Agenda – Council – December 9, 2015

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 30, 2015

Item No. 6 Extension of Time – Rezoning of Land Located at 445 River Avenue (Fort Rouge-East Fort Garry Ward)
File DAZ 213/2014

STANDING COMMITTEE RECOMMENDATION:

On December 2, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the time limit to provide for the coming into force of the rezoning By-law No.115/2014 under File No. DAZ 213/2014 be extended to December 10, 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, Heritage and Downtown Development – November 30, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 2, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2015, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 10, 2015, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – REZONING OF LAND LOCATED AT 445 RIVER AVENUE, FILE NO. DAZ 213/2014**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	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.115/2014 under File No. DAZ 213/2014 be extended to December 10, 2016.

REASON FOR THE REPORT

Council approval is required for an extension of time.

EXECUTIVE SUMMARY

Pursuant to By-law 115/2014, the Developer is required to execute a required Agreement for Servicing and a Zoning Agreement with the City.

The Developer, Gas Station Arts Centre Inc. has requested Council approve a one (1) year extension of time in order to complete their project funding and necessary Agreements thus enabling the by-law to come into force and effect on the land.

Approval of the extension of time will enable the Winnipeg Public Service and Developer to complete the processing and execution of the required Servicing Agreement to satisfy by-law coming into force provisions. The Winnipeg Public Service has no objection to this request.

IMPLICATIONS OF THE RECOMMENDATIONS

The Developer, Gas Station Arts Centre Inc. will be allowed a one (1) year extension in order to allow for completion of the required Agreement for Servicing, Zoning Agreement and registrations of documents at the Winnipeg Land Titles Office, thus facilitating the coming into force of rezoning By-law 115/2014 under DAZ 213/2014.

HISTORY

On July 16, 2014, Council adopted Item No. 12 of the report of the Standing Policy Committee on Property and Development dated July 8, 2014 which recommended approval of the subject rezoning under DAZ 213/2014 from a "C2" Commercial District to a "RMU" Residential Mixed Use District under Zoning By-law 200/2006 as shown on Appendix "A" attached.

Recommendation 5 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 twenty-four (24) months 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 twenty-four (24) month period and the extension is subsequently approved by Council."

On December 10, 2014, By-law No. 115/2014 was enacted by the passage of City Council. Section 2 of the By-law stipulates:

Coming into force

"2 Section 1 comes into force when:

(a) The City of Winnipeg executes the Servicing Agreement, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council; and

(b) Zoning Agreement DAZ 213/2014 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 will expire unless an extension of time is applied for prior to expiry, Council approves the extension, and the caveat is registered before the extended date."

By-law No. 115/2014 has not come into force by the execution of the Servicing Agreement and the current time limit for the by-law is set to expire on December 10, 2015.

The applicant, Mr. Wayne Bollman of Lakeview Realty of Canada Ltd., 600-185 Carlton Street, Winnipeg, MB R3C 3J1 is requesting a one (1) year extension of time in order to complete financing of the project and compliance with the necessary by-law requirements, 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

OURWINNIPEG POLICY ALIGNMENT

The rezoning under DAZ 213/2014 has been supported by the Winnipeg Public Service as being consistent with the Osborne Village Neighbourhood Plan policies. Further the areas characteristics of a community mixed use centre is supported in Complete Communities Direction Strategy of Our Winnipeg which plan policy encourages moderate to high density housing and higher intensity commercial and mixed use development focused on sustainable transportation.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics, and Land Information Services
Prepared by:	R.R. Deighton, P.Eng., Land Development Branch
Date:	October 23, 2015
Filename:	Extension of Time Request DAZ 213-14 at 445 River Avenue.doc

Appendix “A” – DAZ 213/2014 map
Appendix “B” – Time extension request letter from applicant

