Minutes – Executive Policy Committee – December 4, 2013

Minute No. 50
Report – Standing Policy Committee on Property and Development – December 3, 2013

Item No. 4 **Extension of Time – Subdivision and Rezoning –**
405 Hamel Avenue
(St. Boniface Ward)
File DASZ 26/2011

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 the enactment of the necessary rezoning by-law under File No. DASZ 26/2011 be extended to November 30, 2014.

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

Minutes – Executive Policy Committee – December 4, 2013

Report – Standing Policy Committee on Property and Development – December 3, 2013

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That Rule 10(3) of The Procedure By-law No. 50/2007 be suspended in order that the following item, which was received less than 96 hours preceding the committee meeting, be considered by Committee.

Carried

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On December 3, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 4, 2013, the Riel 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 – 405 HAMEL AVENUE - FILE NO. DASZ 26/2011**

Critical Path: **Riel 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 the enactment of the necessary rezoning by-law under File No. DASZ 26/2011 be extended to November 30, 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 to be able to cause the rezoning by-law for DASZ 26/2011 to come into force and effect.

HISTORY

On November 16, 2011, Council adopted Item No. 8 of the report of the Standing Policy Committee on Property and Development dated November 1, 2011 which clause recommended approval of the subject subdivision and rezoning to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT as shown on Appendix "A" attached to allow for the construction of a multiple family dwelling 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 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 this two (2) year period and Council approves the extension."

The applicant, Andrew Wach Architects Inc., Attention: Mr. Andrew Wach, 102 – 181 Bannatyne Avenue, Winnipeg, Manitoba, R3B 0R4 is requesting a one (1) year extension of time in order to complete the necessary rezoning by-law requirements. The extension of time is required due to delays imposed by the acquisition of the adjacent parcels of land to the west affecting the planned area of this application.

The Winnipeg Public Service has reviewed the request for the extension of time and is of the opinion that approval 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:	Angela Savage, Land Development Branch
Date:	October 23, 2013
File No.	DASZ 26/2011

Appendix "A" – DASZ 26/2011 Map
Appendix "B" – Extension of Time Request from Mr. Wach dated October 8, 2013

APPENDIX "A" – DASZ 26/2011 – MAP

By-Law No. _____

File No. **DASZ 26/11**

Atlas Sheet No.

