Agenda – Council – January 25, 2017

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 17, 2017

Item No. 7 Extension of Time – Proposed Subdivision and Rezoning on Land Located at 221 Stradbrook Avenue (Fort Rouge – East Fort Garry Ward) File DASZ 41/2013

STANDING COMMITTEE RECOMMENDATION:

On January 18, 2017, 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. 128/2014 be extended to December 15, 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 – January 17, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 18, 2017, 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 January 17, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 13, 2016, the City Centre 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 AT 221 STRADBROOK AVENUE – FILE NO. DASZ 41/2013**

Critical Path: **City Centre 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. 128/2014 be extended to December 15, 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. 128/2014 has expired. The Developer has requested a second extension of time to complete the necessary registrations at the Winnipeg Land Titles Office. They indicate that they are working closely with a potential purchaser for the development of the subject lands.

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 December 15, 2017 to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On January 29, 2014, Council adopted Item No. 5 of the report of the Standing Policy Committee on Property and Development dated January 14, 2014 which recommended approval of the subject subdivision and rezoning to an “RMU” Residential Mixed Use (221 Stradbrook Avenue Planned Development Overlay 2) District under the Winnipeg Zoning By-law 200/2006. The rezoning By-law No. 128/2014 was passed by Council on December 10, 2014. See Appendix "A" map attached.

Section 1 and Section 3 of By-law No. 128/2014 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 41/2013 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 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. 128/2014 has not come into force by the required registrations of the Plan of Subdivision (Deposit No. 409/2014) and Zoning Agreement DASZ 41/2013 by caveat at the Winnipeg Land Titles Office and the one year time limit expired on December 10, 2015. The Developer and the City of Winnipeg have not executed the Development Agreement for Servicing and Zoning Agreement DASZ 41/2013.

On January 27, 2016 Council concurred with Item No. 16 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated January 12, 2016 recommending that the time limit to provide for enactment of Zoning By-law No. 128/2014 coming into force and effect be extended for a one (1) year period to December 16, 2016.

The applicant, Mr. Christopher Daly, Principal Architect at MMP Architects Inc., on behalf of the Developer, 221 Stradbrook Inc. is requesting a further one (1) year extension of time in order to complete the necessary registrations, citing that current efforts are being made with a potential purchaser with the intent to eventually develop the land as a high density multi-residential property. See Appendix “B” letter dated November 4, 2016 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.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

The subdivision and rezoning under application DASZ 4/2013 has been supported by the Winnipeg Public Service which identifies that the proposed rezoning to “RMU” allows for the development to align more closely to the objectives in the Complete Communities Direction Strategy for policies guiding the development of Areas of Stability and the Winnipeg TOD Handbook.

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:	December 5, 2016
File No.	DASZ 41/2013

Appendix “A” – DASZ 41/2013 – By-law No. 128/2014 Map
Appendix “B” – Letter Requesting Extension of Time

