Agenda - Executive Policy Committee – April 17, 2013

Report - Standing Policy Committee on Property and Development – April 9, 2013

Item No. 5 Extension of Time –Subdivision and Rezoning Sage Creek Phase 7 (St. Boniface Ward) File DASZ 30/2012

STANDING COMMITTEE RECOMMENDATION:

On April 9, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submits the following to Council:

1. That the time limit to provide for enactment of rezoning By-law No. 40/2013 coming into force and effect be extended to February 27, 2018;

2. That Section 3(2), under Coming Into Force, of By-law No. 40/2013 be deleted in its entirety and replaced with the following:

    "(2) Section 2 comes into force for each phase of development when a plan of subdivision which defines blocks and a plan of subdivision which defines lots for that phase is registered in the Winnipeg Land Titles Office and a Zoning Agreement for that phase is registered in the Winnipeg Land Titles Office by caveat against the subject land, all within five years from the date of this By-law is passed, failing which this By-law expires unless that date is extended by resolution of City Council and the plans of subdivision and caveats are registered before such extended date."

3. 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 – April 17, 2013

Report - Standing Policy Committee on Property and Development – April 9, 2013

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 9, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 11, 2013, the Riel 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 SAGE CREEK PHASE 7 - FILE NO. DASZ 30/2012**

Critical Path: **Riel 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. 40/2013 coming into force and effect be extended to February 27, 2018 and to repeal Section 2 by adding the following: Section 2 comes into force for each phase of development when a plan of subdivision which defines blocks and a plan of subdivision which defines lots for that phase is registered in the Winnipeg Land Titles Office and a Zoning Agreement for that phase is registered in the Winnipeg Land Titles Office by caveat against the subject land, all within five years from the date of this By-law is passed, failing which this By-law expires unless that date is extended by resolution of City Council and the plans of subdivision and caveats are registered before such extended date.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, Qualico Developments (Winnipeg) Ltd., Attention: Ms. Lyne Jones, One Dr. David Friesen Drive, Winnipeg, Manitoba, R3X 0G8 will be granted five (5) years in order to complete the necessary registrations of the Zoning Agreements, Development Agreements and related plan of subdivision survey mylars at the Winnipeg Land Titles Office, thus facilitating the coming into force section of rezoning By-law No. 40/2013 under DASZ 30/2012.

HISTORY

On January 30, 2012 Council adopted Item No. 9 of the report of the Standing Policy Committee on Property and Development dated January 15, 2013 which clause recommended approval of the subject subdivision and rezoning to an “R1-M” Residential Single-Family (Medium) District and a “PR1” Parks and Recreation 1 (Neighbourhood) 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 (2) 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 (2)-year period and Council approves the extension."

On February 27, 2013, By-law No. 40/2013 was enacted by the passage of City Council. Section 2 of the By-law stipulates:

“Section 1 comes into force when:

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 30/2012 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.”

Qualico Developments (Winnipeg) Ltd. is requesting an extension of time which will enable DASZ 30/2012 to be processed in phases over a five (5) year period. The rezoning for each phase of development will come into force when a plan of subdivision which defines blocks and a plan of subdivision which defines lots for that phase is registered in the Winnipeg Land Titles Office and a Zoning Agreement for that phase is registered in the Winnipeg Land Titles Office by caveat against the subject land.

Council’s approval will also provide additional time for the Winnipeg Public Service and Qualico to jointly establish the Bishop Grandin right-of-way extension cross-section without imposing unnecessary delays to the development of Sage Creek Phase 7. See attached Appendix “B”.

The Winnipeg Public Service has reviewed the request for the extension of time and amendments to By-law 40/2013 and is of the opinion that approval of the subject extension of time and amendments would be acceptable and circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

There is no financial impact associated with this recommendation.

