Agenda – Council – March 22, 2017

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 7, 2017

Item No. 4 Extension of Time – Proposed Subdivision and Rezoning on Land Located on South Side of Taylor Avenue between Wilton Street and 1260 Taylor Avenue (River Heights – Fort Garry Ward) File DASZ 4/2013

STANDING COMMITTEE RECOMMENDATION:

On March 15, 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. 52/2014 be extended to April 30, 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 – March 7, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 15, 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 March 7, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee, with the following amendment:

- Delete "March 31, 2017" in recommendation 1 and replace it with "April 30, 2017".

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

COMMUNITY COMMITTEE RECOMMENDATION:

On February 14, 2017, 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 ON SOUTH SIDE OF TAYLOR AVENUE BETWEEN WILTON STREET AND 1260 TAYLOR AVENUE – FILE NO. DASZ 4/2013**

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
M. Pittet	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provision of By-law No. 52/2014 has expired. The Developer has requested an extension of time to finalize the land titles registration of the plan of subdivision and related agreements and easements as required.

The Winnipeg Public Service has no objection to this request.

RECOMMENDATIONS

1. That the time limit to satisfy the Coming into Force provisions of By-Law No. 52/2014 be extended to March 31, 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.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the Developer will be allowed a time extension to March 31, 2017 to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On May 29, 2013, Council adopted Item No. 3 of the report of the Standing Policy Committee on Property and Development dated May 7, 2013 which recommended approval of the subject rezoning to a “C3” Commercial Corridor District under the Winnipeg Zoning By-law 200/2006. The rezoning By-law No. 52/2014 was passed by Council on April 30, 2014. See Appendix "A" attached.

Section 4 of rezoning By-law No. 52/2014 stipulates:

“Coming into force

4(1) Section 1 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office.

(2) Sections 2 and 3 come into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 4/2013 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 expires unless that date is extended by resolution of City Council and the plan of subdivision and caveat are registered before such extended date.”

The Developer and the City of Winnipeg have executed the Servicing Agreement and the necessary Zoning Agreement, however, By-law No. 52/2014 has not come into force by the required registrations of the Plan of Subdivision (Deposit No. 409/2014) and Zoning Agreement DASZ 4/2013 by caveat at the Winnipeg Land Titles Office and the one year time limit expired on April 30, 2015.

On March 25, 2015 Council approved Expropriation By-law No. 33/2015 to acquire land for the purpose of constructing the Southwest Rapid Transit Bus Corridor which acquisitions will affect part of the DASZ 4/2013 land as generally shown dashed on Appendix “B” attached.

On January 27, 2016, Council approved an extension of time request to extend the Coming into Force provisions of By-Law No. 52/2014. This extension was granted to September 30, 2016. A second extension of time request was approved by Council on November 14, 2016, to extend the Coming into Force provisions of By-Law No. 52/2014, to December 31, 2016.

On December 23, 2016, the Developer, 3346234 Manitoba Limited, Attn: Mr. Justin Zarnowski, 200-1355 Taylor Avenue, Winnipeg, Manitoba, R3M 3Y9, requested a third extension of time, in order to complete the necessary registrations, citing also that subdivision plan amendments and securing consents from interest holders are necessary to address contemplated expropriations for the BRT (Bus Rapid Transit).

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 subdivision and rezoning under application DASZ 4/2013 has been supported by the Winnipeg Public Service which identifies that the proposed subdivision and rezoning is consistent with the Taylor Area Redevelopment Master Plan and Major Redevelopment Site policies in Complete Communities and Our Winnipeg.

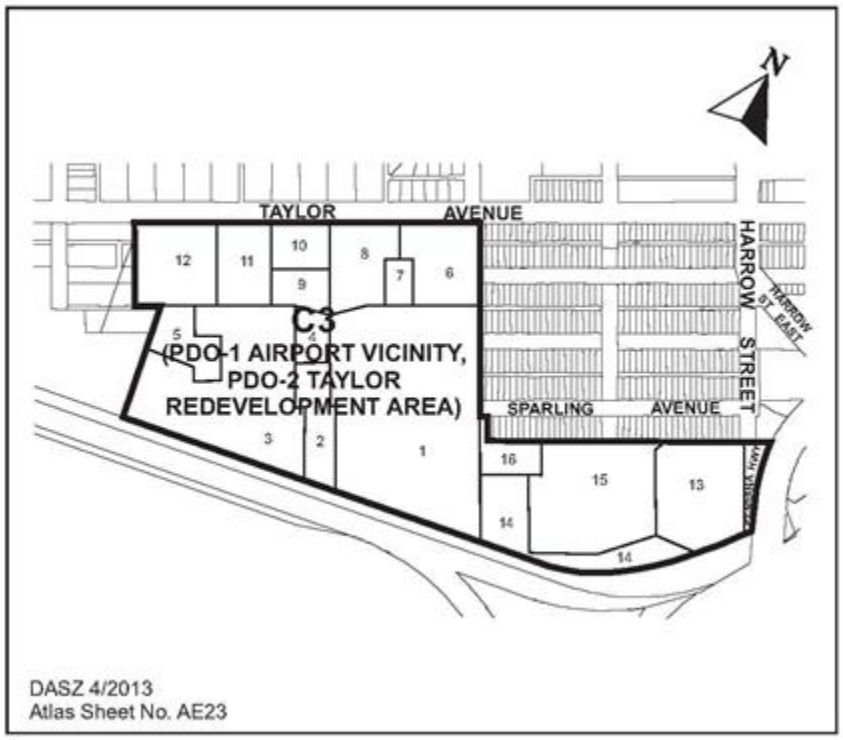
SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Systems
Prepared by: M. Hammerberg, Development Applications Coordinator
Date: February 6, 2017
File No: DASZ 4/2013

