Minute No. 419
Report – Standing Policy Committee on Property and Development – May 7, 2013

Item No. 10 **Extension of Time – Subdivision and Rezoning on land located at 62 Juno Street**
(Point Douglas Ward)
File DASZ 17/2010

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the time limit to provide for coming into force of rezoning By-law No. 108/2011 under File No. DASZ 17/10 be extended to September 28, 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 – May 7, 2013

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 16, 2013, 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 AND REZONING ON LAND LOCATED AT 62 JUNO STREET - FILE NO. DASZ 17/10**

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 coming into force of rezoning By-law No. 108/2011 under File No. DASZ 17/10 be extended to September 28, 2013.

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 17/2010 at Winnipeg Land Titles to satisfy By-law No. 108/2011 coming into force requirements.

HISTORY

On September 22, 2010, Council adopted Item No. 12 of the report of the Standing Policy Committee on Property and Development dated September 14, 2010 which clause recommended approval of the subject subdivision and rezoning to a "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT as shown on Appendix "A" attached to allow for the construction of a multiple family dwelling development.

Recommendation 5 contained in said report stipulates:

> "That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twelve (12) 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 twelve (12) month period and the extension is subsequently approved by Council."

On September 28, 2011, By-Law No. 108/2011 was enacted by the passage of City Council. Section 3 of the By-law stipulates:

> "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 the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 17/2010 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. 108/2011 has not come into force by the registration of the Plan of Subdivision and the registration of Zoning Agreement DASZ 17/2010 by caveat and the one year time limit has expired on September 28, 2012.

The owner, Dave Barkman, Box 5086, Steinbach, Manitoba R5G 1L4 is requesting an extension of time in order to complete the necessary registrations, 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 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 18, 2013
File No.	DASZ 17/10

Appendix “A” – DASZ 17/10 map
Appendix “B” – Time extension request correspondence

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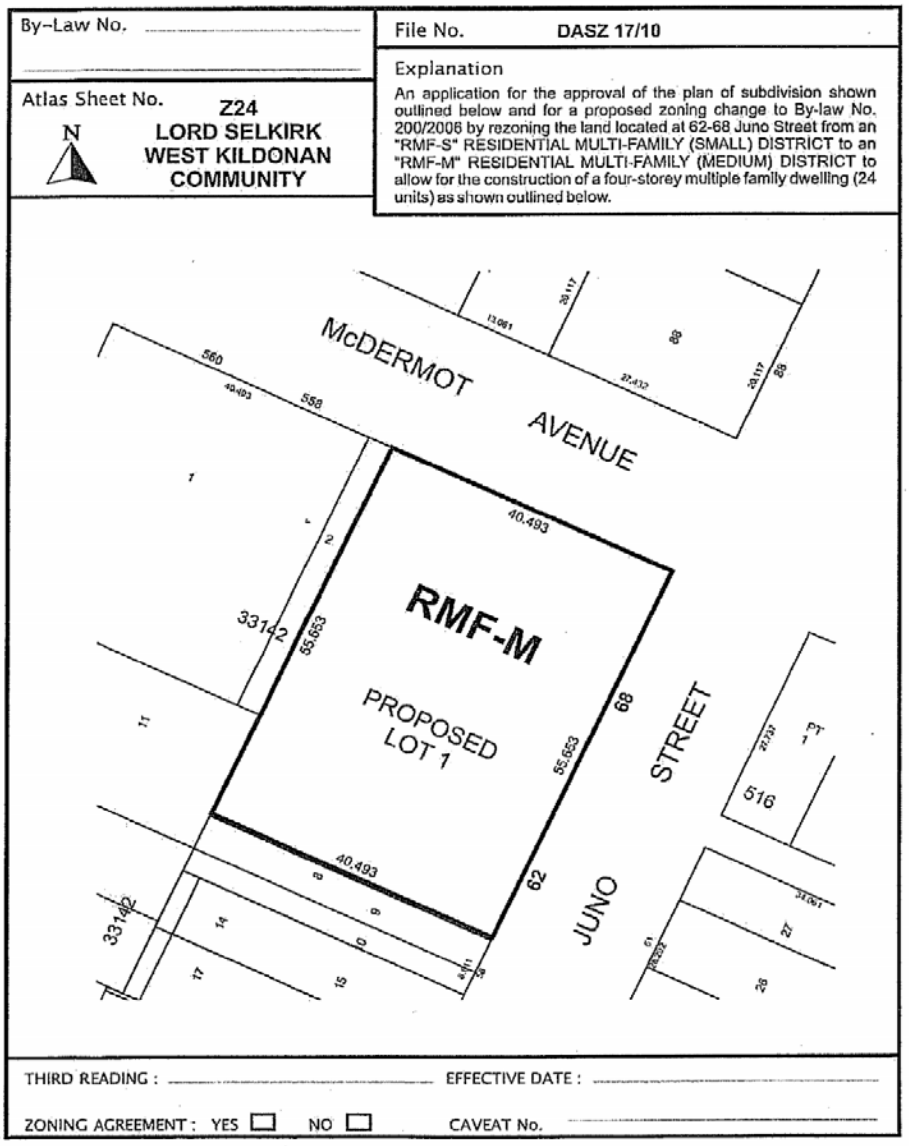
APPENDIX "A" – DASZ 17/10 – map



APPENDIX "B" – Time Extension Request Correspondence

From: "Deighton, Rob" <RDeighton@winnipeg.ca>
To: 'dave barkman' <barkmanconst@yahoo.ca>
Cc: "Savage, Angie" <asavage@winnipeg.ca>; "Raban, Kim" <KRaban@winnipeg.ca>
Sent: Friday, March 15, 2013 9:46:17 AM
Subject: RE: DASZ 17/10 - Extension of Time Report

Hi Dave,
I have reviewed the file and an extension of time for the coming into force of By-law No. 108/2011 will be required.
This office will prepare a report to request this extension of time.
The anticipated timeline is as follows;
Report to the Community Committee by April 16, 2013 and ending with consideration by Council at May 29, 2013 meeting.

Regards,
Rob

From: dave barkman [mailto: barkmanconst@yahoo.ca]
Sent: Monday, March 11, 2013 11:52 AM
To: Deighton, Rob ; Raban, Kim
Cc: Savage, Angie
Subject: Fw: DASZ 17/10 - Extension of Time Report

This is a followup to the previous email.
Have you had a chance to review this file.

Thanks
Dave Barkman

----- Forwarded Message -----
From: dave barkman < barkmanconst@yahoo.ca >
To: " Deighton, Rob " <RDeighton@winnipeg.ca>
Cc: "asavage@winnipeg.ca" <asavage@winnipeg.ca>; "kraban@winnipeg.ca" <kraban@winnipeg.ca>
Sent: Tuesday, March 5, 2013 7:10:44 PM
Subject: Re: DASZ 17/10 - Extension of Time Report

Hi Rob,

In review of this file and the rezoning request, it appears the rezoning did not get completed.
Could you please advise what needs to be done to get the rezoning done at this point.
I must have missed something to complete the rezoning process at the time.
We do want to proceed to get this done.

Thanks
Dave Barkman