Agenda - Executive Policy Committee – April 20, 2011

Report - Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – April 11, 2011

Item No. 1 Extension of Time – Rezoning and Subdivision at 280, 290, 300 and 318 Assiniboine Avenue
(Fort Rouge – East Fort Garry Ward)
File DASZ 37/09

STANDING COMMITTEE RECOMMENDATION:

On April 11, 2011, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and submits the following to Council:

1. That the time limit to provide for the coming into force of Rezoning By-law No. 82/2010 be extended to July 31, 2012.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda - Executive Policy Committee – April 20, 2011

Report - Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – April 11, 2011

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 11, 2011, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED REZONING & SUBDIVISION ON LAND LOCATED AT 280, 290, 300 AND 318 ASSINIBOINE AVENUE (FORT ROUGE-EAST FORT GARRY WARD) - FILE NO. DASZ 37/09**

Critical Path: **STANDING POLICY COMMITTEE ON DOWNTOWN DEVELOPMENT - EXECUTIVE POLICY COMMITTEE - COUNCIL**

AUTHORIZATION

Author	Department Head	CFO	CAO
Kim Raban Land Development Administrator	Deepak Joshi, Director	N/A	Phil Sheegl, Deputy CAO

RECOMMENDATIONS

That the Standing Policy Committee on Downtown Development recommend to Council that the time limit to provide for the coming into force of Rezoning By-law No. 82/2010 be extended to July 31, 2012.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, Lionel J. Martens of Fillmore Riley LLP, will be allowed a one (1) year extension in order to complete the necessary rezoning bylaw under DASZ 37/09.

HISTORY

On June 23, 2010, Council adopted Item No. 1 of the report of the Standing Policy Committee on Downtown Development dated June 10, 2010 which clause recommended approval of the subject rezoning to a "D" Downtown Living Sector under Zoning By-law 100/2004 as shown on Schedule "A" attached to allow for the development of a multiple-family dwelling complex (approximately 200 units).

Recommendation 5 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."

Item 7 further stipulates the following:

> "That the rezoning by-law shall come into effect when the plan of subdivision is registered in the Winnipeg Land Titles Office, provided that the said effective date occurs within one year from the date that the said rezoning by-law is passed."

The rezoning By-law No.82/2010 was passed by Council on July 21, 2010. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by July 21, 2011 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 one year time limit is scheduled to expire on July 21, 2011.

Mr. Lionel J. Martens of Fillmore Riley LLP, the applicant, is requesting a one year extension of time in order to complete the necessary requirements. See attached Appendix “A”. The applicant has indicated that the time requested is necessary in order to deal with matters relating to the wind study, slope stabilization, sewer capacities, access and maintenance easements and construction of improvements upon and adjacent to the Manitoba Hydro line running through the subject property.

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

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:	A. Savage, Subdivision Officer, Land Development Branch
Date:	March 15, 2011
File No.	DASZ 37/09

Appendix “A” – DASZ 37/09 map
Appendix “B” – Time extension request letter from applicant

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APPENDIX "A"

