amends By-law No. 6400/94 by rezoning the land located at 1884 McGillivray Boulevard from an "A" AGRICULTURAL DISTRICT to a "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.



SCHEDULE "A" FOR THE REPORT TO THE CITY CENTRE COMMUNITY COMMITTEE FOR FILE NO. DAZ 269/04

DATED: October 20, 2008

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____