Minute No. 193
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 16, 2016

Item No. 9 **Extension of Time – Proposed Subdivision and Rezoning on Land Located at 3977 Portage Avenue (St. Charles Ward) File DASZ 43/2011**

COUNCIL DECISION:

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

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 19/2015 be extended to January 28, 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:

Moved by Councillor Orlikow,

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

Carried

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 Assiniboia 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 Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2016, the Assiniboia 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 3977 PORTAGE AVENUE – FILE NO. DASZ 43/2011**

Critical Path: **Assiniboia 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. 19/2015 be extended to January 28, 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. 19/2015 will expire on January 28, 2016. The Developer has requested an extension of time to complete the necessary registrations at the Winnipeg Land Titles Office. They advise that they have been diligently pursuing the conditions of the subdivision and rezoning approvals; however they will not be able to satisfy all the conditions prior to expiry and require and request the extension.

The Winnipeg Public Service has no objection to this request.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the Developer will be allowed a time extension to January 28, 2017 to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY

On September 27, 2012, Council adopted Item No. 14 of the report of the Standing Policy Committee on Property and Development dated September 11, 2012 which recommended approval of the subject subdivision and rezoning to a "C4" Commercial Regional (Westport Festival Planned Development Overlay 2) District under the Winnipeg Zoning By-law 200/2006. The rezoning By-law No. 19/2015 was passed by Council on January 28, 2015. See Appendix "A" map attached.

Section 1 and Section 3 of By-law No. 19/2015 stipulates:

"Plan of subdivision

1 The plan of subdivision shown below is approved, subject to a Development Agreement for Servicing being entered into between The City of Winnipeg and the registered owner or persons entitled to be registered owner of the subject land.

Coming into force

3(1) Section 1 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office.

(2) Section 2 comes into force when Zoning Agreement DASZ 43/2011 is registered in the Winnipeg Land Titles Office by caveat against the subject land 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. 19/2015 has not come into force by the required registrations of the Plan of Subdivision and Zoning Agreement DASZ 43/2011 by caveat at the Winnipeg Land Titles Office and the one year time limit will expire on January 28, 2016. The Developer and the City of Winnipeg have not executed the Development Agreement for Servicing and Zoning Agreement DASZ 43/2011.

The applicant, Mr. John Pearson of Shindico Realty Inc., on behalf of the Developer, is requesting an extension of time in order to complete the necessary registrations, citing that they have been diligently pursuing the conditions of the subdivision and rezoning approvals however have not been in a position to satisfy all the conditions. 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.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

The subdivision and rezoning under application DASZ 43/2011 has been supported by the Winnipeg Public Service which identifies that the proposed subdivision and rezoning is consistent with the subject properties designation as a Regional Mixed Use Centre in Complete Communities and OurWinnipeg.

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.	DASZ 43/2011

Appendix “A” – DASZ 43/2011 – By-law No. 19/2015 Map
Appendix “B” – Letter Requesting Extension of Time

