Agenda - Council – December 15, 2010

Report - Standing Policy Committee on Property and Development – December 6, 2010

Item No. 5 Extension of Time – Rezoning - land located at 301 Lagimodière Boulevard – DASZ 51/2005 (St. Boniface Ward)

STANDING COMMITTEE RECOMMENDATION:

On December 8, 2010, the Executive Policy Committee concurred in the recommendations 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. 212/2007 be extended to December 19, 2015.

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 – December 6, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 2010, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On December 6, 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 November 8, 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

Title: **EXTENSION OF TIME – PROPOSED REZONING ON LAND LOCATED AT 301 LAGIMODIERE BOULEVARD - FILE NO. DASZ 51/2005**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
Kim Raban Land Development Administrator	Deepak Joshi, Director	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. 212/2007 be extended to December 19, 2015.

REASON FOR THE REPORT

Council approval is required to extend the enactment date identified under Rezoning By-law No. 212/2007.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in the applicant will be allowed a five (5) year extension in order to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY

On September 30, 2009 Council adopted Minute No. 548 of the Report of the Standing Policy Committee on Property and Development dated September 8, 2009 which item recommended approval of an extension of time to December 19, 2010.

On February 22, 2006, Council adopted Item No. 8 of the report of the Standing Policy Committee on Property and Development dated January 31, 2006 which clause recommended approval of the subject rezoning to an “RM-3” MULTIPLE-FAMILY DISTRICT, now known as “RMF-M” RESIDENTIAL MULTI-FAMILY DISTRICT and a “C2” COMMERCIAL DISTRICT, now known as “C2” COMMERCIAL COMMUNITY DISTRICT under Zoning By-law 200/2006 as shown on Appendix "A" attached.

Recommendation 5 contained in the 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."

Item 8 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.212/2007 was passed by Council on December 19, 2007. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by December 19, 2009 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 however the twenty-four (24) month time limit that was scheduled to expire on December 19, 2009 was extended by Council on September 30, 2009, to December 19, 2010.

The registered owner and applicant, Sage Creek Development Corporation, Attention: Lyne Jones, One Dr. David Friesen Drive, Winnipeg, Manitoba, R3X 0G8 is requesting a further five year extension of time in order to complete the necessary rezoning requirements. See attached Appendix “B”.

The applicant is required to subdivide the land between Burning Glass Road and Boulevard Des Hivernants in order to define the boundary between the “C2” and “RMF-M” zoning districts. The applicant has submitted a subdivision application File No. DASSF 581/2007 to satisfy this requirement. However, the applicant has stated that they do not have immediate plans to develop this land and are reluctant to define the boundaries at this time.

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.

The Riel Community Planner provided the following additional comments;

"We are supportive of the proposed 5 year extension instead of 1 year for this particular property because this property is located in a secondary plan area where there are policies in place guiding the type of development to occur at the subject site. We have supported similar lengthy extensions where there is a secondary plan in place. In instances where there is not a secondary plan or other approved concepts/policies in place that help guide development, we may choose to only support a one year extension".

FINANCIAL IMPACT

There is no financial impact associated with this recommendation.

CONSULTATION

In preparing this Report there was consultation with:

n/a

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Kim Raban, P.Eng., Land Development Branch
Date:	October 29, 2010
File No.	DASZ 51/2005 (c/r DASSF 581/2007)

Appendix "A" – DASZ 51/2005 map
Appendix "B" – Request letter from Sage Creek Development Corporation

Filename: V:\3-Angie-SAVE\106- 2010 - REPORTS\DASZ 51-05 Extension of Time Request - KTR.doc

APPENDIX "A" – DASZ 51/2005 – map

By-Law No. _____

Subsection (744)

File No. **DASZ 51/05**

Atlas Sheet No.

