Agenda – Council – January 27, 2016

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

Item No. 6 Extension of Time – 405 Hamel Street
(St. Boniface Ward)
File DASZ 26/2011

STANDING COMMITTEE RECOMMENDATION:

On January 20, 2016, 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 enactment of the necessary rezoning by-law under File No. DASZ 26/2011 be extended to November 30, 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 – January 12, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the Riel Community Committee, and submitted the matter to Council.

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 405 HAMEL AVENUE - FILE NO. DASZ 26/2011**

Critical Path: **Riel Community Committee → Standing Policy Committee on Property, 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 enactment of the necessary rezoning by-law under File No. DASZ 26/2011 be extended to November 30, 2016.

REASON FOR THE REPORT

Council approval is required for an extension of time.

EXECUTIVE SUMMARY

Pursuant to approvals under DASZ 26/2011, the Developer is required to enact a re-zoning by-law and execute the necessary Servicing Agreement and Zoning Agreement with the City.

The applicant has been granted extension of times by Council on December 3, 2013 and December 10, 2014 and is requesting that Council approve a further one (1) year extension of time for their application.

Approval of the extension of time will enable the Developer to continue under application DASZ 26/2011 to complete necessary land assembly acquisitions as well as subdivision and re-zoning

requirements with the City to cause the rezoning by-law to be passed by Council. The Winnipeg Public Service has no objection to this request.

IMPLICATIONS OF THE RECOMMENDATIONS

The Developer will be allowed a further one (1) year extension of time to be able to cause the rezoning by-law for DASZ 26/2011 to be passed by Council.

HISTORY

On November 16, 2011, Council adopted Item No. 8 of the report of the Standing Policy Committee on Property and Development dated November 1, 2011 which clause recommended approval of the subject subdivision and rezoning to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT and a "PR1" PARKS AND RECREATION DISTRICT as shown on Appendix "A" attached to allow for the construction of a multiple family dwelling development.

Recommendation 4 contained in said report stipulates:

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

The re-zoning by-law has not been passed by Council and the current time limit, extended by Council approvals December 11, 2013 and December 10, 2014, expires on November 30, 2015.

The applicant, Andrew Wach Architects Inc. has updated on the delays imposed by the acquisition of adjacent parcels of land and the near completion of the agreements necessary for the land acquisitions with the affected property owners which documents he advises are agreed to in principal however in need of final review and to be signed, filed, accepted and implemented in the Winnipeg Land Titles Office. Mr. Wach is therefore requesting a third one (1) year extension of time in order to complete the necessary rezoning by-law requirements, see attached Appendix "B".

The Winnipeg Public Service has reviewed the request for this further extension of time and is of the opinion that approval is acceptable, and circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

In preparing this Report there was consultation with:
N/A

OURWINNIPEG POLICY ALIGNMENT

The subdivision and rezoning under application DASZ 26/2011 has been supported by the Winnipeg Public Service which identifies that the proposed development is located in the Areas of Stability – Mature Communities policy area within the Complete Communities Direction Strategy and complies with the policies guiding development within Mature Communities.

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:	November 10, 2015
Filename:	Extension of Time Request 3 for DASZ 26-11 at 405 Hamel Street.doc

Appendix “A” – DASZ 26/2011map
Appendix “B” – Time extension request letter from applicant

APPENDIX "A" – DASZ 26/2011 – Map

By-Law No. _____

File No. **DASZ 26/11**

Atlas Sheet No.

