Minute No. 635
Report - Standing Policy Committee on Property and Development - September 4, 2003

Item No. 15 Extension of Time - Rezoning - 1740 Fermor Avenue
File DAZ 204/2001

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the time limit to provide for the enactment of Rezoning By-law No. 7872/2001 be extended to September 24, 2005.

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:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

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 POLICY COMMITTEE RECOMMENDATION:

On September 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 22, 2003, the Riel Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: EXTENSION OF TIME - Proposed rezoning of land located at 1740 Fermor Avenue
File No. DAZ 204/01

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 at 1740 Fermor Avenue
File No. DAZ 204/01

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. 7872/01 be extended to September 24, 2005.

REASON:

Council approval is required for all extension of time applications.

HISTORY:

On July 18, 2001 Council adopted Clause 8 of the report of the Standing Committee on Property and Development dated July 5, 2001 which clause recommended approval of the subject rezoning to a "C3-2" COMMERCIAL DISTRICT as shown on the attached Schedule "A" to allow for the establishment of a non-accessory parking area subject to the execution of a zoning agreement.

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. 7872/01 was passed by Council on July 18, 2001. The enactment section of the By-law required that the Zoning Agreement caveat be registered

in the Winnipeg Land Titles Office by July 18, 2001, 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:

CTM Design Services Ltd, Attn: Mr. B. Zufelt, 200 - 6940 Fisher Road SE, Calgary, Alberta, T2H 0W3 on behalf of their client Imperial Oil Limited are requesting a two year extension of time in order to complete the necessary rezoning requirements. The applicant has indicated that re-development of the property is proceeding but because of various issues related to development negotiations an extension of time is required.

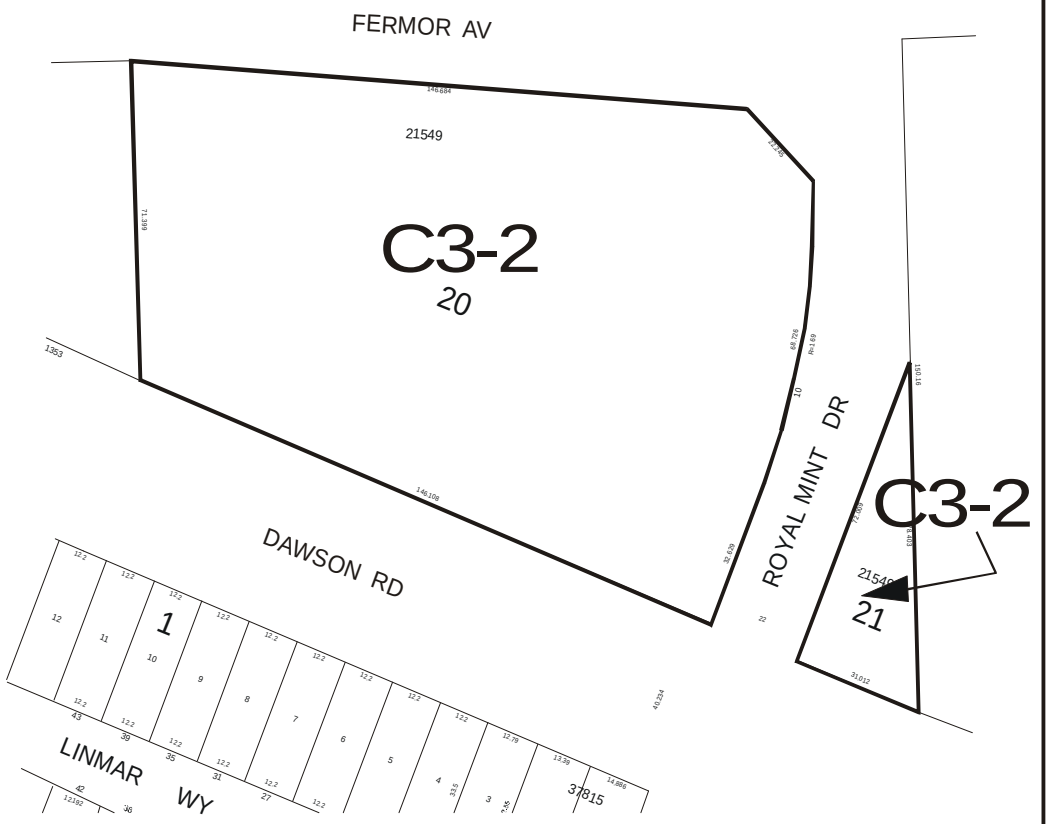
Past practice has been for the Planning, Property and Development to accept applications for the extensions of time after the expiry date stipulated by Council. However a recent interpretation by the Legal Services Department has indicated that the application for the extension require that all extensions 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. The Administration has reviewed the applicant's request and is of the opinion that the approval for an extension of time would be acceptable in view of the fact that the City's interest's remain secured and circumstances leading to the original approval remain unchanged.

THIS REPORT SUBMITTED BY:

E. Axelrod
Subdivision Officer
June 23, 2003
File: DAZ 204/01

c.c. CTM Design Services Ltd, Attn: B. Zufelt, 200-6940 Fisher Road SE, Calgary Alberta, T2H 0W3
Imperial Oil, Products & Chemicals Division, Attn: T. Wisener, 3535 Research Rd, Calgary, Alberta, T2L 2K8
Imperial Oil, Products & Chemicals Division, Attn: B. Davies, 3535 Research Rd, Calgary, Alberta, T2L 2K8
Councillor Vandal

By-Law No. _____	File No. **DAZ 204/01**
Atlas Sheet No. **AE31 RIEL COMMUNITY** N	Explanation A proposed zoning change to By-law No. 6400/94 by rezoning the land at 1740 Fermor Avenue from an "A.5" AGRICULTURAL DISTRICT to an "C3-2" COMMERCIAL DISTRICT as shown outlined below.



SCHEDULE "A" FOR THE REPORT TO THE RIEL COMMUNITY COMMITTEE FOR FILE NO. DAZ 204/01

DATED : JUNE 23, 2003

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____