Minute No. 56
Report - Standing Policy Committee on Property and Development – December 6, 2010

Item No. 2 **Extension of Time – Rezoning - 5198 Roblin Boulevard – DAZ 235/2007 (Charleswood-Tuxedo Ward)**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the time limit to provide for the enactment of Rezoning By-law No. 137/2008 be extended to September 30, 2012.

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:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

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 Assiniboia 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 Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 16, 2010, the Assiniboia 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 5198 ROBLIN BOULEVARD - FILE NO. DAZ 235/2007**

Critical Path: **Assiniboia 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. 137/2008 be extended to September 30, 2012

REASON FOR THE REPORT

Council approval is required to extend the enactment date identified under Rezoning By-law No. 137/2008.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, MMM Group Limited on behalf of their client Pioneer Petroleums Management Inc., will be allowed a two (2) year extension in order to complete the necessary registrations of Zoning Agreement DAZ 235/07 by way of caveat at the Winnipeg Land Titles Office.

HISTORY

On September 24, 2008, Council adopted Item No. 3 of the report of the Standing Policy Committee on Property and Development dated September 2, 2008 which clause recommended approval of the subject rezoning from “C1” Commercial District to a “C2” Commercial 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 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 5 further stipulates the following:

> "That the zoning section of the by-law comes into force when 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 by-law is passed."

The rezoning By-law No. 137/2008 was passed by Council on September 24, 2008. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by September 24, 2010 failing which the By-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date. This By-law has not been enacted and the twenty-four (24) month time limit as provided under the by-law has now expired.

The applicant, MMM Group Limited, Attention: Misty Carson, Suite 111-93 Lombard Avenue, Winnipeg, Manitoba, R3B 3B1 is requesting a twenty-four month extension of time in order to complete the necessary registrations of the Zoning Agreement. The applicant has advised of unforeseen economic conditions and extended timelines resulting from environmental site remediation works, 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.

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:	October 25, 2010
File No.	DAZ 235/07

Appendix “A” – DAZ 235/07 map
Appendix “B” – Request letter from MMM Group Limited

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APPENDIX "A" – DAZ 235/07 – map

By-Law No. _____

File No. **DAZ 235/07**

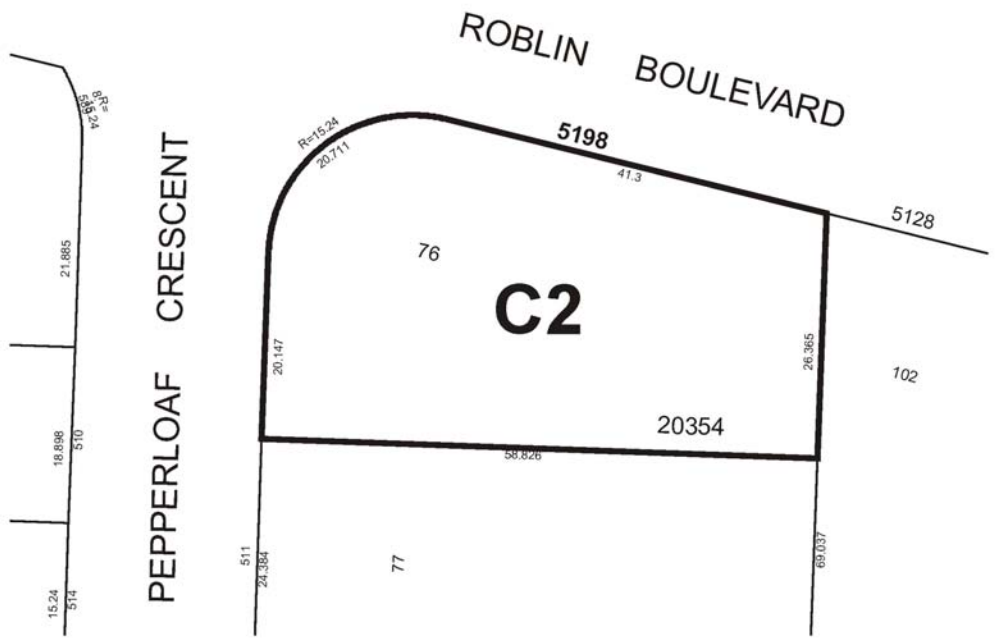
Explanation

A proposed zoning change to By-law No. 200/06 by rezoning the land located at 5198 Roblin Boulevard from a "C1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.

Atlas Sheet No.