N

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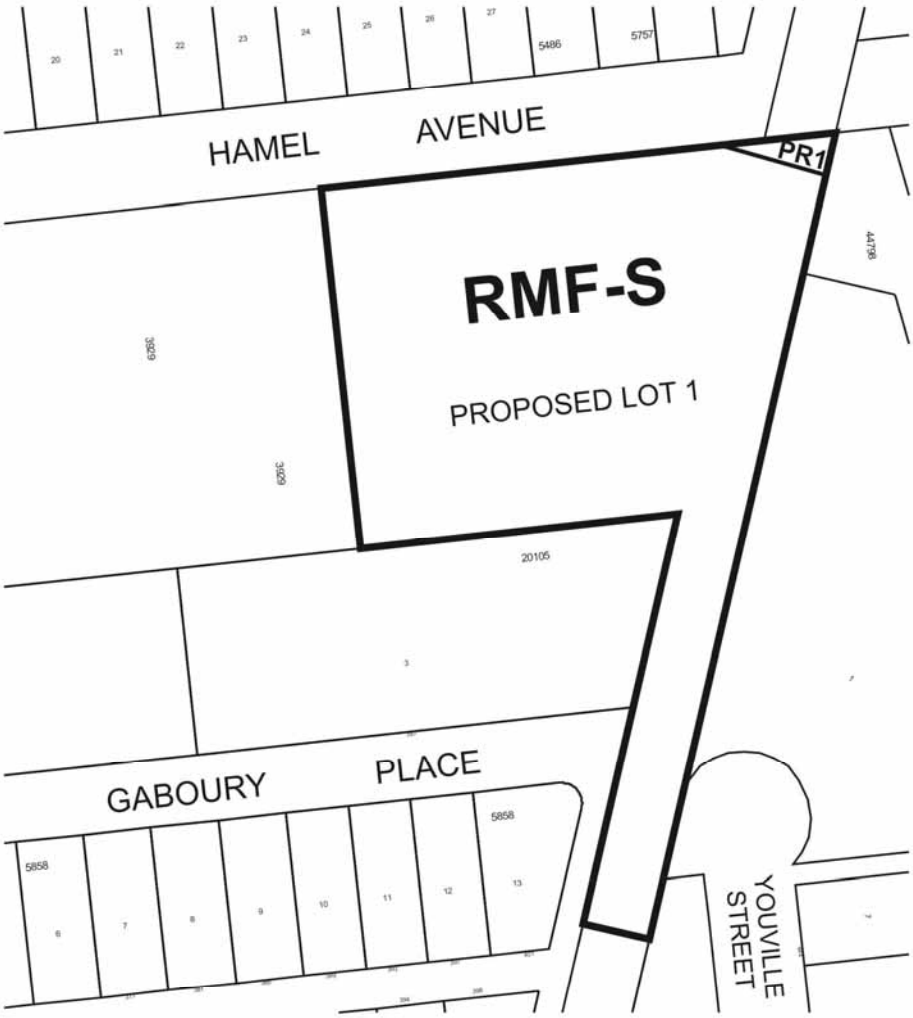
RIEL
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 405 Hamel Avenue from an "M1" MANUFACTURING LIGHT DISTRICT and an "M2" MANUFACTURING GENERAL DISTRICT to a "PR1" PARKS AND RECREATION 1 (Neighbourhood) DISTRICT and an "RMF-S" RESIDENTIAL MULTI-FAMILY DISTRICT to allow for the construction of a multi-family development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – Letter from Applicant

AWA |

November 4, 2015

City of Winnipeg
Planning, Property & Development Department
65 Garry Street
Winnipeg, Manitoba R3C 4K4

RECEIVED
NOV - 4 2015

Attention: Mr. K. Raban / Land Development Administrator

Re: DASZ 26/11-405 Hamel Avenue

Mr. Raban,

The file DASZ 26/11 - 405 Hamel Avenue has not proceeded to completion of the subdivision plan and rezoning although the much of the work required by the City of Winnipeg for this file has been completed.

The land is comprised of two separate properties, one is the railway land, this narrow portion along the east boundary has proceeded to have the property ownership completed and is now held in trust, the second property bordering Hamel Avenue has encountered difficulties.

The parcel of land is a part of a registered condominium plan that includes the two properties adjacent immediately to the west. The original Owner of the property assumed that the condominium plan could be easily modified and the land ownership transferred.

This assumption proved to be incorrect.

The property sale has been completed and the agreement for the release of the parcel of land from the condominium agreement has been drafted and agreed to in principal by all parties but the agreement awaits final review by the legal representatives and final signature by all parties.

The appropriate documentation needs to be signed, filed, accepted and implemented in Land Titles, a process that will take some time.

Once the Land Titles process has been completed work can again commence on the subdivision plan. The circumstances described suggest that the subdivision and subsequent rezoning agreement will not be completed by the November, 2014 deadline for this file to be reviewed and approved by City Council.

Further, we note that the property immediately to the south of the subject property has been purchased by the same individual and an application for subdivision DASSF 613/2014 has been made. The intent is to combine both properties under a single subdivision plan with a rezoning application.
We expect the legal intricacies of this work to be completed before the end of 2015.
In consideration of the situation described we are formally requesting an extension of the DASZ 26/11 for a period of one (1) year.

I enclose our cheque for 357.84 + GST to complete this request.

We will anticipate your review and response.

Andrew Wach FRAIC MAA.

ANDREW WACH **ARCHITECTS** | INC www.awarchitects.ca P204 • **284 6782** **102 • 181** BANNATYNE AVENUE WINNIPEG, MB. **R3B 0R4**