APPENDIX "A" – DAZ 213/2014 – Map

By-Law No. _____

File No. **DAZ 213/14**

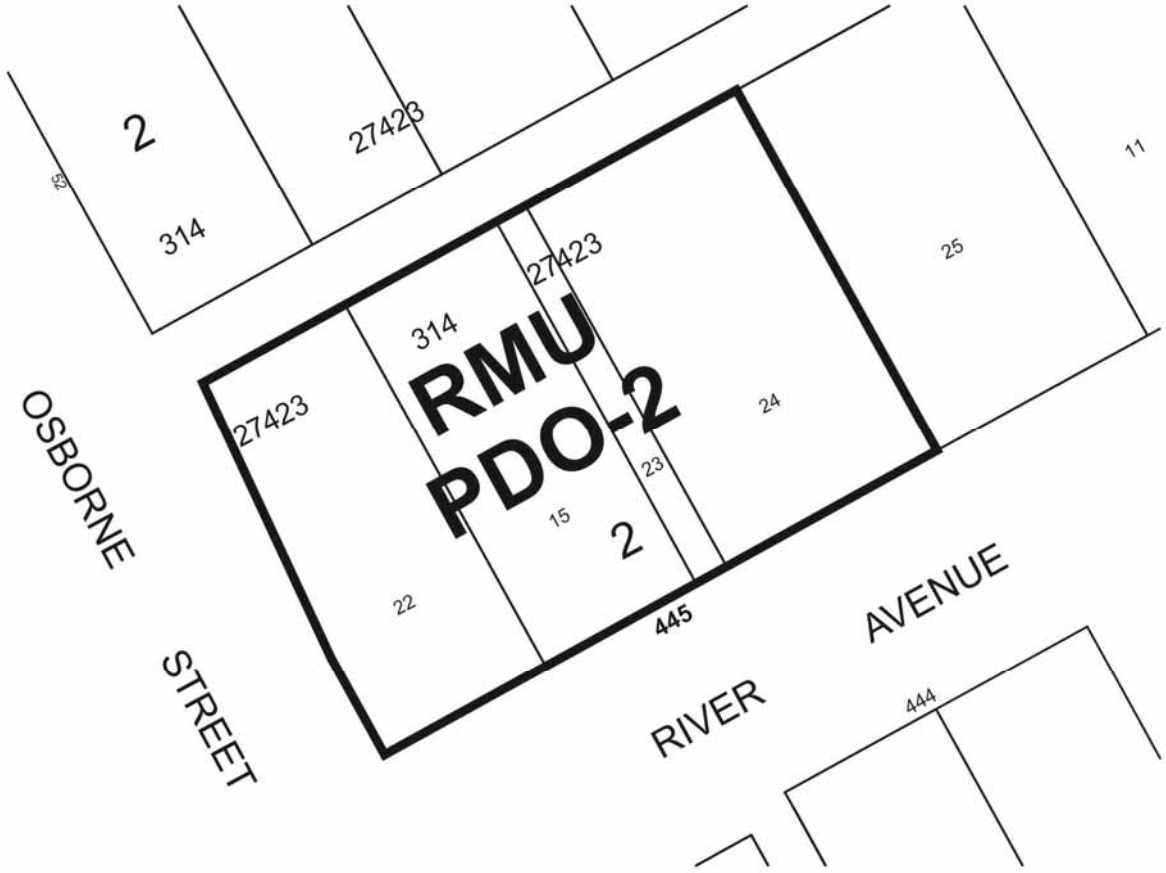
Atlas Sheet No.

N

AB24
CITY CENTRE
COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 445 River Avenue from a "C2" COMMERCIAL COMMUNITY DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT with PLANNED DEVELOPMENT OVERLAY 2 (PDO-2) to facilitate the establishment of a mixed use building to include multi-family residential, a theatre and miscellaneous commercial uses as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – Letter from Applicant

LAKEVIEW
REALTY OF CANADA LTD

Wayne A. Bollman, CPM
Vice President
Dir (204) 975-0629 / Cel (204) 899-2755
wbollman@lakeviewrealtycanada.com

October 7, 2015

City of Winnipeg
Planning, Property and Development Department
65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Kim Raban
Land Development Administrator

Dear Sirs:

Re: Your File No. AG 213/14 (DAZ 213/2014)

By Council Order dated July 16, 2014, Lakeview Realty of Canada Ltd., on behalf of the Gas Station Arts Centre, obtained a rezoning of the subject property. The resulting by-law no. 115/2014 must be complied with by December 10, 2015. As it appears that we will need an extension so as to complete our Capital Campaign (fund raising) and financing of the project, we are requesting an extension for a one year period.

As advised by your Angie Savage, we are attaching a cheque made to the City of Winnipeg, in the amount of $562.05 including GST as our fee for the rezoning extension. Please advise if you require any additional information in this regard.

Yours truly,

Wayne Bollman

PAID

RECEIVED
OCT 16 2015

LAKEVIEW GROUP of COMPANIES
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