Agenda - Executive Policy Committee – January 23, 2013

Report - Standing Policy Committee on Property and Development – January 15, 2013

Item No. 11 Extension of Time - Proposed Subdivision and Rezoning of land located at 765 Keewatin Street (Point Douglas Ward) File DASZ 32/2010

STANDING COMMITTEE RECOMMENDATION:

On January 15, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of 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. 25/2011 coming into force and effect be extended to June 30, 2013.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda - Executive Policy Committee – January 23, 2013

Report - Standing Policy Committee on Property and Development – January 15, 2013

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On January 15, 2013, 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 11, 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 SUBDIVISION & REZONING OF LAND LOCATED AT 765 KEEWATIN STREET- FILE NO. DASZ 32/2010**

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, Director	N/A	N/A

RECOMMENDATIONS

That the time limit to provide for enactment of Rezoning By-law No. 25/2011 coming into force and effect be extended to June 30, 2013.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant will be granted an extension of time in order to allow for the registration of plan of subdivision mylars and the Zoning Agreement by caveat at the Winnipeg Land Titles Office, thus facilitating the coming into force section of rezoning By-law No. 25/2011 under DASZ 32/2010.

HISTORY

On December 15, 2010 Council adopted Item No. 15 of the report of the Standing Policy Committee on Property and Development dated December 6, 2010 which clause recommended approval of the subject rezoning of proposed Lot 1 to a “C3” Commercial Community District under Zoning By-law 200/2006 as shown on Appendix “A” attached.

Recommendation 5 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 February 23, 2011, By-law No. 25/2011 was enacted by the passage of City Council. Section 3 of the By-law stipulates:

“Coming into force

3 (1) Section 1 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office.

(2) Section 2 comes into force when Zoning Agreement DASZ 32/2010 is registered in the Winnipeg Land Titles Office by caveat against the subject land 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.”

By-law No. 25/2011 has not come into force by the registration of the Zoning Agreement or the plan of subdivision and the one year time limit expired on February 23, 2012.

The applicant, Justin Zarnowski of Shindico, on behalf of the owner 2514141 Manitoba Limited, is requesting an extension of time in order to complete the necessary registrations at Winnipeg Land Titles Office. The original deadline could not be met as adjacent lands needed to be cleared of a mortgage prior to consolidation, 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

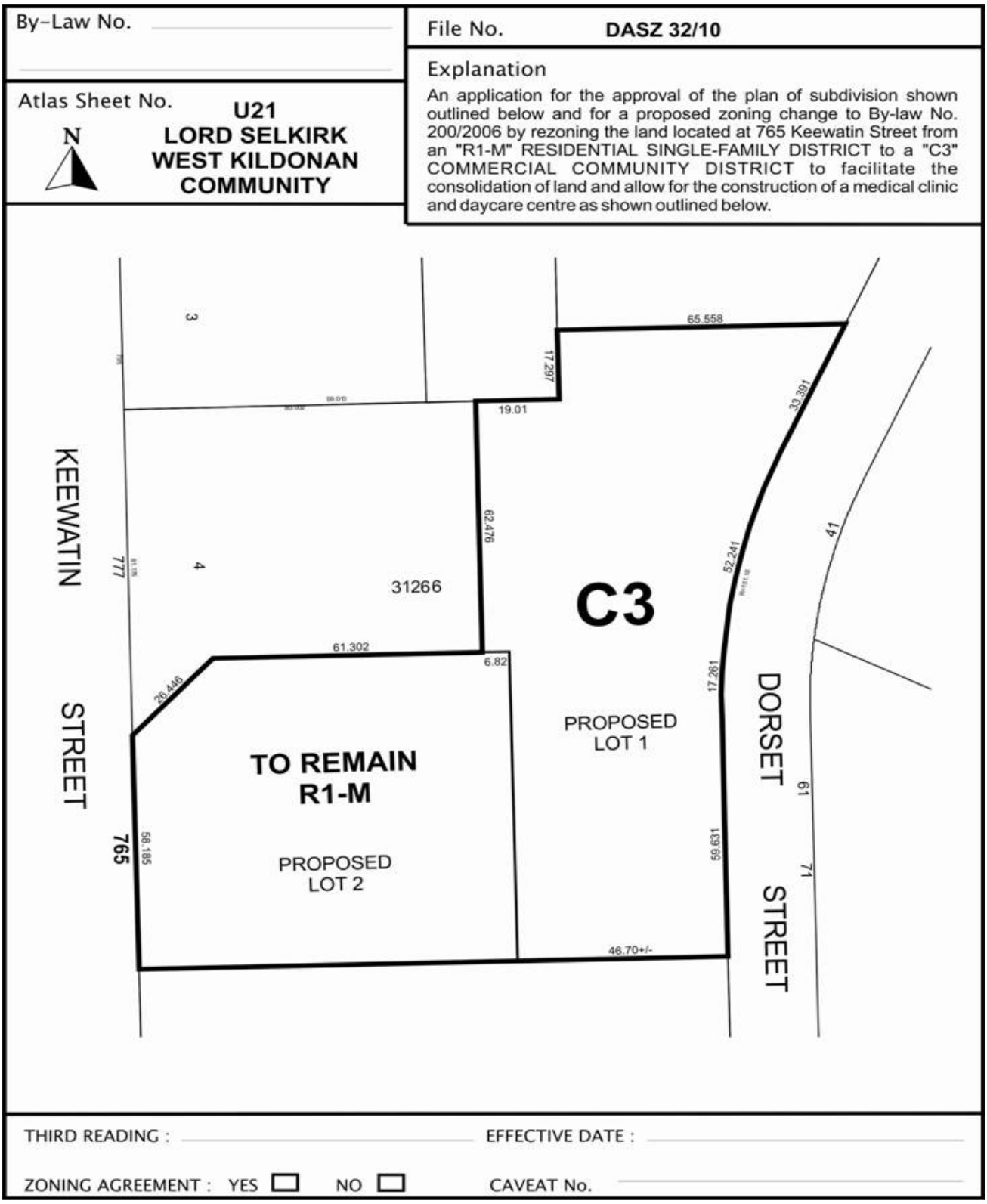
In preparing this Report there was consultation with:
n/a

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	R.Deighton, Land Development Branch
Date:	November 30, 2012
File No.	DASZ 32/2010

Appendix “A” – DASZ 32/2010 map
Appendix “B” – Time Extension Request from Applicant

APPENDIX "A" – DASZ 32/2010 – map



APPENDIX "B" – Time extension request from Applicant

From: Justin Zarnowski [mailto:JZarnowski@Shindico.com]
Sent: Wednesday, November 28, 2012 12:09 PM
To: Raban, Kim
Cc: Zabudney, John; Pittet, Marc; Savage, Angie; Bob Downs
Subject: RE: Our File DASZ 32/2010, Subdivision of lands on Dorset, 785 Keewatin Street

Thank you Kim.

We would like to request that the time to register the Zoning Agreement be extended to June 30, 2013. The original deadline was not meet as we were not able to clear the adjacent title of a mortgage in time to meet the deadline. Land Titles was unable to consolidate subdivided title with the adjacent title because of the mortgage.

Our past experience with the registration of mylars has been so long as they are registered with the land titles office by the approval date, that land titles will accept them (in fact we have a pending registration where this is the case right now).

Can you let me know what each of the fees is for, and where the cheques should be sent to.

Regards,

Justin Zarnowski LL.B.
Legal Affairs Manager

Shindico
Succeeding By Helping Others Succeed