Agenda – Executive Policy Committee – January 20, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 12, 2016

Item No. 8 Extension of Time – 301 Lagimodiere Boulevard – By-law No. 212/2007 (St. Boniface Ward) File DASZ 51/2005

STANDING COMMITTEE RECOMMENDATION:

On January 12, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the following to Council:

1. That the time limit to provide for the coming into force of the rezoning By-law No. 212/2007 under File No. DASZ 51/2005 be extended to December 18, 2020.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Executive Policy Committee – January 20, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 12, 2016

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On January 12, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 November 30, 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, Heritage and Downtown Development.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 301 LAGIMODIERE BOULEVARD BY-LAW NO. 212/2007(DASZ 51/2005)**

Critical Path: **Riel Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
M Pittet	J. Kiernan	N/A	N/A

RECOMMENDATIONS

That the time limit to provide for the coming into force of the rezoning By-law No. 212/2007 under File No. DASZ 51/2005 be extended to December 18, 2020.

REASON FOR THE REPORT

Council approval is required for an extension of time.

EXECUTIVE SUMMARY

Pursuant to By-law 212/2007, the Developer is required to register, in the Winnipeg Land Titles Office, a caveat recording Zoning Agreement DASZ 51/2005 – (c/r DASSF 581/2007) against the affected land, thereby enabling Section 2 to come into force and effect.

The Developer, Sage Creek Development Corporation Attention: Mr. Elliott Hannam has requested that Council approve an extension of time for the coming into force section of bylaw 212/2007 insofar as current market conditions has left them unable to finalize agreements for the site. The Winnipeg Public Service has no objection to this request.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred with, the Developer will be allowed a five (5) year extension in order to complete the necessary registrations at the Winnipeg Land Tittles Office.

HISTORY

On February 22, 2006, Council adopted Item No. 8 of the report of the Standing Policy Committee on Property and Development dated January 31, 2006 which clause recommended approval of the subject rezoning to an “RM-3” Multiple-Family District, now known as “RMF-M” Residential Multi-Family District and a “C2” Commercial District, now known as “C2” Commercial Community District under Zoning By-law 200/2006 as shown on Appendix "A" attached.

Clause 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."

Clause 8 contained in the said report stipulates:

> "That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat 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. 212/2007 was passed by Council on December 19, 2007 thereby satisfying Clause 5 above. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by December 19, 2009 failing which the By-law shall expire unless that date is extended by a resolution of the City Council and that registration is completed before any such extended date.

On September 30, 2009 Council adopted Minute No. 548 of the Report of the Standing Policy Committee on Property and Development dated September 8, 2009 which item recommended approval of a one year extension of time to December 19, 2010.

On December 15, 2010 Council adopted Minute No. 59 of the Report of the Standing Policy Committee on Property and Development dated December 6, 2010 which item recommended approval of a five year extension of time to December 19, 2015.

The registered owner and applicant, Sage Creek Development Corporation, Attention: Mr. Elliott Hannam, One Dr. David Friesen Drive, Winnipeg, Manitoba, R3X 0G8 is requesting a further five year extension of time to December 19, 2020 in order to complete the necessary rezoning 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

N/A

CONSULTATION

N/A

OUR`WINNIPEG POLICY ALIGNMENT

The site is located within the Residential policy area of the South St. Boniface Area Structure Plan (By-law 158/2005) and the Recent Communities policy area under the Complete Communities Direction Strategy.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	G. Jasper, Land Development Engineer
Date:	November 10, 2015
File No.	DASZ 51/2005

Appendix “A” – By-Law No. 212/2007 Map
Appendix “B” – Letter Requesting Extension of time

V:\3-Angie-SAVE\111-2015 - REPORTS\Extension of Time Request DASZ 51-2005.doc

APPENDIX "A" – By-Law No. 212/2007 Map

By-Law No. Subsection (744)

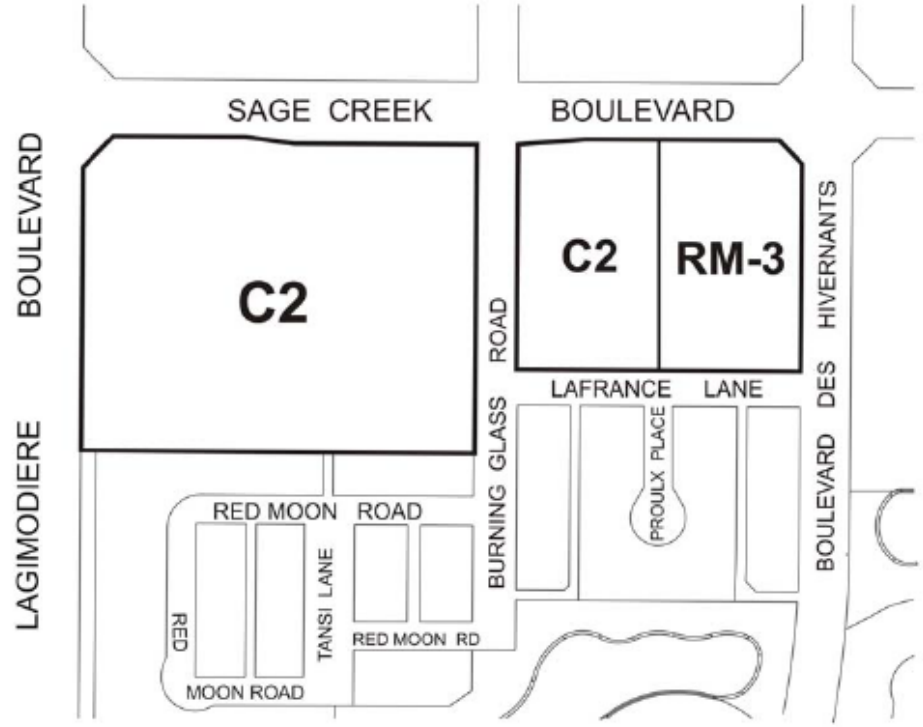
File No. **DASZ 51/05**

Atlas Sheet No. **AF31 RIEL COMMUNITY**

N

Explanation

The attached By-law amends By-law No. 6400/94 by rezoning the land located at 301 Lagimodiere Boulevard from an "A.5" AGRICULTURAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT and a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

SAGE CREEK DEVELOPMENT CORPORATION

One Dr. David Friesen Drive
Winnipeg, Manitoba R3X 0G8
Tel: 204.233.2451
Fax: 204.233.2965

October 9, 2015

Greg Jasper
The City of Winnipeg
Planning, Property and Development
Main Floor – 65 Garry Street
Winnipeg, Manitoba R3C 4K4

Sage Creek Village Centre
Extension of Time for Coming Into Force section of By-law 212/2007

Dear Greg,

At its meeting held on December 15, 2010, City of Winnipeg Council granted a five year extension for the coming into force section of By-law 212/2007, extending the enactment date of the By-law to December 19, 2015.

At this time the Sage Creek Development Corporation will be unable to meet deadline for registration of the plan at WLTO, and would like to request a further 5 year extension for the coming into force section of By-law 212/2007. Market conditions have left us unable to finalize agreements for the use of the sites being created by this plan, resulting in the need for the requested extension.

Please charge the necessary fees for this application to the Qualico Land Development account (#04-117161 TR).

I trust this letter will meet your requirements for requesting the five year extension for By-law 212/2007, should you require more information please let me know.

Yours truly,

SAGE CREEK DEVELOPMENT CORPORATION

Elliott Hannam
Land Development Officer