Minute No. 51
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 8, 2016

Item No. 14 **Extension of Time – Proposed Subdivision and Rezoning – Lots 2 and 3, Plan 45753, Peguis Street and Reenders Drive (Transcona Ward)**
File DASZ 33/2013

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 provide for the enactment of the necessary rezoning by-law under File No. DASZ 33/2013 be extended to December 30, 2016.

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 – November 8, 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 November 9, 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 matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 8, 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 October 18, 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 – LOTS 2 AND 3, PLAN 45753, PEGUIS STREET AND REENDERS DRIVE – FILE NO. DASZ 33/2013**

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 provide for the enactment of the necessary rezoning by-law under File No. DASZ 33/2013 be extended to December 30, 2016.

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

Pursuant to approvals under DASZ 33/2013, the Developer is required to enact a re-zoning by-law and execute the necessary Development Agreement and Zoning Agreement with the City.

The time limit for enactment by Council of the necessary rezoning by-law under DASZ 33/2013 has expired. The Developer has been working on subdivision and development plans for the

site and has requested a nine (9) month extension of time to enact the required re-zoning by-law.

The Winnipeg Public Service is recommending a three (3) month extension of time to enact the required zoning by-law.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the Developer will be allowed a time extension to December 30, 2016 to enact the required re-zoning by-law under DASZ 33/2013.

HISTORY

On December 11, 2013, Council adopted Item No. 2 of the report of the Standing Policy Committee on Property and Development dated December 3, 2013 which recommended approval of the subject subdivision and rezoning to a “C4” Commercial Regional District under the Winnipeg Zoning By-law 200/2006. See Appendix "A" approved map attached.

Recommendation 5 contained in said report stipulates:

> "That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two-year period and Council approves the extension."

The necessary by-law was not passed and the two-year period expired on December 11, 2015.

On December 7, 2015, the Applicant, Mr. Justin Zarnowski of Shindico Realty Inc., 200 – 1355 Taylor Avenue, Winnipeg, Manitoba, R3M 3Y9 on behalf of the Developer, 2514109 Manitoba Limited, requested submitted a request and was granted a nine-month extension of time in order to satisfy the necessary by-law enactment requirements.

The necessary by-law was not passed and nine-month period expired on September 30, 2016.

The applicant is now requesting an additional nine-month extension of time. The Winnipeg Public Service has reviewed this request for an extension of time and is of the opinion that a **three** month 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

OurWinnipeg designates the Transcona West area as a "Recent Community" and a "Regional Mixed Use Centre". The Transcona West Area Structure Plan designates the subject property as "Proposed Commercial" which permits a variety of retail, commercial, office, and institutional uses, including regional commercial uses. The proposed rezoning under application DASZ 33/2013 to "C4" Commercial Regional District aligns with OurWinnipeg, the Transcona West Area Structure Plan and Complete Communities and has been supported by the Winnipeg Public Service.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	G. Jasper, P.Eng., Land Development Administrator
Date:	October 7, 2016
File No.	DASZ 33/2013

Appendix "A" – DASZ 33/2013 – Approved Subdivision and Rezoning Map
Appendix "B" – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 33/2013 – Approved Subdivision and Rezoning Map

By-Law No. _____

File No. **DASZ 33/13**

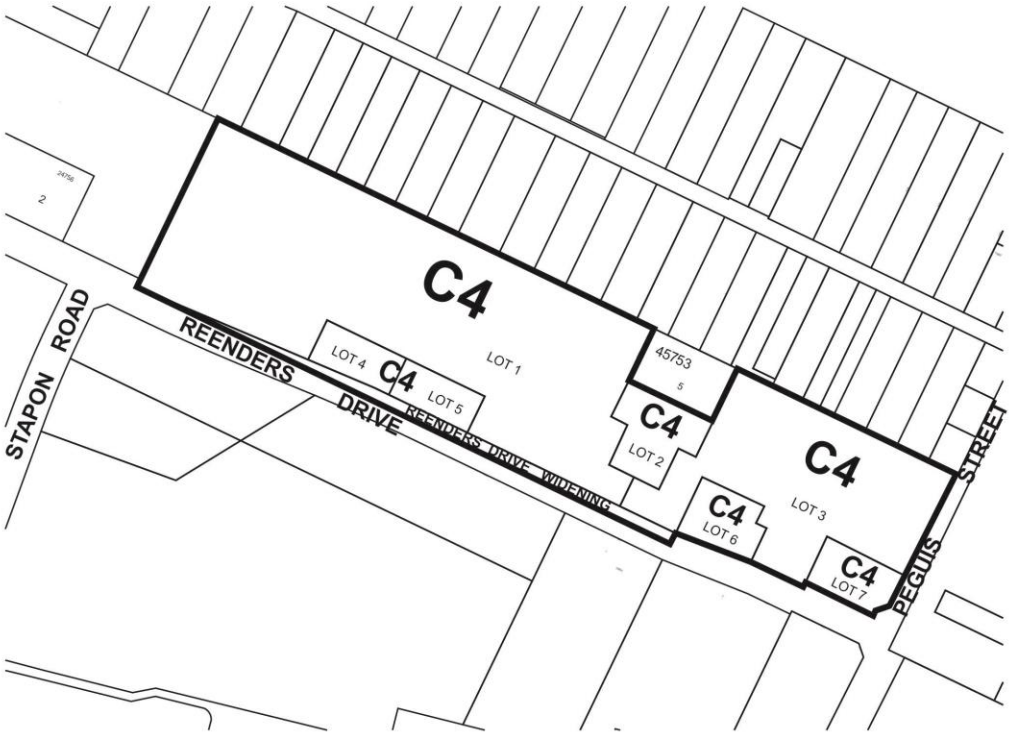
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on lot 2 & 3 Plan 45753 Peguis Street & Reenders Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to a "C4" COMMERCIAL REGIONAL DISTRICT and by creating lots to allow for future commercial sales & services uses as shown outlined below.

Atlas Sheet No. **Y31**

N

EAST KILDONAN TRANSCONA COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Shindico
Succeeding By Helping Others Succeed

September 13, 2016

VIA COURIER

City of Winnipeg
Land Development Branch
Main Floor – 65 Garry Street
Winnipeg - MANITOBA - R3C 4K4

Attention: Greg Jasper

DASZ 33/2013

Please find enclosed a cheque in the amount of $754.95 in order to extend the above approval date. We require a further nine (9) months to finalize the subdivision and development plans for the site.

Thank you.

Yours truly,

SHINDICO REALTY INC.
On behalf of 2514109 Manitoba Limited

Justin G. Zarnowski
Legal Affairs Manager