Agenda – Council – October 26, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 11, 2016

Item No. 3 Extension of Time – 1101-1121 Wabasha Street (Transcona Ward) File DASZ 31/2013

STANDING COMMITTEE RECOMMENDATION:

On October 19, 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. 75/2015 be extended to July 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 – October 11, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 19, 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 October 11, 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 September 20, 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.

On July 12, 2016, the East Kildonan-Transcona Community Committee laid over the matter to its meeting on September 20, 2016.

On June 21, 2016, the East Kildonan-Transcona Community Committee laid over the matter to its meeting on July 12, 2016.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 1101-1121 WABASHA STREET – FILE NO. DASZ 31/2013**

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. 75/2015 be extended to July 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. 75/2015 expires on July 15, 2016. The property owner, the City of Winnipeg, represented by Ms. Joedi Pruden, Senior Negotiator, Real Estate Division has requested an extension of time in order to facilitate the sale of the subject land, transfer obligations under DASZ 31/2013 to a purchaser and complete the necessary registrations at the Winnipeg Land Titles Office.

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 July 31, 2017, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On July 17, 2013, Council adopted Item No. 13 of the report of the Standing Policy Committee on Property and Development dated July 2, 2013 which clause recommended approval of the subject subdivision and rezoning to a "RMF-L" RESIDENTIAL MULTI-FAMILY (LARGE) DISTRICT to allow for a future multi-family development. The rezoning By-law No. 75/2015 was passed by Council on July 15, 2015. See Appendix "A" map attached.

Section 1 of By-law No. 75/2015 stipulates:

"Plan of Subdivision

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

Section 3 of By-law No. 75/2015 stipulates:

"**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 and Zoning Agreement DASZ 31/3013 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 plan and caveat are registered before the extended date."

By-law No. 75/2015 has not come into force by the registration of the Plan of Subdivision and the required Zoning Agreement in the Winnipeg Land Titles Office. The by-law's current time limit will expire on July 15, 2016.

The current owner, the City of Winnipeg, represented by Ms. Joedi Pruden, Senior Negotiator, Real Estate Division has requested an extension of time in order to facilitate the sale of the subject land, transfer of obligations under DASZ 31/2013 to the new owner and complete the necessary registrations at the Winnipeg Land Titles Office. See Appendix "B".

Initially, the City of Winnipeg had submitted the application to subdivide and rezone the subject land with the intention to sell the arena site and transfer the obligations to the new land owner. However, the sale was not concluded by the purchaser at that time.

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

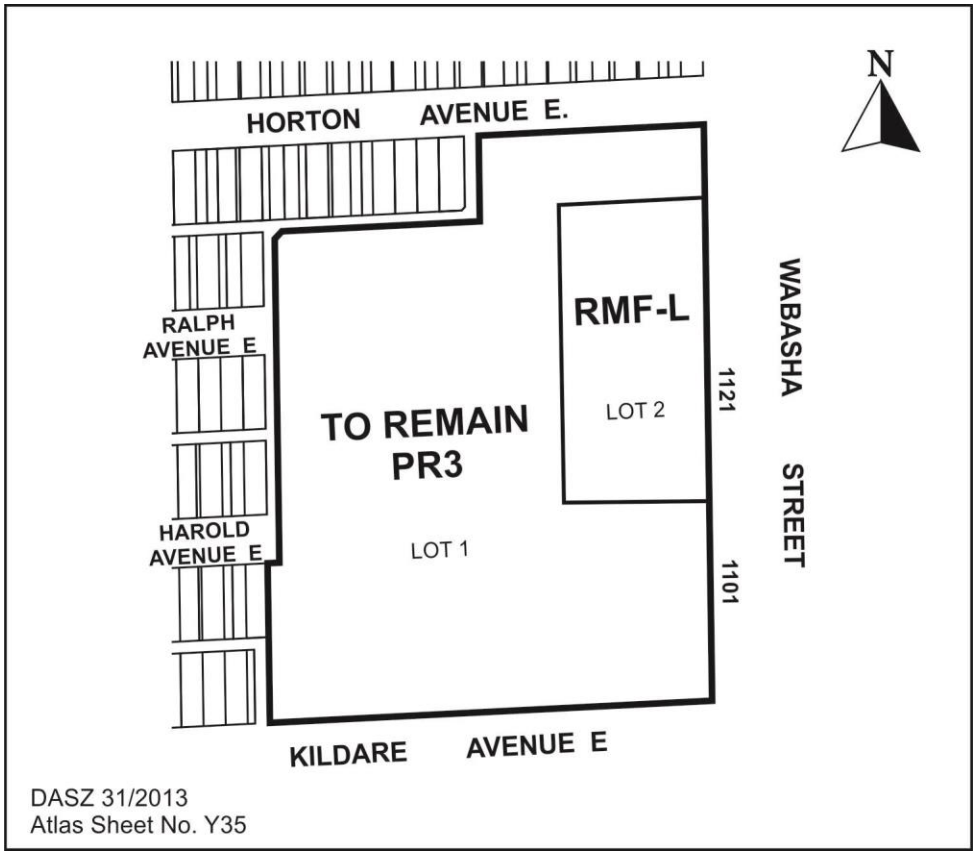
The subject property is classified as an “Area of Stability” in Complete Communities’ Urban Structure map. Areas of Stability are intended to accommodate low to moderate density infill development to support more efficient use of land, infrastructure and services as well as enhance housing choice and affordability.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	A. Savage, Development Applications Coordinator
Date:	June 6, 2016
File No.	DASZ 31/2013 *(V:\3-Angie-SAVE\112-2016 - REPORTS\Extension of Time Request DASZ 31-13.doc)*

Appendix “A” – DASZ 31/2013 – By-law No. 75/2015 Map
Appendix “B” – Extension of Time request dated May 24, 2016

APPENDIX "A" – DASZ 31/2013 - BY-LAW NO. 75/2015 Map



APPENDIX "B" – EXTENSION OF TIME REQUEST

From: Pruden, Joedi
Sent: Tuesday, May 24, 2016 11:58 AM
To: Raban, Kim
Subject: RE: DASZ 31/2013 (1101 - 1121 Wabasha St)
Importance: High

Kim,

This is a formal request to ask for an extension of time for DASZ 31/2013. At the time when the City made the original application to subdivide and rezone, it was our intension to sell the arena site and transfer the conditions of the DASZ to the new landowner. A sale never concluded so DASZ 31/13 could not move forward.

As a bit of background, on **July 15/15** Council passed by-law no. 75/2015. That by-law:

- approved the proposed plan of subdivision, subject to a servicing agreement being entered into between City and the landowner. This approval comes into force when the plan is registered in WLTO.

and

- approved the rezoning of the portion of the property on which the arena is located from PR-3 to RMF-L, subject to a zoning agreement being entered into between the City and landowner. This approval comes into force when the plan of subdivision is registered in WLTO and a caveat for the zoning agreement is registered against the land, all within one year from the date Council passed the by-law, failing which the by-law will expire unless an extension of time is applied for prior to expiry, Council approves the extension, and the plan and caveat are registered before the extended date.

Therefore, I am requesting an extension of time to give me a chance to try and sell the property and follow through on the conditions as indicated above. Please use the account number as indicated in Beth's email below.

Please let me know if you have additional questions or concerns.

Thanks,
Joedi

Winnipeg
Joedi Pruden BA, CRA, FRI(E), Senior Negotiator
Planning, Property and Development Department
City of Winnipeg