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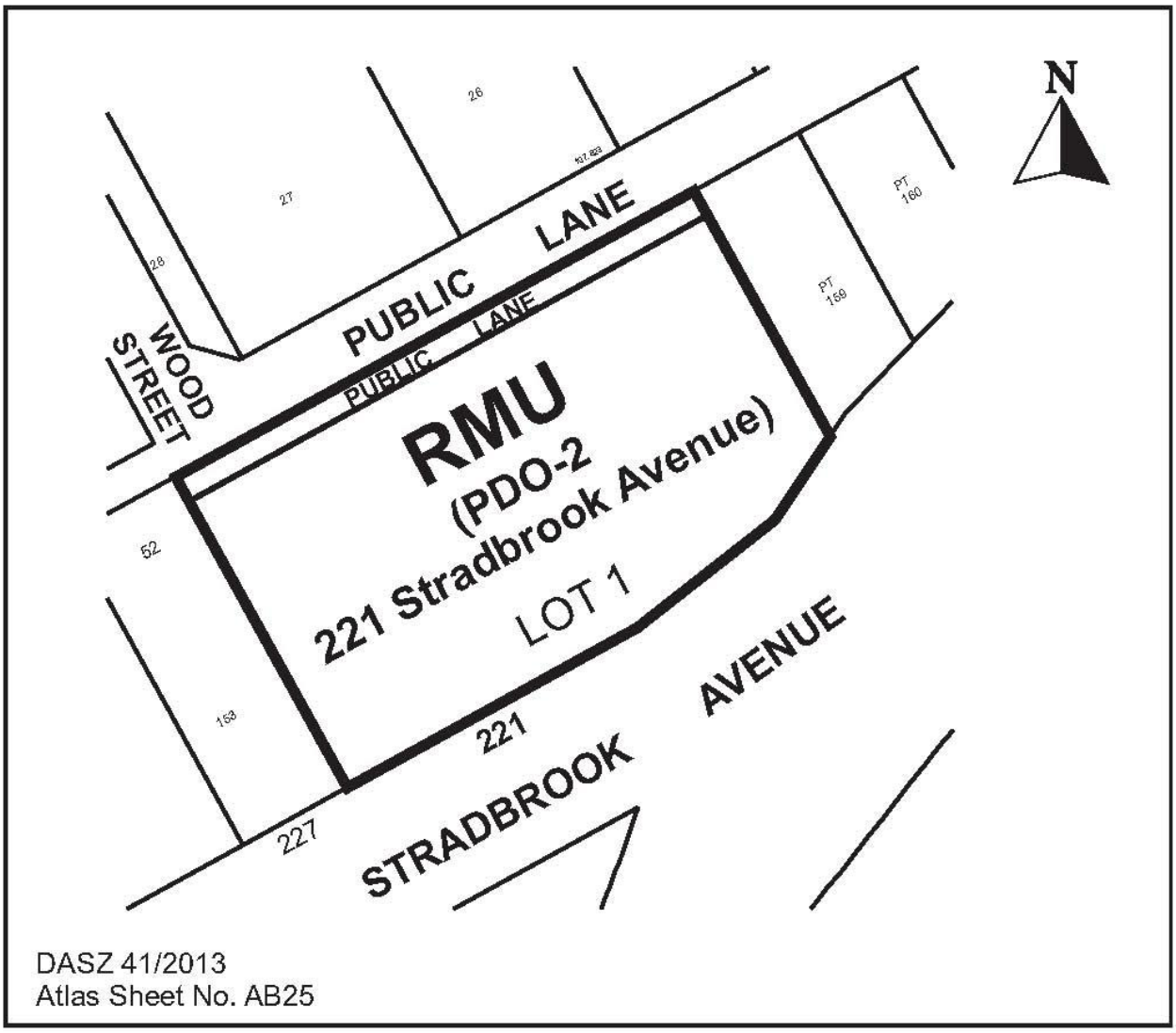
APPENDIX "A" – DASZ 41/2013 - BY-LAW NO. 128/2014 Map



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

300-214 McDermot Avenue
Winnipeg, Manitoba R3B 0S3

T: 204.956.0530
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MMP ARCHITECTS

November 4, 2016

The City of Winnipeg, Planning, Property and Development Department
Land Development Branch,
Main Floor – 65 Garry Street
Winnipeg, MB R3C 4K4

Attn: Greg Jasper, Land Development Administrator
Re: 221 Stradbrook Ave – DASZ 41/2013, REQUEST FOR BY-LAW EXTENSION
By Law: 128/2014

Hello Greg,

With regards to the DASZ 41/2013, we have become aware our initial one year extension will be expiring on December 16, 2016. 221 Stradbrook Inc. has indicated the following request:

The land is currently in a 60 day due diligence phase, and as a condition of sale, the purchaser will require us to obtain a one year extension to the current by-law, DASZ 41/2013.

We are working closely with the purchaser to provide them with the required documentation during this process so we can complete the land sale and focus on the development of the land. It is our intent, post closing, to continue working with the developer as Prime Consultant and as such, we will be exploring the potential of a 100 unit high rise building design for the site.

We are optimistic this current direction will lead to the eventual development of the land as a high density multi-residential property.

It is our intent to finalize the services agreement and development agreement early in the New Year and we have begun working on the requirements of the servicing agreement currently.

I can be available to provide payment for the extension at your request.
Please let me know if I can provide any further information.

Thank you for your consideration.

Sincerely,

Christopher P. Daly

MAA, SAA, RAIC LEED® AP
Principal Architect, MMP Architects Inc.

Cc: Rob Deighton

Robert Wrublowsky MAA
Christopher P. Daly MAA
www.mmparchitects.com