Agenda – Council – January 30, 2013

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

Item No. 10 Extension of Time – Proposed Subdivision and Rezoning of land located at 455 Templeton Avenue and 2401 Ferrier Street (Old Kildonan Ward) File DASZ 15/2011

STANDING COMMITTEE RECOMMENDATION:

On January 23, 2013, 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 enactment of Rezoning By-law No. 149/2011 coming into force and effect be extended to December 14, 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 – January 15, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 23, 2013, 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 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 to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED SUBDIVISION & REZONING OF LAND LOCATED AT 455 TEMPLETON AVENUE AND 2401 FERRIER STREET- FILE NO. DASZ 15/2011**

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. 149/2011 coming into force and effect be extended to December 14, 2013.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, Global Homes Ltd., on behalf of 4713096 Manitoba Ltd. will be granted a one (1) year extension of time in order to allow for the execution of Development Agreement and registration of the Zoning Agreement at the Winnipeg Land Titles Office, thus facilitating the coming into force section of rezoning By-law No. 149/2011 under DASZ 15/2011.

HISTORY

On July 20, 2011 Council adopted Item No. 5 of the report of the Standing Policy Committee on Property and Development dated July 5, 2011 which clause recommended approval of the subject rezoning to an “R1-M” Residential Single-Family [medium scale] District, “RMF-S” Residential Multi-Family (smaller scale) District, and a “RMF-M” Residential Multi-Family (medium scale) District under Zoning By-law 200/2006 as shown on Appendix “A” attached.

Recommendation 4 contained in the said report stipulates:

> "That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years 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 the two-year period and Council approves the extension."

On December 14, 2011, By-law No. 149/2011 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 City of Winnipeg executes the Development Agreement referred to in that section, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council.

(2) Section 2 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 15/2011 is registered in the Winnipeg Land Titles Office by caveat against the subject land, all 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 plan of subdivision and caveat are registered before such extended date.”

By-law No. 149/2011 has not come into force by the registration of the Zoning Agreement and the execution of the Development Agreement caveats and the one year time limit will expire on December 14, 2012.

The applicant, Global Homes Ltd., Attention: Mr. Josh Smith, 230-1695 Henderson Highway, Winnipeg, Manitoba, R2G 1P1, on behalf of 4713096 Manitoba Ltd., is requesting an extension of time in order to complete the necessary registration of caveats and outstanding 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 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

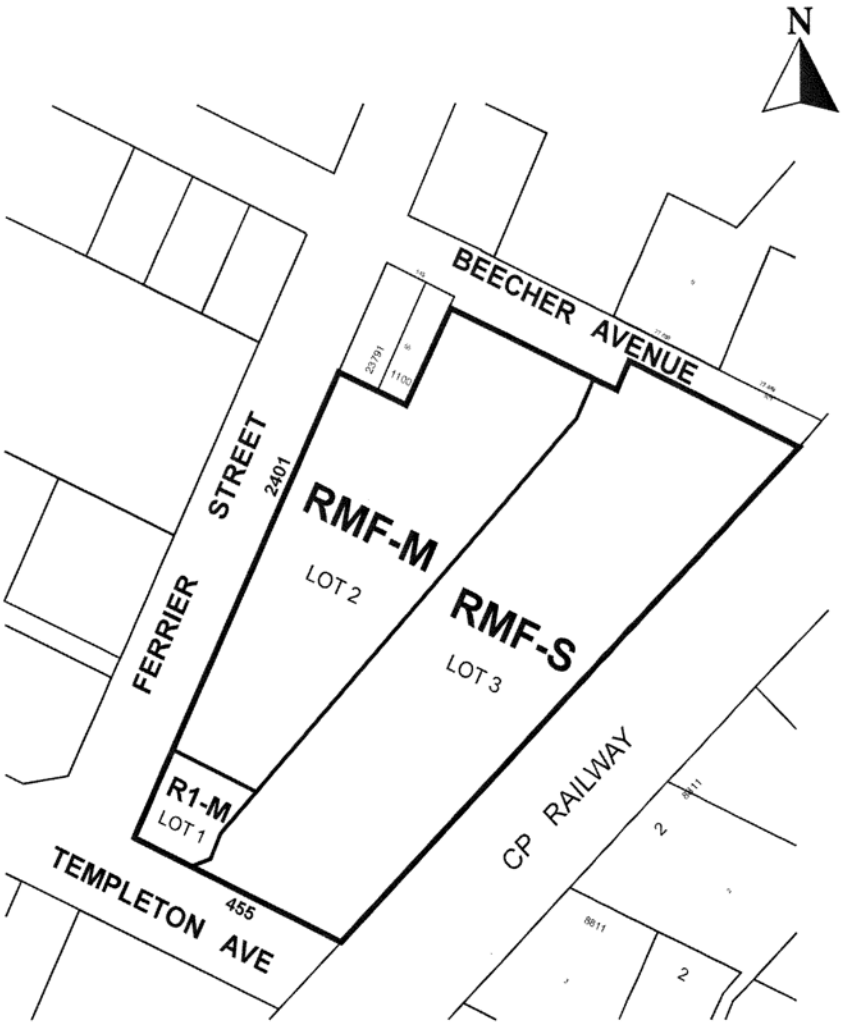
In preparing this Report there was consultation with:
n/a

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	R.Deighton, Land Development Branch
Date:	November 29, 2012
File No.	DASZ 15/2011

Appendix “A” – DASZ 15/2011 map
Appendix “B” – Time Extension Request Letter from Applicant

APPENDIX "A" – DASZ 15/2011 – map



APPENDIX "B" – Time extension request letter from Applicant

4713096 Manitoba Ltd.
230-1695 Henderson Hwy
Winnipeg, MB R2G 1P1
Ph: 204.339.2300
Fax: 204.339.8366

November 26, 2012

Angela Savage
The City of Winnipeg
Land Development Branch
Main Floor-65 Garry Street
Winnipeg, Manitoba
R3C 4K5

Dear Angela Savage:

RE: 4713096 Manitoba Ltd.
Subdivision and Rezoning – 455 Templeton Avenue and 2401 Ferrier Street
DASZ 15/11 & By-Law 149/11

It is the intentions of 4713096 Manitoba Ltd to request for an extension for the expiring By-law No. 149/2011. The land transfer has taken more time than originally expected and we require more time to finish the outstanding requirements. With this extension we will have enough time to develop all the required information that must be completed.

Sincerely,

Global Homes Ltd

Josh Smith

Land Development Project Manager