Agenda – Council – July 15, 2015

Report – Standing Policy Committee on Property and Development – June 26, 2015

Item No. 4 **Extension of Time – Proposed Subdivision and Rezoning on land located at the Northeast Corner of Ravelston Avenue and Peguis Street (Transcona Ward) File DAZ 11/2013**

STANDING COMMITTEE RECOMMENDATION:

On July 8, 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 that the time limit to provide for the coming into force of the rezoning By-law No.43/2014 under File No. DAZ 11/2013 be extended to March 26, 2016.

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 – June 26, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 8, 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 June 26, 2015, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 16, 2015, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

On May 12, 2015, the East Kildonan-Transcona Community Committee laid over the matter to its meeting on June 16, 2015.

On April 20, 2015, the East Kildonan-Transcona Community Committee laid over the matter to its meeting on May 12, 2015.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT THE NORTHEAST CORNER OF RAVELSTON AVENUE AND PEGUIS STREET - FILE NO. 11/2013**

Critical Path: **East Kildonan-Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
Kim Raban	Marc Pittet	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.43/2014 under File No. DAZ 11/2013 be extended to March 26, 2016.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The applicant, Genstar Development Company, 320-530 Kenaston Boulevard, R3N 1Z4, Attention : Mr. Dave Boles, Senior Development Manager, will be allowed a one (1) year extension in order to allow for registration of the Zoning & Development Agreements at the Winnipeg Land Titles Office, thus facilitating the coming into force of rezoning By-law 43/2014 under DAZ 11/2013.

HISTORY

On July 17, 2013, Council adopted Item No. 10 of the report of the Standing Policy Committee on Property and Development dated July 2, 2013 which clause recommended approval of the subject subdivision and rezoning from an “RR5” Rural Residential 5 District to an “R1-M” Residential Single-Family District, “RMF-S” and “RMF-M” Residential Multi-Family Districts and a “PR1” Parks and Recreation 1 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 application is not proceeded with expeditiously and the by-law is not enacted within two 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 year period and Council approves the extension.”

On March 26, 2014, By-law No. 43/2014 was enacted by the passage of City Council. Section 3 of the By-law stipulates:

> 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.
>
> 3(2) Section 2 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 11/2013 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.”

By-law No.43/2014 has not come into force by the registration of the Zoning Agreement caveat and the execution by the City of the Development Agreement and the time limit for such registrations is approaching with a current expiry date of March 26, 2015.

The applicant, Genstar Development Company is requesting a one year extension of time in order to complete the Development 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

