Agenda – Council – January 29, 2014

Report – Standing Policy Committee on Property and Development – January 14, 2014

Item No. 12 Extension of Time – Proposed Rezoning on Land Located at 184 Sherbrook Street (Fort Rouge-East Fort Garry Ward) File DAZ 204/2012

STANDING COMMITTEE RECOMMENDATION:

On January 22, 2014, 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 application for the time limit to provide for enactment of Rezoning By-law No. 112/2012 coming into force be extended to September 30, 2015, be approved.

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 – January 14, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 22, 2014, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 14, 2014, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 10, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and the application for the time limit to provide for enactment of Rezoning By-law No. 112/2012 coming into force be extended to September 30, 2015, be approved, and forwarded to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED REZONING ON LAND LOCATED AT 184 SHERBROOK STREET - FILE NO. DAZ 204/2012**

Critical Path: **City Centre 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. 112/2012 coming into force be extended to September 30, 2015.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, David Penner Architect & H5 Architecture, on behalf of the registered owners Clubhouse of Winnipeg Inc., 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. 112/2012 under DAZ 204/2012.

HISTORY

On May 30, 2012, Council adopted Item No. 4 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 "RMF-L" (Neighbourhood Main Streets PDO-1) Residential Multi-Family District as shown on Appendix "A" attached to allow for the construction of a multiple family dwelling with a supported living component. Recommendation 3 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 September 27, 2012, By-law No. 112/2012 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. 112/2012 has not come into force by the registration of the Zoning Agreement and the one year time limit expired on September 27, 2013.

Mr. Phil Dlot, Hold Zone Incorporated, c/o Clubhouse of Winnipeg Inc., 172 Sherbrook Street, Winnipeg, Manitoba, R3C 2B6 on behalf of the applicant and registered owners, is requesting an extension of time in order to complete the necessary registration of the zoning agreement and outstanding requirements now that their funding has been granted by the Province of Manitoba. See attached Appendix "B".

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:

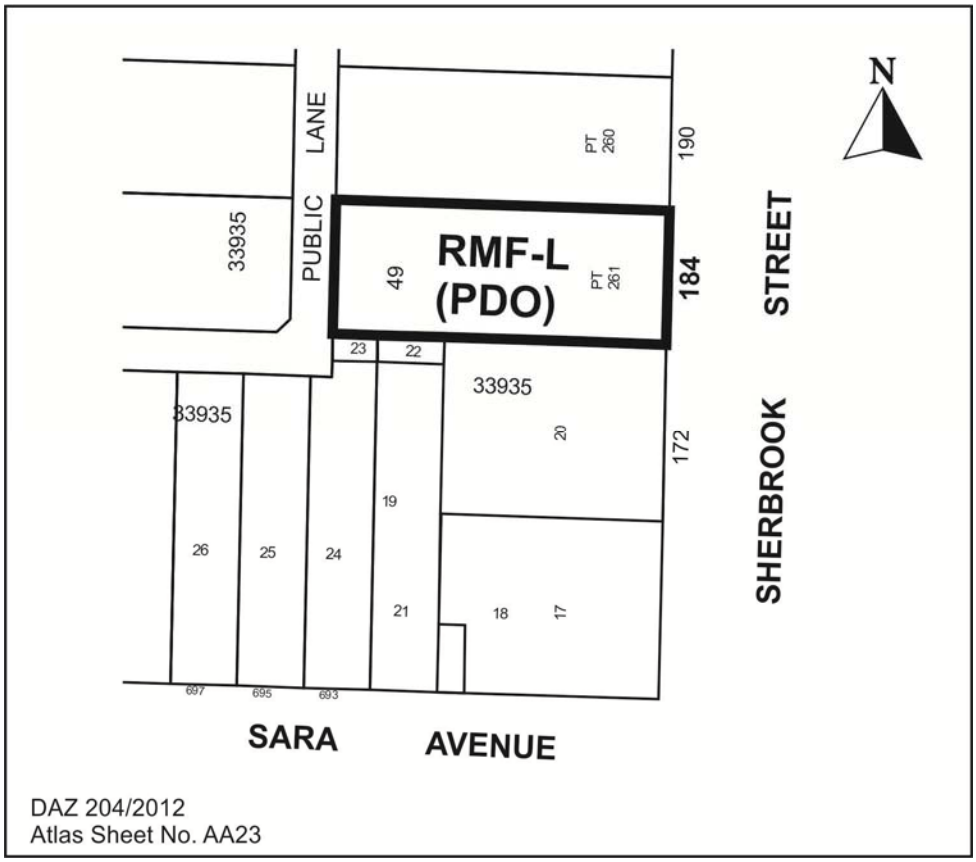
n/a

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Systems
Prepared by: A. Savage, Land Development Branch
Date: November 26, 2013
File No. DAZ 204/2012

Appendix “A” – DAZ 204/2012 map
Appendix “B” – Correspondence Requesting Extension dated November 23, 2013
Appendix “C” – Letter of Authorization dated November 26, 2013

APPENDIX “A” – DAZ 204/2012 MAP



DAZ 204/2012
Atlas Sheet No. AA23

APPENDIX "B" – CORRESPONDENCE REQUESTING EXTENSION

From: phil dlot [mailto:holdzoneincorporated@gmail.com]
Sent: Saturday, November 23, 2013 12:43 PM
To: Savage, Angie
Cc: Marty Dolin; Michael J. Mercury Q.C.
Subject: Re: Rezoning of 184 Sherbrook Street - Clubhouse of Winnipeg, Inc. Our File No. DAZ 204/2012 By-law No. 112/2012

Hi Angela,

As per the included information, please have the application for an extension initiated so that we can complete the attached zoning agreement and have it registered as a caveat against the property.

We recently received the required funding from the Province in order to proceed with the project. The zoning agreement was held up pending the financing required and we have just started working on the final construction plans as the funding was approved a few days ago.

Please advise what you require for the application to extend the deadline and how you wish payment of the 510.00 plus GST to be tendered.

Thanks,

Phil

APPENDIX "C" – LETTER OF AUTHORIZATION

TOTAL P.01

CLUBHOUSE of Winnipeg Inc.

172 Sherbrook Street • Winnipeg, Manitoba R3C 2B6 • Phone: (204) 783-9400 • Fax: (204) 783-9890

By FAX 204-942-3820
and by mail

November 26, 2013

Ms. Angela Savage
Development Applications Coordinator
Land Development Branch
Main Floor 65 Garry Street
Winnipeg, Manitoba
R3C 4K4

RE: DAZ 204/12

This is to advise that Holdzone Inc., and/or Mr. Phil Dlot are authorized to act on behalf of Clubhouse of Winnipeg, Inc., and/or Fountain Springs Inc., with respect to the extension requested with respect to your file number DAZ 204/12.

Mark Elie
Executive Director
Clubhouse of Winnipeg, Inc.