Agenda – Council – February 26, 2014

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

Item No. 10 Extension of Time – Proposed Rezoning on Land Located at 2501 Ferrier Street (Old Kildonan Ward) File DAZ 202/2010

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 the coming into force of the rezoning By-law No.128/2010 under File No. DAZ 202/2010 be extended to December 31, 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 Lord Selkirk-West Kildonan 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 Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 21, 2014, the Lord Selkirk-West Kildonan 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 REZONING ON LAND LOCATED AT 2501 FERRIER STREET - FILE NO. DAZ 202/2010**

Critical Path: **Lord Selkirk-West Kildonan 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

That Community Committee recommend to the Standing Policy Committee on Property and Development that it recommend to Council that the time limit to provide for the coming into force of the rezoning By-law No.128/2010 under File No. DAZ 202/2010 be extended to December 31, 2015.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, Mr. Brock Feenstra, MMM Group Limited, on behalf of the current owner, Immaculate Heart of Mary School, will be allowed a second one (1) year extension in order to allow for registration of the Zoning & Servicing Agreements at the Winnipeg Land Titles Office, thus facilitating the coming into force of rezoning By-law 128/2010 under DAZ 202/2010.

HISTORY

On September 22, 2010, Council adopted Item No. 25 of the report of the Standing Policy Committee on Property and Development dated September 14, 201 which clause recommended approval of the subject rezoning to a "PR2" PARKS AND RECREATION 2 (Community) DISTRICT as shown on Appendix "A" attached to allow for the construction of a school (K-8) with a daycare centre.

Recommendation 3 contained in the 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 December 15, 2010, By-law No. 128/2010 was enacted by the passage of City Council. Section 2 of the By-law stipulates:

"Section 1 comes into force when:

(a) Zoning Agreement DAZ 202/2010 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; and
(b) The City of Winnipeg executes the Servicing Agreement, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council."

On December 12, 2012 Council approved an extension of time for registration of the Zoning Agreement Caveat to December 31, 2013. However, by-law No.128/2010 has not come into force by the registration of the Zoning Agreement and Servicing Agreement caveat by December 31, 2013.

The applicant, MMM Group Limited, Attention: Mr. Brock Feenstra, Suite 111 – 93 Lombard Avenue, Winnipeg, Manitoba, R3B 3B1, on behalf of the owner, Immaculate Heart of Mary School, is requesting a two year extension of time in order to complete the necessary registration of caveats, see attached Appendix "B".

The Winnipeg Public Service has 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 Services
Prepared by:	K.T. Raban, P.Eng., Land Development Branch
Date:	January 7, 2014
Filename:	Extension of Time DAZ 202-10 (2).doc

Appendix “A” – DAZ 202/2010 map
Appendix “B” – Time extension request letter from applicant

APPENDIX "A" – DAZ 202/2010 – Map

By–Law No. _____

File No. **DAZ 202/10**

Atlas Sheet No. **T26**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 2501 Ferrier Street from an "M2" MANUFACTURING GENERAL DISTRICT to "PR2" PARKS AND RECREATION 2 (COMMUNITY) DISTRICT to allow for the construction of a school (K-8) with a daycare centre as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – Letter from Applicant

MMM Group Limited
111 - 93 Lombard Avenue
Winnipeg, MB Canada R3B 3B1
t: 204.943.3178 | f: 204.943.4948

www.mmm.ca

November 20, 2013 Ref. No.: 5509104.102.710

Ms. Angela Savage
Development Applications Coordinator
The City of Winnipeg
Main Floor - 65 Garry Street
Winnipeg MB R3C 4K4

Dear Ms. Savage:

Re: Extension of Time – Rezoning – 2501 Ferrier Street: File DAZ 202/2010

On behalf of our Client, Immaculate Heart of Mary School, MMM Group Limited is requesting a two-year extension of time to complete the registration of Zoning Agreement DAZ 202/2010 with the Winnipeg Land Titles Office. A prior extension of time was adopted by Council on December 12, 2012 which has allowed our Client extra time with their capital funding campaign. The rezoning was necessary for our Client to begin their capital funding campaign and, with this extension request, our Client is forecasting to finalize the capital funding, which is well over halfway complete, and begin construction.

Additionally, our Client has contacted the area Councillor, Ms. Devi Sharma, to provide an update on the project and inform her of the intent to apply for a two-year extension of time.

We appreciate your consideration in this matter. Please contact me at (204) 943-3178, if you have any questions.

Yours sincerely,

MMM Group Limited

Brock Feenstra, MCP Candidate
Planning & Development

BF/cr

5509104 Letter of extension to City of Winnipeg 131119 bf