CONSULTATION

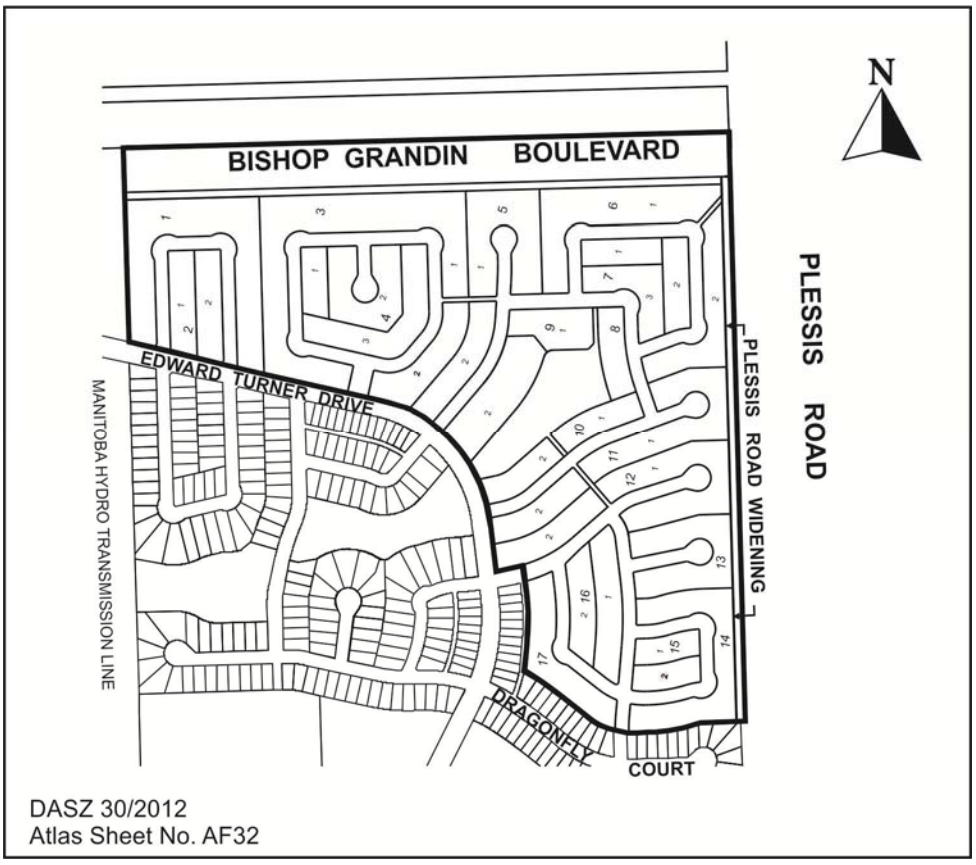
In preparing this Report there was consultation with:
n/a

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	A. Savage, Land Development Branch
Date:	February 28, 2013
File No.	DASZ 30/2012

Appendix “A” – DASZ 30/12 map
Appendix “B” – Letter Requesting Extension & Amendments

APPENDIX "A" – DASZ 30/2012 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION & AMENDMENTS

QUALICO® Communities

February 20, 2013

Angie Savage
Subdivision Officer
The City of Winnipeg
Main Floor, 65 Garry Street
Winnipeg, Manitoba

Dear Angie,

Sage Creek Phase 7
DASZ 30/2012

We provided your office with the enclosed surveyor's sketch for Sage Creek, Phase 7 for preparation of a by-law that will rezone all blocks as per our original application. We understand that this by-law will be forwarded to Council on February 27, 2013.

Please accept this letter as our request for amendments to the by-law to be enacted for Sage Creek, Phase 7 (DASZ 30/2012). Our request for revisions to the original by-law are due to the size of our Phase 7 application which will create a total of 465 lots within 99.4 acres, together with ongoing discussions with City administration regarding the Bishop Grandin right-of-way. Specifically, we are requesting the following revisions to the by-law to be enacted for DASZ 30/2012 at the February Council meeting, namely:

a. Extension of time for registration of the plan of subdivision and for the zoning section to come into force from 1 year to 5 years; and

b. Amendment to the original by-law that allows us to proceed with Phase 7 in phases, and have the zoning come into effect when the block plan and lotting plans are registered in series at WLTO.

We understand that we will be able to submit our DASSF application for the first lotting plan within Phase 7 while the original by-law is being amended. We would then prepare a block plan for the first section of Phase 7, together with the corresponding lotting plan and both plans would be released to us for registration in series at WLTO. Then within the extended 5 year period, we can proceed with further phases within Phase 7 by providing a block plan and making a DASSF application for the lotting.

For your reference, we have enclosed a copy of the proposed block plan for the first section of Phase 7.

One Dr. David Friesen Drive, Winnipeg, Manitoba, R3X 0G8 Telephone (204) 233-2451 Facsimile (204) 233-2965

Please contact me at 254-9252 (ljones@qualico.com) if you require further information in order to process this application.

Yours truly,

QUALICO DEVELOPMENTS (WINNIPEG) LTD.

Lyne Jones
Project Manager

Enclosure(s)