Report - Standing Policy Committee on Property and Development - September 4, 2003

Item No. 14 Extension of Time - Rezoning - 637 rue La Fleche
File DAZ 201/2001

STANDING COMMITTEE RECOMMENDATION:

On September 17, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Riel Community Committee and submits the following to Council:

1. That the time limit to provide for the enactment of Rezoning By-law No. 7837/2001 be extended to September 24, 2004.

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 - September 4, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 17, 2003, 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 September 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, pertaining to an extension of time to provide for the enactment of a rezoning by-law, and submitted the matter to Executive Policy Committee and Council.

STANDING COMMITTEE DECISION:

On September 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee, and denied the applicant's request for a waiver of the development fees.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 22, 2003, the Riel Community Committee concurred in the administrative recommendation as amended, namely:

1. That Council extend the time limit to provide for the enactment of Rezoning By-law No. 7837/2001 to September 24, 2004;

2. That the applicant's request to waive the extension of time application fee in the amount of $330.53 be denied,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: EXTENSION OF TIME - Proposed rezoning of land located 637 rue La Fleche - File No. DAZ 201/01

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE RIEL COMMUNITY COMMITTEE

Original Signed by E. Axelrod
E. Axelrod
Subdivision Officer

June 23, 2003

RE: EXTENSION OF TIME - Proposed rezoning of land located 637 rue La Fleche - File No. DAZ 201/01

RECOMMENDATION:

That your 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 enactment of Rezoning By-law No. 7837/01 be extended to September 24, 2004 and recommend whether the applicant request to waive the extension of time application fee in the amount of $330.53 be granted.

REASON:

Council approval is required for all extension of time applications.

HISTORY:

On May 23, 2001 Council adopted Clause 4 of the report of the Standing Committee on Property and Development dated May 1, 2001 which clause recommended approval of the subject rezoning to a "C2" COMMERCIAL DISTRICT as shown on the attached Schedule "A" to allow for commercial development.

Recommendation III contained in the said report stipulates:

> "That in the event this application is not proceeded with expeditiously and the By-law is not enacted within 24 months after adoption of this report by Council the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time."

Recommendation V further stipulates the following:

> "That the Rezoning By-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within twenty-four (24) months from the date that the said Rezoning By-law is adopted by Council."

The rezoning By-law No. 7837/01 was passed by Council on May 23, 2001. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by May 23, 2003, failing which the By-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

DISCUSSION:

The application Nova Star, Attention: Mr. Gerard Pelland, P.O. Box 1721, Winnipeg, Manitoba, R3C 2Z6 is requesting a two-year extension of time in order to complete the necessary rezoning requirements. Mr. Pelland has indicated that he did not proceed with these requirements because the Zoning Agreement which required execution, was never received at the above mentioned postal address. Arrangements have now been made to provide Mr. Pelland with a replacement of the Zoning Agreement which he will execute and return to Legal Services as soon as possible. However, Mr. Pelland would request that your Community Committee waive the extension of time application fee in the amount of $330.53 as it was always Mr. Pelland's intent to complete the subject application. The Administration 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 in view of the fact that the City's interests remain secured and circumstances leading to the original approval remain unchanged.

Past practice has been for the Planning, Property and Development to accept applications for the extensions of time after the expiry date stipulated by Council. However a recent interpretation by the Legal Services Department has indicated that the application for the extension require that all extensions of time be made prior to the expiry date, and be processed and approved by all necessary committees prior to that date. All ongoing applications will now be processed in this manner, however this matter is now being brought forward based on past practice.

THIS REPORT SUBMITTED BY:

E. Axelrod
Subdivision Officer
June 23, 2003
File: DAZ 201/01

c.c. Nova Star, Attn: G. Pelland, P.O. Box 1721, Wpg., R3C 2Z6
Councillor Vandal

By-Law No. _____

_____

File No. **DAZ 201/01**

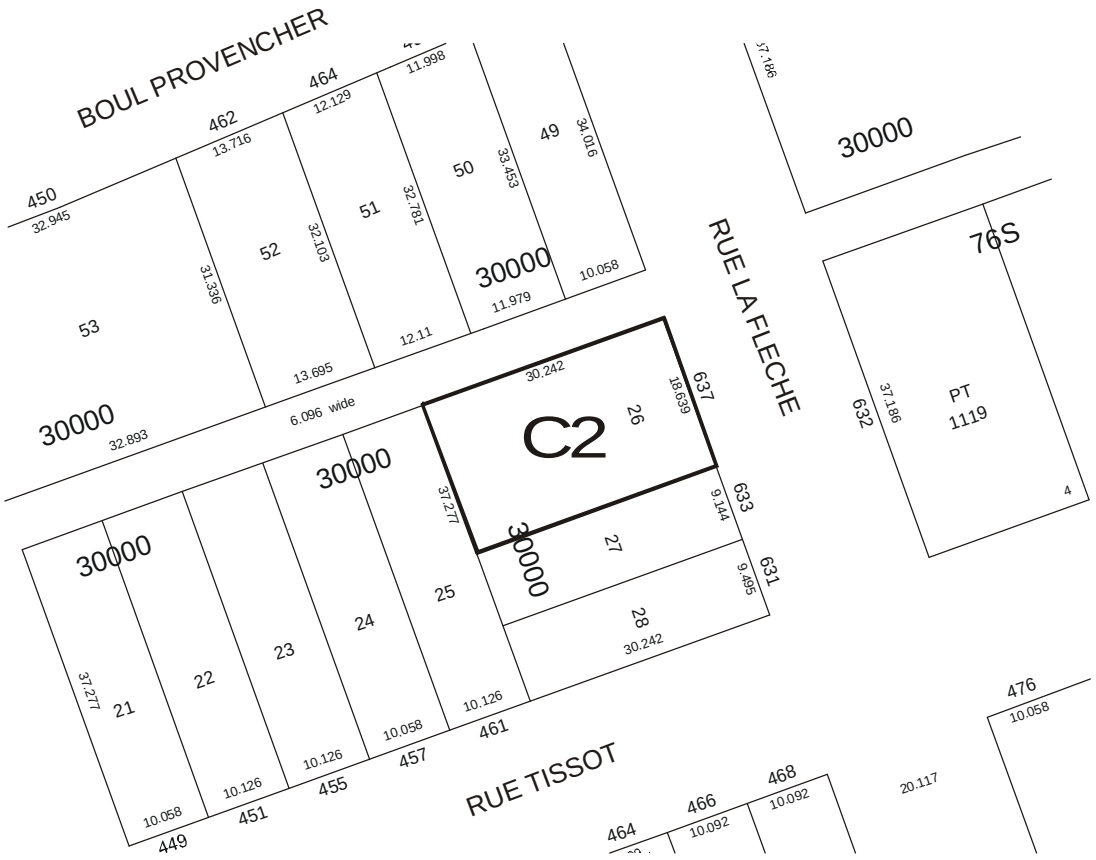
Atlas Sheet No.

N

Z21
RIEL
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land at 637 La Fleche Street from an "R2-T" TRANSITIONAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



SCHEDULE "A" FOR THE REPORT TO THE RIEL COMMUNITY COMMITTEE FOR FILE NO. DAZ 201/01

DATED : JUNE 23, 2003

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____