Minutes – Executive Policy Committee – December 4, 2013

Minute No. 51
Report – Standing Policy Committee on Property and Development – December 3, 2013

Item No. 5 Extension of Time – 1519 Regent Avenue West (Transcona Ward) File DASZ 3/99

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 enactment of Rezoning By-law No. 7498/99 coming into force 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 East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 19, 2013, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

Paul McNeil, MMM Group Limited, submitted an aerial photograph in support of the Extension of Time for 1519 Regent Avenue West.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 1519 REGENT AVENUE - FILE NO. DASZ 3/1999**

Critical Path: **East Kildonan – Transcona 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. 7498/1999 coming into force 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, MMM Group, on behalf of the owner Canadian Tire Corporation Limited, will be granted a one (1) year extension of time in order to allow for the registration of the plan of subdivision and registration of the Zoning Agreement at the Winnipeg Land Titles Office, thus facilitating the enactment section of rezoning By-law No. 7498/1999 under file DASZ 3/1999.

HISTORY

On April 28, 1999, Council adopted Clause IV. of the report of the Standing Policy Committee on Property and Development which clause recommended approval of the subject rezoning from an A-5 AGRICULTURAL DISTRICT to a "C2" COMMERCIAL DISTRICT and from a “C2” Commercial District to an “A5” AGRICULTURAL DISTRICT as shown on Appendix "A" attached.

Recommendation IV. 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 Council extends that time."

On September 22, 1999, Council passed By-law No. 7498/99. Section 3 of the By-law stipulates:

3. Section 2 of this By-law shall come into force and effect upon:

   (a) Registration in the Winnipeg Land Titles Office of the plan of subdivision approved by Section 1 of this By-law; and

   (b) Registration in the Winnipeg Land Titles Office of a caveat recording Zoning Agreement DASZ 3/99 against the land affected thereby as a first charge, other than any caveat filed by THE CITY OF WINNIPEG or an "Area Municipality" as defined in The City of Winnipeg Act, any public utilities caveat, or any building restriction caveat registered prior to the date of subdivision and rezoning application DASZ 3/99.

By-law No. 7498/99 has not come into force by the registration of the plan of subdivision and registration of the Zoning Agreement at the Winnipeg Land Titles Office and the twenty-four month time limit has expired.

The applicant is requesting an extension of time in order to complete the necessary registration at Land Titles. The applicant advises that the plan has not been registered because one of the Mortgagees was unwilling to allow the mortgage to be discharged and re-registered. Since the initial application, there has been a change in management with the Mortgagee and they are now prepared to sign off to allow the discharge and re-registration of its mortgage.

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 for a period of one (1) year 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

