Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 10, 2016

Item No. 5 Extension of Time – 535 Ham Street
(Transcona Ward)
File DASZ 21/2009

COUNCIL DECISION:

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

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 65/2010 be extended to April 7, 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 – May 10, 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 May 11, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On May 10, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 25, 2016, the East Kildonan-Transcona 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 535 HAM STREET – FILE NO. DASZ 21/2009**

Critical Path: **East Kildonan – Transcona 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. 65/2010 be extended to April 7, 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. 65/2010 expired on June 30, 2014. The Developer (property owner), Giancola Construction Ltd. has requested a second extension of time to complete the necessary registrations at the Winnipeg Land Titles Office. Giancola Construction Ltd. acquired the property and has taken over application DASZ 21/2009 with authorization from the previous property owner. Giancola Construction Ltd. indicates that they wish to proceed immediately with the necessary works upon approval.

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 April 7, 2017, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On November 25, 2009, Council adopted Item No. 2 of the report of the Standing Policy Committee on Property and Development dated November 3, 2009 which clause recommended approval of the subject subdivision and rezoning to a "R1-M" RESIDENTIAL SINGLE FAMILY (Medium) DISTRICT to allow for the creation of three (3) additional residential lots fronting onto Williamson Crescent. The rezoning By-law No. 65/2010 was passed by Council on June 23, 2010. See Appendix "A" map attached.

Section 3 of By-law No. 65/2010 stipulates:

"**Coming into force**

> "3(1) Section 1 comes into force when The City of Winnipeg executes the Servicing Agreement referred to in that section, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council.
>
> (2) Section 2 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles."

On September 25, 2013 Council concurred with Item No. 11 of the report of the Standing Policy Committee on Property and Development dated September 10, 2013 recommending that the time limit to provide for enactment of Zoning By-law No. 65/2010 coming into force be extended to June 30, 2014.

By-law No. 65/2010 has not come into force by the registration of the Plan of Subdivision in the Winnipeg Land Titles Office and the final execution of the required Servicing Agreement. The by-laws current time limit expired on June 30, 2014.

The current owner, Giancola Construction Ltd., represented by John Giancola and Tammy Giancola are requesting an additional extension of time in order to complete the necessary Servicing Agreement and plan registrations. They recently purchased the property and received application DASZ 21/2009 entitlement transfers from the original owner. They intend to proceed with the undertaking of the development and all requirements under DASZ 21/2009, however, by-law extension approvals are necessary. 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 subject subdivision and rezoning is consistent with the Recent Communities Strategy to *"support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner".*

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	R. Deighton, Land Development Coordinator
Date:	April 8, 2016
File No.	DASZ 21/2009

Appendix "A" – DASZ 21/2009 – By-law No. 65/2010 Map
Appendix "B" – Letter Requesting Extension of Time

