Agenda - Council – January 26, 2011

Report - Standing Policy Committee on Property and Development – January 11, 2011

Item No. 2 Extension of time – Proposed Rezoning - 173 Notre Dame Street - DAZ 226/2008
(St. Boniface Ward)

STANDING COMMITTEE RECOMMENDATION:

On January 19, 2011, 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 coming into force of Rezoning By-law No. 121/2009 be extended to October 31, 2011.

2. That the Proper Officer 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 – January 11, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 19, 2011, 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 January 11, 2011, 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 December 6, 2010, the Riel Community Committee concurred in the recommendation of the 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 173 NOTRE DAME STREET - FILE NO. DAZ 226/2008**

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 coming into force of Rezoning By-law No. 121/2009 be extended to October 31, 2011.

REASON FOR THE REPORT

Council approval is required to extend the date for the Coming into force section identified under Rezoning By-law No. 121/2009.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, Davian Construction Ltd., on behalf of the owner 4289528 Canada Ltd., will be allowed a one (1) year extension in order to complete the necessary registrations of Zoning Agreement DAZ 226/2008 by way of caveat at the Winnipeg Land Titles Office.

HISTORY

On November 19, 2008, Council adopted Item No. 3 of the report of the Standing Policy Committee on Property and Development dated October 28, 2008 which clause recommended approval of the subject rezoning from “M1” Industrial District to a “RMF-M” Multiple Family District under Zoning By-law 200/2006 as shown on Appendix "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 twelve (12) 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 twelve (12) month period and the extension is subsequently approved by Council."

The rezoning By-law No. 121/2009 was enacted by Council and passed on October 28, 2009. The Coming into force section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office with one year from the date the By-law is passed failing which the By-law shall expire unless that date is extended by a resolution of City Council and that caveat registration is completed before any such extended date. The one year time limit of October 28, 2010 as provided under the by-law has now expired.

The applicant, Davian Construction Ltd., Attention: Treble Lysenko, 740 Logan Avenue, Winnipeg, Manitoba, R3E 1M9 is requesting an extension of time in order to complete the necessary registrations of the Zoning Agreement. The applicant has advised that they feel the timing was not yet right to proceed with the development, but are confident that in the next year conditions will change to proceed, see attached Appendix “B”.

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.

Further to the above, there is a related Variance Order DAV 12705/2008D [c/r DAZ 226/2008] that expired on October 22, 2010; the applicant has advised that he is proceeding to address this matter with the City of Winnipeg, Zoning and Permit Branch.

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:	Rob Deighton, P.Eng., Land Development Branch
Date:	November 19, 2010
File No.	DAZ 226/08

Appendix “A” – DAZ 226/08 map
Appendix “B” – Request letter from Davian Construction Ltd.

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APPENDIX "A" – DAZ 226/08 – map

By-Law No. _____

File No. **DAZ 226/08**

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 173 Notre Dame Street from an "M1" INDUSTRIAL DISTRICT to an "RMF-M" MULTIPLE-FAMILY DISTRICT as shown outlined below.

Atlas Sheet No.

N

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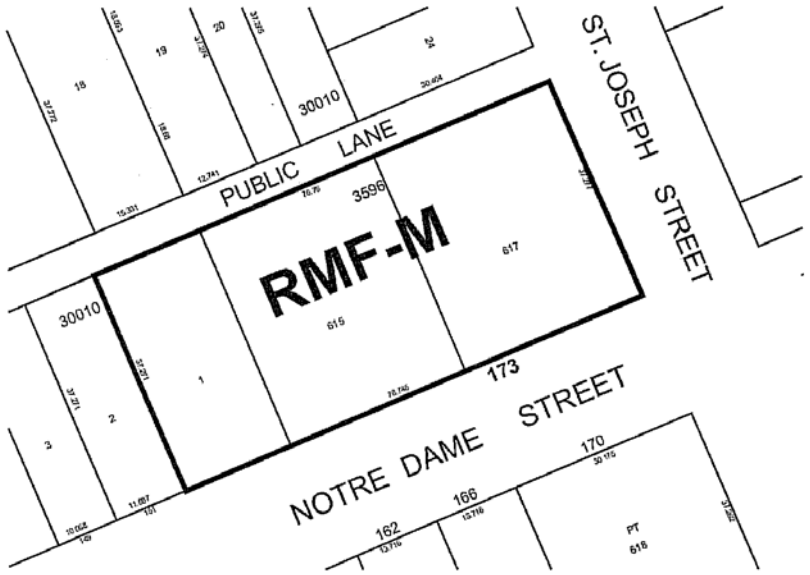
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – Letter from Applicant

DAVIAN Construction Ltd.
QUALITY SINCE 1974
740 LOGAN AVENUE
WINNIPEG, MB R3E 1M9
tlysenko@davian.mb.ca
PHONE: (204) 783-7251
FAX: (204) 775-0464

MEMORANDUM

Attention: Kim Rayban
P,P, and D; Land Development Admin.
Date: 12 Nov. 2010

Company: City of Winnipeg
Main Floor
65 Garry St.
Winnipeg, MB. R3C 4K4
Davian Job # 19238

From: Treble Lysenko
Pages:1:1

Re: Reference:173 Rue Notre Dame Winnipeg, MB.
File: DAV 08-129705/D
Related Files: DAZ 226/08
Owner: 4289528 Canada Ltd.
Bylaw No. 121/2009

Subject: EXTENSION OF TIME for Multi-Family Housing Development

As you are well aware, planning a successful new housing project depends on a number of conditions, some of which are; financing, construction costs, market demand, and demographics. The Owners have not yet felt the timing was right to proceed with the development, but are confident that in the next year those conditions will change. For this reason, an extension of the approved Rezoning and Variances for the above location is requested to allow Phase One of the development to proceed during the coming year.

A Cheque for $479.00 + GST is enclosed to cover the cost of the "extension".

Kindest Regards,

Treble Lysenko M.Arch MFA
Development Consultant
Davian Construction
P: 783-7251
C: 955-3110
F: 775-0464

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