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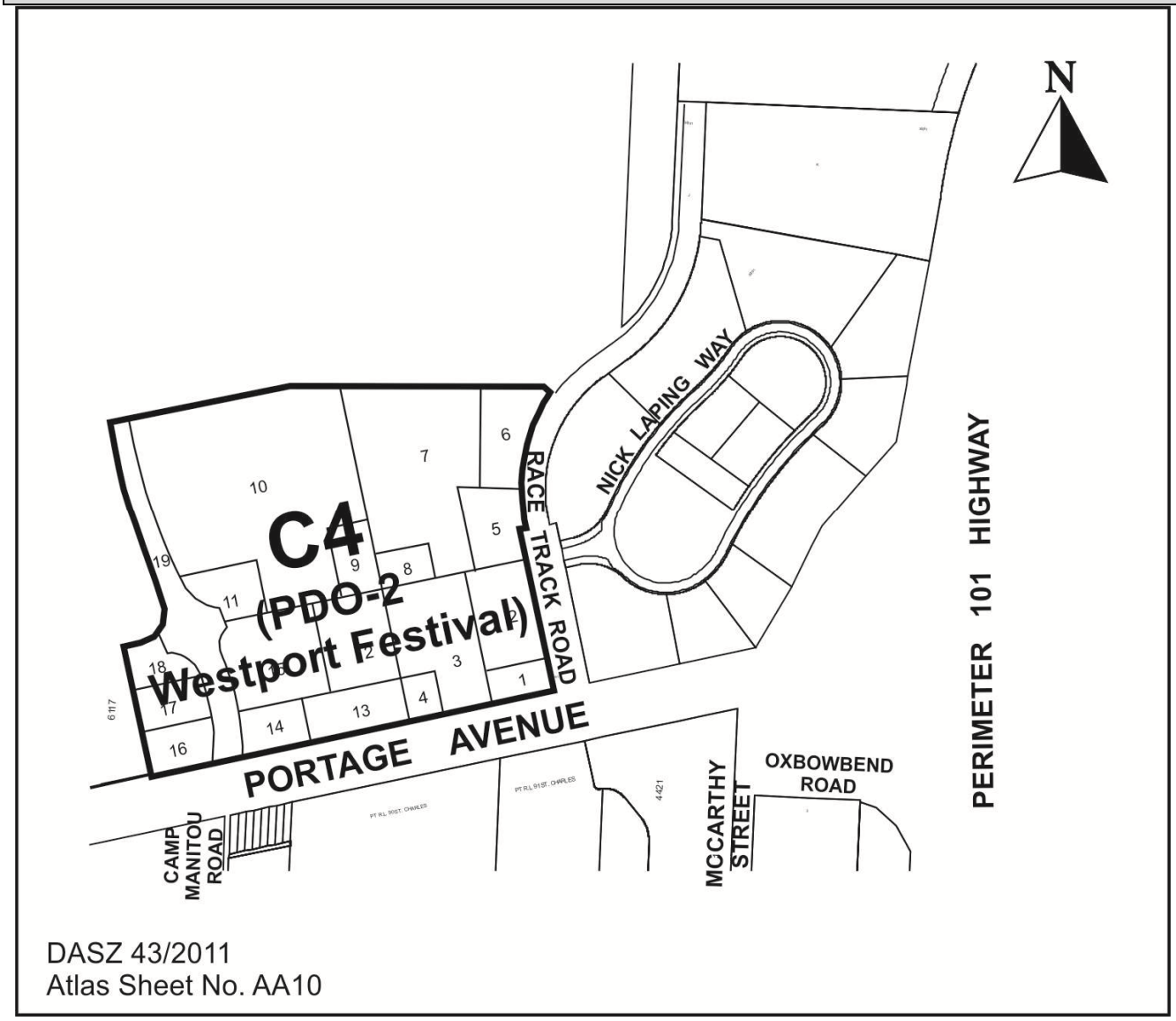
APPENDIX "A" – DASZ 43/2011 - BY-LAW NO. 19/2015 Map



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Shindico
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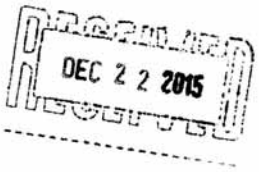

December 21, 2015

Kim Raban
City of Winnipeg
Main Floor - 65 Garry Street
Winnipeg, MB R3C 4K4

Dear Kim:

Proposed Subdivision and Rezoning of Land Located at 3977 Portage Avenue
Assiniboine Community
Your File No. DASZ 43/11

As you are aware, we have been diligently pursuing the conditions of the subdivision and rezoning, however it appears that we will not be in a position to satisfy all the conditions prior to the expiry of the approval. Therefore, we are requesting an extension.

Enclosed is our cheque in the amount of $562.05 payable to the City of Winnipeg which is the required extension fee.

We appreciate your assistance and look forward to your confirmation of the amended deadline date for our Subdivision and Rezoning

Yours truly,

SHINDICO REALTY INC.
On behalf of 71185 Manitoba Limited

John Pearson
ICI Properties

Encl.

H:\Properties\Winnipeg\231 - Portage Ave, 3977 - Westport Festival\Legal & Development\Subdivision & Zoning\extension ltr - subdivision - Westport Festival - 2015 dec.doc

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