Agenda – Council – July 17, 2013

Report – Standing Policy Committee on Property and Development – July 2, 2013

Item No. 5 Extension of Time – Proposed Rezoning on Land Located at 1535 Wellington Crescent (River Heights-Fort Garry Ward) File DAZ 235/2004

STANDING COMMITTEE RECOMMENDATION:

On July 10, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the following to Council:

1. That the application for the time limit to provide for enactment of Rezoning By-law No. 29/2011 coming into force be extended to February 23, 2014, be rejected.

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

Agenda – Council – July 17, 2013

Report – Standing Policy Committee on Property and Development – July 2, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 10, 2013, the Executive Policy Committee concurred in the recommendation 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 July 2, 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 RECOMMENDATION:

On June 11, 2013, the City Centre Community Committee did not concur in the recommendation of the Winnipeg Public Service and recommended that the application for the time limit to provide for enactment of Rezoning By-law No. 29/2011 coming into force be extended to February 23, 2014, be rejected, 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 1535 WELLINGTON CRESCENT – FILE NO. DAZ 235/2004**

Critical Path: **City Centre Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	Barry Thorgrimson	N/A	N/A

RECOMMENDATIONS

That the time limit to provide for enactment of Rezoning By-law No. 29/2011 coming into force be extended to February 23, 2014.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, Alec Katz, on behalf of the owner Vice Versa Developments Inc., will be granted a one (1) year extension of time in order to allow for execution of the Servicing 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. 29/2011 under DAZ 235/2004.

HISTORY

On June 29, 2005, Council adopted Item No. 2 of the report of the Standing Policy Committee on Property and Development dated June 7, 2005 which clause recommended approval of the subject rezoning to a "C2" COMMERCIAL DISTRICT as shown on Appendix "A" attached to allow for residential and commercial development.

Recommendation 4 contained in 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. 29/2011 was enacted by the passage of City Council. Section 2 of the By-law stipulates:

"Section 1 comes into force when:

2 (a) Zoning Agreement DAZ 235/2004 is registered in the Winnipeg Land Titles Office by caveat against the subject land within twenty-four months 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."

By-law No. 29/2011 has not come into force by the registration of the Zoning Agreement and the execution of the Servicing Agreement caveats and twenty-four month time limit has expired on February 23, 2013.

The applicant, Alec Katz, 900-847 Dunsmuir Road, Victoria, B.C. V9A 0A5 is requesting an extension of time in order to complete the necessary registration of caveats and outstanding requirements. The applicant advises that the extension is required as they await receipt of requisite Zoning and Servicing Agreements from the City. They further advise that their an application with the Province of Manitoba related to the bridge air rights over the Assiniboine River continues, see attached Appendix "B".

The Winnipeg Public Service has undertaken to draft the required Zoning and Servicing Agreement which will be sent to the owner for review and signature pending approval of this time extension request.

The Winnipeg Public Service have reviewed the request for the extension of time and is of the opinion that approval of the subject extension of time for a period of one (1) year 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, P.Eng.,Land Development Branch
Date:	May 13, 2013
File No.	DAZ 235/2004

Appendix “A” – DAZ 235/2004 map
Appendix “B” – Letter Requesting Extension

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APPENDIX "A" – DAZ 235/2004 MAP

