Minute No. 597
Report - Standing Policy Committee on Property and Development - October 8, 2009

Item No. 2 **Extension of Time – Subdivision and Rezoning - Creek Bend Road (St. Vital Ward)**
eFile DASZ 52/2005

COUNCIL DECISION:

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

1. That the time limit to provide for the enactment of Rezoning By-law No. 162/2007 be extended to September 26, 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 October 21, 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 October 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 September 8, 2009, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

SUBJECT: **EXTENSION OF TIME – PROPOSED REZONING & SUBDIVISION ON LAND LOCATED AT CREEK BEND ROAD - FILE NO. DASZ 52/2005**

Critical Path: **RIEL COMMUNITY COMMITTEE**

AUTHORIZATION

Author	Department Head	CFO	CAO
A. Savage Subdivision Officer	Deepak Joshi	N/A	N/A

RECOMMENDATIONS

That 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. 162/2007 be extended to September 26, 2010.

IMPLICATIONS OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy		x	
Regulatory		x	
Environmental		x	
Human Resources		x	
Financial		x	
Legal (Contracts)		x	
Communications		x	
Council Priorities Direction		x	
Other, e.g. Organizational, community, etc. (Specify)			

HISTORY

On June 20, 2007, Council adopted Item No. 7 of the report of the Standing Policy Committee on Property and Development dated May 22, 2007 which clause recommended approval of the subject rezoning to an "RM-2" and “RM-6” MULTIPLE-FAMILY DISTRICTS, now known as “RMF-S” and “RMF-L” RESIDENTIAL MULTI-FAMILY DISTRICT and a “PR1” PARKS AND RECREATION DISTRICT, now known as “PR1” PARKS AND RECREATION 1 (Neighbourhood) DISTRICT all under Zoning By-law 200/2006 as shown on Schedule "A" attached.

Recommendation 4 contained in 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."

Recommendation 7 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.162/2007 was passed by Council on September 26, 2007. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by September 26, 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 September 26, 2009.

The applicant, Pre-Con Builders, Attention: Robin Lee, 1540 Taylor Avenue, Winnipeg, Manitoba, R3Y 1Y1 is requesting a one year extension of time in order to complete the necessary rezoning and subdivision requirements. See attached Appendix “A”. The applicant has indicated that the project has been delayed due to their former client withdrawing their development proposal. They are now working diligently to finalize this transaction with their new client and expect their development plan will be implemented in early fall 2009.

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.

FINANCIAL IMPACT

N/A

CONSULTATION

In preparing this Report there was consultation with:

N/A

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	A. Savage, Subdivision Officer
Date:	July 30, 2009
File No.	DASZ 52/2005

APPENDIX "A"

SCHEDULE A

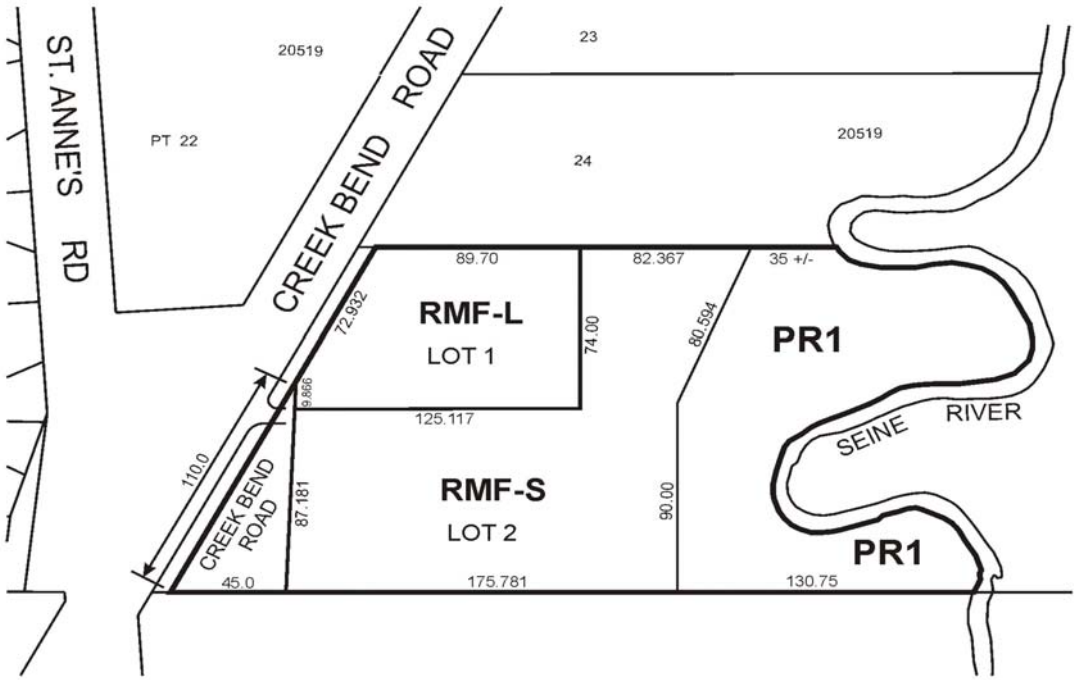
By-Law No. _____
Subsection (740)

File No. **DASZ 52/05**

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 on the east side of Creek Bend Road north of the Perimeter Highway from an "A.5" AGRICULTURAL DISTRICT to a "PR1" PARK AND RECREATION DISTRICT, an "RMF-L" MULTIPLE-FAMILY DISTRICT and an "RMF-S" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No.
AJ30
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Savage, Angie

From: Robin Lee [robinlee@preconbuilders.com]
Sent: Wednesday, July 22, 2009 11:34 AM
To: Savage, Angie
Subject: DASZ 52/05 - creekbend road

Dear Angela, please accept this e-mail as formal notification of our request to extend this re-zoning application

Our reason to request this extension is because our original clients for this project have backed out, and we are just finalizing arrangements for a new client/partner for this project

We are working diligently to finalize this transaction, and expect it to be ful-filled, however I want to be cautious about the impending deadline

We are working to get information to Shirley matille so we can finalize the development agreement

Please put the cost for the extension through the pre-con builders account with the city

Please do not hesitate to call if you have any questions or concerns

Thanks very much

Robin lee

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please contact the sender by reply email and destroy all copies of the original message.