Agenda – Council – May 27, 2015

Report – Standing Policy Committee on Property and Development – May 12, 2015

Item No. 7 Extension of Time – Proposed Subdivision & Rezoning - Sage Creek Phase 9a (St. Boniface Ward) File DASZ 45/2013

STANDING COMMITTEE RECOMMENDATION:

On May 20, 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 to provide for enactment of Rezoning By-law No. 73/2014 coming into force and effect be extended to June 25, 2025 and to repeal Section 2 by adding the following:

   Section 2 comes into force by way of two (2) Phases:

   A. Phase 1 will come into force for Coneflower Crescent, Lot 25, Block 2 Plan 53552 when one (1) plan of subdivision which defines the said lot and the adjacent land identified as Public Reserve land along with Zoning Agreement DASZ 45/2013 is registered in the Winnipeg Land Titles Office by caveat against the subject land,

   B. Phase 2 will come into force when one (1) plan of subdivision is registered in the Winnipeg Land Titles Office along with the Zoning Agreement DASZ 45/2013 by caveat against the subject land,

   all within ten (10) years 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 plans of subdivision and caveats are registered before such extended date.

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 – May 12, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 20, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 12, 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 April 13, 2015, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED SUBDIVISION & REZONING SAGE CREEK PHASE 9A - FILE NO. DASZ 45/2013**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
Greg Jasper, Acting Land Development Administrator	Marc Pittet, Acting Director	N/A	N/A

RECOMMENDATIONS

That the time limit to provide for enactment of Rezoning By-law No. 73/2014 coming into force and effect be extended to June 25, 2025 and to repeal Section 2 by adding the following:

Section 2 comes into force by way of two (2) Phases:

(1) Phase 1 will come into force for Coneflower Crescent, Lot 25, Block 2 Plan 53552 when one (1) plan of subdivision which defines the said lot and the adjacent land identified as Public Reserve land along with Zoning Agreement DASZ 45/2013 is registered in the Winnipeg Land Titles Office by caveat against the subject land,

(2) Phase 2 will come into force when one (1) plan of subdivision is registered in the Winnipeg Land Titles Office along with the Zoning Agreement DASZ 45/2013 by caveat against the subject land,

all within ten (10) years 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 plans of subdivision and caveats are registered before such extended date.

REASON FOR THE REPORT

Council approval is required for an extension of time and amendments.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, Sage Creek Development Corporation, Attention: Ms. Lyne Jones, One Dr. David Friesen Drive, Winnipeg, Manitoba, R3X 0G8, will be granted ten (10) years in order to complete the necessary registrations of the Zoning Agreements, Development Agreements and related plan of subdivision survey mylars under two (2) Phases at the Winnipeg Land Titles Office, thus facilitating the coming into force section of rezoning By-law No. 73/2014 under DASZ 45/2013.

HISTORY

On April 30. 2014, Council adopted Item No. 19 of the report of the Standing Policy Committee on Property and Development dated April 15, 2014, which clause recommended approval of the subject subdivision and rezoning to an “R1-S” Residential Single-Family (Small) District, “R1-M” Residential Single-Family (Medium) District and a “PR1” Parks and Recreation 1 (Neighbourhood) District under Zoning By-law 200/2006 as shown on Appendix “A” attached.

Recommendation 4 contained in the said report stipulates:

> "That in the event the matter 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 the two (2)-year period and Council approves the extension."

On June 25, 2014, By-law No. 73/2014 was enacted by the passage of City Council. Section 2 of the By-law stipulates:

“Section 1 comes into force when:

3(1) Section 1 comes into force when The City of Winnipeg executes the Development Agreement 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 45/2013 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.”

Sage Creek Development Corporation is requesting an extension of time and an amendment which will enable DASZ 45/2013 to be processed in two (2) phases over a ten (10) year period to allow for Lot 25 on Coneflower Crescent and the adjacent Public Reserve lands to be dealt with separately from the balance of the planned area containing two hundred forty-five (245) lots adjacent and within the Hydro Corridor. Manitoba Hydro has raised servicing concerns affecting the balance of these lands which has impacted the timing of their development plans.

Council's approval will enable DASZ 45/2013 to be split into two (2) phases to allow for Lot 25 on Coneflower Crescent to be developed and will provide sufficient time to resolve issues with Manitoba Hydro affecting the balance of lands within and along the Hydro Corridor.

The Winnipeg Public Service has reviewed the request for the extension of time and amendments to By-law 73/2014 and is of the opinion that approval of the subject extension of time and amendments would be acceptable and circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

There is no financial impact associated with this recommendation.