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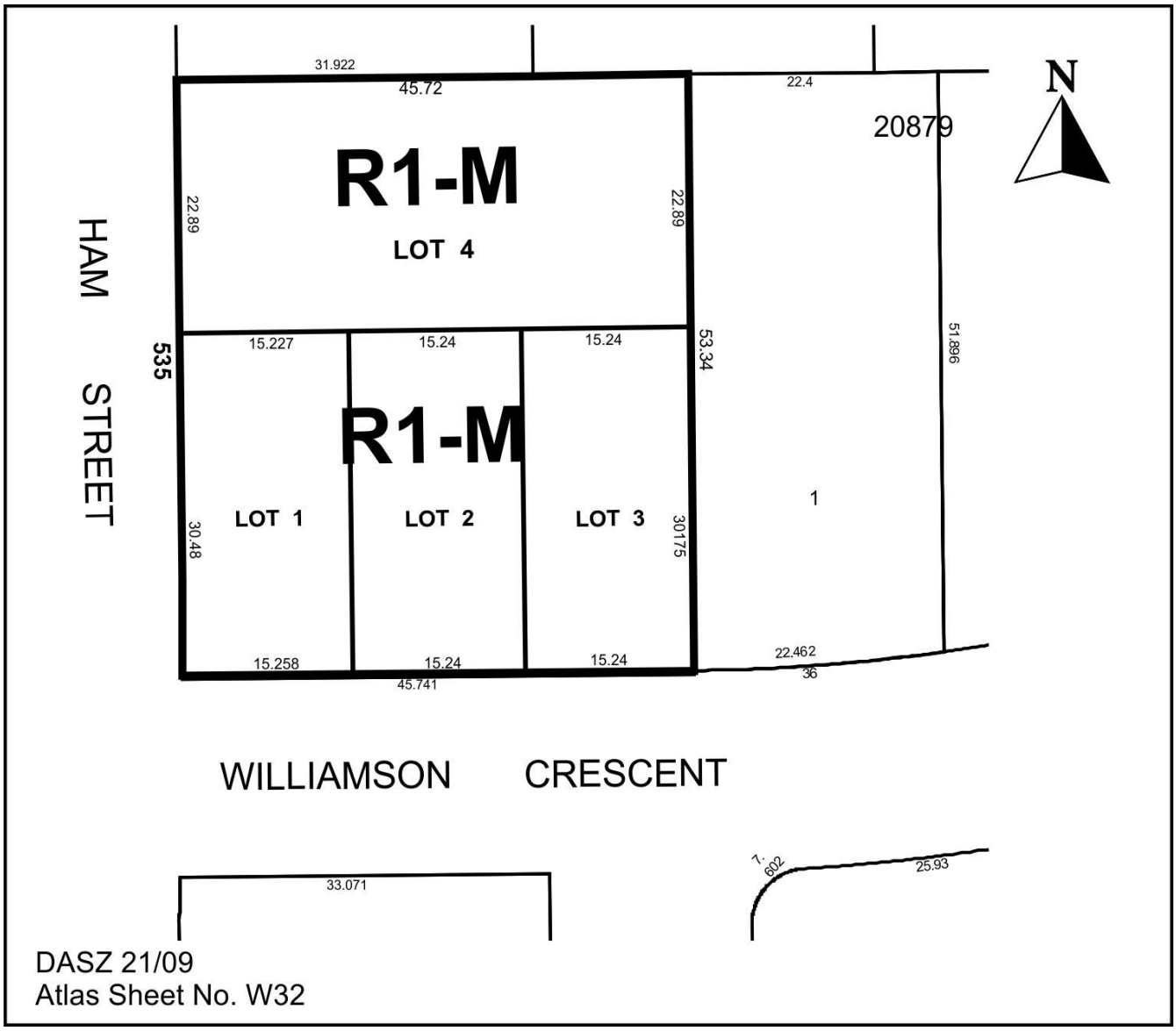
APPENDIX "A" – DASZ 21/2009 - BY-LAW NO. 65/2010 Map



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Giancola Construction LTD
Property Restoration
375 Foch Ave, Winnipeg Manitoba R2C-5H9 PH: 204-333-1789

City of Winnipeg
Planning, Property and Development Department
Land Development Branch
Main Floor – 65 Garry Street
Winnipeg, MB R3C 4K4

March 28/2016

Dear Mr. Kim Raban, P.Eng., Land Development Administrator

RE: Extension of Time Request for DASZ 21/2009 (Re-zoning By-law No. 65/2010).

Giancola Construction LTD purchased the property at: 535 Ham Street, July 31/2013.
We are requesting an extension to take over the: DASZ 21/2009 (Re-zoning by-law No. 65/2010), as per our vendor started, Lloyd Yang.
Our intentions are to put in all sewers and water to the area proposed.
Giancola Construction LTD is ready and would like to proceed with the installation of the sewer and water, as per DASZ 21/2009 (Re-zoning by-law No. 65/2010).
We can begin immediately once we are approved.
Please let me know if there is any further information you will require form us.

Our contact information is as follows:
Giancola Construction LTD
John Giancola.....PH: 204-333-1789
Tammy Giancola.....PH: 204-232-5413
Office.....PH: 204-222-2494
Office fax..... 204-777-0676
E-mail:.....giacon@shaw.ca

I would like to thank you very much for taking the time to help with the process of this development.

Regards,
John Giancola
Tammy Giancola
Giancola Construction LTD