Minute No. 612
Report - Standing Policy Committee on Property and Development – September 14, 2010

Item No. 2 **Extension of Time - Rezoning on land located at 455 Edison Avenue (North Kildonan Ward)**
File DAZ 211/2007

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. 139/2007 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:

Moved by Councillor Steeves,

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

Carried

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 East Kildonan-Transcona 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 East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 13, 2010, the East Kildonan-Transcona 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 On Land Located At 455 Edison Avenue - File No. Daz 211/2007

For Submission to: **EAST KILDONAN-TRANSCONA 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 the enactment of Rezoning By-law No. 139/2007 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 July 18, 2007, Council adopted Item No. 11 of the report of the Standing Policy Committee on Property and Development dated June 26, 2007 which clause recommended approval of the subject rezoning to an "RM-4" MULTIPLE-FAMILY DISTRICT as shown on Schedule "A" attached, now known as “”RMF-M” RESIDENTIAL MULTI-FAMILY DISTRICT under Zoning By-law 200/2006 to allow for the development of a multiple family dwelling site (seniors housing and assisted living complex).

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."

Item 5 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.139/2007 was passed by Council on July 18, 2007. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by July 18, 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.

On June 24, 2009, Council adopted Item No. 3 of the report of the Standing Policy Committee on Property and Development dated June 2, 2009 which clause recommended approval of an extension of time for the enactment of the Rezoning By-law 139/2007. This By-law has not been enacted and the time limit is scheduled to expire on July 17, 2010.

The registered owner and now applicant, Fraternal Order of Eagles Aeries 23 (FOE), Attention: Frank Reichardt, 129 Dagmar Street, Winnipeg, Manitoba, R3A 1Z3 is requesting an additional one year extension of time in order to complete the necessary rezoning requirements. See attached Appendix “A”.

The applicant has indicated that the project has continued to experience delays due to insufficient design scheme and business arrangements handled by their former developer that were not feasible and subsequently terminated. As a result they expect their new development plan will be implemented in July 2010. This plan will be managed by FOE who will seek marketing and sales over the ensuing 8 to 10 months with planned construction in late winter or early spring 2011.

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 25, 2010
File No.	DAZ 211/2007

APPENDIX "A"

Fraternal Order of Eagles
Aerie 23

129 DAGMAR STREET, WINNIPEG, MANITOBA R3A OZ3
TELEPHONE 942-8015

Angie
Savage
June 18, 2010
City of Winnipeg
Planning and Property Development

RECEIVED
JUN 2 5 2010

Re: Request for extension of rezoning approval
File DAZ 211/2007 June 9th 2007
455 Edison Avenue

Dear Madam

We provide the following explanation and support for the requested extension. The required application fee of about $500.00 is enclosed.

The Fraternal Order of Eagles Aeries 23 (FOE) is the owner of the referenced site. This land parcel was purchased and rezoned to support the development of affordable seniors housing in North Kildonan. The initial plan was for a 130 unit Life Lease Independent Living and Assisted Living blended development, to be constructed under a turn-key through a private developer, Westcan Developments Inc.

Following numerous delays and significant expenditures for design and site preparation work FOE determined that this design scheme and business arrangements were not feasible and terminated any further involvement with the developer. Since that time FOE has been winding down business arrangements with Westcan and working on a scaled down version of the planned development. Arbitration hearings on final settlement with the developer will be completed by May 31st, 2010 and the revamped design scheme and development plan will be implemented in early July. This plan will be managed by FOE and will see marketing and sales over the ensuing 8 to 10 months with planned construction in late winter or early spring 2011. FOE is confident that with the introduction of these new measures that our goal to achieve a viable age appropriate senior's development in North Kildonan will be realized.

With this in mind FOE respectfully requests a one year extension to the rezoning agreement to enable the revised development plan to proceed.

Sincerely
Frank Reichardt, Trustee

F Reichardt

By-Law No. _____

File No. **DAZ 211/07**

Atlas Sheet No. **U29**

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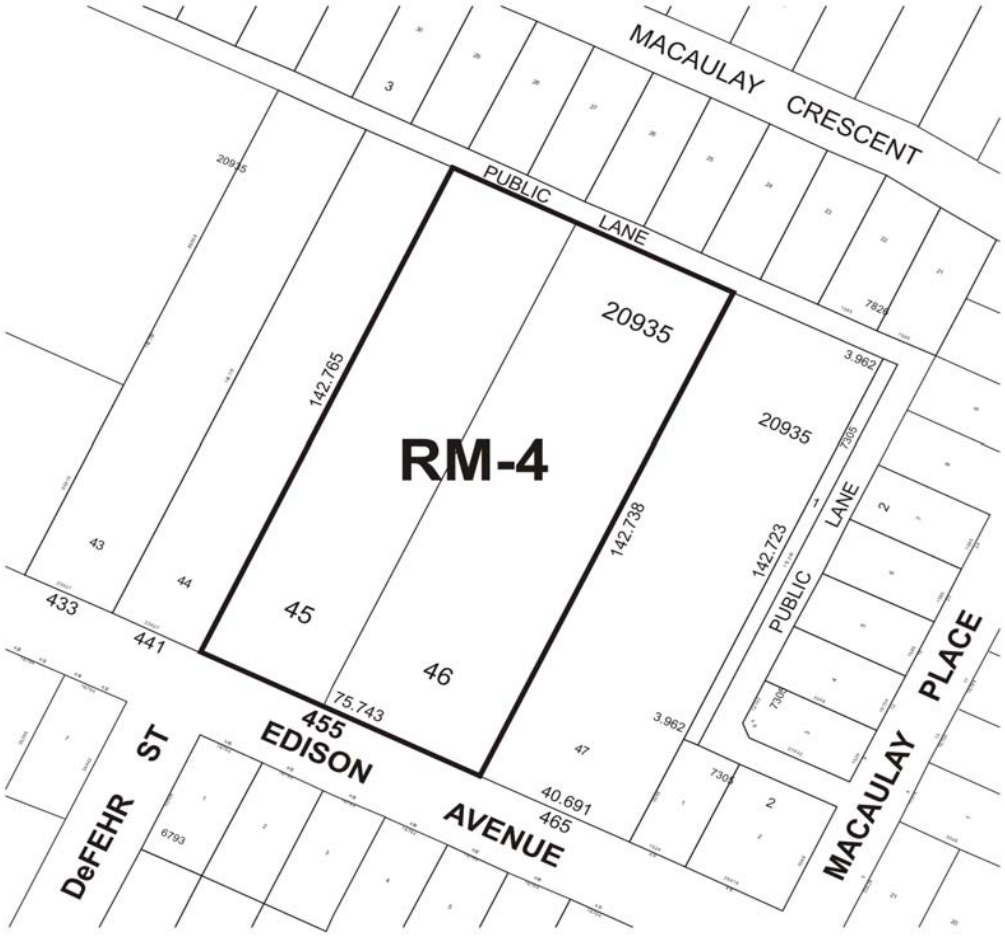
EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 455 Edison Avenue from a "C2" COMMERCIAL DISTRICT to an "RM-4" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____