Agenda - Council – February 24, 2010

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

Item No. 2 Extension of Time – Rezoning on land located at 3389 Pembina Highway (St. Norbert Ward) eFile DAZ 228/2008

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 Riel Community Committee and submits the following to Council:

1. That the time limit to provide for the enactment of Rezoning By-law No. 150/2008 be extended to December 15, 2010.

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 Riel 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 Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 18, 2010, the Riel 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 REZONING ON LAND LOCATED AT 3389 PEMBINA HWY - FILE NO. DAZ 228/08**

Critical Path: **RIEL 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. 150/2008 be extended to December 15, 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 October 22, 2008 Council adopted Item 5 of the report of the Standing Committee on Property and Development dated October 2, 2008 which clause recommended approval of the subject rezoning to an “RMU” RESIDENTIAL MIXED USE DISTRICT as shown on the attached Schedule “A” to allow for residential/commercial development.

Recommendation 3 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 5 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. 150/2004 was passed by Council on October 22, 2008. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by October 22, 2009, 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 is now deemed expired.

Mr. Sam Chang (Yong-Im Chang), 97 Queen’s Park Crescent, Winnipeg, Manitoba, R3P 1Z8, being one of the registered owners is requesting a further one-year extension of time in order to complete the rezoning requirements. Mr. Chang acknowledges the Zoning Agreement failed to proceed to registration based on confusion and error between the registered owners and their lawyer. Although this by-law is now deemed expired, by virtue of the fact that the application was non-controversial and there was no opposition at the public hearing, 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 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.	DAZ 228/2008

APPENDIX "A"

By-Law No. _____

File No. **DAZ 228/08**

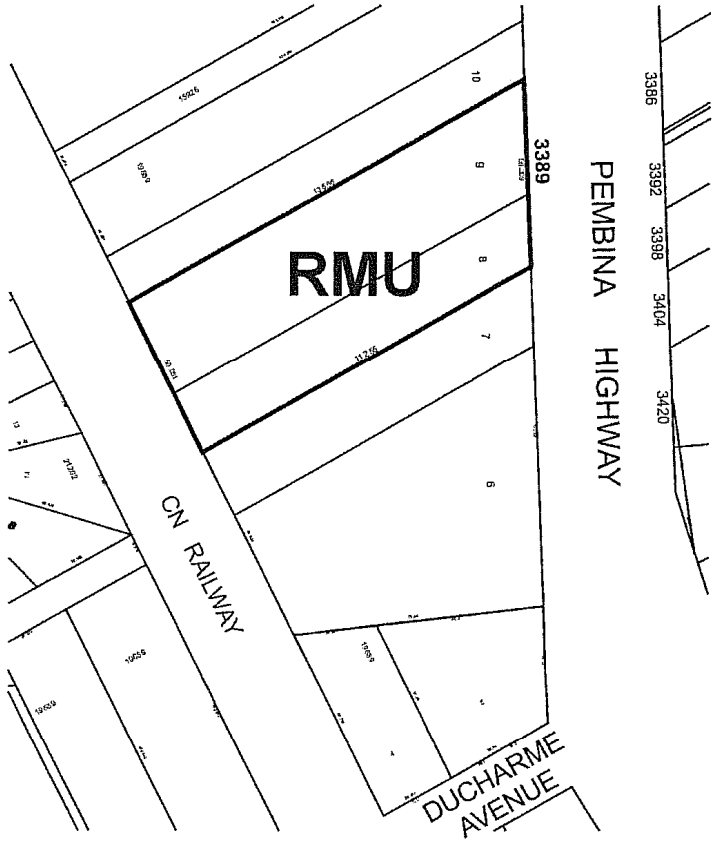
Atlas Sheet No.

N

AO23
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 3389 Pembina Highway from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____