Minute No. 159
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 17, 2017

Item No. 13 Extension of Time – Rezoning – 500 Widlake Street (Transcona Ward) File DAZ 208/2014

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 satisfy the Coming into Force provisions of By-law No. 102/2014 be extended to December 13, 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:

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 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 East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMMITTEE RECOMMENDATION:

On December 20, 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 REZONING ON LAND LOCATED AT 500 WIDLAKE STREET – FILE NO. DAZ 208/2014**

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 satisfy the Coming into Force provisions of By-law No. 102/2014 be extended to December 13, 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. 102/2014 expired initially on September 24, 2015. The Developer was granted an extension of time which is set to expire on December 14, 2016. The Developer's representative has requested a further extension of time to complete the necessary registrations at the Winnipeg Land Titles Office. They advise that they have been engaged in appeals over the project and are now ready to move forward with greater certainty with their engineering and architectural design teams to move the project forward over the winter to meet the conditions needed to finalize requirements under By-law No. 102/2014.

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 13, 2017 to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On May 27, 2014, Council adopted Item No. 8 of the report of the Standing Policy Committee on Property and Development dated May 13, 2014 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. 102/2014 was passed by Council on September 24, 2014. See Appendix "A" map attached.

Section 1 and Section 2 of By-law No. 102/2014 stipulates:

"Zoning

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

2(316) 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 208/2014 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 expires unless that date is extended by resolution of City Council and the caveat is registered before such extended date.

By-law No. 102/2014 has not come into force by the required registrations of the Zoning Agreement DAZ 208/2014 by caveat at the Winnipeg Land Titles Office and the one year time limit expired on September 24, 2015. The Developer and the City of Winnipeg have not executed the Development Agreement for Servicing and Zoning Agreement DAZ 208/2014.

On April 27, 2016 Council concurred with Item No. 5 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated April 12, 2016 recommending that the time limit to provide for enactment of Zoning By-law No. 102/2014 coming into force and effect be extended to December 14, 2016.

The applicant, Mr. John Wintrup, of Richard-Wintrup & Associates, on behalf of the Developer, is requesting a further extension of time in order to complete the necessary registrations, citing that they have been engaged in appeals over the project for many months and are now ready to move forward with greater certainty with their engineering and architectural design teams to move the project forward over the winter in order to meet the conditions needed to finalize requirements under By-law No. 102/2014. 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 would be acceptable and circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

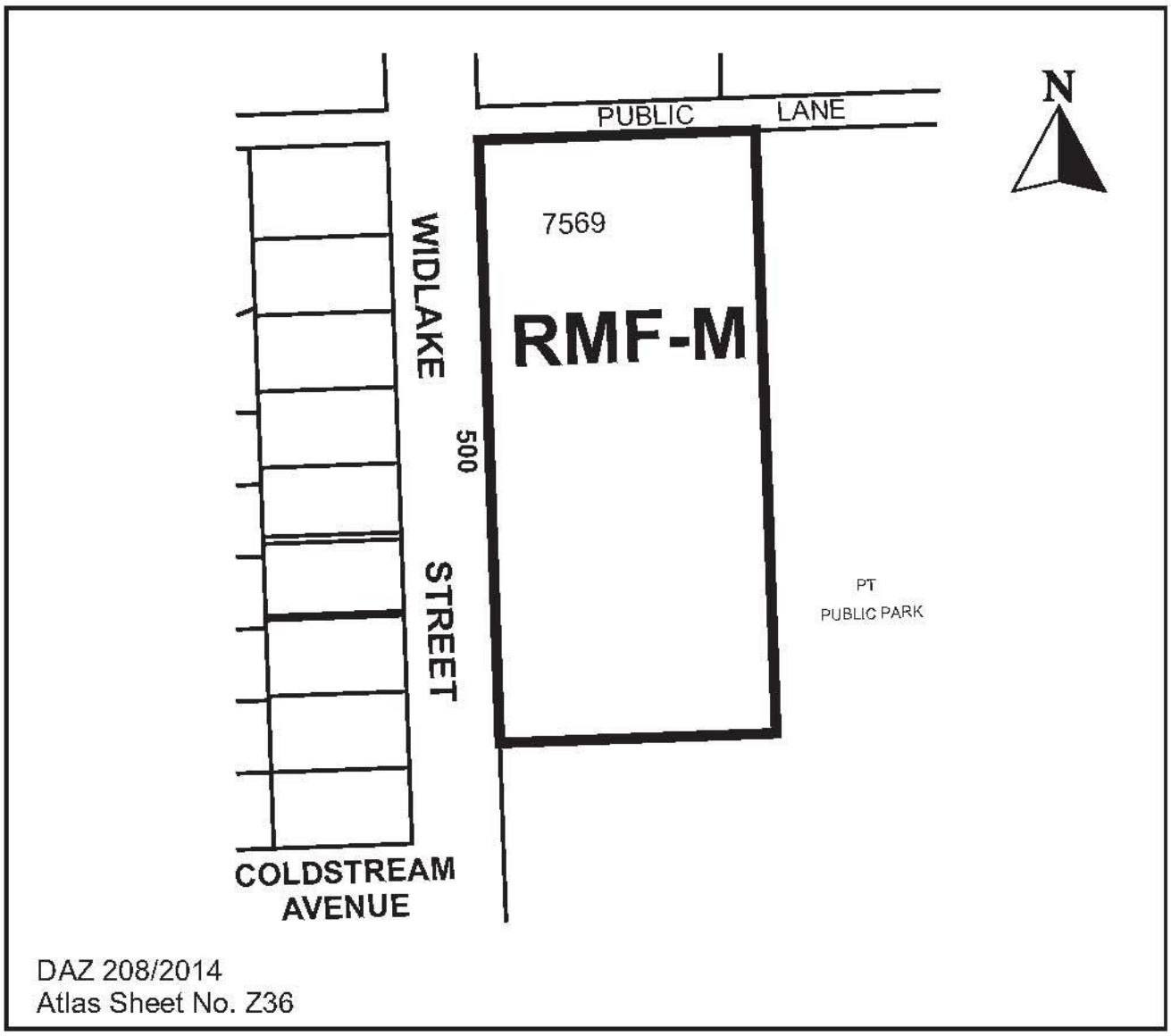
The subject rezoning is consistent with the Recent Communities Strategy to "*accommodate some infill development to increase housing choice, increase options for 'aging in place', and to maximize the use of existing infrastructure*".