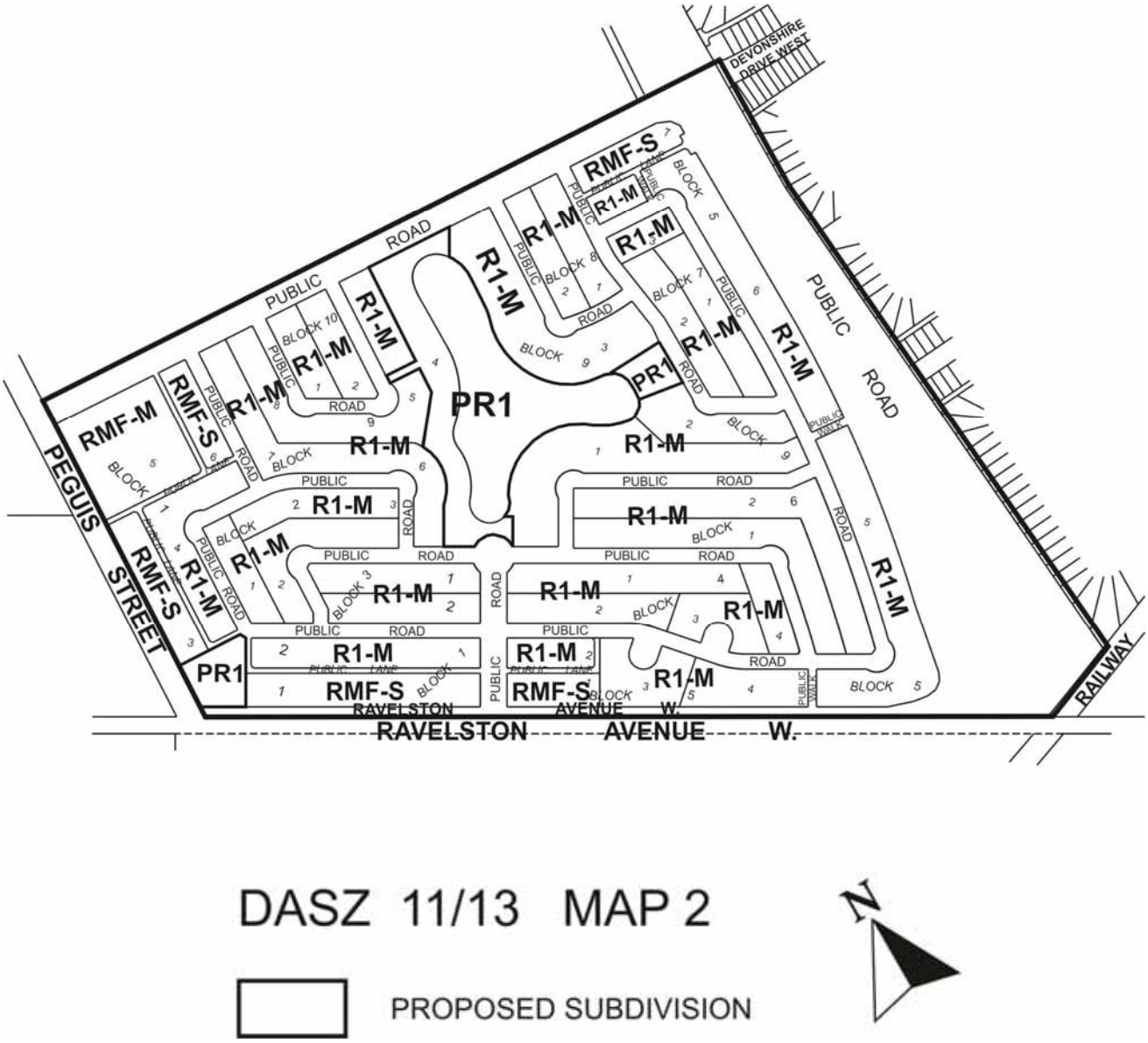
In preparing this Report there was consultation with:
n/a

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics, and Land Information Services
Prepared by:	G.V. Jasper P.Eng., Land Development Branch
Date:	April 7, 2015
Filename:	DASZ 11/2013 Extension of Time Request North of Ravelston.doc

Appendix “A” – DAZ 11/2013 map
Appendix “B” – Time extension request letter from applicant

APPENDIX "A" – DAZ 224/2011 – Map



DASZ 11/13 MAP 2

PROPOSED SUBDIVISION

N

APPENDIX "B" – Letter from Applicant

GENSTAR
BRINGING LAND TO LIFE

Genstar Development Company
Winnipeg Region
320-530 Kenaston Boulevard
Winnipeg, Manitoba R3N 1Z4
Tel: (204) 488-6537
Fax: (204) 489-6918
Website: www.genstar.com

March 20, 2015

City of Winnipeg
Land Development Branch
Main Floor, 65 Garry Street
Winnipeg, MB R3C 4K4

ATTN: Mr. Greg Jasper

Dear Mr. Jasper,

Re: Extension of Time on By-law – 43/2014
Extension of Time on Plan of Subdivision Mylars – DASZ 11/2013

I am writing to you in order to request an extension of time on By-law 43/2014 and the associated plan of subdivision mylars for DASZ 11/2013. The allowable time limit of one year for registering the plans from the date the by-law was originally adopted by Council will expire on March 26, 2015. It is my understanding that this by-law is at risk of expiring due to a longer than anticipated review period on the development agreement for DASZ 11/2013 by City departments. A significant amount of time and cost has already been invested on this project and Genstar will act to register the plan of subdivision immediately upon finalizing the development agreement with the City. It should be noted that a large area of the future Edward Schreyer Parkway right-of-way required by the City of Winnipeg for future expressway expansion is included on this plan.

I understand that a payment in the amount of $785.75 (incl. GST) is required in order to advance this extension request. Genstar will pay this fee under protest as the delays in completing the development agreement for DASZ 11/2013 have been caused by unacceptable city department review times and are not the fault of Genstar. A cheque for the extension fee will be forwarded to your attention toward the end of the week of March 23, 2015.

Sincerely,

GENSTAR DEVELOPMENT COMPANY

Dave Boles
Senior Development Manager
Winnipeg Region