Agenda – Council – February 25, 2015

Report – Standing Policy Committee on Property and Development – February 3, 2015

Item No. 1 Extension of Time – Proposed Subdivision and Rezoning on land located at 740 John Bruce Road East (St. Boniface Ward) File DASZ 29/2011

STANDING COMMITTEE RECOMMENDATION:

On February 11, 2015, 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 for By-law No. 105/2013 to come into force 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 – February 3, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 11, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 3, 2015, 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 January 19, 2015, 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 ON LAND LOCATED AT 740 JOHN BRUCE ROAD EAST - FILE NO. DASZ 29/2011**

Critical Path: **Riel Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
K.Raban Acting Manager	Marc Pittet, Acting Director	N/A	N/A

RECOMMENDATIONS

That the time limit for By-law No. 105/2013 to come into force be extended to September 25, 2015.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The owner will be granted a one (1) year extension of time in order to complete the registration of the Plan of Subdivision and Zoning Agreement DASZ 29/2011 at Winnipeg Land Titles Office.

HISTORY

On November 16, 2011 Council adopted Item No. 7 of the report of the Standing Policy Committee on Property and Development dated November 1, 2011 which recommended approval of the subject development application as shown on Appendix "A" attached.

On September 25, 2013, By-law No. 105/2013 was passed by Council. Section 3 of the By-law stipulates:

Coming into force

> "3(1) Section 1 comes into force when The City of Winnipeg executes the Development Agreement for Servicing referred to in that section, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council.
>
> (2) Section 2 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 29/2011 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."

The City of Winnipeg and Developer have executed the required Development Agreement for Servicing, however; By-law No. 105/2013 has not come into force by the required registration of the Plan of Subdivision and the registration of Zoning Agreement DASZ 29/2011 by caveat; the one year time limit expired on September 25, 2014.

On December 30, 2014 the Developer requested an extension of time to complete the required registrations, see attached Appendix "B".

The Winnipeg Public Service have 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 Systems
Prepared by:	R.R. Deighton, P.Eng., Land Development Coordinator
Date:	January 6, 2015
File No.	DASZ 29/2011 (AG 29/11)

Appendix “A” – DASZ 29/2011map
Appendix “B” – Letter Requesting Extension of time

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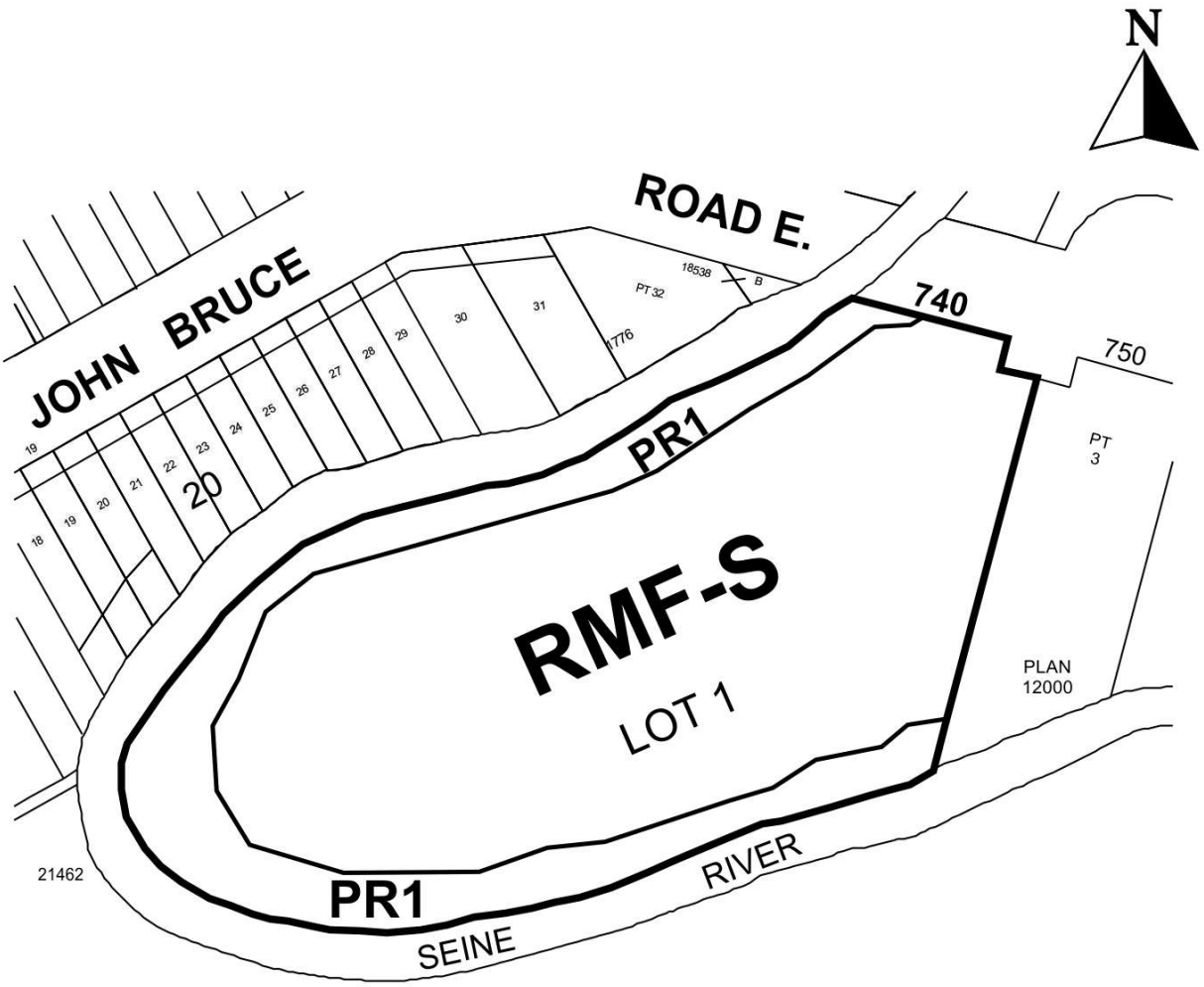
APPENDIX "A" – DASZ 29/2011 MAP



DASZ 29/2011
Atlas Sheet No. AG29

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

HILTON CUSTOM HOMES

December 30th, 2014

City of Winnipeg
Planning, Property & Development Department
65 Gary St
Winnipeg, Manitoba R3C 4K4

Attn : Kim Raban

Re : Dasz 29/11 740 John Bruce Rd.

Mr. Raban,

The file DASZ 29/11 – 740 John Bruce Rd has not proceeded to completion of the subdivision plan and rezoning although the majority of the work required by the City of Winnipeg for this file has been completed.

Hilton Homes has signed and returned the servicing agreement with the City of Winnipeg for the land. This Agreement, in addition to setting out our costs transfers a valuable piece of riverfront property to the City of Winnipeg.

We understand that the Mylars for the rezoned lot are ready to proceed to land titles. The Mylars for the condominium plan is also ready to proceed to land titles. There was a miscommunication as to when we had to pick up the original mylars and take them to land titles for registration, so unfortunately they sat at the planning and property department while we worked to the balance of the project.

In consideration of the situation we are formally requesting an extension of the DASZ 29/11 for a period of one (1) year, to allow us to take the plan to land titles, which we intend to do immediately.

I enclose our cheque for $520 plus GST to complete this request.

We will anticipate your review and response.

Spencer Curtis
Hilton Homes

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