Agenda – Council – July 16, 2014

Report – Standing Policy Committee on Property and Development – July 8, 2014

Item No. 6 Extension of Time – Rezoning – 1315 Gateway Road (North Kildonan Ward) File DAZ 224/2011

STANDING COMMITTEE RECOMMENDATION:

On July 9, 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. 104/2013 under File DAZ 224/2011 be extended to September 25, 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 – July 8, 2014

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 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 July 8, 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.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 23, 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.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED REZONING ON LAND LOCATED AT 1315 GATEWAY ROAD - FILE NO. DAZ 224/2011**

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

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.104/2013 under File No. DAZ 224/2011 be extended to September 25, 2015.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, Mr. Raymond Wan, Architect , on behalf of the owner, The Mennonite Brethren Church of Manitoba, will be allowed a 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 104/2013 under DAZ 224/2011.

HISTORY

On February 22, 2012, Council adopted Item No. 2 of the report of the Standing Policy Committee on Property and Development dated February 14, 2012 which clause recommended approval of the subject rezoning to a "RMU" RESIDENTIAL MIXED USE DISTRICT as shown on Appendix "A" attached to allow for the construction of 180 units of 55 plus multi-family housing on the existing church site.

Recommendation 4 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 September 25, 2013, By-law No. 104/2013 was enacted by the passage of City Council. Section 2 of the By-law stipulates:

“Section 1 comes into force when:

(a) The City of Winnipeg has executed the Development Agreement for Servicing, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council; and
(b) Zoning Agreement DAZ 224/2011 is registered in the Winnipeg Land Titles Office by caveat against the subject land 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.104/2013 has not come into force by the registration of the Zoning Agreement caveat and the execution by the City of the Servicing Agreement and the time limit for such registrations is approaching with a current expiry date of September 25, 2014.

The applicant, Raymond Wan, Architect, 50 Willow Avenue, Winnipeg, Manitoba, R3N 0G8, on behalf of the owner, The Mennonite Brethren Church of Manitoba, is requesting a one year extension of time in order to complete the Servicing Agreement and 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:	R.R. Deighton, P.Eng., Land Development Branch
Date:	May 26, 2014
Filename:	Extension of Time DAZ 224-11 - 1315 Gateway Road - rd.doc

Appendix “A” – DAZ 224/2011 map
Appendix “B” – Time extension request letter from applicant

APPENDIX "A" – DAZ 224/2011 – Map

By-Law No. _____

File No. **DAZ 224/11**

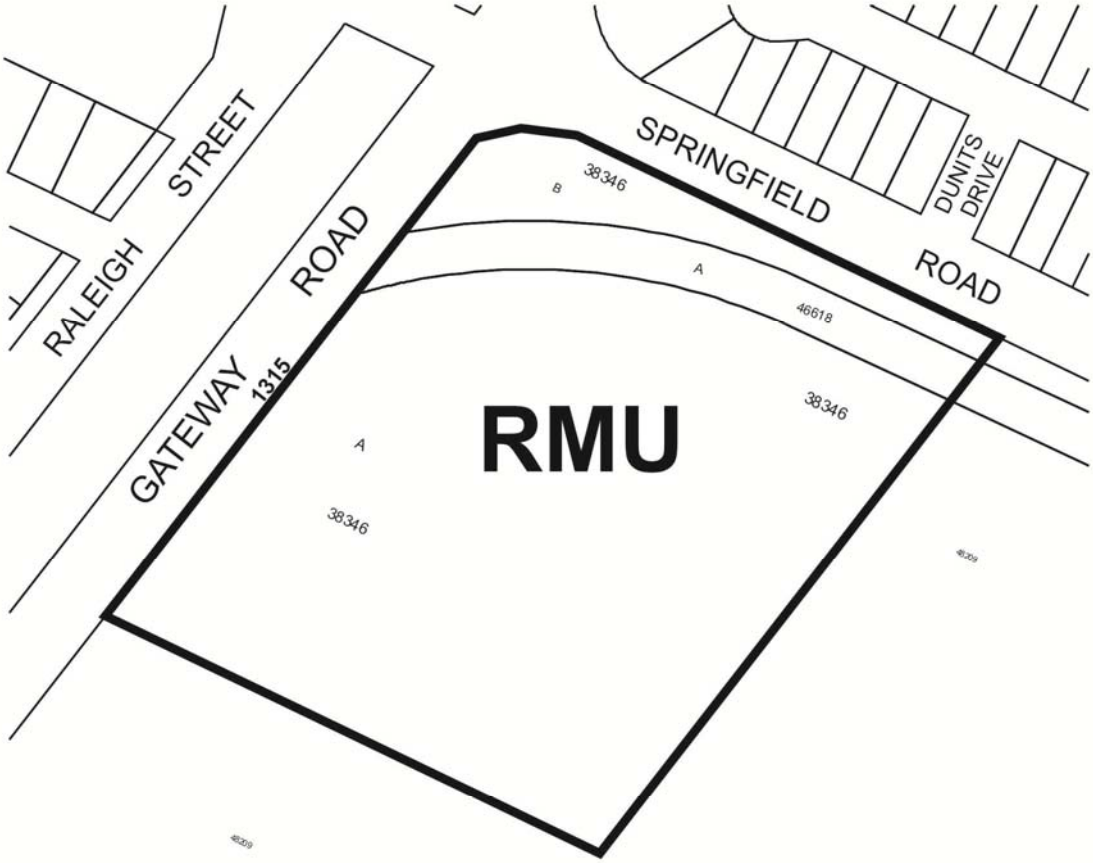
Atlas Sheet No. **V30**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1315 Gateway Road from an "M1" MANUFACTURING LIGHT DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the construction on a multiple family dwelling (180 units) on an existing church site as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – Letter from Applicant

Memorandum

RAYMOND S.C. WAN, ARCHITECT

Date: April 18th, 2014

Project: DAZ 224/11
1315 Gateway Road
Winnipeg, Manitoba

To: City of Winnipeg
Planning, Property and Development Department
Land Development, Geomatics & Land Information Services Division
Land Development Branch
65 Garry Street
Winnipeg , Manitoba R3C 4K4

Attention: Ms. Angie Savage

Subject: DAZ 224/11 – Request for extension of Time

On behalf of our client, we respectfully request an extension of time to allow for the completion of the servicing agreement and final zoning agreement as required for DAZ 224/11. Extra time will be required to process these documents. With respect to Council Decision, Council Minutes February 22nd, 2012, and the passing of the by-law No.104/2013 on September 25th, 2013, we would like to request a 12 months extension in allowing us to complete the final servicing agreement and zoning agreement.

Please advise should you have any questions or require any additional information.

Thank you.

Issued by,

Raymond S.C. Wan
MAA, MRAIC, MAIBC, MAVA, MSAA

50 Willow Avenue WINNIPEG, MANITOBA R3N oG8 TEL: [204] 287-8668 FAX: [204] 287-8388