**Agenda – Council – December 12, 2012**

**Report – Standing Policy Committee on Property and Development – November 30, 2012**

**Item No. 1 Extension of Time – Rezoning – 2501 Ferrier Street**
**(Old Kildonan Ward)**
**File DAZ 202/2010**

STANDING COMMITTEE RECOMMENDATION:

On December 5, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submits the following to Council:

1. That the time limit to provide for the coming into force of rezoning By-law No.128/2010 under File No. DAZ 202/2010 be extended to December 31, 2013.

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 – November 30, 2012**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 5, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 30, 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 November 20, 2012, 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<br>Land Development Administrator | Barry Thorgrimson,<br>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, 2013.

## 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.”

On January 25, 2011 Council reviewed an Extension of Time report and concurred in the recommendation of the Standing Policy Committee on Property and Development that the time limit to provide for the coming into force of rezoning By-law No. 128/2010 be extended to December 31, 2012.

By-law128/2010 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 31, 2012.

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, 2012 |
| 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 7, 2012

Ref. No.: 5509104.102.710

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

Dear Mr. Raban:

**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 extension of time approval granted in January 2012 for DAZ 202/2010. Our Client is over halfway through their capital fundraising effort, but will require more time to complete the registration of Zoning Agreement DAZ 202/2010 with the Winnipeg Land Titles Office.

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/cr

5509104 Letter of extension to City of Winnipeg 121107 bf

RECEIVED
NOV 07 2012