Agenda – Council – February 26, 2014

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

Item No. 8 Extension of Time – 851-867 Panet Road
(Elmwood-East Kildonan Ward)
File DAZ 221/2010

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 enactment of Rezoning By-law No. 42/2011 coming into force and effect be extended to March 23, 2015.

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 – 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 East Kildonan-Transcona 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 East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

STANDING COMMITTEE DECISION:

On February 18, 2014, the Standing Policy Committee on Property and Development, in accordance with Section 186(1) of The Planning, Development and Building Fees By-law No. 77/2009, waived the extension of time application fees for Gateway Christian Community Inc.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 21, 2014, 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.

Further, the East Kildonan-Transcona Community Committee recommended to the Standing Policy Committee on Property and Development that in accordance with Section 186(1) of The Planning, Development and Building Fees By-law No. 77/2009, the extension of time application fees for Gateway Christian Community Inc., as a Charity registered with the Canada Revenue Agency, be waived in this instance.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED REZONING OF LAND LOCATED AT 851-867 PANET ROAD - FILE NO. DAZ 221/2010**

Critical Path: **East Kildonan-Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
Marc Pittet	Barry Thorgrimson	N/A	N/A

RECOMMENDATIONS

1. That the time limit to provide for enactment of Rezoning By-law No. 42/2011 coming into force and effect be extended to March 23, 2015.

REASON FOR THE REPORT

1. Council is the authority to grant an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant will be granted a further extension of time from its date of expiry to be able to cause the rezoning bylaw for DAZ 221/2010 to come into effect.

HISTORY

On January 26, 2011 Council adopted Item No. 6 of the report of the Standing Policy Committee on Property and Development dated January 11, 2011 which clause recommended approval of the subject rezoning to an E1 Educational and Institutional District under Zoning By-law 200/2006 as shown on Appendix "A" attached.

The Rezoning By-law No. 42/2011for DAZ 221/2010 was passed by Council on March 23, 2011. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by March 23, 2012 failing which the By-law shall expire unless that date is extended by a resolution of the City Council and that registration is completed before any such extended date.

On September 27, 2012 Council concurred with Item No. 8 of the report of the Standing Policy Committee on Property and Development dated September 11, 2012 recommending that the time limit to provide for enactment of Zoning By-law No. 42/2011 coming into force and effect be extended to March 23, 2013.

Extension of Time

The applicant advises that the documents were only received by their office from the City of Winnipeg on March 20, 2013. Consequently they had only two business days to register the documents, in which they were successful, but, some items were missed from the documents and they were subsequently rejected by Land Titles. Therefore the by-law has not been enacted and the time limit as extended has expired.

Request to Waive Fees

The applicant is requesting that the fee for processing the extension of time be waived in view of the fact that the documents were, in fact, registered within the required time but were subsequently rejected as a consequence of the short time frame available for registration.

The applicant (Gateway Christian Community Inc.) is a Charity registered with the Canada Revenue Agency and as such, Standing Policy Committee has the authority to waive the fee, provided that;

a. the proposed development will have the effect of providing a public service or will otherwise benefit the community of Winnipeg; and

b. the waiver or refund has been endorsed by the Community Committee in which the proposed development will take place.

Pursuant to the 2014 Fees & Charges Schedule the amount payable is $520.00 plus GST.

The Winnipeg Public Service supports the recommendation hat the time limit to provide for enactment of Rezoning By-law No. 42/2011 coming into force and effect be extended and is of the opinion that circumstances leading up to the original approval remains 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:	R. Deighton, P.Eng. Land Development Branch
Date:	January 10, 2014
File No.	DAZ 221/2010

Appendix “A” – DAZ 221/2010 map
Appendix “B” – Extension of Time Request

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APPENDIX "A" – DAZ 221/2010 – map

By-Law No. _____

File No. **DAZ 221/10**

Atlas Sheet No. **Y30**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 851-867 Panet Road from a "C3" COMMERCIAL CORRIDOR DISTRICT, an "RR5" RURAL RESIDENTIAL 5 DISTRICT and an "R1-L" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "EI" EDUCATIONAL AND INSTITUTIONAL DISTRICT to allow for the expansion of an existing school & place of worship as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – Extension of Time Request

Subject: FW: DAZ 221-2010, WLTO Deposit No. 1023-2011, Gateway Church

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From: Amy Thomas [mailto:athomas@dfslaw.ca] **On Behalf Of** David Sellen
Sent: Monday, December 23, 2013 3:11 PM
To: Raban, Kim
Subject: DAZ 221-2010, WLTO Deposit No. 1023-2011, Gateway Church

Good Afternoon Kim,

Further to the various communications which have traveled between the City of Winnipeg, Gateway Church and the writer in the past several days, we can confirm that the documents required to be filed in the Winnipeg Land Titles Office in order for the rezoning to proceed were registered on March 21, 2013.

The documents were received by our office from the City of Winnipeg on March 20, 2013 with the requirement that they be registered in the Winnipeg Land Title Office by March 23, 2013. Since March 23, 2013 was a Saturday, we had only two days to register the documents in the Land Title Office.

In our haste, some items were missed from the documents and the documents were subsequently rejected by the Land Titles Office. Unfortunately, the return of the documents from the Land Title Office was after the registration deadline of March 23, 2013 which left us beyond the time.

In view of the fact that the documents were, in fact, registered within the required time, and assuming there is a discretion to waive the fee for the extension, we request that this fee might be waived on this occasion.

Please accept this correspondence as our formal request for an extension of time to complete the registrations. In the event that the City of Winnipeg determines that this is not a circumstance in which the fee should be waived, please advise and we will forward immediately a cheque for the required fee.

Thank you for your assistance in this matter.

Yours truly,

David R. Sellen *

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