Agenda – Council – June 15, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 7, 2016

Item No. 5 **Extension of Time – Subdivision and Rezoning on land located on the north and south sides of Pacific Avenue and at 1809 Ross Avenue (St. James-Brooklands-Weston Ward)**
File DASZ 18/2013

STANDING COMMITTEE RECOMMENDATION:

On June 8, 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. 16/2014 be extended to June 1, 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 – June 7, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 8, 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 June 7, 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 May 10, 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 ON THE NORTH AND SOUTH SIDES OF PACIFIC AVENUE AND AT 1809 ROSS AVENUE – FILE NO. DASZ 18/2013**

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. 16/2014 be extended to June 1, 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. 16/2014 expired on January 29, 2015. The applicant, 5468796 Architecture Inc. on behalf of the owner Westbrook-Fraserwood Hotels Inc., has requested an extension of time to complete the necessary registrations at the Winnipeg Land Titles Office. They advise that unforeseen challenges associated with project financing and sales strategy required extra time to finalize. With renewed interest the Developer wishes to carry forward with the development 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 June 1, 2017, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On July 17, 2013, Council adopted Item No. 16 of the report of the Standing Policy Committee on Property and Development dated July 2, 2013 which recommended approval of the subject subdivision and rezoning to a "RMF-L" Multiple Family Residential (Large) District and "C2" Commercial Community District. The rezoning By-law No. 16/2014 was passed by Council on January 29, 2014. See Appendix "A" map attached.

Section 1 and 3 of By-law No. 16/2014 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 the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 18/2013 is registered in the Winnipeg Land Titles Office by caveat against the subject land, all 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 plan of subdivision and caveat are registered before such extended date."

By-law No. 16/2014 has not come into force by the registration of the Plan of Subdivision and Zoning Agreement DASZ 18/2013 in the Winnipeg Land Titles Office. Further, the Developer has yet to enter into the required Development Agreement for Servicing with the City. The by-laws current time limit expired on January 29, 2015.

The applicant, 5468796 Architecture Inc. on behalf of the owner Westbrook-Fraserwood Hotels Inc., has requested an extension of time to complete the necessary registrations at the Winnipeg Land Titles Office. They advise that unforeseen challenges associated with project financing and sales strategy required extra time to finalize. With renewed interest the Developer wishes to carry forward with the development requirements under the DASZ 18/2013 approvals, 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 Mature Communities Strategy to *"support low to moderate change in low-density neighbourhoods through development and redevelopment that is complementary to the existing scale, character and built form".*

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	R. Deighton, Land Development Coordinator
Date:	May 2, 2016
File No.	DASZ 18/2013

Appendix "A" – DASZ 18/2013 – By-law No. 16/2014 Map
Appendix "B" – Letter Requesting Extension of Time

