Agenda – Council – May 29, 2013

Report – Standing Policy Committee on Property and Development – May 7, 2013

Item No. 9 Extension of Time – Subdivision and Rezoning on Land Located West of Argue Street (Fort Rouge Yards)
(Fort Rouge-East Fort Garry Ward)
File DASZ 33/2010

STANDING COMMITTEE RECOMMENDATION:

On May 15, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the following to Council:

1. That the time limit to provide for coming into force of rezoning By-law No. 65/2012 under File No. DASZ 33/10 be extended to April 25, 2014.

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 – May 7, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 15, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 7, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE DECISION:

On April 16, 2013, the City Centre Community Committee concurred in the recommendation of 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 AND REZONING ON LAND LOCATED WEST OF ARGUE STREET (Fort Rouge Yards) FILE NO. DASZ 33/10**

Critical Path: **City Centre 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 coming into force of rezoning By-law No. 65/2012 under File No. DASZ 33/10 be extended to April 25, 2014.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant will be granted a one (1) year extension of time in order to allow for the registration of the plan of subdivision and zoning agreement for DASZ 33/2010 at Winnipeg Land Titles to satisfy By-law No. 65/2012 coming into force requirements.

HISTORY

On December 15, 2010, Council adopted Item No. 10 of the report of the Standing Policy Committee on Property and Development dated December 6, 2010 which clause recommended approval of the subject subdivision and rezoning to a "RMU PDO-1" RESIDENTIAL MIXED USE PLANNED DEVELOPMENT OVERLAY 1 DISTRICT as shown on Appendix "A" attached to allow for the construction of multiple family residential and small scale commercial, institutional, recreational, and service facilities needed to support residential development.

Recommendation 14 contained in said report stipulates:

> "That in the event the matter of the subdivision and rezoning is not proceeded with expeditiously and the subdivision and rezoning by-law is not passed within twenty-four (24) months after adoption of the report by Council, the subdivision and rezoning 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 April 25 2012, By-Law No. 65/2012 was enacted by the passage of City Council. Section 4, Coming into force stipulates:

> "4(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 and 3 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 33/2010 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.65/2012 has not come into force by the registration of the Plan of Subdivision and the registration of Zoning Agreement DASZ 33/2010 by caveat and the one year time limit will expire on April 25, 2013.

The owner's solicitor, Richard Adams of Thompson, Dorfman, Sweatman LLP is requesting a six month extension of time in order to complete the necessary registrations, see attached Appendix "B". The Winnipeg Public Service is recommending the extension for a one (1) year period.

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 is 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 Services
Prepared by:	Rob Deighton, Land Development Branch
Date:	March 27, 2013
File No.	DASZ 33/10

Appendix “A” – DASZ 33/10 map
Appendix “B” – Time extension request correspondence

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APPENDIX "A" – DASZ 33/10 – map