CONSULTATION

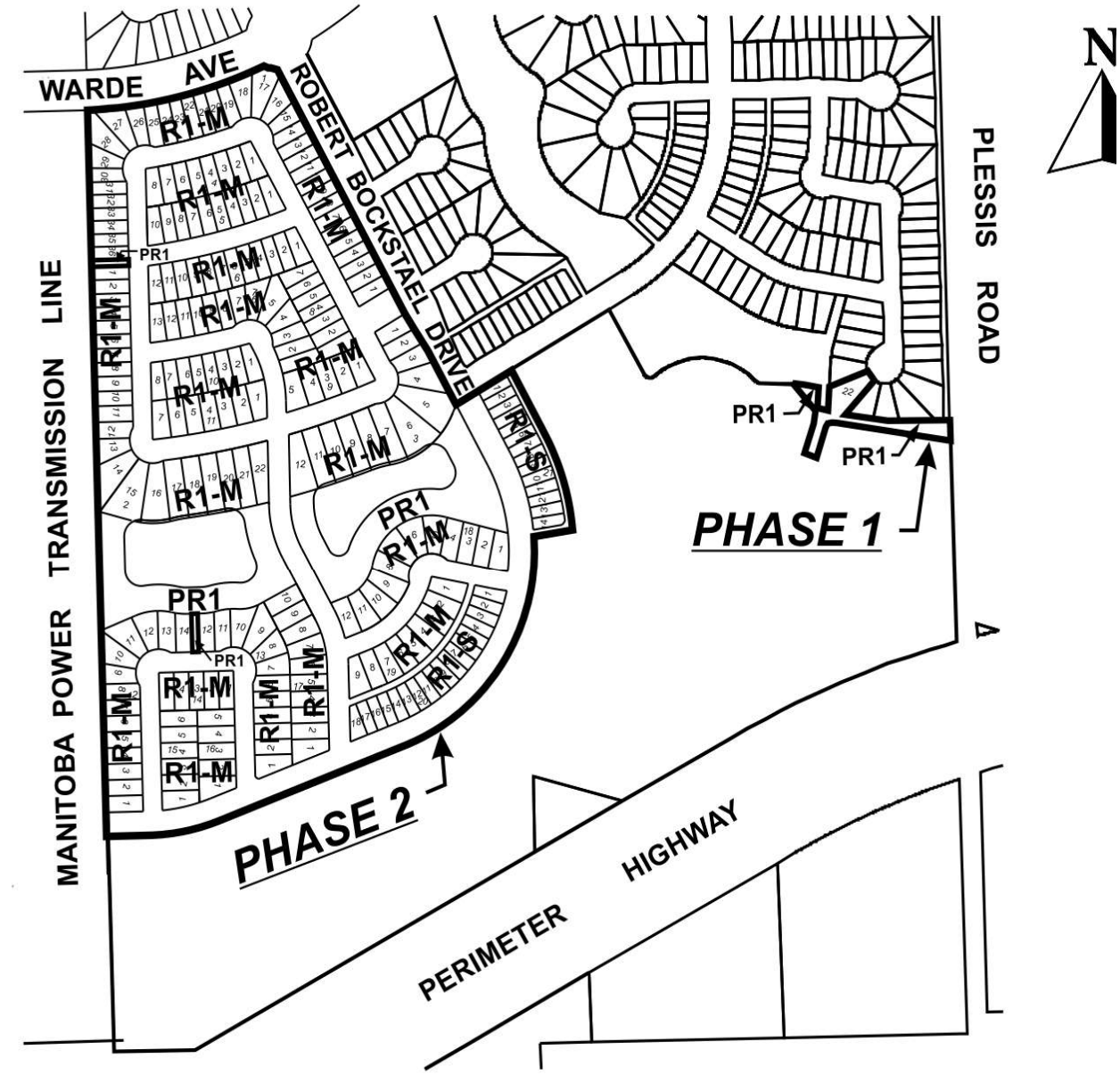
n/a

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Systems
Prepared by: G. Jasper, Land Development Branch
Date: March 5, 2015
File No. DASZ 45/2013

Appendix "A" – DASZ 45/2013 Proposed Map Illustrating Phase 1 & 2
Appendix "B" – Extension Request from Sage Creek Development Corporation dated March 2, 2015

APPENDIX "A" – DASZ 45/2013 MAP



DASZ 45/2013
Atlas Sheet No. AF32

APPENDIX "B" – LETTER REQUESTING EXTENSION & AMENDMENTS

One Dr. David Friesen Drive Winnipeg, MB R3X 0G8
QUALICOCOMMUNITIES.COM

QUALICO communities

March 2, 2015

Angie Savage
The City of Winnipeg
Planning, Property and Development
Main Floor, 65 Garry Street
Winnipeg, Manitoba R3C 4K4

Dear Angie,

Sage Creek, Phase 9A
DASZ 45/13

This will confirm that By-law 73/2014 was passed on June 25th, 2014 with respect to our application for Sage Creek Phase 9A. Please accept this letter as our request for amendment to By-law 73/2014 due to the following circumstances:

1. In April 2013, we were granted an amendment to the original by-law for Phase 7 (DASZ 30/2012), that allowed us to proceed with development of Phase 7A only, as development of Phase 7B was subject to ongoing discussions between ourselves, Hydro and the City regarding the Bishop Grandin right-of-way alignment.

2. In February 2014, as the Bishop Grandin right-of-way alignment had not yet been resolved, we applied for subdivision and zoning for Phase 9A under DASZ 45/2013, which included 245 lots. Our intention was to register the plan and service these lots in 2014.

3. However, in June 2014, it became evident that we could not proceed with Phase 9A due to concerns raised by Hydro regarding proposed servicing adjacent to and within the hydro corridor. These concerns had not been raised by Hydro in our previous phases of development adjacent to the hydro corridor, including Phases 1, 2, 3 and 5. Therefore, we could not anticipate their objections to similar servicing proposed for Phase 9A and the impact it would have on our development plans.

4. We do not expect to have a resolution with Hydro in time for the necessary documents, including servicing drawings, Development Agreement, Zoning Agreement and Easement Agreements, to be prepared for registration prior to the By-law deadline of June 25, 2015.

Accordingly, we are requesting that By-law 73/2014 be amended to extend the time for registration and zoning from 1 year to 10 years.

Thank you for your consideration of our request.

Yours truly,

SAGE CREEK DEVELOPMENT CORPORATION

LYNE B. JONES
Development Manager

/lj