Agenda – Council – October 19, 2011

Report – Standing Policy Committee on Property and Development – October 4, 2011

Item No. 3 Extension of Time – Rezoning and Subdivision on land located at 1189 Troy and 1180 Chamberlain Avenues (Point Douglas Ward) File DASZ 33/2007

STANDING COMMITTEE RECOMMENDATION:

On October 12, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the time limit to provide for enactment of Rezoning By-law No. 34/2008 coming into force and effect be extended to October 31, 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 – October 4, 2011

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 12, 2011, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2011, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 13, 2011, the Lord Selkirk-West Kildonan 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 & SUBDIVISION ON LAND LOCATED AT 1189 TROY AVENUE & 1180 CHAMBERLAIN AVENUE - FILE NO. DASZ 33/2007**

Critical Path: **Lord Selkirk – West Kildonan Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
Kim Raban Land Development Administrator	Barry Thorgrimson, A/Director	N/A	N/A

RECOMMENDATIONS

That the time limit to provide for enactment of Rezoning By-law No. 34/2008 coming into force and effect be extended to October 31, 2012.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant will be granted a one (1) year extension of time to be able to cause the rezoning bylaw for DASZ 33/2007 to come into effect.

HISTORY

On December 19, 2007, Council adopted Item No. 6 of the report of the Standing Policy Committee on Property and Development dated November 27, 2007 which clause recommended approval of the subject rezoning to an "RM-2" RESIDENTIAL MULTIPLE-FAMILY DISTRICT and a “PR1” PARKS AND RECREATION DISTRICT under Zoning By-law 6400/94 as shown on Appendix “A” attached to allow for the development of multiple family dwellings. These Districts are now identified as an “RMF-S” RESIDENTIAL MULTI-FAMILY DISTRICT and a “PR1” PARKS AND RECREATION 1 DISTRICT under Zoning By-law 200/2006 which repealed Zoning By-law 6400/94.

The Rezoning By-law No. 34/2008 for DASZ 33/2007 was passed by Council on February 20, 2008. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by February 20, 2010 (extended to July 31, 2011 by Council on September 22, 2010) 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 time limit as extended has expired.

On behalf of the registered owner, the solicitor Mr. Richard H.G. Adams of Thompson Dorfman Sweatman, LLP is requesting a further extension of time in order to complete the necessary registration requirements. See attached Appendix “B”.

The Winnipeg Public Service has reviewed the request for the extension of time and is of the opinion that approval is 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, Land Development Branch
Date:	September 6, 2011
File No.	DASZ 33/2007

Appendix “A” – DASZ 33/07 map
Appendix “B” – Time extension request correspondence

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APPENDIX "A" – DASZ 33/07 – map

By-Law No. _____

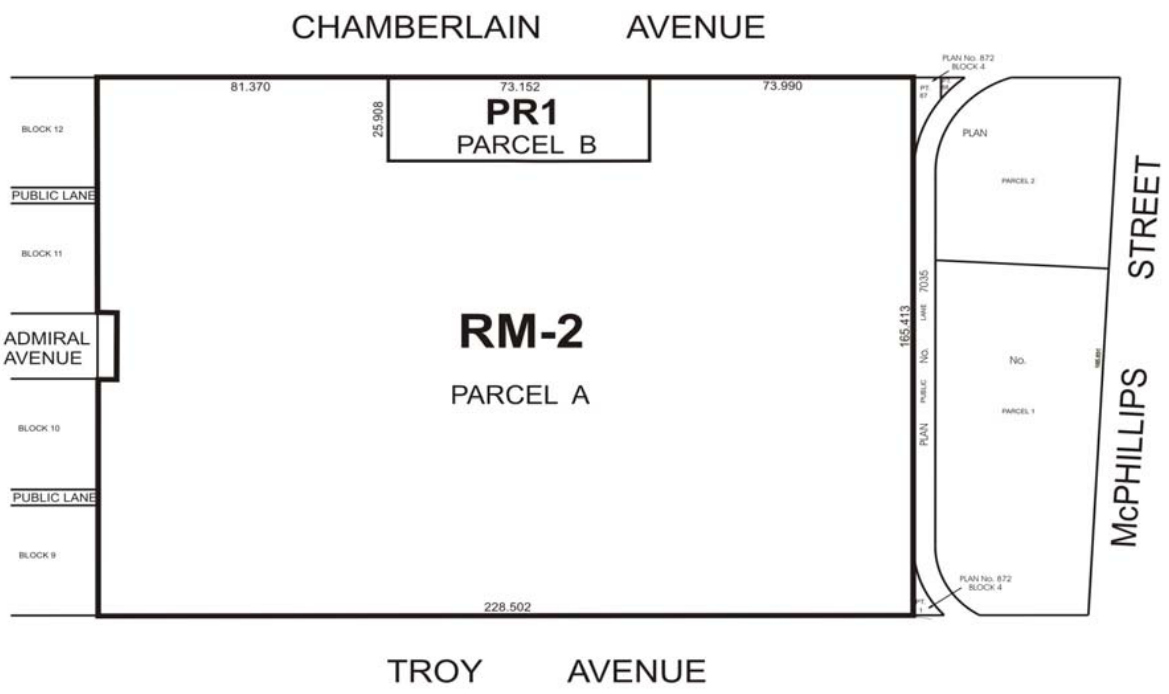
File No. **DASZ 33/07**

Atlas Sheet No. **V23**

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1189 Troy Avenue and 1180 Chamberlain Avenue from an "RM-1" and "RM-2" MULTIPLE-FAMILY DISTRICTS to an "PR1" PARKS AND RECREATION DISTRICT and an "RM-2" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – Time Extension Request Correspondence

From: Rick Adams
Sent: Friday, September 02, 2011 11:21 AM
To: 'lstrijack@winnipeg.ca'
Subject: McPhillips Property - Plan of Survey and Lane Closing Plan

Len, I would appreciate your assigning this matter to someone in your department, and ask them to act as quickly as possible to my requests. I understand these Plans and related matters were originally dealt with at your end by Kyle Smith, and he is not of course with you.

My client owns property on Troy Avenue and Chamberlain Avenue, just off McPhillips, and he is redeveloping the site. Just about a year and a half ago he sent me 2 Plans for registration in the WLTO. He had the Plans for some time before that, but it took some time before they got to me. It then took me 14+ months just to get the consent of mortgagees to the Plan registrations. By the time we got into land titles, the 2 year period within which registrations were to be made expired. Land titles also has a shopping list of items they require, in addition to an extension of time for registration.

The first Plan is a Lane Closing Plan, Deposit # 1098/07. I need a certified copy of the land closing by law, and a Transfer from the City for: Parcel A Plan_____ (Deposit 1098/07) in OTM 43 Parish of St. John

The other Plan is a Plan of Survey, Deposit #130/08. I need a Transfer from the City for the land in CT 2426094 and an extension of time to register that Plan. I think 6 months extension should do it to January 31, 2012.

There is now some urgency to this, because these Plans will then have Condo Plans registered over top, and they are almost ready.

Anything you can do to expedite this request will be appreciated.

Rick Adams

THOMPSON DORFMAN SWEATMAN LLP

Richard H.G. Adams

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