Agenda – Council – September 25, 2013

Report – Standing Policy Committee on Property and Development – September 10, 2013

Item No. 9 Extension of Time – Proposed Rezoning on land located at 91 Lowson Crescent (Charleswood-Tuxedo Ward) File DAZ 206/2009

STANDING COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and submitted the following to Council:

1. That the time limit to provide for enactment of Rezoning By-law No. 45/2010 coming into force be extended to April 28, 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 – September 10, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 18, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Assiniboia Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 10, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 9, 2013, the Assiniboia Community Committee concurred in the recommendation of the of the Winnipeg Public.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED REZONING ON LAND LOCATED AT 91 LOWSON CRESCENT - FILE NO. DAZ 206/2009**

Critical Path: **Assiniboia 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. 45/2010 coming into force be extended to April 28, 2014.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The owner R & J Friesen Investments Ltd., will be granted an extension of time in order to allow for registration of the Zoning Agreement at the Winnipeg Land Titles Office, thus facilitating the coming into force section of rezoning By-law No. 45/2010 under DAZ 206/2009.

HISTORY

On October 28, 2009, Council adopted Item No. 11 of the report of the Standing Policy Committee on Property and Development dated October 8, 2009 which clause recommended approval of the subject rezoning to a "M2" MANUFACTURING GENERAL DISTRICT as shown on Appendix "A" attached to allow for an Amusement Enterprise Indoor Use.

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 April 23, 2010, By-law No. 45/2010 was enacted by the passage of City Council. Section 2 of the by-law stipulates:

"**Coming in force**

2 Section I comes into force when Zoning Agreement DAZ 206/2009 is registered in the Winnipeg Land Titles Office by caveat against the subject lands 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 caveat is registered before such extended date."

By-law No. 45/2010 has not come into force by the registration of the Zoning Agreement and the one year time limit expired on April 23, 2011.

The Committee is further advised that the rezoning is required for these lands to fulfill a temporary zoning variance condition on these lands currently allowed under conditional use variance DAV 117519/2009D which shall expire in September 2014. The owner is currently awaiting the receipt of the Zoning Agreement from the City; which Agreement shall be finalized and sent to the owner upon approval of the required time extension from Council.

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 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:	June 4, 2013
File No.	DAZ 206/09

Appendix "A" – DAZ 206/2009 map

APPENDIX “A” – DAZ 206/09 MAP

