Agenda – Council – January 25, 2017

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

Item No. 12 Extension of Time – Subdivision of Land at 80 Halparin Drive, 420 and 436 Budd Road and 172 Phil-Chris Way (St. Vital Ward) File DAS 26/2014

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. 6/2016 be extended to January 28, 2018

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 Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 9, 2017, 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 - SUBDIVISION OF LAND AT 80 HALPARIN DRIVE, 420 AND 436 BUDD ROAD AND 172 PHIL-CHRIS WAY FILE NO. DAS 26/2014**

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. 6/2016 be extended to January 28, 2018

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. 6/2016 will be on January 27,2017. The Developer's representative has requested a one year extension of time to 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 January 17, 2018 to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On January 28, 2015, Council adopted Item No. 3 of the report of the Standing Policy Committee on Property and Development dated January 13, 2015 which recommended approval of the subject subdivision under the Winnipeg Zoning By-law 200/2006. See Appendix "A" map attached

Subsequently By-law 6/2016 was done and passed on January 27, 2016.

Section 1 and Section 2 of By-law No. 6/2016 is a follows:

Plan of Subdivision

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

Coming into force

2 Section 1 comes into force when the City of Winnipeg executes the Development Agreement referred to in that section, which execution notwithstanding passage of this By-law shall remain in absolute discretion of City Council.

The Developer and the City of Winnipeg have not executed the Development Agreement and therefore By-law No. 6/2016 has not come into force. In accordance with clause 8 of the report of the standing Policy Committee on Property and Development this application shall be deemed concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this bylaw and the extension is subsequently approved by council. The by-law is set to expire on January 27, 2017.

Written correspondence was received by Aikins, MacAulay & Thorvaldson LLP, Attention: Mr. Dale Melanson, on behalf of the Developer requesting a one year extension to January 27, 2018. See Appendix "B".

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 application is consistent with the objectives of the medium Density Rural Residential Policy Area under the St. Vital Perimeter South Secondary Plan. goals identified in Our Winnipeg and the Complete Communities Direction Strategy and is consistent with the objectives that encourages limited commercial/retail and personal service development in Business Parks. The proposed “MMU” Zoning will accommodate this direction.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	G.V. Jasper P.Eng., Land Development Administrator
Date:	December 30, 2016
File No.	DAS 26/2014

Appendix “A” – DAS 26/2014 – Approved Subdivision and Rezoning Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 27/2014 – Subdivision and Rezoning Map



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

AIKINS
LAW

December 19, 2016

VIA EMAIL

City of Winnipeg
Planning, Property and Development Department
Main Floor - 65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Greg Jasper, P. Eng.
Land and Development Administrator &

Re: DAS26/2014

With respect to the above, and further to our meeting on December 15, 2016 which took place at your offices, we write to formally request an extension of one (1) year for the submission of plans by developers.

Please confirm by reply that the deadline for submission of the developers' plans is extended to January 27, 2018.

We look forward to your earliest possible reply.

Yours truly,

AIKINS, MACAULAY & THORVALDSON LLP

Per:

DALE R. MELANSON

DRM/cm

CC: Charles L. Chappell;
Wayne Dewar; and
Jacqueline Dewar.

AIKINS, MACAULAY & THORVALDSON LLP
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D R Melanson Law Corporation

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