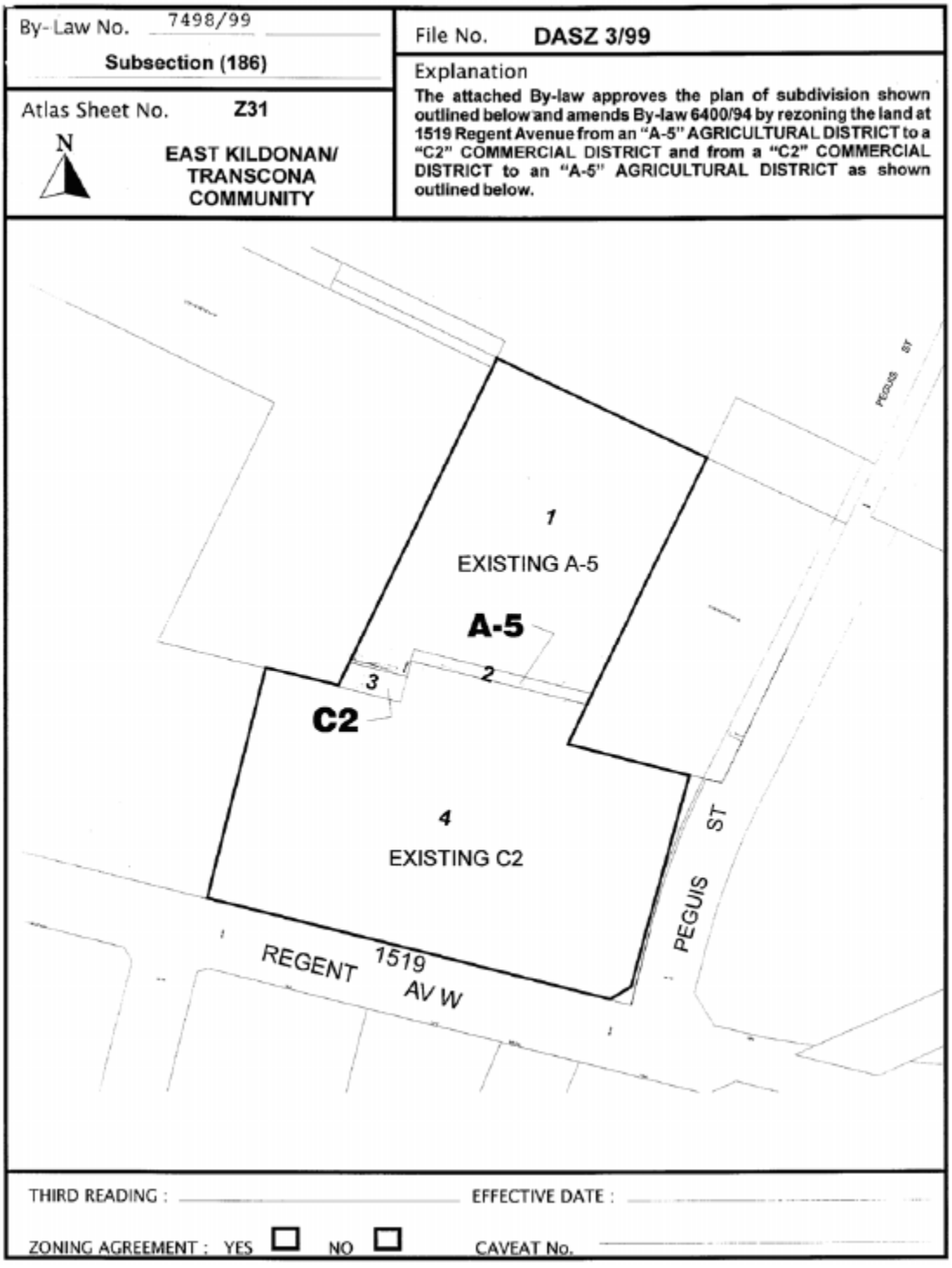
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	K.T. Raban, P.Eng.,Land Development Branch
Date:	October 31, 2013
File No.	DASZ 3/1999

Appendix “A” – DASZ 3/1999 map
Appendix “B” – Letter Requesting Extension

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APPENDIX "A" – DASZ 3/1999 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION

MMM GROUP

MMM Group Limited
Suite 111-93 Lombard Avenue
Winnipeg, MB R3B 3B1
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October 29, 2012 Ref. No.: 9813IE5-530.001.012

Mr. Kim Raban
Land Development Administrator
Land Development Branch
City of Winnipeg
65 Garry Street
Winnipeg MB R3C 4K4

Dear Mr. Raban:

Re: 1519 Regent Avenue West – Extension of Time Letter Pertaining to DASZ 3/99

On behalf of Canadian Tire Real Estate Ltd., MMM Group Limited is requesting to re-activate File DASZ 3/99, that was initiated in 1999 to facilitate a land exchange between Canadian Tire and Kildonan Place Shopping Centre, to allow Canadian Tire to expand its store.

At the time, the plan never got registered because one of the Mortgagees was unwilling to allow the mortgage to be discharged and re-registered. Since the initial application, there has been a change in management with the Mortgagee and they are now prepared to sign off to allow the discharge and re-registration of its mortgage. This issue is critical because the Canadian Tire store was built, and a corner of the store now encroaches into the Kildonan Place title on lands zoned "RR5". Therefore, we are asking for a retroactive extension of time to allow for the legal survey to be re-monumented and cleared by the WLTO and get the documents registered.

Additional supporting material will be submitted as requested. A fee of $343 plus GST, as indicated by you, will be made in order to process the report.

In the meantime, please contact the undersigned at (204) 943-3178 if you require any additional information.

Yours sincerely,

MMM Group Limited

Brock Feenstra, MCP Candidate
Planner

BF/cr

Canadian Tire Regent Avenue Letter of Intent 131029 bf

COMMUNITIES
TRANSPORTATION
BUILDINGS
INFRASTRUCTURE

Submission by Paul McNeil, MMM Group Limited

