Minute No. 81
Report – Standing Policy Committee on Property and Development – November 25, 2014

Item No. 11 **Extension of Time – Proposed Subdivision and Rezoning - 405 Hamel Avenue (St. Boniface Ward) File DASZ 26/2011**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the time limit to provide for the enactment of the necessary rezoning by-law under File DASZ 26/2011 be extended to November 30, 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 – November 25, 2014

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 3, 2014, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 25, 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 November 10, 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: **EXTENSION OF TIME – PROPOSED SUBDIVISION AND REZONING – 405 HAMEL AVENUE - FILE NO. DASZ 26/2011**

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

That the time limit to provide for the enactment of the necessary rezoning by-law under File No. DASZ 26/2011 be extended to November 30, 2015.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant will be granted a further one (1) year extension of time to be able to cause the rezoning by-law for DASZ 26/2011 to come into force and effect.

HISTORY

On November 16, 2011, Council adopted Item No. 8 of the report of the Standing Policy Committee on Property and Development dated November 1, 2011 which clause recommended approval of the subject subdivision and rezoning to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT as shown on Appendix "A" attached to allow for the construction of a multiple family dwelling development.

Recommendation 4 contained in said report stipulates:

"That in the event the application 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 this two (2) year period and Council approves the extension."

The applicant, Andrew Wach Architects Inc. is requesting a second one (1) year extension of time in order to complete the necessary rezoning by-law requirements.

Nearly one year ago, on December 11, 2013 Council granted a one year extension of time until November 30, 2014 to permit the applicant to address delays imposed by the acquisition of adjacent parcels of land. The acquisitions are nearly concluded and this current request for a further one year extension of time is required to allow the land ownership transfer documents to be signed, filed, accepted and implemented in the Winnipeg Land Titles Office. The applicant advises that once the Land Titles process has been completed work can again commence on the subdivision plan.

The Winnipeg Public Service has reviewed the request for this further extension of time and is of the opinion that approval is 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:	Kim Raban, P. Eng., Land Development Branch
Date:	October 27, 2014
File No.	DASZ 26/2011

Appendix “A” – DASZ 26/2011 Map
Appendix “B” – Extension of Time Request from Mr. Wach dated October 14, 2014

APPENDIX "A" – DASZ 26/2011 – MAP

By-Law No. _____

File No. **DASZ 26/11**

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 405 Hamel Avenue from an "M1" MANUFACTURING LIGHT DISTRICT and an "M2" MANUFACTURING GENERAL DISTRICT to a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT and an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multi-family development as shown outlined below.

Atlas Sheet No.

N

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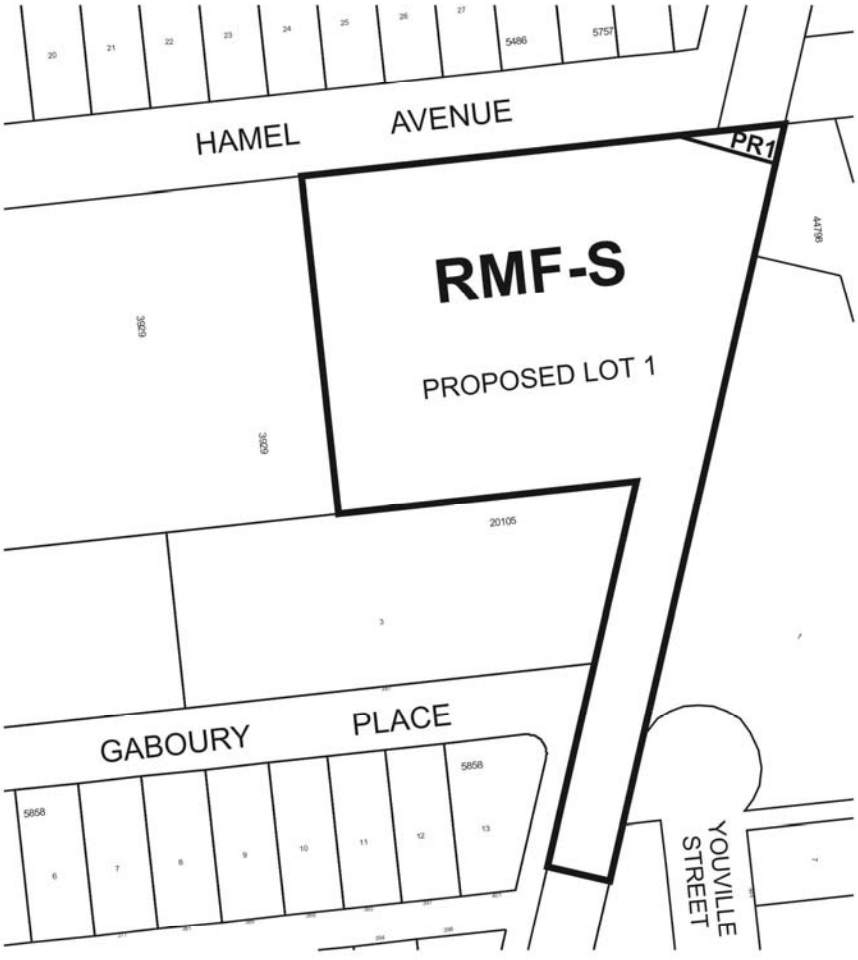
RIEL
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – EXTENSION OF TIME REQUEST

AWA |

October 14, 2014

City of Winnipeg
Planning, Property & Development Department
65 Garry Street
Winnipeg, Manitoba R3C 4K4

Attention: ~~Ms. A. Savage~~ K. Raban

Re: DASZ 26/11-405 Hamel Avenue

Ms. Savage,

The file DASZ 26/11 - 405 Hamel Avenue has not proceeded to completion of the subdivision plan and rezoning although the much of the work required by the City of Winnipeg for this file has been completed.

The land is comprised of two separate properties, one is the railway land, this narrow portion along the east boundary has proceeded to have the property ownership completed and is now held in trust, the second property bordering Hamel Avenue has encountered difficulties.

The parcel of land is a part of a registered condominium plan that includes the two properties adjacent immediately to the west. The original Owner of the property assumed that the condominium plan could be easily modified and the land ownership transferred.

This assumption proved to be incorrect.

The property sale has been completed and the agreement for the release of the parcel of land from the condominium agreement has been drafted and agreed to in principal by all parties but the agreement awaits final review by the legal representatives and final signature by all parties.

The appropriate documentation needs to be signed, filed, accepted and implemented in Land Titles, a process that will take some time.

Once the Land Titles process has been completed work can again commence on the subdivision plan. The circumstances described suggest that the subdivision and subsequent rezoning agreement will not be completed by the November, 2014 deadline for this file to be reviewed and approved by City Council.

In consideration of the situation described we are formally requesting an extension of the DASZ 26/11 for a period of one (1) year.

I enclose our cheque for 349.00 to complete this request.

We will anticipate your review and response.

Andrew Wach FRAIC MAA.

ANDREW WACH **ARCHITECTS** | INC www.awarchitects.ca P204 • 284 6782 102 • 181 BANNATYNE AVENUE WINNIPEG, MB. R3B 0R4