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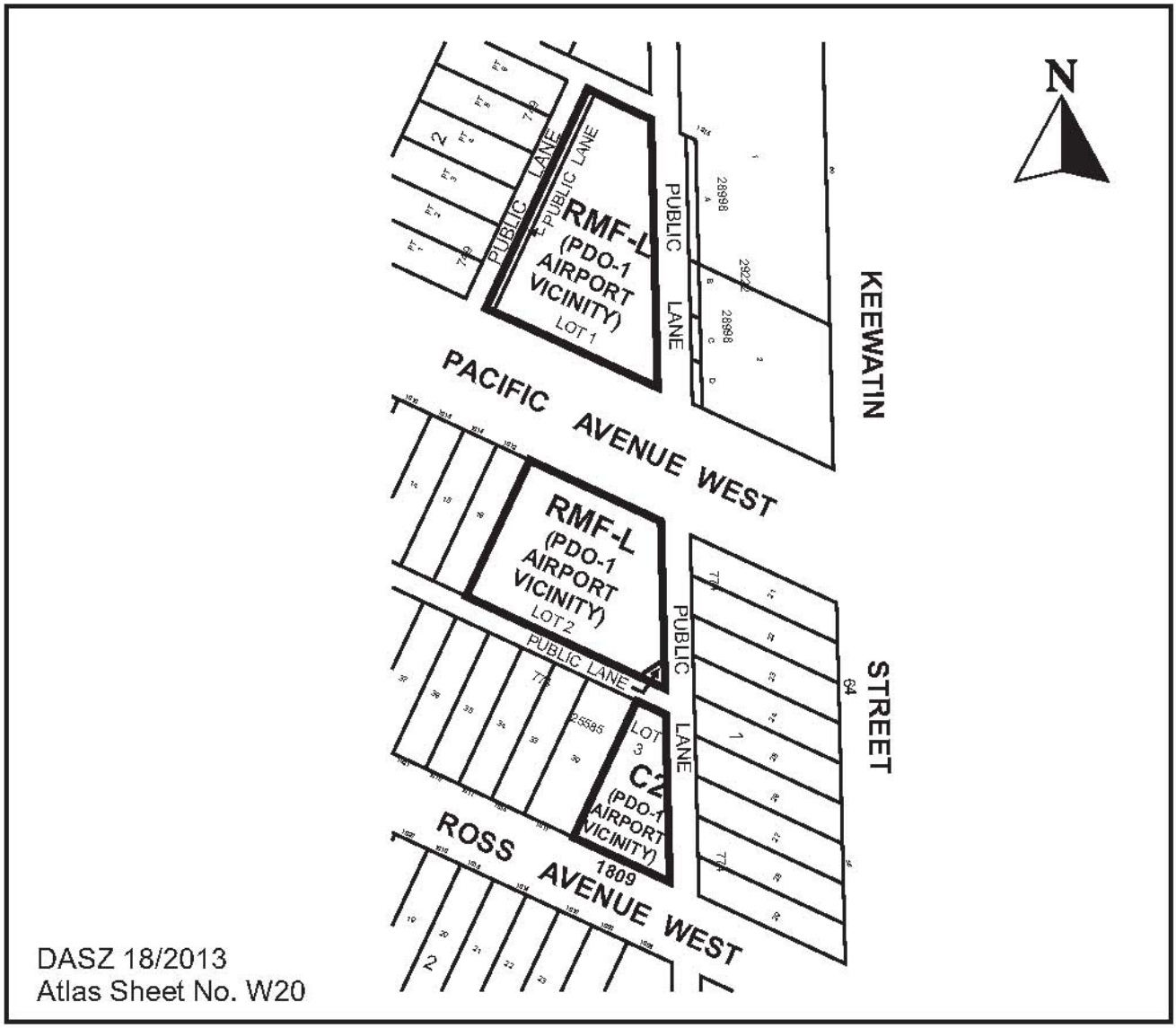
APPENDIX "A" – DASZ 18/2013 - BY-LAW NO. 16/2014 Map



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

RECEIVED
APR 29 2016
Land Development Branch

5 4 6 8 7 9 6
266 mcdermot ave WPG MB R3B0S8
t 204 480 8421 f 480 8876 5468796.ca

Kim Raban
City of Winnipeg
Planning, Property and Development
Department
Land Development Branch
Main Floor – 65 Garry Street
Winnipeg, MB R3C 4K4
kraban@winnipeg.ca

28.04.2016

attn: Mr. Kim Raban, P.Eng., Land Development Administrator (kraban@winnipeg.ca)

re: Extension of Time Request for DASZ 18/2013 (Re-zoning By-law No. 16/2014)

Please accept this letter of request from 5468796 Architecture Inc. applied on behalf of Westbrook-Fraserwood Hotels Inc. for for an extension of time for By-law No. 16/2014 which was passed by Council on January 29, 2014, and had expired on January 29, 2015.

It is with great disappointment that unforeseen challenges facing the project financing and sales strategy, that the team was unable to complete the obligations as outlined within the allotted time-frame.

it is now at this point in time that we have renewed interest in our proposal as previously submitted, making the scheme viable for development once again. It is the intent of our client to carry forward with all requirements described in the by-law including, without limitation, the execution of the required Servicing Agreement which are necessary to complete the subdivision and rezoning for the subject lands with the requested extension of time of one year from date of time-extension notification. Please find included the processing fee to allow for review by the various committees.

Please feel free to contact me if you have ay questions or concerns,

sincerely -

Sean Radford

5 4 6 8 7 9 6 ARCHITECTURE INC