Agenda – Council – December 14, 2016

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 5, 2016

Item No. 5 Extension of Time – Proposed Rezoning on Land Located at 851 Tache Avenue (St. Boniface Ward) File DAZ 208/2013

STANDING COMMITTEE RECOMMENDATION:

On December 5, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and recommended to Council:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 84/2015 be extended to October 2, 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 – December 5, 2016

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 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 December 5, 2016, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 7, 2016, the Riel 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 REZONING ON LAND LOCATED AT 851 TACHE AVENUE – FILE NO. DAZ 208/2013**

Critical Path: **Riel 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. 84/2015 be extended to October 2, 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. 85/2015 expired on September 30, 2016. The Developer has requested an extension of time for the by-law expiry in order to permit time to appeal or satisfy Servicing Agreement requirements for the subject property. They advise that they have requested an amendment to the Servicing Agreement which request has been laid over by the Riel Community Committee until December 5, 2016. The Developer has requested an extension for a period of over 2 years.

The Winnipeg Public Service has no objection to an extension of time; however a 1 year extension is supported at this time.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the Developer will be allowed a time extension to October 2, 2017 to complete the necessary Servicing Agreement and registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On October 23, 2013, Council adopted Item No. 1 of the report of the Executive Policy Committee dated October 16, 2013 which recommended approval of the subject rezoning to a "RMF-M" Residential Multi-Family (Medium) District under the Winnipeg Zoning By-law 200/2006. The rezoning By-law No. 84/2015 was passed by Council on September 30, 2015. See Appendix "A" map attached.

Section 1 and Section 2 of By-law No. 84/2015 stipulates:

"Zoning

1 Winnipeg Zoning By-law No. 200/2006 is amended by adding the following in Schedule B:

2(357) Notwithstanding anything elsewhere contained in this By-law or shown on the Zoning Maps, the land designated on the plan below as "RMF-M" is hereby zoned as an "RMF-M" Residential Multi-Family (Medium) District, the zoning districts and zoning district boundaries are hereby located as shown on that plan, and the Zoning Maps shall hereafter be read and construed as shown on that plan, subject to a Development Agreement for Servicing and a Zoning Agreement 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

2 Section 1 comes into force when Zoning Agreement DAZ 208/2013 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 such extended date."

By-law No. 84/2015 has not come into force by the required registrations of the Zoning Agreement DAZ 208/2013 by caveat at the Winnipeg Land Titles Office and the one year time limit expired on September 30, 2016. The Developer and the City of Winnipeg have not executed the Development Agreement for Servicing and Zoning Agreement DAZ 208/2013.

The Developer, Mr. Real Rioux, is requesting an extension of time until December 5, 2018 in order to complete the necessary registrations, citing that they have requested an amendment to servicing agreement conditions for File DAZ 208/2013 which request has been laid over by the Riel Community Committee until December 5, 2016. 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 for a one (1) year period would be acceptable and circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

The subject rezoning is consistent with the Complete Communities Direction Strategy with the proposed development located within the Areas of Stability – Mature Communities policy area with a key policy guiding development of Areas of Stability includes to "*support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form"*.

The subject site is located within the Higher Density Residential policy area under the North St.Boniface Secondary Plan.

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:	October 31, 2016
File No.	DAZ 208/2013

Appendix "A" – DAZ 208/2013 – By-law No. 84/2015 Map
Appendix "B" – Letter Requesting Extension of Time

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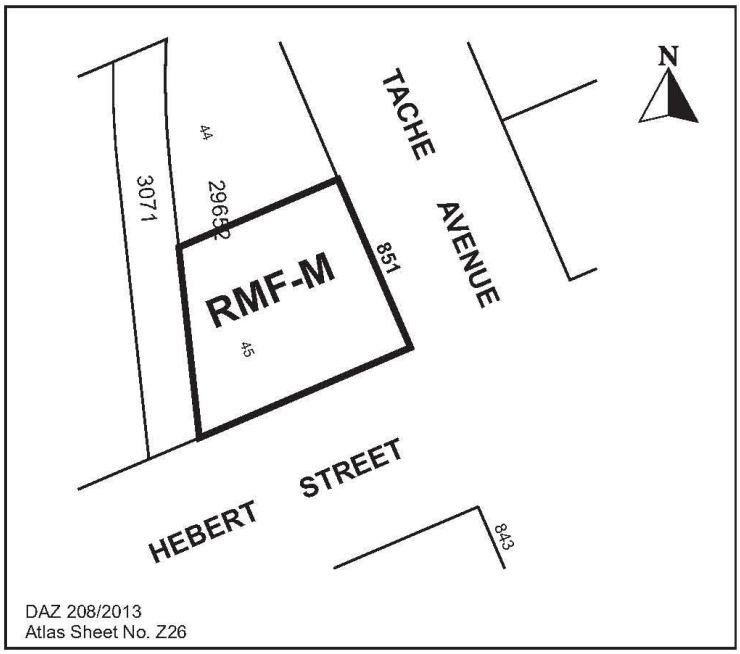
APPENDIX "A" – DAZ 208/2013 - BY-LAW NO. 84/2015 Map



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

City Of Winnipeg
Planning, Property and Development
Main Floor-65 Garry St.
Winnipeg, Manitoba
R3C 4K4

27/09/2016

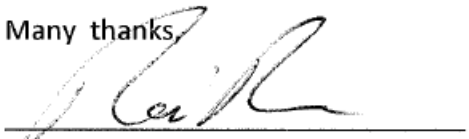
Attention: Development Coordinator -Rob Deighton

Re: File DAZ 208/2013 -Request for extension of time.

Dear, Mr. Deighton

The Riel Community Committee Laid over the Request to Amend the Service Agreement Conditions for file DAZ 208/2013 till December 05,2016. Therefore a request to extend the time is required. This will permit us to appeal if required or satisfy the requirements of the Service Agreement. In addition, the results of the upcoming proposed amendments to the North St.Boniface Secondary Plan are somewhat due in DEC 2016. The results may affect this property. Therefore in the spirit of developing this land to best use for the benefit of the City of Winnipeg and the Landowner we request that the time be extended to 2 years from DEC 05,2016.

Many thanks,



Réal Rioux - Resident/Developer
851 Tache Ave
R2H 2C7
Winnipeg, Manitoba

Ph 204-981-4809