Minute No. 671
Report - Standing Policy Committee on Property and Development - September 30, 2003

Item No. 3 Extension of Time - Subdivision and Rezoning - 228 Isabel Street File DASZ 20/2000

COUNCIL DECISION:

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

1. That the time to provide for the enactment of the necessary subdivision and rezoning by-law under File DASZ 20/2000 be extended to October 22, 2005.

2. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Report - Standing Policy Committee on Property and Development - September 30, 2003

DECISION MAKING HISTORY:

Moved by Councillor Vandal,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 15, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On September 30, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 16, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: EXTENSION OF TIME - Proposed subdivision and rezoning on land located at 228 Isabel Street - File No. DASZ 20/00

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE

Original Signed by E. Axelrod
E. Axelrod
Subdivision Officer

August 15, 2003

RE: EXTENSION OF TIME - Proposed subdivision and rezoning on land located at 228 Isabel Street - File No. DASZ 20/00

RECOMMENDATION:

That your Community Committee recommend to the Standing Policy Committee on Property and Development that it recommend to Council that the time to provide for the enactment of the necessary subdivision and rezoning By-law under File No. DASZ 20/00 to be extended to October 22, 2005.

REASON:

Council approval is required for all extension of time applications.

HISTORY:

On December 13, 2000 Council adopted Clause 4 of the report of the Standing Committee on Property and Development dated November 26, 2000 which clause recommended approval of the subject rezoning to a "C2" COMMERCIAL DISTRICT as shown on the attached Schedule "A" to permit the expansion by construction of an addition, to the following uses:

1. Convenience store;
2. Gas Kiosk;
3. Carwash and maintenance of two single-family dwellings; subject to Conditional Use approval), subject to the execution of a zoning agreement

Recommendation V contained said report stipulates:

> "That in the event this application is not proceeded with expeditiously and the By-law is not enacted within 24 months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time".

The By-law has not been enacted and the 24 month time limit expired on December 13, 2002.

DISCUSSION:

The applicant JMK Construction, 1019 Springfield Road, Winnipeg, Manitoba, R2G 3T2, Attention: Mr. Tim Klassen is requesting a two-year extension of time in order to complete the necessary subdivision and rezoning requirements. The applicant has indicated that due to a break in communication between the surveyor and himself the subject mylars were not forwarded to the Land Development Branch for the by-law in order that the necessary By-law be prepared. Now realizing that the application has expired; the applicant is now prepared to complete the subject rezoning and subdivision. The Administration has review the request for

the extension of time and is of the opinion that approval of the subject extension of time would be acceptable in view of the fact that the City's interests remain secured and circumstances leading to the original approval remain unchanged.

Past practice has been for the Planning, Property and Development to accept applications for the extension of time after the expiry date stipulated by Council. However, a recent interpretation by the Legal Services Department has indicated that the application for the extension require that all extensions of time be made prior to the expiry date, and be processed and approved by all necessary committees prior to that date. All ongoing applications will now be processed in this manner, however this matter is now being brought forward based on past practice.

THIS REPORT SUBMITTED BY:

E. Axelrod
Subdivision Officer
August 15, 2003
File: DASZ 20/00

c.c. JMK Construction, Attn: Tim Klassen, 1019 Springfield Road, Wpg., R2J 3T2
Councillor Pagtakhan

By-Law No. _____

File No. **DASZ 20/00**

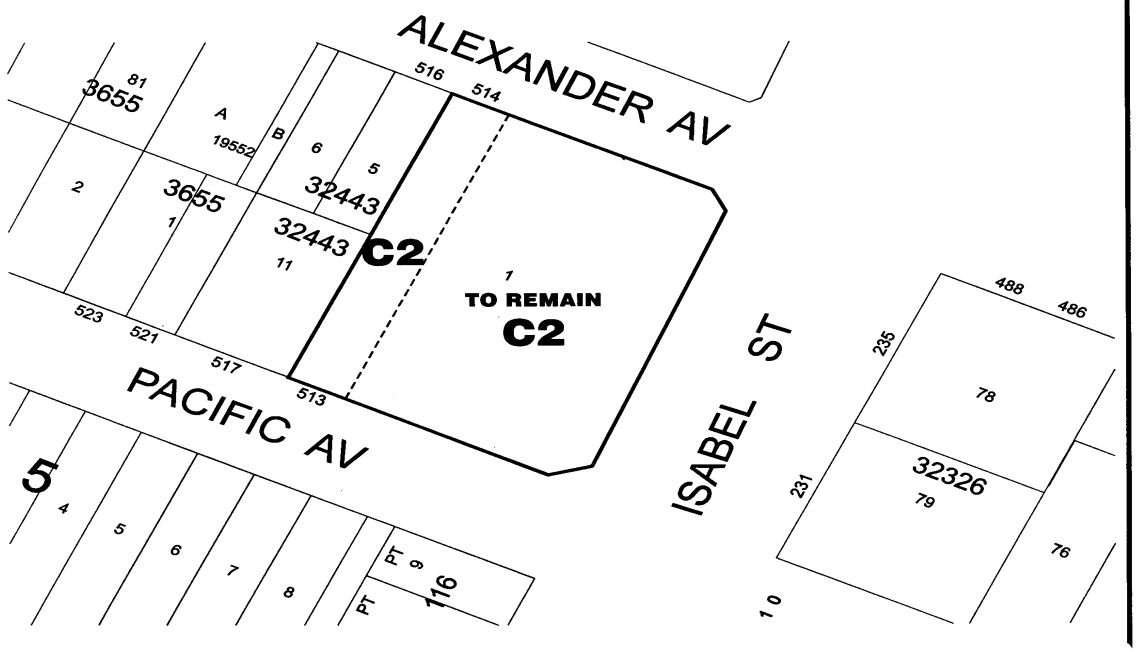
Atlas Sheet No. **Y24**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land at 514 Alexander Avenue and 513 Pacific Avenue from an "RM-L" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



SCHEDULE "A" FOR THE REPORT TO THE LORD SELKIRK-WEST KILDONAN COMMUNITY COMMITTEE FOR FILE NO. DASZ 20/00

DATED: AUGUST 15, 2003

THIRD READING : _____

ZONING AGREEMENT : YES ☐ NO ☐

CAVEAT No. _____