Agenda - Council – June 23, 2010

Report - Standing Policy Committee on Standing Policy Committee – June 8, 2010

Item No. 2 **Extension of time – Proposed Rezoning and Subdivision on land located south of Dugald Road, west of Plessis Road and north of Camiel Sys Street**
(St. Boniface Ward)
File DASZ 33/2008

STANDING COMMITTEE RECOMMENDATION:

On June 16, 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. 41/2009 be extended to March 25, 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 – June 8, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 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 June 8, 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 May 3, 2010, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service be concurred in and forwarded to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

SUBJECT: **EXTENSION OF TIME – PROPOSED REZONING & SUBDIVISION ON LAND LOCATED SOUTH OF DUGALD ROAD, WEST OF PLESSIS ROAD AND NORTH OF CAMIEL SYS STREET - FILE NO. DASZ 33/2008**

Critical Path: **Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee - Council**

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. 41/2009 be extended to March 25, 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 February 18, 2009, Council adopted Item No. 3, the report of the Executive Policy Committee dated February 4, 2009 which recommended approval of the subject rezoning to an “RMU” Residential Mixed Use District and a “PR1” Parks and Recreation 1 (Neighbourhood) District under Zoning By-law 200/2006 as shown on Appendix "A" attached.

Recommendation 4 contained in said report stipulates:

> "That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 stipulates the following:

> "That the zoning section of the by-law comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed."

Recommendation 8 further stipulates the following:

> "That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time."

The rezoning By-law No. 41/2009 was passed by Council on March 25, 2009. The coming into force section of the By-law requires that the plan of subdivision and Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by March 25, 2010 failing which the By-law shall expire unless that date is extended by a resolution of the City Council and the plan of subdivision and caveat are registered before such extended date. The plan of subdivision has not been approved and the By-law has not been enacted and the one year time limit has now expired.

The applicant, Waterside Development Corporation, 80 Southmoor Road, Winnipeg, Manitoba, R2J 2P4 is requesting an extension of time in order to complete the necessary registrations of the Zoning Agreement and related plan of subdivision survey mylars at the Winnipeg Land Titles Office. See attached Appendix “B”.

The Winnipeg Public Service has reviewed this request and is of the opinion that approval of the requested extension of time for a one (1) year period is acceptable as 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:	Rob Deighton, Land Development Coordinator
Date:	April 19, 2010
File No.	DASZ 33/2008

APPENDIX "A"

By-Law No. _____

File No. **DASZ 33/08**

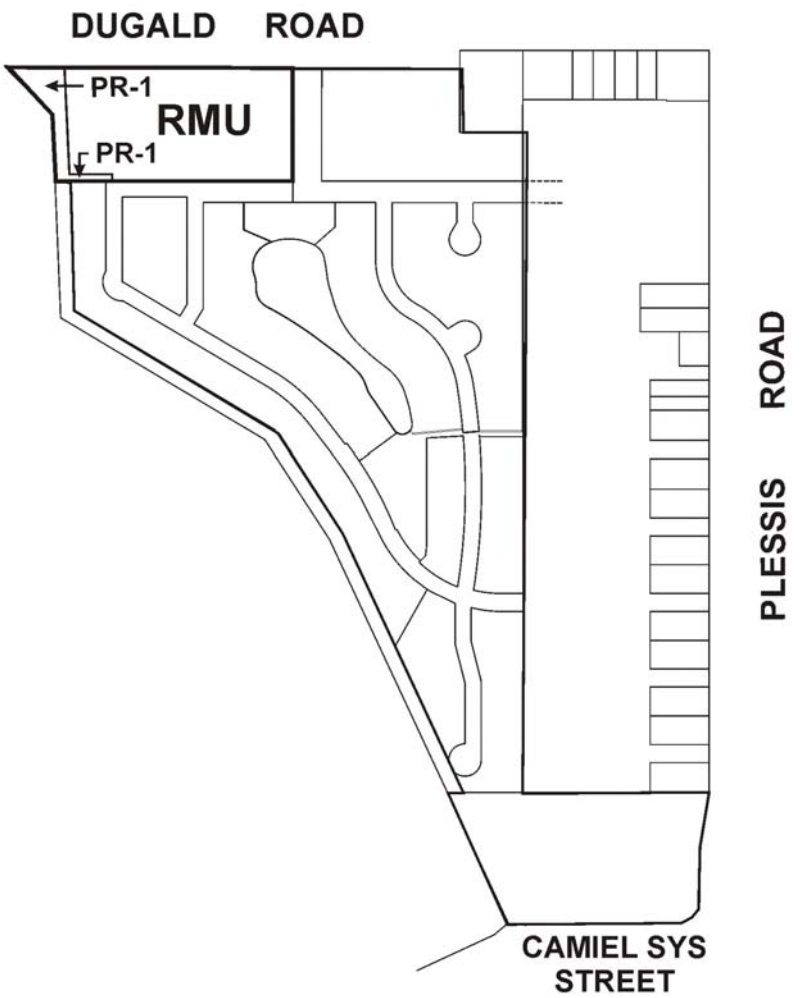
Atlas Sheet No.

N

AA32
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located south of Dugald Road, west of Plessis Road from an "M1" MANUFACTURING LIGHT INDUSTRIAL DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B"

Waterside Development Corp.

April 11, 2010

RECEIVED
APR 12 2010

Angie Savage
Subdivision Officer
City of Winnipeg
Planning, Property & Development
Development & Inspections Division
Land Development Branch
Main Floor – 65 Garry Street
Winnipeg, Manitoba R3C 4K4

Dear Ms. Savage:

Re: AG 20A/08 (DASZ 20/08) AND AG 20B/08 (DASZ 33/08)

We are in receipt of your email dated April 8, 2010 in reference to the above noted property.

The property was acquired from the City of Winnipeg September 15, 2009 and we have been diligently acting on the above noted property with respect to re-zoning, Plan Winnipeg Amendment and various other departments at the City of Winnipeg. Inadertently, the date of March 31, 2009 was missed in reference to bi-law 40/08 and 41/08.

We therefore ask you to consider our Application for an Extension together with our cheque in the amount of $648 ($324 for each parcel) so that our Extension of Time Report can be heard at the Riel Community Committee on May 3, 2010.

Thank you for your understanding in this regard.

Yours truly,

B. MacKenzie
President
Waterside Development Corp.

80 Southmoor Road – Winnipeg – Manitoba – R2J 2P4
Email: watersidedevelopment@mts.net