Minute No. 548
Report - Standing Policy Committee on Property and Development – September 8, 2009

Item No. 2 **Extension of Time - Subdivision and Rezoning on land located at 301 Lagimodiere Boulevard (St. Boniface Ward) File DASZ 51/2005**

COUNCIL DECISION:

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

1. That the time to provide for the enactment of Rezoning By-law No. 212/2007 be extended to December 19, 2010.

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

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DECISION MAKING HISTORY:

Moved by Councillor Fielding,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 23, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 8, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and submitted its recommendation to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

ISSUE: Extension of Time - Proposed Rezoning on land Located at 301 Lagimodiere Boulevard – File No. DASZ 51/2005

Critical Path: Riel Community Committee

AUTHORIZATION

Author	Department Head	CFO	CAO
Angela Savage Subdivision Officer	Deepak Joshi	Not Applicable	Not Applicable

RECOMMENDATIONS

That the 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. 212/2007 be extended to December 19th, 2010.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Community Committee are concurred in, an extension of time shall be granted.

HISTORY

On February 22, 2006, Council adopted Item No. 8 of the report of the Standing Policy Committee on Property and Development dated January 31, 2006 which clause recommended approval of the subject rezoning to an “RM-3” MULTIPLE-FAMILY DISTRICT, now known as “RMF-M” RESIDENTIAL MULTI-FAMILY DISTRICT and a “C2” COMMERCIAL DISTRICT, now known as “C2” COMMERCIAL COMMUNITY DISTRICT under Zoning By-law 200/2006 as shown on Schedule "A" attached.

Recommendation 5 contained in the said report stipulates:

> "That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the 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."

Item 8 further stipulates the following:

> "That the rezoning by-law shall come into effect 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. 212/2007 was passed by Council on December 19, 2007. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by December 19, 2009 failing which the By-law shall expire unless that date is extended by a resolution of the City Council and that registration is completed before any such extended date. This By-law has not been enacted and the twenty-four (24) month time limit is scheduled to expire on December 19, 2009.

The registered owner and applicant, Qualico, Sage Creek Development Corporation, Attention: Glenn Halldorson, 30 Speers Road, Winnipeg, Manitoba, R2J 1L9 is requesting a two year extension of time in order to complete the necessary rezoning requirements. See attached Appendix “A”.

The applicant is required to subdivide the land between Burning Glass Road and Boulevard Des Hivernants in order to define the boundary between the “C2” and “RMF-M” zoning districts. The applicant has submitted a subdivision application File No. DASSF 581/2007 to satisfy this requirement. However, the applicant has stated that they do not have immediate plans to develop this land and are reluctant to define the boundaries at this time.

The Winnipeg Public Service 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.

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Angela Savage
Date:	June 23, 2009
File No.	DASZ 51/2005 (c/r DASSF 581/2007)

APPENDIX "A"

By-Law No. _____
Subsection (744)

File No. **DASZ 51/05**

Atlas Sheet No.

N

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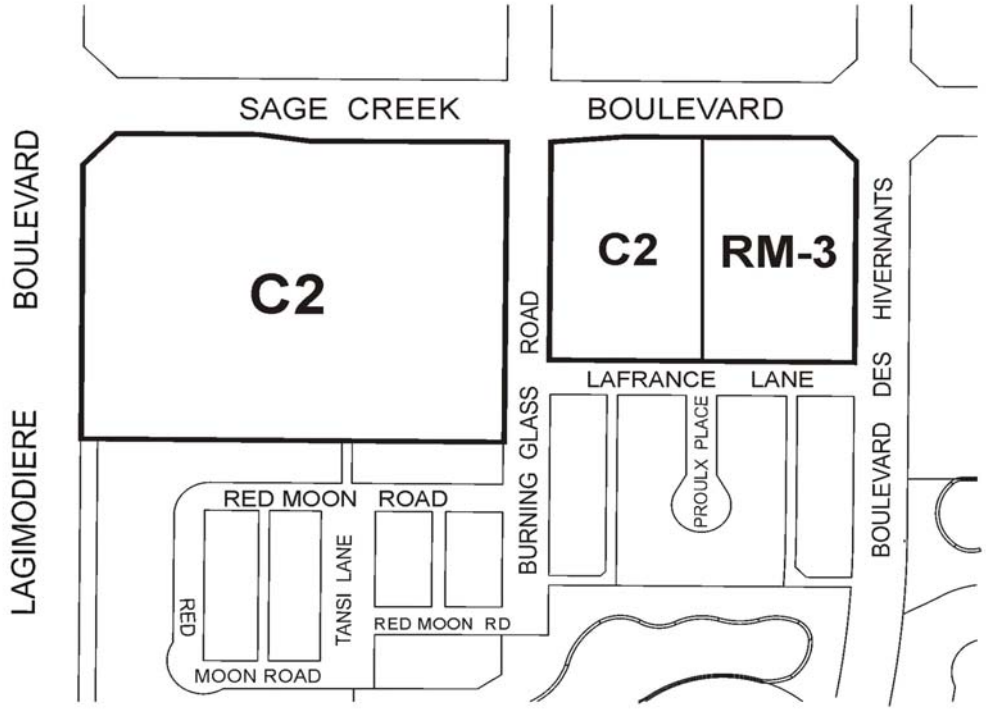
RIEL
COMMUNITY

Explanation

The attached By-law amends By-law No. 6400/94 by rezoning the land located at 301 Lagimodiere Boulevard from an "A.5" AGRICULTURAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____