N

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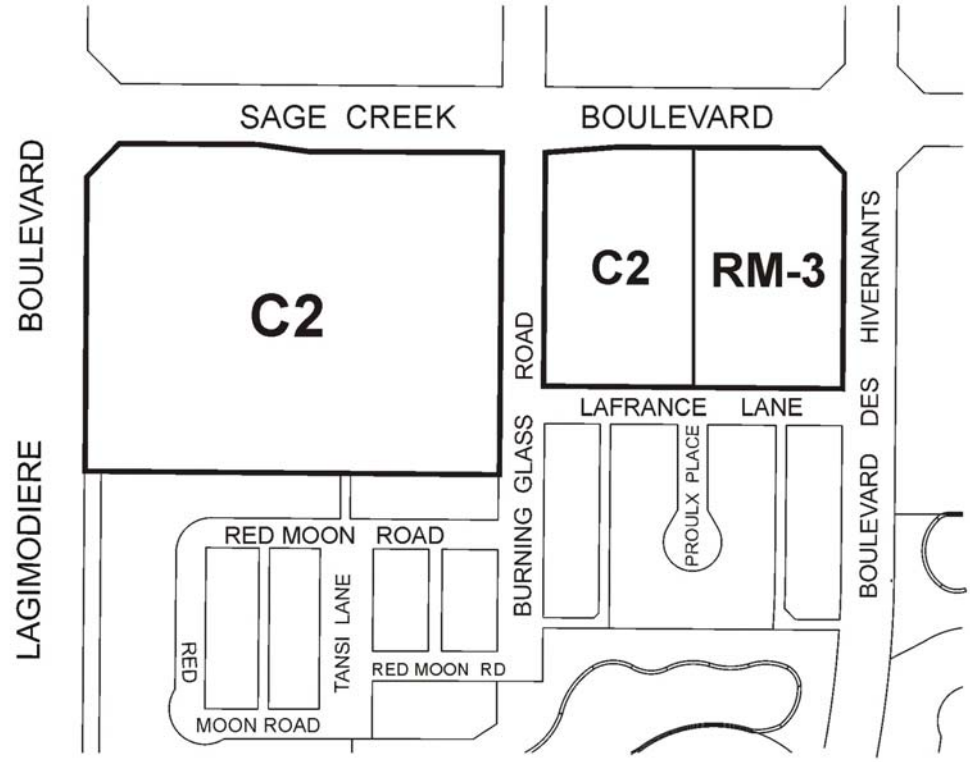
COMMUNITY

Explanation

The attached By-law amends By-law No. 6400/94 by rezoning the land located at 301 Lagimodiere Boulevard from an "A.5" AGRICULTURAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – Letter from Applicant

SAGE CREEK DEVELOPMENT CORPORATION

One Dr. David Friesen Drive
Winnipeg, MB R3X OG8

Phone: (204) 254-9252
Fax: (204) 233-2965

October 18, 2010

Angie Savage
The City of Winnipeg
Planning, Property and Development Department
Land Development Branch
Main Floor, 65 Garry Street
Winnipeg, Manitoba R3C 4K4

Dear Angie,

Sage Creek, Phase 1
Request for Extension of Deadline for
By-law No. 212/2007 – DASZ 51/05 c/r DASSF 581/07

Enclosed please find a copy of our letter dated June 9, 2009 requesting an extension of the deadline for expiry of By-law No. 212/2007. On September 30, 2009, Council extended the deadline of December 19, 2009 for one (1) year until December 19, 2010.

We continue to work on our concept for the Village Centre in Sage Creek, however, have not finalized any immediate plans for the subject lands between Burning Glass Road and Boulevard des Hivernants. Accordingly, we are herein requesting a further extension of five (5) years to December 19, 2015 for registration of a plan of subdivision to enact the zoning on these lands as required under By-law No. 212/2007.

We recognize that the standard extension period granted is for one (1) year only, however, we are requesting that the City of Winnipeg grant an exception due to the unique circumstances of this application. An extension of at least five (5) years will provide us with the time necessary to plan the development of the Sage Creek Village Centre, without the required administrative work by the City to extend the deadline annually, or the need to register a plan of subdivision prior to confirmation of the final layout only to enact the zoning.

A Zoning Agreement relating to DASSF 581/2007 c/r DASZ 51/2005 was registered as Caveat #3701305 on November 18, 2008 against Block 1 and Lot 3, Block 11, both within Plan 45829, confirming the C2 and RM-3 zoning on these lands as contemplated under By-law No. 212/2007.

Please advise if you require anything further in order to process our application. Please take the fees for this application from the Qualico Developments (Winnipeg) Ltd. account number 04 116919 TR.

Yours truly,

SAGE CREEK DEVELOPMENT CORPORATION

LYNE B. JONES,
Project Manager

/lj
Enclosure(s): As Noted