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 12, 2016
File No.	DAZ 208/2014

Appendix "A" – DAZ 208/2014 – By-law No. 102/2014 Map
Appendix "B" – Letter Requesting Extension of Time

APPENDIX "A" – DAZ 208/2014 - BY-LAW NO. 102/2014 Map



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

RICHARD WINTRUP & ASSOCIATES

RECEIVED
NOV 25 2016
LAND DEVELOPMENT

November 25, 2016

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

Dear Mr. Greg Jasper:

RE: 500 Widlake ST (DAZ 208/14) – By-law No. 102/2014

On behalf of the landowner, ***Widlake Properties Inc.***, *Richard Wintrup & Associates* is filing a request to extend the time limit for Zoning By-law 102/2014 affecting 500 Widlake.

Zoning By-law 102/2014 under DAZ 208/2014 was passed by Council on September 24, 2014 with a time limit. Council, on April 27, 2016 granted an extension to the time limit until December 14, 2016.

On November 10, 2016, the Appeals Committee dismissed the final appeal launched by opponents of the project, and confirmed File DAV 152440A/2016D.

On November 21, 2016 the East Kildonan-Transcona Community Committee approved the final site and building designs under File PA16-158933.

The not-for-profit, volunteer board members of ***Widlake Properties Inc***. were uncertain about the future of the project due to the possible negative outcomes of the Appeals Committee, and the East Kildonan-Transcona Community Committee, of not allowing the project to proceed. The landowners felt meeting their fiduciary obligations was best served by being prudent, thus discontinuing any further financial expenditures on engineering & architectural drawings until the outstanding development applications were finally dealt with.

Given the required development applications were just approved to provide greater certainty to the project, it is not likely the engineering & design team will be able to complete the Servicing Drawings for the municipal servicing agreement to meet the conditions of finalizing By-law 102/2014 by December 14, 2016.

RICHARD WINTRUP & ASSOCIATES | 204.926.2235 | WWW.RICHARDWINTRUP.CA

We anticipate the design & engineering work to be carried out over this winter to meet the conditions needed to finalize By-law 102/2014, and allow for construction in Spring, 2017.

Please find attached to this letter the required payment for the processing of this request.

Thank you for your attention to this matter and we look forward to your timely response. Feel free to contact me anytime at the number listed below or at ***john@richardwintrup.ca***

Yours truly,



John S. Wintrup, B.A. (Hons), M.Sc. Planning

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