By-Law No. _____

File No. **DASZ 37/09**

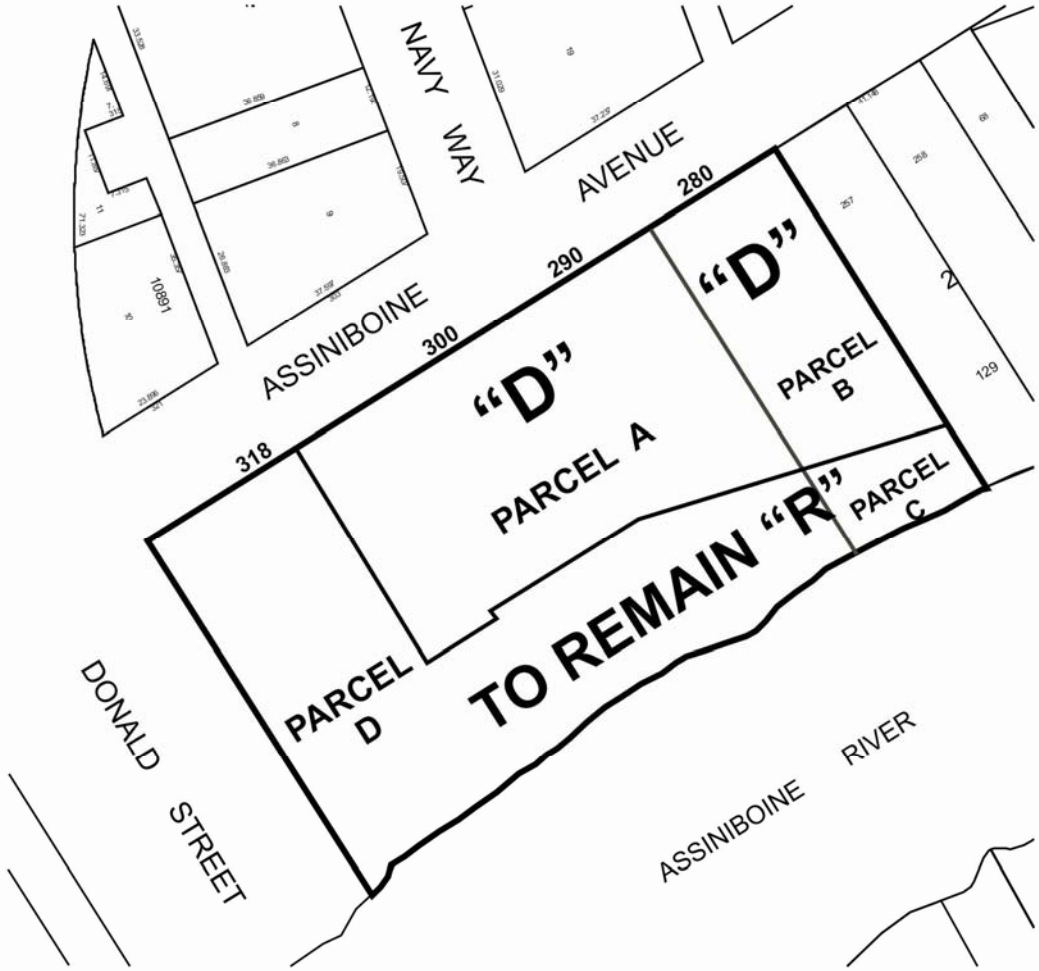
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AA25
DOWNTOWN
DEVELOPMENT

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 at 280, 290, 300 & 318 Assiniboine Avenue from an "R" RIVERBANK SECTOR to the "D" DOWNTOWN LIVING SECTOR to allow for the development of a multiple-family dwelling complex (approx. 200 units) as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

FillmoreRiley

LIONEL J. MARTENS
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Direct Fax (204) 954-0338
ljmartens@fillmoreriley.com

LEGAL ASSISTANT
Lisa Thielmann
Tel (204) 956-2970 ext. 238
lthielmann@fillmoreriley.com
Our File Number: 400701-50/LJM
FRDOCS_2122099.1

February 23, 2011

DELIVERED

City of Winnipeg
Planning, Property & Development
Main Floor, 65 Garry Street
Winnipeg, MB R3C 4K4

Attention: A. Savage
Subdivision Officer

Dear Madam:

Re: Proposed subdivision and rezoning of land at 280, 290, 300 & 318 Assiniboine Avenue, Winnipeg, Manitoba
File No. DASZ 37/2009

We are writing to request an extension of the above matter as we continue to work on matters relating to the wind study, slope stabilization, sewer capacities, access and maintenance easements and construction of improvements upon and adjacent to the Manitoba Hydro line running through the subject property.

We look forward to hearing from you as soon as possible as to the requested extension.

Should you have any questions regarding the foregoing, please do not hesitate to contact the writer.

Yours truly,

FILLMORE RILEY LLP

Per:

LIONEL J. MARTENS

LJM/lct

Ecopy – Joedi Pruden/John Zabudney
client

RECEIVED
FEB 23 2011