N

AD14
ASSINIBOIA
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – Letter from Applicant

MMM GROUP

MMM Group Limited
Suite 111-93 Lombard Avenue
Winnipeg, MB R3B 3B1
t: 204.943.3178 I f: 204.943.4948

www.mmm.ca

September 17, 2010 5541851.101.710

Ms. Angie Savage
Subdivision Officer
Planning, Property & Development
Main Floor, 65 Garry Street
Winnipeg MB R3C 4K4

Dear Ms. Savage:

Re: Request for Time Extension for Bylaw 137/08 - 5198 Roblin Boulevard (DAZ 235/2007)

MMM Group Limited on behalf of our client Pioneer Petroleums is requesting a twenty-four month time extension for the implementation of Bylaw 137/08 from the original rezoning application DAZ 235/2007 approved by Council on September 24, 2008.

This extension is being requested by our client due to the unforeseen challenging economic conditions and the extended length of time needed for the vendor, Imperial Oil, to environmentally remediate the site located at 5198 Roblin Boulevard.

Please accept this letter as our formal request for a timing extension which requires approval by Council. If you have any questions about this submission, please contact me at (204) 272-2009.

Yours sincerely,

MMM Group Limited

Misty Carson, MCIP
Planner

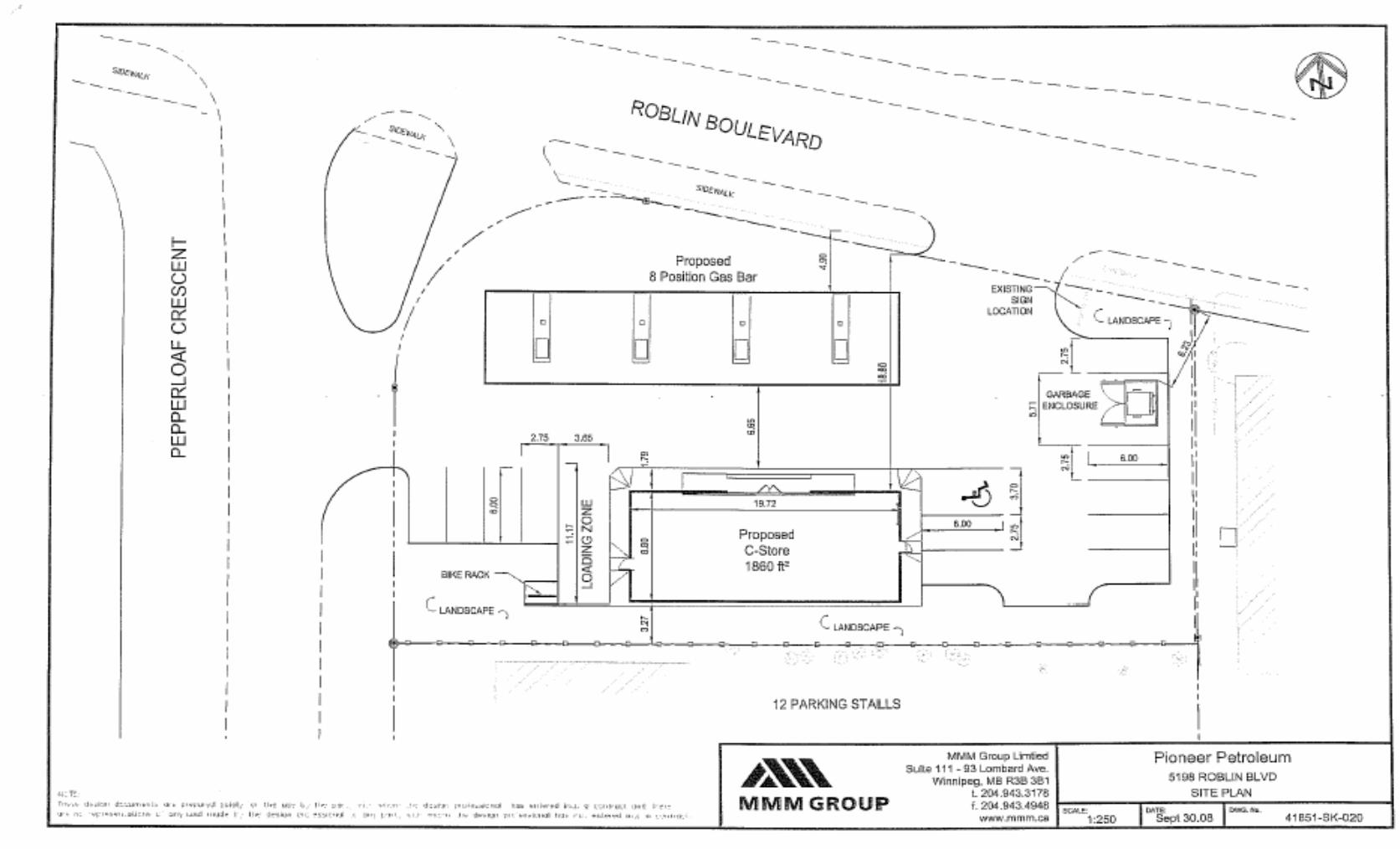
MMC/dt

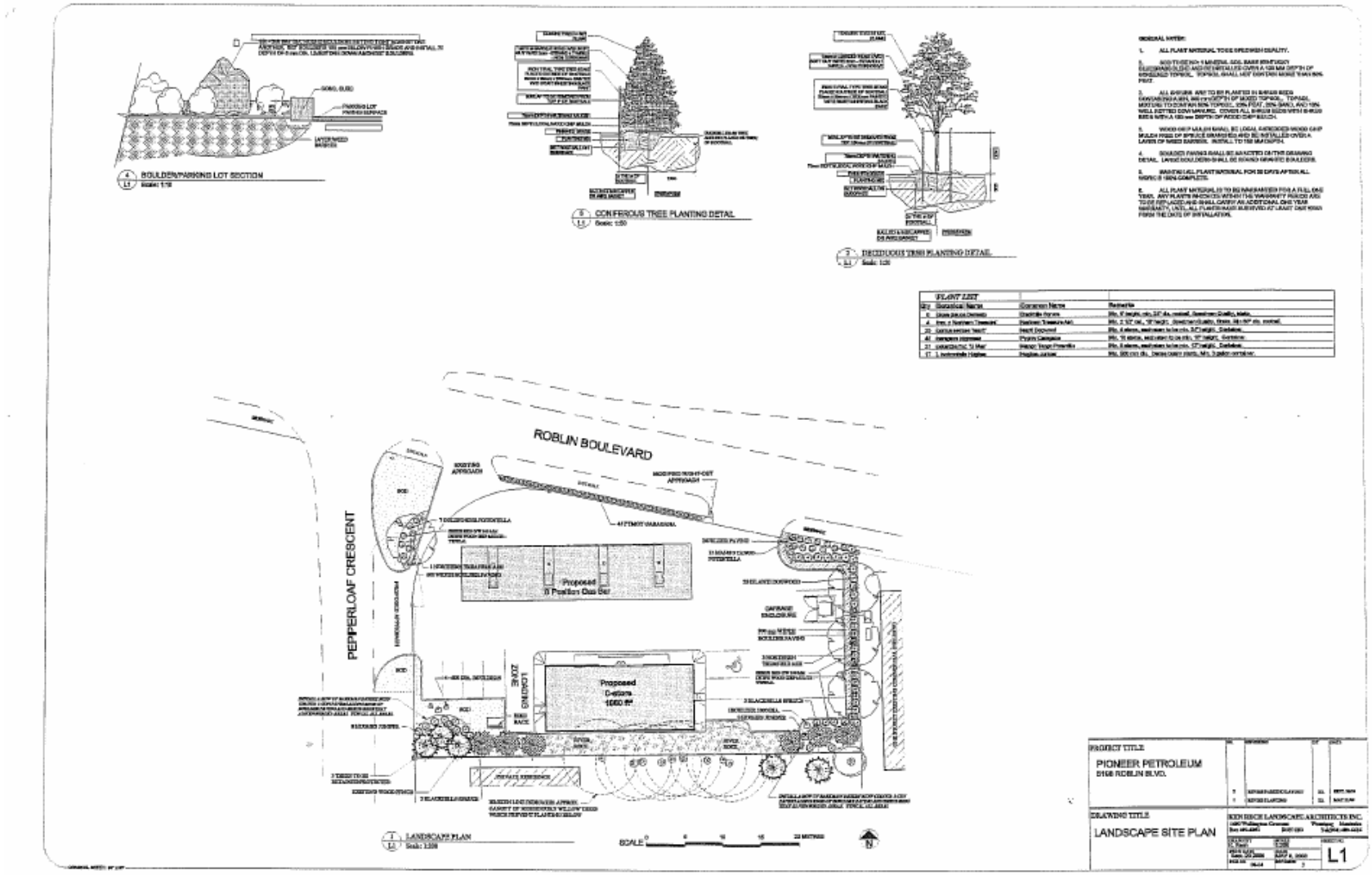
41851 City of Winnipeg Requesting DAZ extension 10-17-09

RECEIVED
SEP 20 2010

COMMUNITIES
TRANSPORTATION
BUILDINGS
INFRASTRUCTURE

Submitted by Misty Carson, MMM Group




BOULDER/PARKING LOT SECTION
CONIFEROUS TREE PLANTING DETAIL
DECIDUOUS TREE PLANTING DETAIL
PLANT LIST
ROBLIN BOULEVARD
PEPPERLOAF CRESCENT
Proposed
Proposed
LANDSCAPE PLAN
SCALE
PROJECT TITLE
PIONEER PETROLEUM
DRAWING TITLE
LANDSCAPE SITE PLAN
L1