N

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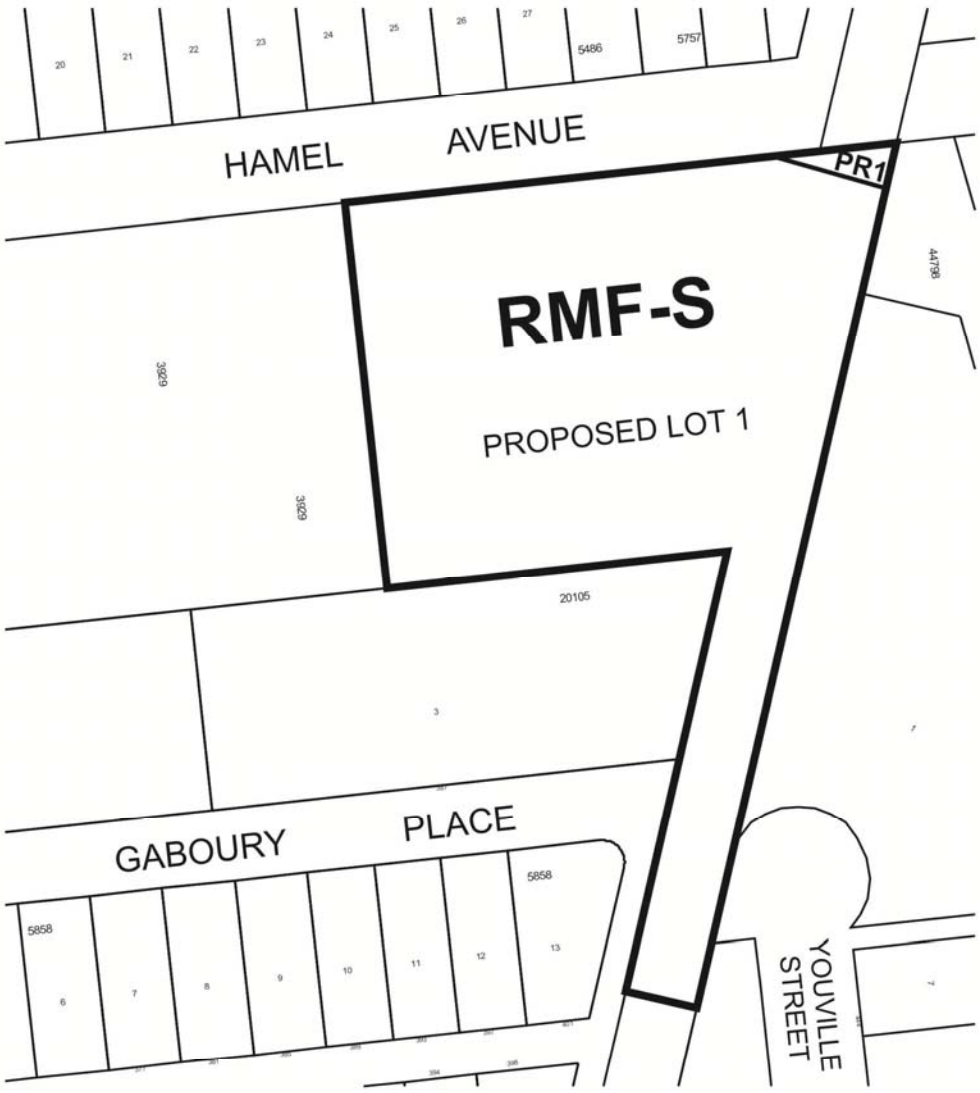
RIEL
COMMUNITY

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 405 Hamel Avenue from an "M1" MANUFACTURING LIGHT DISTRICT and an "M2" MANUFACTURING GENERAL DISTRICT to a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT and an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multi-family development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – EXTENSION OF TIME REQUEST

AWA |

RECEIVED
OCT 09 2013
[illegible]

October 8, 2013

City of Winnipeg
Planning, Property & Development Department
65 Garry Street
Winnipeg, Manitoba R3C 4K4

Attention: Mr. K. Rayban

Re: DASZ 26/11-405 Hamel Avenue

Sir,

The file DASZ 26/11 - 405 Hamel Avenue has not proceeded to completion of the subdivision plan and rezoning although the much of the work required by the City of Winnipeg for this file has been completed.

The land is comprised of two separate properties, one is the railway land, this narrow portion along the east boundary has proceeded to have the property ownership completed and is now held in trust, the second property bordering Hamel Avenue has encountered difficulties.

The parcel of land is a part of a registered condominium plan that includes the two properties adjacent immediately to the west. The original Owner of the property assumed that the condominium plan could be easily modified and the land ownership transferred.

This assumption proved to be incorrect.

It has taken 21 months to complete an agreement for the release of the parcel of land from the condominium agreement. The agreement to release was completed on October 4, 2013.

The appropriate documentation needs to be signed, filed, accepted and implemented in Land Titles, a process that will take some time.

Once the Land Titles process has been completed work can again commence on the subdivision plan. The circumstances described suggest that the subdivision and subsequent rezoning agreement will not be completed by the November 16, 2013 deadline for this file to be reviewed and approved by City Council.

In consideration of the situation described we are formally requesting an extension of the DASZ 26/11 for a period of one (1) year.

I enclose our cheque for 343.00 to complete this request.

We will anticipate your review and response.

A. Wach

Andrew Wach FRAIC MAA.

ANDREW WACH **ARCHITECTS** | INC
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