By–Law No. _____

File No. DAZ 235/04

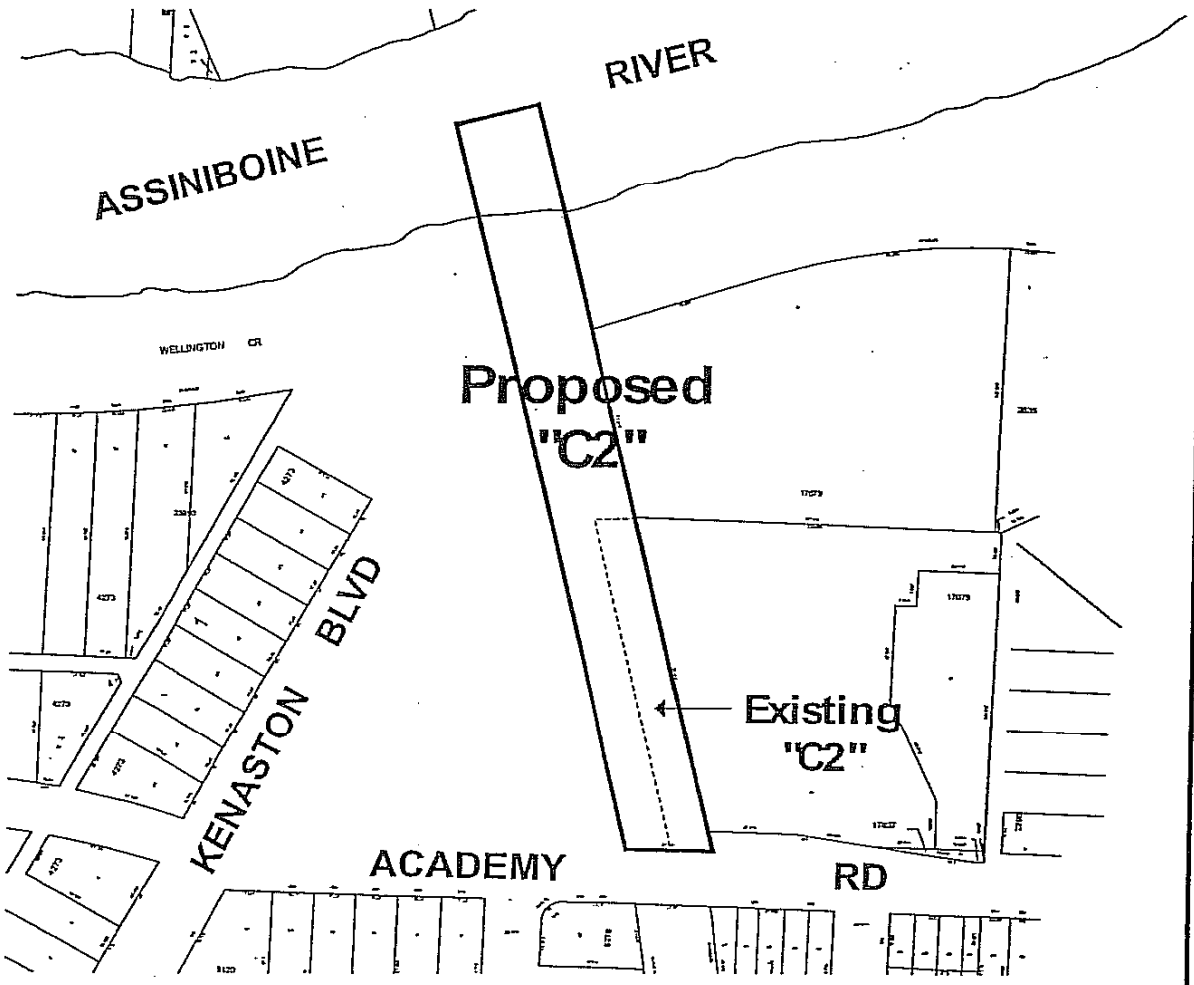
Atlas Sheet No.

N

AB20
CITY CENTRE
COMMUNITY

Explanation

Proposed zoning change to By-Law 6400/94 by rezoning the land located at 1535 Wellington Crescent from an "R1-5.5A" SINGLE-FAMILY DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – LETTER REQUESTING EXTENSION

Zelig Alec Katz

Tuesday, May 7, 2013

City of Winnipeg,
Land Development Branch,
Main Floor, 65 Garry Street,
Winnipeg, MB R3C 4K4

Attention: Rob Deighton, P.Eng., Land Development Coordinator,

Dear Mr. Deighton
RE: RE: DAZ 235/04 - Extension of Time - 1535 Wellington Crescent

I am writing to ask for an extension of the By-law #29/2011 which expired in February 2013. To date the Province through Conservation has not acted on our application for an air rights agreement. As well I am still awaiting receipt of the Zoning and Servicing Agreement from the City Law Department. As neither of these matters are under our control we require the extension to resolve same.

Yours truly,

Zelig Alec Katz, Architect (Retired)