Agenda - Council – January 25, 2012

Report - Standing Policy Committee on Property and Development – January 10, 2012

Item No. 3 Extension of Time – Proposed Rezoning on Land Located at 2501 Ferrier Street (Old Kildonan Ward) File DAZ 202/2010

STANDING COMMITTEE RECOMMENDATION:

On January 18, 2012, the Executive Policy Committee concurred in the recommendation 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 the coming into force of the rezoning By-law No. 128/2010 under File No. DAZ 202/2010 be extended to December 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 – January 10, 2012

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2012, the Executive Policy Committee concurred in the recommendation 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 January 10, 2012, 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 December 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 ON LAND LOCATED AT 2501 FERRIER STREET - FILE NO. DAZ 202/2010**

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, Acting 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 the rezoning By-law No.128/2010 under File No. DAZ 202/2010 be extended to December 31, 2012.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, Mr. Brock Feenstra, MMM Group Limited, on behalf of the current owner, Immaculate Heart of Mary School, will be allowed a one (1) year extension in order to allow for registration of the Zoning & Servicing Agreements at the Winnipeg Land Titles Office, thus facilitating the coming into force of rezoning By-law 128/2010 under DAZ 202/2010.

HISTORY

On September 22, 2010, Council adopted Item No. 25 of the report of the Standing Policy Committee on Property and Development dated September 14, 201 which clause recommended approval of the subject rezoning to a "PR2" PARKS AND RECREATION 2 (Community) DISTRICT as shown on Appendix "A" attached to allow for the construction of a school (K-8) with a daycare centre.

Recommendation 3 contained in the 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."

On December 15, 2010, By-law No. 128/2010 was enacted by the passage of City Council. Section 2 of the By-law stipulates:

"Section 1 comes into force when:

(a) Zoning Agreement DAZ 202/2010 is registered in the Winnipeg Land Titles Office by caveat against the subject lands within one year from the date this By-law is passed, failing which this By-law expires unless that date is extended by resolution of City Council and the caveat is registered before such extended date; and
(b) The City of Winnipeg executes the Servicing Agreement, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council."

By-law No.128/2010 has not come into force by the registration of the Zoning Agreement and Servicing Agreement caveats and the one year time limit will expire on December 15, 2011.

The applicant, MMM Group Limited, Attention: Mr. Brock Feenstra, Suite 111 – 93 Lombard Avenue, Winnipeg, Manitoba, R3B 3B1, on behalf of the owner, Immaculate Heart of Mary School, is requesting an extension of time in order to complete the necessary registration of caveats, 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:	Angela Savage, Land Development Branch
Date:	November 9, 2011
File No.	DAZ 202/2010

Appendix “A” – DAZ 202/2010 map
Appendix “B” – Time extension request letter from applicant

APPENDIX "A" – DAZ 202/2010 – Map

By-Law No. _____

File No. **DAZ 202/10**

Atlas Sheet No. **T26**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 2501 Ferrier Street from an "M2" MANUFACTURING GENERAL DISTRICT to "PR2" PARKS AND RECREATION 2 (COMMUNITY) DISTRICT to allow for the construction of a school (K-8) with a daycare centre as shown outlined below.



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 Canada R3B 3B1
t: 204.943.3178 | f: 204.943.4948

www.mmm.ca

November 1, 2011

Ref. No.: 5509104.102.710

Mr. Chris Torpey
Land Development Administrator
The City of Winnipeg
Main Floor - 65 Garry Street
Winnipeg MB R3C 4K4

Dear Mr. Torpey:

Re: Extension of Approval Granted Pertaining to DAZ 202/2010

On behalf of our Client, Immaculate Heart of Mary School, MMM Group Limited is requesting a one-year extension of the approval granted in December 2010 for DAZ 202/2010. This extension is required to give our Client time to complete the registration of Zoning Agreement DAZ 202/2010 with the Winnipeg Land Titles Office as they continue with a capital fundraising effort.

We appreciate your consideration in the matter. Please contact me at (204) 943-3178, if you have any questions.

Yours sincerely,

MMM Group Limited

Brock Feenstra, MCP Candidate
Planning & Development

BF/fa

5509104 Letter of extension to Winnipeg w Letter 111028 bf fa

RECEIVED
NOV 03 2011

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