By-Law No. _____

File No. **DASZ 33/10**

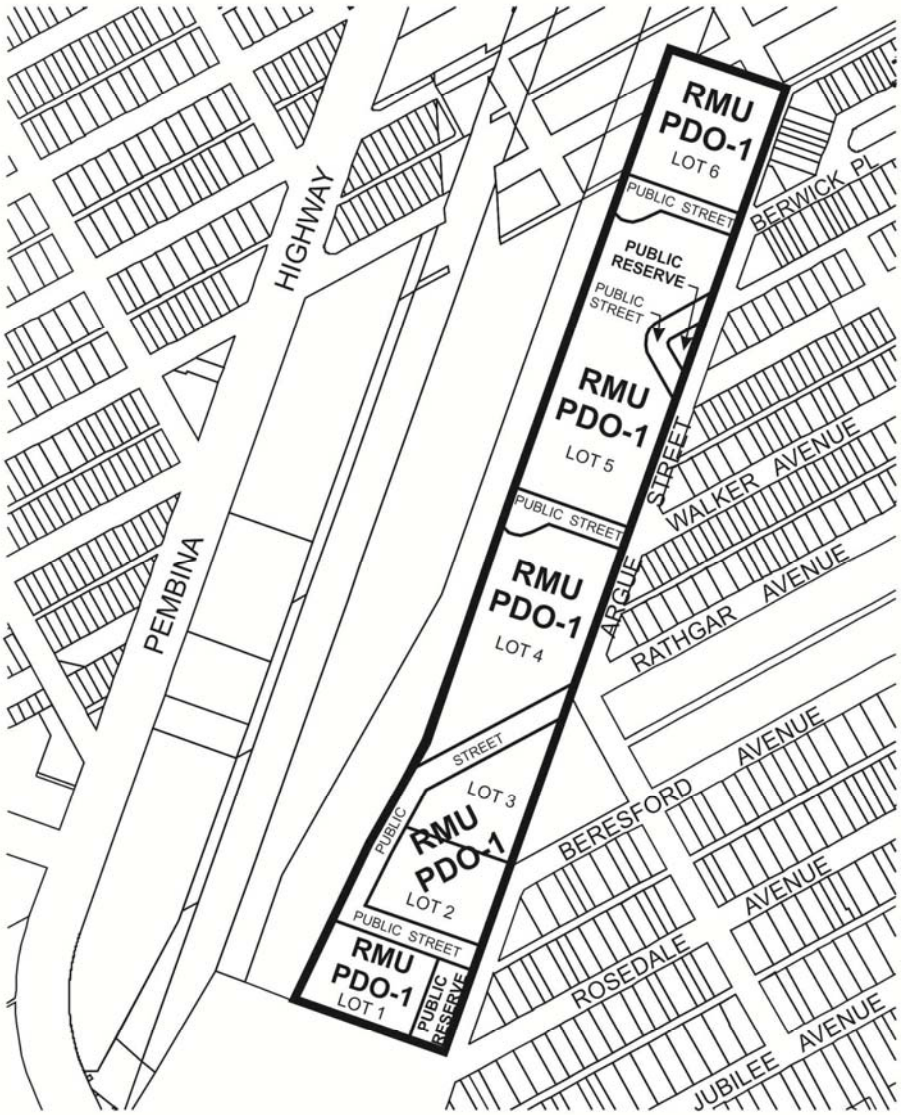
Atlas Sheet No.

N

AD24
CITY CENTRE
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on the west of Argue Street, east of rail right-of-way from an "M2" GENERAL MANUFACTURING DISTRICT to an "RMU PDO 1 – The Yards at Fort Rouge" RESIDENTIAL MIXED USE DISTRICT to allow for multiple-family residential and small scale commercial, institutional, recreational, and service facilities needed to support residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – Time Extension Request Correspondence

THOMPSON DORFMAN SWEATMAN LLP

Writer's Name Richard H. G. Adams
Writer's Direct Telephone (204) 934-2439
Internet E-mail Address rhga@tdslaw.com
Writer's Direct Fax (204) 934-0539

March 4, 2013

The City of Winnipeg
Land Development Office
Main Floor - 65 Garry Street
Winnipeg, MB

Attention: Kim Raban

Dear Sirs:

Re: GEM Equities Inc. - Registration of By-law No. 65/2012
Our Matter No. 0106371 RHGA

As addressed in email correspondence last week, it is unlikely that we will be able to effect registration of the above referenced By-law by April 25, 2013. We are therefore requesting an extension of time to register the By-law to October 31, 2013. It is certainly our present intention to register well before that date, but we are asking for a six month extension as a matter of prudence.

We enclose our client's cheque in favour of the City of Winnipeg for $557.00, representing an application fee of $343.00 and the fee to reapprove the mylars in the amount of $214.00.

We will appreciate your confirmation of the extension at your earliest opportunity.

Yours truly,

THOMPSON DORFMAN SWEATMAN LLP

Per:

Richard H. G. Adams

RHGA/gc
Encl.
cc: Andrew Marquess, James Carter and Joedi Pruden
(by email)

RECEIVED
MAR 04 2013