Agenda – Council – November 20, 2013

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

Item No. 7 Extension of Time – Subdivision and Rezoning - 765 Keewatin Street - DASZ 32/2010
(Point Douglas 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 enactment of Rezoning By-law No. 25/2011 coming into force and effect be extended to June 30, 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 & REZONING OF LAND LOCATED AT 765 KEEWATIN STREET- FILE NO. DASZ 32/2010**

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, Director	N/A	N/A

RECOMMENDATIONS

That the time limit to provide for enactment of Rezoning By-law No. 25/2011 coming into force and effect be extended to June 30, 2014.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant will be granted an extension of time in order to allow for the registration of plan of subdivision mylars and the Zoning Agreement by caveat at the Winnipeg Land Titles Office, thus facilitating the coming into force section of rezoning By-law No. 25/2011 under DASZ 32/2010.

HISTORY

On December 15, 2010, Council adopted Item No. 15 of the report of the Standing Policy Committee on Property and Development dated December 6, 2010 which clause recommended approval of the subject rezoning of proposed Lot 1 to a “C3” Commercial Corridor District under Zoning By-law 200/2006 as shown on Appendix “A” attached.

Recommendation 5 contained in the 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. 25/2011 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 plan of subdivision is registered in the Winnipeg Land Titles Office.

(2) Section 2 comes into force when Zoning Agreement DASZ 32/2010 is registered in the Winnipeg Land Titles Office by caveat against the subject land 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.”

Subsequently, on January 30, 2013, Council adopted Item No. 11 of the report of the Standing Policy Committee on Property and Development dated January 15, 2013 which clause recommended that the time limit to provide for enactment of Rezoning By-law No. 25/2011 coming into force and effect be extended to June 30, 2013.

By-law No. 25/2011 has not come into force by the registration of the Zoning Agreement or the plan of subdivision and the one year time limit expired on June 30, 2013.

The applicant, Justin Zarnowski of Shindico, on behalf of the owner 2514141 Manitoba Limited, is requesting a second extension of time in order to complete the necessary registrations at Winnipeg Land Titles Office. The extended deadline could not be met in this particular case due to unforeseen administrative delays imposed by the Winnipeg Land Titles Office. See attached Appendix “B” dated October 1, 2013.

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 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:	A. Savage, Land Development Branch
Date:	October 2, 2013
File No.	DASZ 32/2010

Appendix “A” – DASZ 32/2010 map
Appendix “B” – Time Extension Request from Applicant

APPENDIX "A" – DASZ 32/2010 – MAP

By-Law No. _____

File No. **DASZ 32/10**

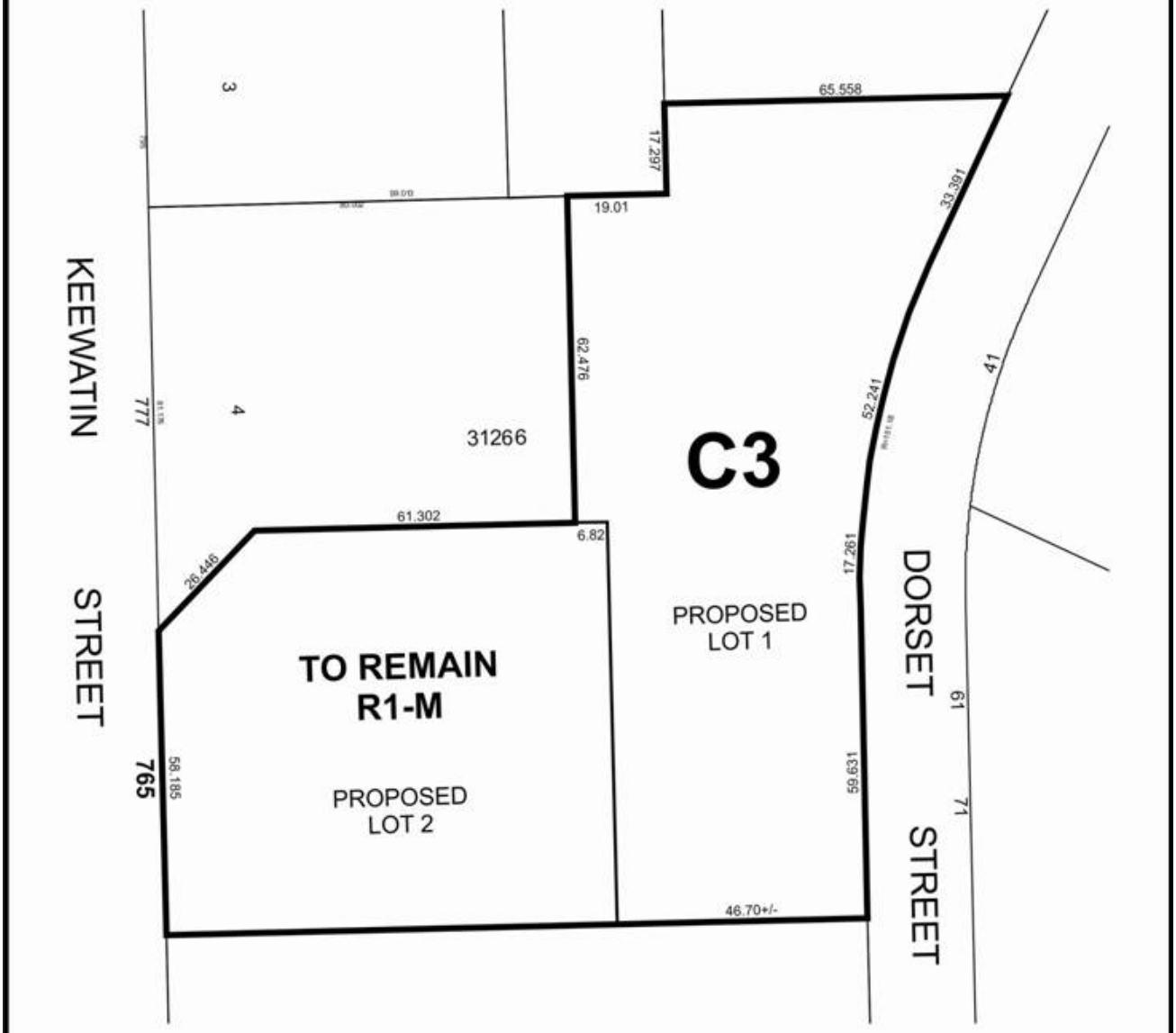
Atlas Sheet No. **U21**

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 at 765 Keewatin Street from an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to a "C3" COMMERCIAL COMMUNITY DISTRICT to facilitate the consolidation of land and allow for the construction of a medical clinic and daycare centre as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – TIME EXTENSION REQUEST FROM APPLICANT

From: Justin Zarnowski [mailto:JZarnowski@Shindico.com]
Sent: Tuesday, October 01, 2013 8:49 AM
To: Raban, Kim
Subject: DASZ 32/2010 - Subdivision and Rezoning of 765 Keewatin Street and land on Dorset Street - 2514141 Manitoba Limited

We would like to request an extension of the subdivision approval, and to have the mylars signed and dated concurrent with the extension. We provided the Winnipeg Land Titles Office with the previous approval, however it appears that due to staff being re-assigned that the WLTO staff member who is responsible for the file did not receive it prior to June 30, 2013, the expiry of the extension. As such we now require the mylars, and a further extension to finalize this matter.

Please advise what the fees are with respect to this application, and if any other information is required from us.

Thanks,

Justin Zarnowski LL.B.
Legal Affairs Manager

Shindico
Succeeding By Helping Others Succeed
Direct (204) 928-8212