Agenda - Council – September 22, 2010

Report - Standing Policy Committee on Property and Development – September 14, 2010

Item No. 9 Extension of Time – Rezoning and Subdivision on land located at 1189 Troy Avenue and 1180 Chamberlain Avenue (Point Douglas Ward) File DASZ 33/2007

STANDING COMMITTEE RECOMMENDATION:

On September 15, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the time limit to provide for enactment of Rezoning By-law No. 34/2008 coming into force and effect be extended to July 31, 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 – September 14, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 15, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2010, the Lord Selkirk-West Kildonan 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 1189 Troy Avenue & 1180 Chamberlain Avenue - File No. Dasz 33/2007**

Critical Path: **LORD SELKIRK/WEST KILDONAN COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT - 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 enactment of Rezoning By-law No. 34/2008 coming into force and effect be extended to July 31, 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 December 19, 2007, Council adopted Item No. 6 of the report of the Standing Policy Committee on Property and Development dated November 27, 2007 which clause recommended approval of the subject rezoning to an "RM-2" RESIDENTIAL MULTIPLE-FAMILY DISTRICT and a “PR1” PARKS AND RECREATION DISTRICT under Zoning By-law 6400/1994 as shown on Schedule "A" dated November 1, 2007 attached to allow for the development of multiple family dwellings. These Districts are now identified as an “RMF-S” RESIDENTIAL MULTI-FAMILY DISTRICT and a “PR1” PARKS AND RECREATION 1 DISTRICT under Zoning By-law 200/2006 which repealed Zoning By-law 6400/1994.

The Rezoning By-law No. 34/2008 for DASZ 33/2007 was passed by Council on February 20, 2008. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by February 20, 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 time limit has expired.

On behalf of the registered owner, the solicitor Mr. Richard H.G. Adams of Thompson Dorfman Sweatman, LLP is requesting a one year extension of time in order to complete the necessary registration requirements. See attached Appendix “A”. Mr. Adams has indicated that the continuance of the project was interrupted due to financial reasons which have now been secured.

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: June 28, 2010
File No. DASZ 33/07

APPENDIX "A"

THOMPSON DORFMAN SWEATMAN LLP

Writer's Name	Richard H. G. Adams
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Internet E-mail Address	rhga@tdslaw.com
Writer's Direct Fax	(204) 934-0539

June 18, 2010

Delivered

The City of Winnipeg
Land Development Branch
Main Floor
65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Angela Savage, Subdivision Officer

Dear Sirs:

Re: DASZ 33/2007 and File No. R.14/2008 (9) -
Property on Troy and Chamberlain, Winnipeg
Our Matter No. 0098961 RHGA

Further to our discussion this morning, I am enclosing our cheque in favour of the City for $202.00, and we request an extension of time for the filing of a Caveat to give notice of the Zoning Agreement in the above referenced matter, as such time period was established in By-law No. 34/2008. The continuance of the project at the property was interrupted as a result of issues with lenders. Funding arrangements that had been in place for this project ceased.

The financial complexities faced by the owner have now been sorted out and resolved, and the owner is in a position to continue the project.

We are concurrently dealing with other development and plan matters with representatives of the City which have not been fully completed. The extension requested

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accordingly is until the end of this calendar year, by which time (at the latest) we presently anticipate having concluded those other matters.

Yours truly,

THOMPSON DORFMAN SWEATMAN LLP

Per:

Richard H. G. Adams

RHGA/gc
Encl.

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By-Law No. _____

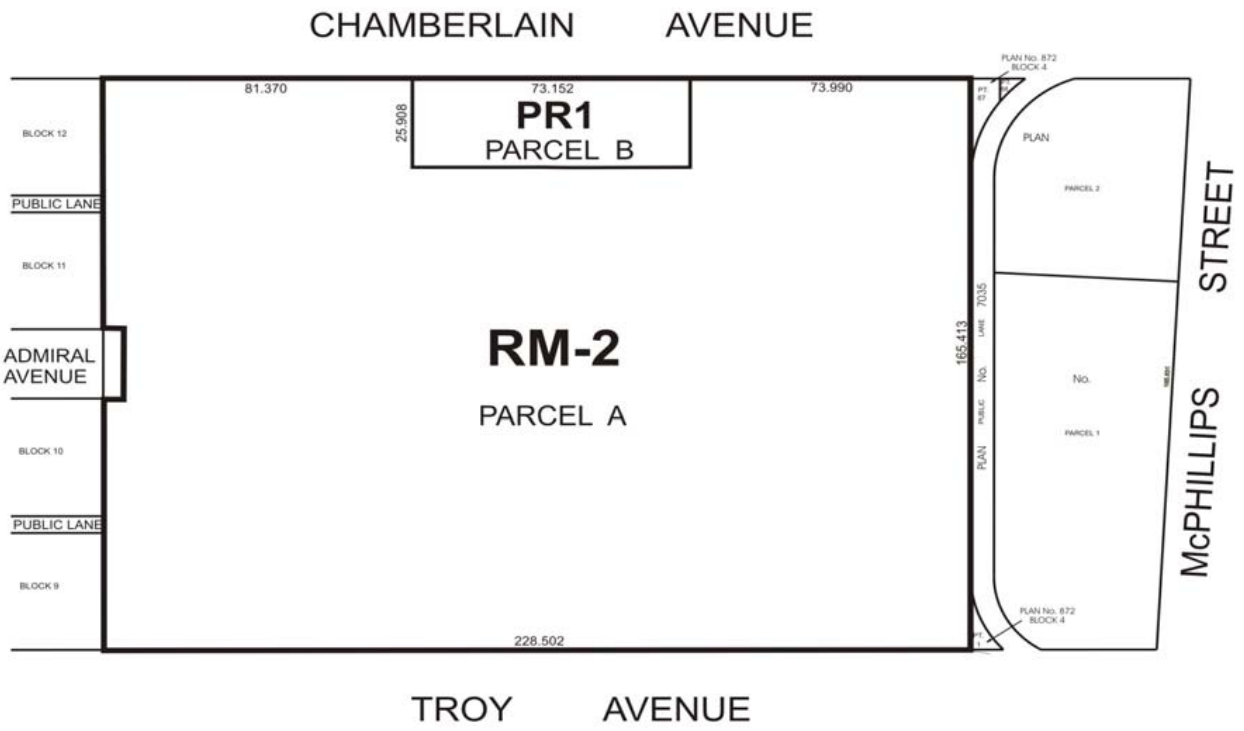
Atlas Sheet No. **V23**

LORD SELKIRK WEST KILDONAN COMMUNITY

File No. **DASZ 33/07**

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1189 Troy Avenue and 1180 Chamberlain Avenue from an "RM-1" and "RM-2" MULTIPLE-FAMILY DISTRICTS to an "PR1" PARKS AND RECREATION DISTRICT and an "RM-2" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____