Agenda – Council – February 24, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

Item No. 10 Extension of Time – Proposed Rezoning on Land Located at 2501 Ferrier Street (Old Kildonan Ward) File DAZ 202/2010

COMMUNITY COMMITTEE RECOMMENDATION:

On February 17, 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 satisfy the Coming into Force provisions of By-law No. 128/2010 be extended to December 31, 2017.

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 – February 16, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 16, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2016, the Lord Selkirk-West Kildonan 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 REZONING ON LAND LOCATED AT 2501 FERRIER STREET – FILE NO. DAZ 202/2010**

Critical Path: **Lord Selkirk-West Kildonan 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

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 128/2010 be extended to December 31, 2017.

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

REASON FOR THE REPORT

Council approval is required for an extension of time.

EXECUTIVE SUMMARY

The time limit for the Coming into Force provision of By-law No. 128/2010 expired on December 31, 2015. The Developer has requested a third extension of time to complete the necessary registrations at the Winnipeg Land Titles Office. They are continuing their capital funding campaign for the project.

The Winnipeg Public Service has no objection to this request; however, it is recommended that the applicant arrange to meet with the Public Works Department to review site planning in consideration of potential land acquisitions associated with the future connections to the Chief Peguis Trail.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the Developer will be allowed a time extension to December 31, 2017 to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY

On September 22, 2010, Council adopted Item No. 25 of the report of the Standing Policy Committee on Property and Development dated September 14, 201 which clause recommended approval of the subject rezoning to a "PR2" PARKS AND RECREATION 2 (Community) DISTRICT to allow for the construction of a school (K-8) with a daycare centre. See Appendix "A" map attached.

On December 15, 2010, rezoning By-law No. 128/2010 was passed by Council. Section 2 of the By-law stipulates:

"2 Section 1 comes into force when:

(a) Zoning Agreement DAZ 202/2010 is registered in the Winnipeg Land Titles Office by caveat against the subject lands 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 caveat is registered before such extended date; and

(b) 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."

By-law No.128/2010 has not come into force by the registration of the Zoning Agreement and Servicing Agreement caveat.

On December 12, 2012 Council approved an extension of time for the coming into force of rezoning By-law No. 128/2010 to December 31, 2013.

On February 26, 2014 Council approved a further extension of time for the coming into force of rezoning By-law No. 128/2010 which extension expired on December 31, 2015.

The applicant, MMM Group Limited, Attention: Mr. Brock Feenstra, Suite 111 – 93 Lombard Avenue, Winnipeg, Manitoba, R3B 3B1, on behalf of the owner, Immaculate Heart of Mary School, is requesting a two year extension of time in order to complete the necessary registration, citing that efforts continue for the projects capital funding campaign. See Appendix "B" attached.

The Winnipeg Public Service has reviewed this request for an 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. It is however noteworthy to advise that a potential for future land acquisitions associated with the future extension of Chief Peguis Trail project may affect the subject lands in close proximity to Ferrier Street.

Further to the above it is recommended by the Winnipeg Public Service that the applicant arrange to meet with the Public Works Department to review site planning in consideration of potential land acquisitions associated with the future Chief Peguis Trail project.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

The subject property is located in an area of "Recent Communities" under the Complete Communities Direction Strategy. The rezoning under application DAZ 202/2010 has been supported by the Winnipeg Public Service which identifies that the proposed rezoning to "PR2" allows for the land to align to the policy objectives guiding development within "Recent Communities" areas.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	R. Deighton, P.Eng., Land Development Coordinator
Date:	January 4, 2016
File No.	DAZ 202/2010

Appendix "A" – DAZ 202/2010 - Map
Appendix "B" – Letter Requesting Extension of Time

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APPENDIX "A" – DAZ 202/2010 – Map

By–Law No. _____

File No. **DAZ 202/10**

Atlas Sheet No. **T26**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 2501 Ferrier Street from an "M2" MANUFACTURING GENERAL DISTRICT to "PR2" PARKS AND RECREATION 2 (COMMUNITY) DISTRICT to allow for the construction of a school (K-8) with a daycare centre as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

MMM Group Limited
111 - 93 Lombard Avenue
Winnipeg, MB Canada R3B 3B1
t: 204.943.3178 | f: 204.943.4948

www.mmmgrouplimited.com

December 9, 2015

Ref. No.: 5509104.103.710

Mr. Kim Raban
Land Development Administrator
The City of Winnipeg
Main Floor - 65 Garry Street
Winnipeg MB R3C 4K4

Dear Mr. Raban:

Re: Extension of Time – Rezoning – 2501 Ferrier Street: File DAZ 202/2010

On behalf of our Client, Immaculate Heart of Mary School, MMM Group Limited is requesting a two-year extension of time, to complete the registration of Zoning Agreement DAZ 202/2010 with the Winnipeg Land Titles Office. Our Client required this rezoning to begin a capital fundraising campaign, to build a new school, and this extension of time will allow our Client to continue their capital fundraising campaign.

We appreciate your consideration in this matter. Please contact me at (204) 943-3178, if you have any questions.

Yours sincerely,

MMM Group Limited

Brock Feenstra, MCP
Planning & Development

BF/ac