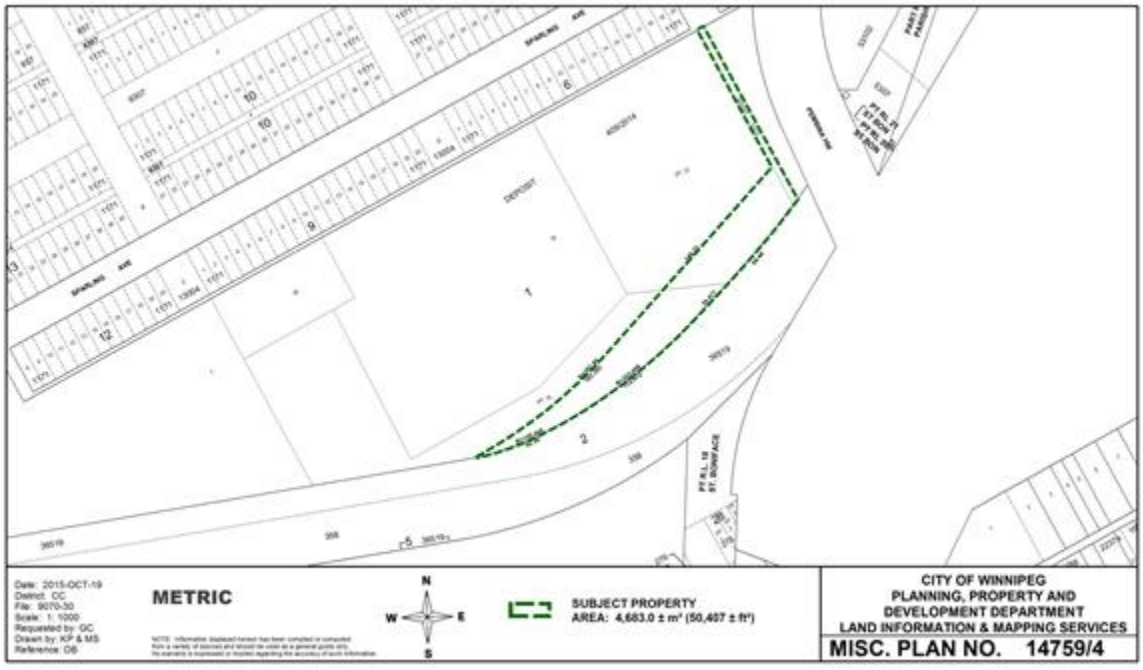
Attachments: Appendix “A” – DASZ 4/2013 – By-law No. 52/2014 Map
Appendix “B” – Land Expropriation within DASZ 4/2013
Appendix “C” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 4/2013 – BY-LAW NO. 52/2014 MAP



APPENDIX "B" – LAND EXPROPRIATION WITHIN DASZ 4/2013



APPENDIX "C" – LETTER REQUESTING EXTENSION OF TIME

Shindico
Succeeding By Helping Others Succeed

December 23, 2016

RECEIVED

DEC 2 8 2016

LAND DEVELOPMENT

VIA COURIER

City of Winnipeg
Land Development Branch
Main Floor – 65 Garry Street
Winnipeg - MANITOBA - R3C 4K4

Attention: Kim Raban

DASZ 4/2013

We require time to finalize the registration of the above subdivision, in compliance with the conditions imposed upon us at the Winnipeg Land Titles Office. We are requesting a further three (3) month extension to March 31, 2017 during which time we are confident registration will be completed. Enclosed is a cheque for $719 plus GST.

Thank you.

Yours truly,

SHINDICO REALTY INC.

Justin G. Zarnowski
Legal Affairs Manager

200 – 1355 Taylor Avenue, Winnipeg, MB Canada R3M 3Y9 • Tel: (204) 474-2000 • Fax: (204) 284-7115 • www.shindico.com