Minute No. 34
Report - Standing Policy Committee on Property and Development - October 28, 2003

Item No. 2 **Extension of Time - Subdivision and Rezoning - 3584, 3586 and 3590 Portage Avenue**
File DASZ 10/99

COUNCIL DECISION:

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

1. That the time limit to provide for the enactment of the subdivision and rezoning by-law, under File DASZ 10/99, be extended to October 22, 2005.

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 - October 28, 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 November 19, 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 October 28, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 9, 2003, the Assiniboia 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 3584, 3586 and 3590 Portage Avenue – DASZ 10/99

FOR SUBMISSION TO THE CHAIRPERSON AND MEMBERS OF THE
ASSINIBOIA COMMUNITY COMMITTEE

E. Axelrod
Subdivision Officer

August 6, 2003

RE: EXTENSION OF TIME – Proposed subdivision and rezoning on land located at 3584, 3586 and 3590 Portage Avenue – DASZ 10/99

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 10/99 be extended to October 22, 2005.

REASON:

Council approval is required for all extension of time applications.

HISTORY:

On September 22, 1999 Council adopted Clause 6 of the report of the Standing Policy Committee on Property and Development dated September 2, 1999 which clause recommended approval of the subject rezoning to an "RM-3" MULTIPLE-FAMILY DISTRICT as shown on the attached Schedule "A" to allow for the construction of a multiple-family development and to amend the existing Zoning Agreement to permit parking within 200 feet of the south limit of Portage Avenue.

Recommendation VI contained in 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 September 22, 2001.

DISCUSSION:

The applicant, Home Enhancement Solutions Inc., Attention: Mr. Jack Goods, 189 Hendon Avenue, Winnipeg, Manitoba, R3R 2C1 is requesting a two-year extension of time in order to complete the necessary subdivision and rezoning requirements. The applicants have recently purchased the subject land from the previous owners who were unable to market the land and make their project viable. The new owners are now anxious to proceed expeditiously with the subject rezoning and subdivision application. The Administration has reviewed 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 Department to accept applications for the extensions 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 6, 2003
File: DASZ 10/99

c.c. Councillor P. De Smedt
Mr. J. Goods, 189 Hendon Avenue, Winnipeg, Manitoba, R3R 2C1

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Schedule "A" to Report dated August 6, 2003
for File No. DASZ 10/99

By-Law No. _____

File No. DASZ 10/99

Atlas Sheet No. AB12 ASSINIBOIA

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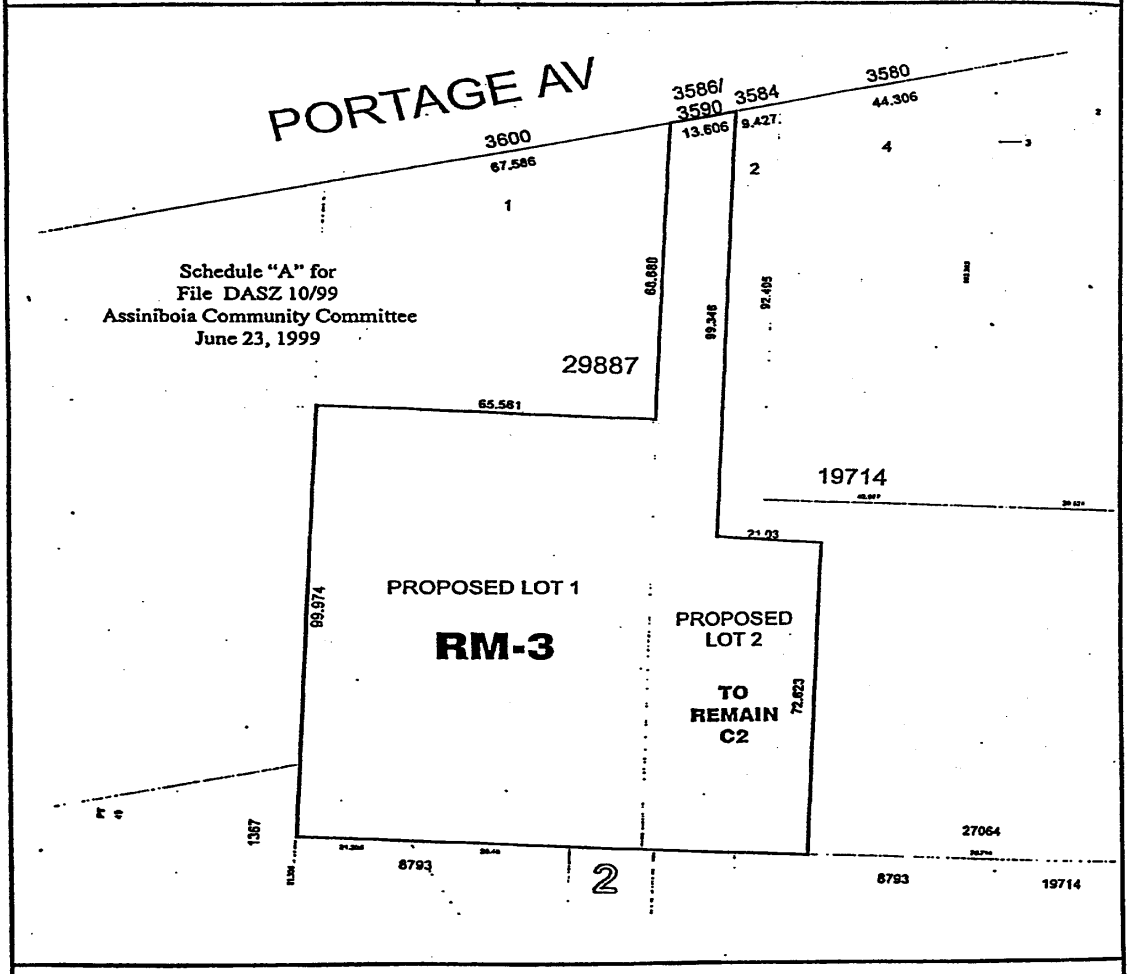
Explanation

A proposal to subdivide the land shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land at 3586/3590 Portage Avenue from an "R1-5.5" SINGLE-FAMILY DISTRICT and a "C4" COMMERCIAL DISTRICT to an "RM-3" MULTIPLE-FAMILY DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____