Agenda – Council – November 20, 2013

Report – Standing Policy Committee on Property and Development – November 5, 2013

Item No. 6 Extension of Time – Subdivision and Rezoning - South Side of Ridgecrest Avenue between Main Street and the Red River - DASZ 13/2012 (Old Kildonan Ward)

STANDING COMMITTEE RECOMMENDATION:

On November 13, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the time limit to provide for coming into force of rezoning By-law No. 138/2012 under File No. DASZ 13/2012 be extended to October 24, 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 – November 5, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 13, 2013, the Executive Policy Committee concurred in the recommendation 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 November 5, 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 October 8, 2013, the Lord Selkirk-West Kildonan 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 AND REZONING ON LAND LOCATED ON THE SOUTH SIDE OF RIDGECREST AVENUE BETWEEN MAIN STREET AND THE RED RIVER - FILE NO. DASZ 13/2012**

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
M.Pittet	Barry Thorgrimson	N/A	N/A

RECOMMENDATIONS

That the time limit to provide for coming into force of rezoning By-law No. 138/2012 under File No. DASZ 13/2012 be extended to October 24, 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 13/2012 at Winnipeg Land Titles to satisfy By-law No. 138/2012 coming into force requirements.

HISTORY

On September 27, 2012, Council adopted Item No. 1 of the report of the Standing Policy Committee on Property and Development dated September 11, 2012 which recommended approval of the subject subdivision and rezoning to an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT as shown on Appendix "A" attached to allow for the construction of multiple family buildings and an assisted living development.

Recommendation 4 contained in 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 October 24, 2012, By-Law No. 138/2012 was enacted by the passage of City Council. Section 3 of the By-law stipulates:

Coming into force

> "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 13/2012 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".

By-law No. 138/2012 has not come into force by the registration of the Plan of Subdivision and the registration of Zoning Agreement DASZ 13/2012 by caveat and the one year time limit will expire on October 24, 2013. The required Development Agreement referred to above has been executed by the City.

The owner's representative, Mr. Bruce King of Pitblado Law, 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:	September 27, 2013
File No.	DASZ 13/2012

Appendix “A” – DASZ 13/2012 map
Appendix “B” – Time extension request correspondence

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APPENDIX "A" – DASZ 13/2012 – map

By-Law No. _____

File No. **DASZ 13/12**

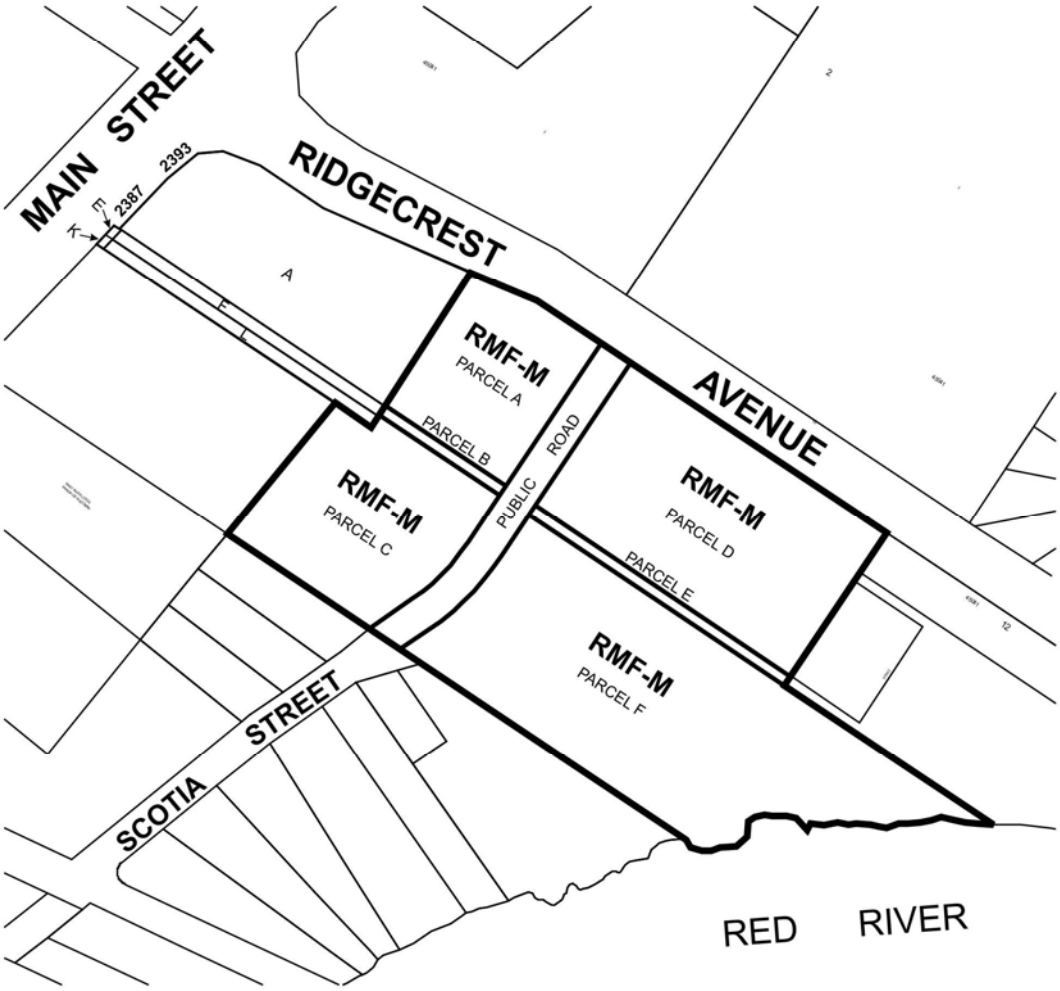
Atlas Sheet No. **S28**

N

LORD SELKIRK WEST KILDONAN 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 south side of Ridgecrest Avenue between Main Street and Red River from an "RR-5" RURAL RESIDENTIAL 5 DISTRICT to an "RMF-M" RESIDENTIAL MULTI-FAMILY DISTRICT and includes the opening of the Scotia Street extension to the north to facilitate the construction of a senior's multiple family dwelling complex and care facility as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – Time Extension Request Correspondence

Deighton, Rob

From: Bruce King <king@pitblado.com>
Sent: Friday, September 27, 2013 9:00 AM
To: Deighton, Rob
Cc: Gagnon, Cathy; Carter, James; Raban, Kim; Hawley, Ted; Grady, Martin
Subject: RE: Development Agreement and Zoning Agreements - AG 13/12 (DASZ 13/2012)

Rob,

Please consider this email to be the formal request for a time extension for By-law 138/2012.

The reason for the extension is that complications related to plan registration process may result in the registration not being completed by the original deadline.

Please confirm that this email is all that you require in order to proceed.

Bruce

Bruce King
Email: king@pitblado.com
Direct: 204.956.3541