Agenda – Council – February 26, 2014

Report – Standing Policy Committee on Property and Development – February 18, 2014

Item No. 7 Extension of time and to replace Schedule "A" – Subdivision and Rezoning on land located at 913, 917 and 919 St. Mary's Road (St. Vital Ward) File DASZ 10/2011

STANDING COMMITTEE RECOMMENDATION:

On February 19, 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 time limit to provide for coming into force of rezoning By-law No. 138/2012 under File No. DASZ 13/2012 be extended to December 15, 2014.

2. That Schedule "A", as contained in the report of the Executive Policy Committee dated July 15, 2011 be replaced with Schedule "B" attached hereto.

3. 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 – February 18, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 19, 2014, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 18, 2014, 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 January13, 2014, 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: **REQUEST FOR EXTENSION OF TIME AND TO REPLACE SCHEDULE "A" – SUBDIVISION AND REZONING ON LAND LOCATED AT 913, 917 AND 919 ST. MARY'S ROAD - FILE NO. DASZ 10/2011**

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

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 December 15, 2014.

2. That Schedule "A", as contained in the report of the Executive Policy Committee dated July 15, 2011 be replaced with Schedule "B" attached hereto.

REASON FOR THE REPORT

Council approval is required for an extension of time and to amend Council's instructions.

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 13/2011 at Winnipeg Land Titles to satisfy By-law No. 135/2011 coming into force requirements.

Replacing Schedule “A” with Schedule “B” will permit the opening of a corner cut of the public lane at the rear of the property.

HISTORY

On July 20, 2011, Council adopted Item No. 1 of the report of the Executive Policy Committee dated July 15, 2011 which recommended approval of the subject subdivision and rezoning to an "RMU” RESIDENTIAL MIXED DISTRICT as shown on Appendix A attached to allow for the construction of a mixed use commercial/residential building.

Extension of Time

Recommendation 5 contained in the report states:

> "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 November 16, 2011 By-Law No. 135/2011 was enacted by the passage of City Council. Section 3 of the By-law states:

> **Coming into force**
>
> “3 a) Section 1 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office.
>
> b) Section 2 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 10/2011 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. 135/2011 has not come into force by the registration of the Plan of Subdivision and the registration of Zoning Agreement DASZ 10/2011 by caveat, due to delays related to amending the plan of subdivision to accommodate the public lane corner cut shown on Schedule “B”.

The Winnipeg Public Service has reviewed the need 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.

Replace Schedule “A” with Schedule “B”

Schedule “A” contained in the report of the Executive Policy Committee dated July 15, 2011 failed to acknowledge the need to provide a corner cut at the public lane at the rear of the

property as shown in Appendix B. The applicant has been consulted on this matter and concurs with providing the corner cut.

It is therefore recommended that Schedule “A”, as contained in the report of the Executive Policy Committee dated July 15, 2011 be replaced with Schedule “B” attached hereto.

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:	K.T. Raban, P.Eng., Land Development Administrator
Date:	December 6, 2013
File No.	DASZ 10/2011

Appendix A – Schedule “A”
Appendix B – Schedule “B”
Appendix C - Time extension request correspondence

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APPENDIX A – Schedule ”A” Map

Schedule “A” for File No. DASZ 10/2011, Riel Community Committee, dated June 23, 2011

By-Law No. _____

File No. **DASZ 10/11**

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 913, 917 & 919 St. Mary's Road from an “RMF-S” RESIDENTIAL MULTI-FAMILY DISTRICT to an “RMU” RESIDENTIAL MIXED USE DISTRICT to allow for the construction of a mixed use commercial/residential building as shown outlined below.

Atlas Sheet No.

N

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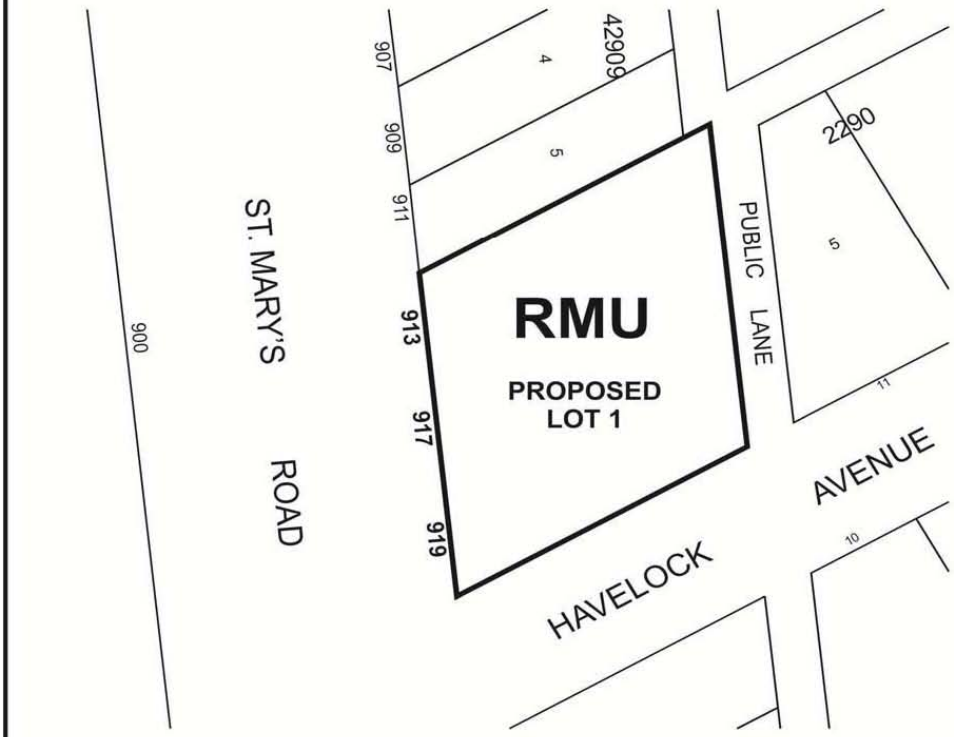
RIEL
COMMUNITY

