Minute No. 389
Report - Standing Policy Committee on Property and Development – May 4, 2010

Item No. 1 **Extension of Time –Rezoning - 1032 Wilkes Avenue (River Heights-Fort Garry Ward) File DAZ 234/2008**

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. 30/2009 be extended to February 18, 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 – May 4, 2010

DECISION MAKING HISTORY:

Moved by Councillor Steeves,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 12, 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 May 4, 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 April 13, 2010, 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 REZONING & SUBDIVISION ON LAND LOCATED AT 1032 WILKES AVENUE - FILE NO. DAZ 234/2008**

Critical Path: **CITY CENTRE COMMUNITY COMMITTEE**

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Raban Land Development Administrator	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. 30/2009 be extended to February 18, 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 January 28, 2009, Council adopted Item No. 7 of the report of the Standing Policy Committee on Property and Development dated January 6, 2009 which clause recommended approval of the subject rezoning to an “RMF-M” RESIDENTIAL MULTI-FAMILY DISTRICT under Zoning By-law 200/2006 as shown on Schedule "A" attached.

Recommendation 3 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 5 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.30/2009 was passed by Council on February 18, 2009. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by February 18, 2010 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 has now expired.

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 registrations of the Zoning Agreement and related survey mylars. See attached Appendix “A”.

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:	March 9, 2010
File No.	DAZ 234/2008

APPENDIX "A"

By–Law No. _____

File No. **DAZ 234/08**

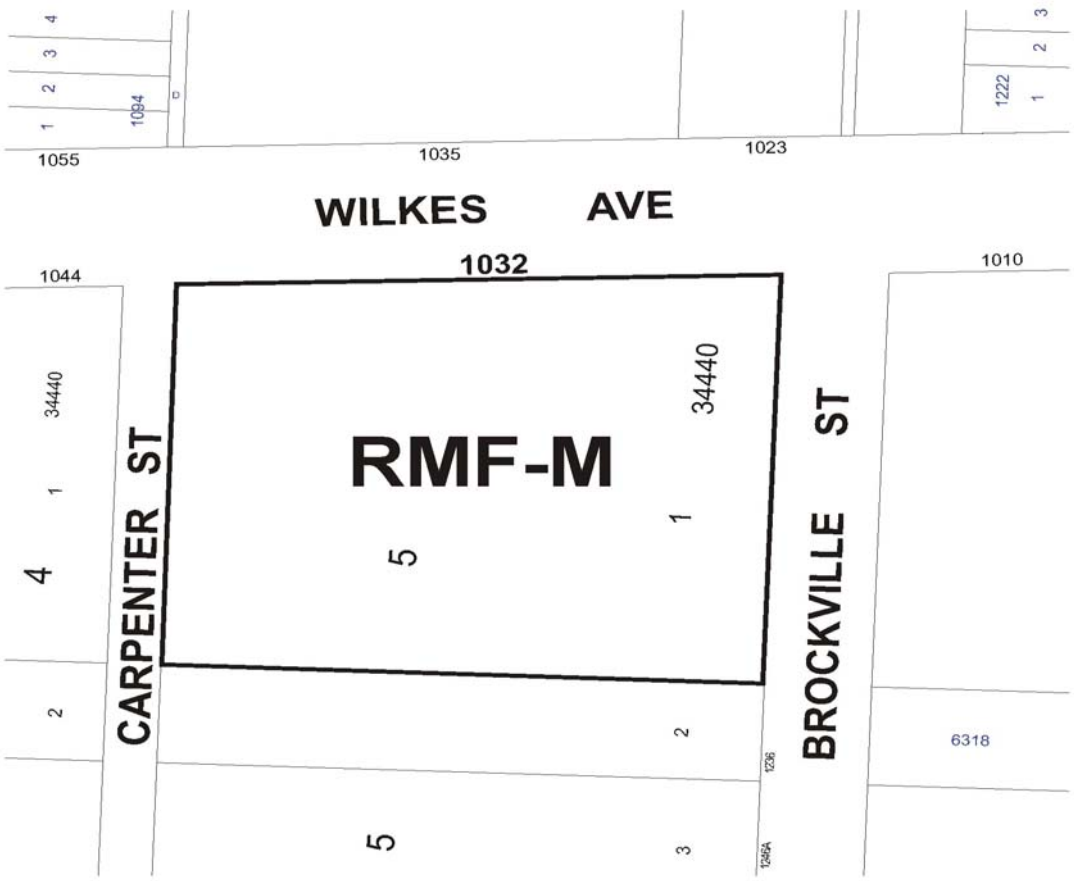
Atlas Sheet No.

N

AF21
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1032 Wilkes Avenue from an "A" AGRICULTURAL DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Savage, Angie

From: Robin Lee [robinlee@preconbuilders.com]
Sent: Monday, March 08, 2010 4:05 PM
To: Savage, Angie
Cc: Gagnon, Cathy; Raban, Kim; 'Meril Rivard'
Subject: Re: 1032 wilkes - daz234/08

Hi angie, we are formally requesting the extension as the mylar registration did not occur in time to formally complete the re-zoning

Please charge costs from pre-con account

Thanks, robin
Sent from my BlackBerry device on the Rogers Wireless Network

-----Original Message-----
From: "Savage, Angie" <asavage@winnipeg.ca>
Date: Mon, 8 Mar 2010 15:50:56
To: <robinlee@preconbuilders.com>
Cc: Gagnon, Cathy<CGagnon@winnipeg.ca>; Raban, Kim<KRaban@winnipeg.ca>; Meril Rivard<mr@ultracuts.ca>
Subject: RE: 1032 wilkes - daz234/08

Hi Robin,

In order to proceed with an Extension of Time request, you are required to submit a formal request in writing explaining why this application has not proceeded to date and what your timelines are expected to be for completion. A report will then be written based on your explanation.

In addition to this, you will be required to submit payment for the extension in the amount of $324 (no GST). If you would like this amount deducted from your Pre-Con account, please advise this in your letter.

Once received, we will proceed with the extension as soon as we can.

Thanks
Angie

-----Original Message-----
From: Robin Lee [mailto:robinlee@preconbuilders.com]
Sent: Thursday, March 04, 2010 12:56 PM
To: Savage, Angie
Cc: Gagnon, Cathy; Raban, Kim; 'Meril Rivard'
Subject: Re: 1032 wilkes - daz234/08

HI angie, please process an extension for this application to get wrapped up as soon as possible. We had previously thought all was proceeding smoothly and were hoping to begin construction in may Thanks, robin ------Original