Agenda - Council – February 24, 2010

Report - Standing Policy Committee on Property and Development – February 2, 2010

Item No. 1 Extension of Time - Subdivision and Rezoning - 499 River Avenue (Fort Rouge-East Fort Garry Ward) File DASZ 1/2004

STANDING COMMITTEE RECOMMENDATION:

On February 17, 2010, 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 to provide for the enactment of rezoning By-law No. 107/2004 under File DASZ 1/2004 be extended to March 1, 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 – February 2, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2010, 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 February 2, 2010, 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 5, 2009, the City Centre 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

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

Critical Path: **CITY CENTRE 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. 107/2004 be extended to March 1, 2011.

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 April 23, 2008 Council adopted Item 4 of the report of the Standing Committee on Property and Development dated March 25, 2008 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. Council had also approved previous extensions of time on June 23, 2004 and March 22, 2006 for this application.

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 most recent extension of time will expire on March 1, 2010.

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 further one-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 financial encumbrances which had held up the registration in the past have now been discharged from the title. However, it appears that the titles remain subject to various other registrations (road openings) which are not consistently registered against all of the titles. In order to facilitate the registration of the consolidation, such registrations will have to be amended so they uniformly effect to the property owned by Canada Safeway Limited at this location. The registrations may take longer to complete than the current deadline for the enactment of the rezoning by-law.

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 in view of the fact that the City's interests remain secured and circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

Financial Impact Statement

Date:

Project Name:

First Year of Program

	0	1	2	3	4
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	-	-	-	-	-
Net Cost/(Benefit)	$ -	$ -	$ -	$ -	$ -
Less: Existing Budget Amounts	-	-	-	-	-
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -
Additional Comments:					

original signed by

Department Controller

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:	December 14, 2009
File No.	DASZ 1/2004

APPENDIX "A"

By-Law No. _____

File No. **DASZ 1/04**

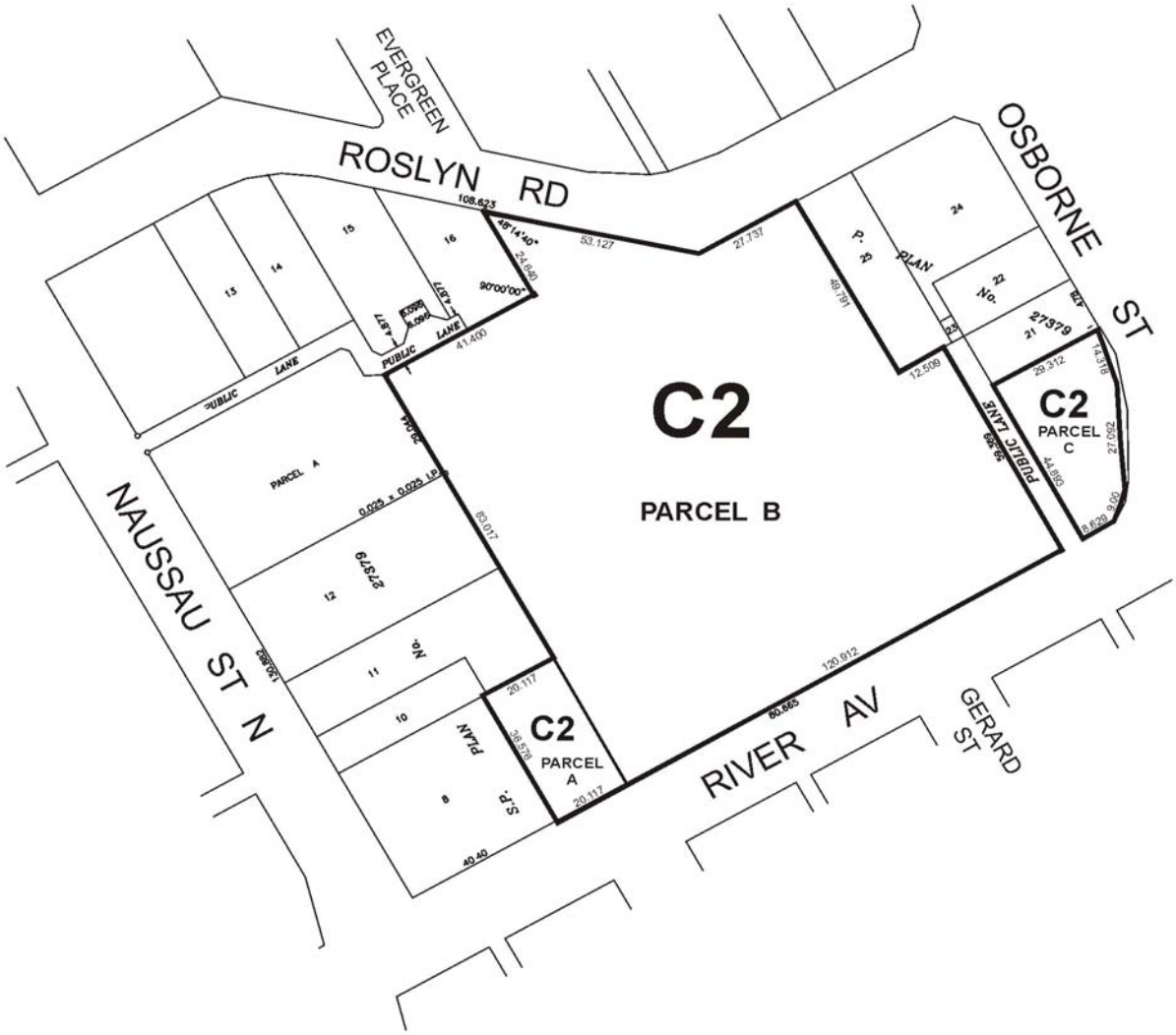
Atlas Sheet No. **AB24**

N

CITY CENTRE COMMUNITY

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. _____