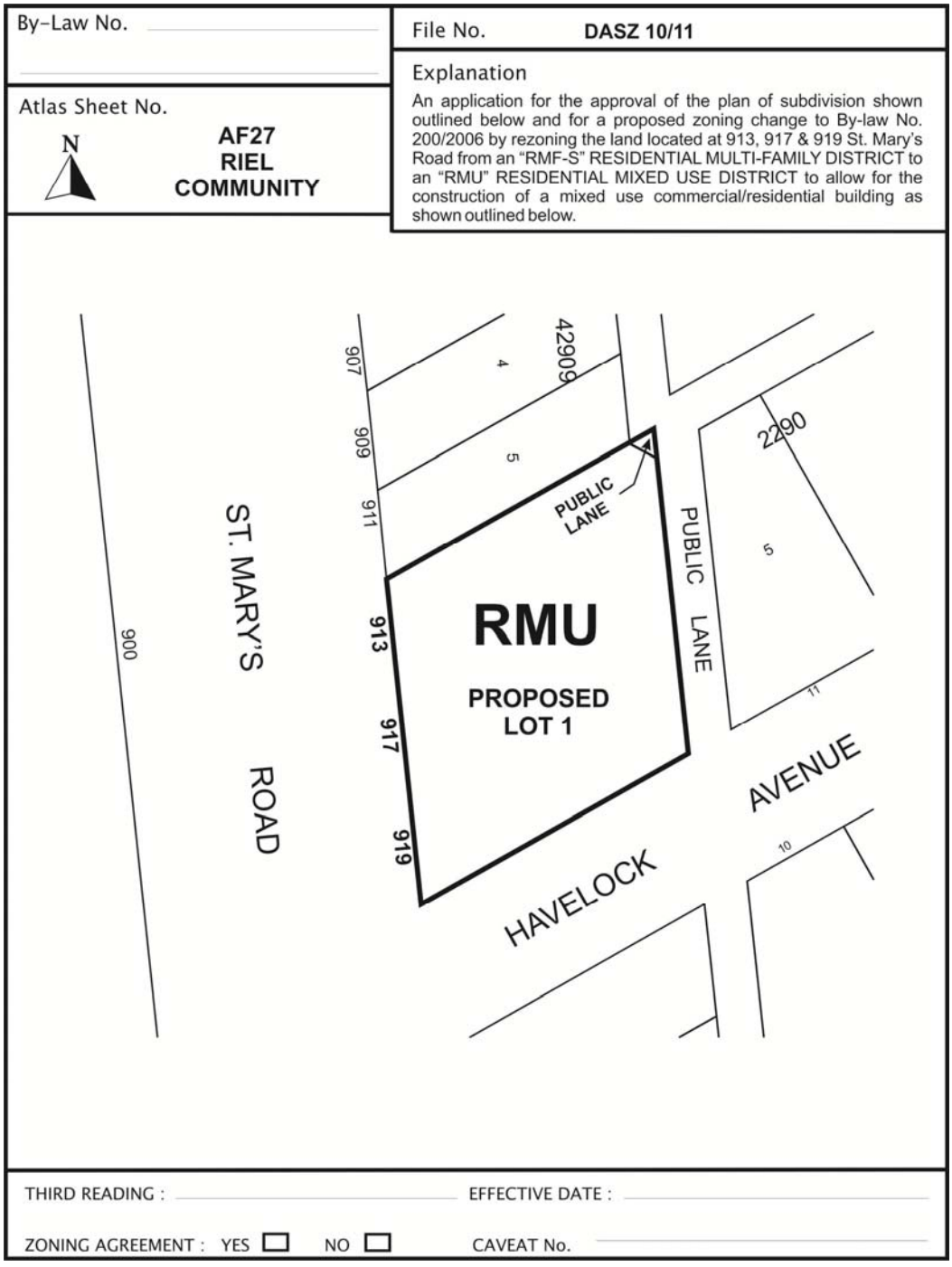


THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX B – Schedule "B" Map

Schedule "B" for File No. DASZ 10/2011



APPENDIX C – Public Lane Corner Cut Correspondence

From: marka@house5.ca [mailto:marka@house5.ca]
Sent: Friday, January 13, 2012 1:24 PM
To: Raban, Kim
Cc: helio@house5.ca
Subject: 913 St. Mary's Rd DASZ 10/2011

Hi Kim,

As requested here is an email to formally request a DOA be prepared. This is in regards to the 3.161 3m curb cut. Could you let us know from where each of these dimensions is being taken so that we make certain of the location on our plans? Also please forward the application and any other info on process to Helio (he is cc'd on this email).
Will the current subdivision be released right away? We hope to be applying for our permits fairly so Let us know if you need any further information.

regards,
Mark Arrojado, M. Arch. B.E.D.
marka@house5.ca

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