Minute No. 324
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 11, 2017

Item No. 7 **Extension of Time – Proposed Rezoning on Land Located at the Southwest Corner of Dalhousie Drive and Allegheny Drive (South Winnipeg - St. Norbert Ward) File DAZ 210/2013**

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. 61/2014 be extended to December 14, 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 – April 11, 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 April 19, 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 April 11, 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 April 3, 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 – PROPOSED REZONING ON LAND LOCATED AT THE SOUTHWEST CORNER OF DALHOUSIE DRIVE AND ALLEGHENY DRIVE – FILE NO. DAZ 210/2013**

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

EXECUTIVE SUMMARY

The time limit for the Coming into Force provision of By-law No. 61/2014 for the rezoning of lands under DAZ 210/2013 expired on December 14, 2016. The Developer was not able to satisfy all the conditions prior to expiry and has requested a second extension of time to complete the necessary registrations at the Winnipeg Land Titles Office.

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. 61/2014 be extended to December 14, 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 December 14, 2017 to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On July 17, 2013, Council adopted Item No. 17 of the report of the Standing Policy Committee on Property and Development dated July 2, 2013 which recommended approval of the subject rezoning to a "RMF-L" Residential Multi-Family (Large) District under the Winnipeg Zoning By-law 200/2006. The rezoning By-law No. 61/2014 was passed by Council on May 27, 2014. See Appendix "A" map attached.

Section 1 and Section 2 of By-law No. 61/2014 stipulates:

"Zoning

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

2(300) Notwithstanding anything elsewhere contained in this By-law or shown on the Zoning Maps, the land designated on the plan below as "RMF-L" is hereby zoned as an "RMF-L" Residential Multi-Family (Large) 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 210/2013 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. 61/2014 has not come into force by the required registration of the Zoning Agreement caveat at the Winnipeg Land Titles Office; however, the Developer and the City have executed the Development Agreement for Servicing. The one year time limit expired on May 27, 2015.

On April 27, 2016 Council concurred with Item No. 12 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 enactment of Zoning By-law No. 61/2014 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 second extension of time in order to complete the necessary registrations at the Winnipeg Land Titles Office. 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

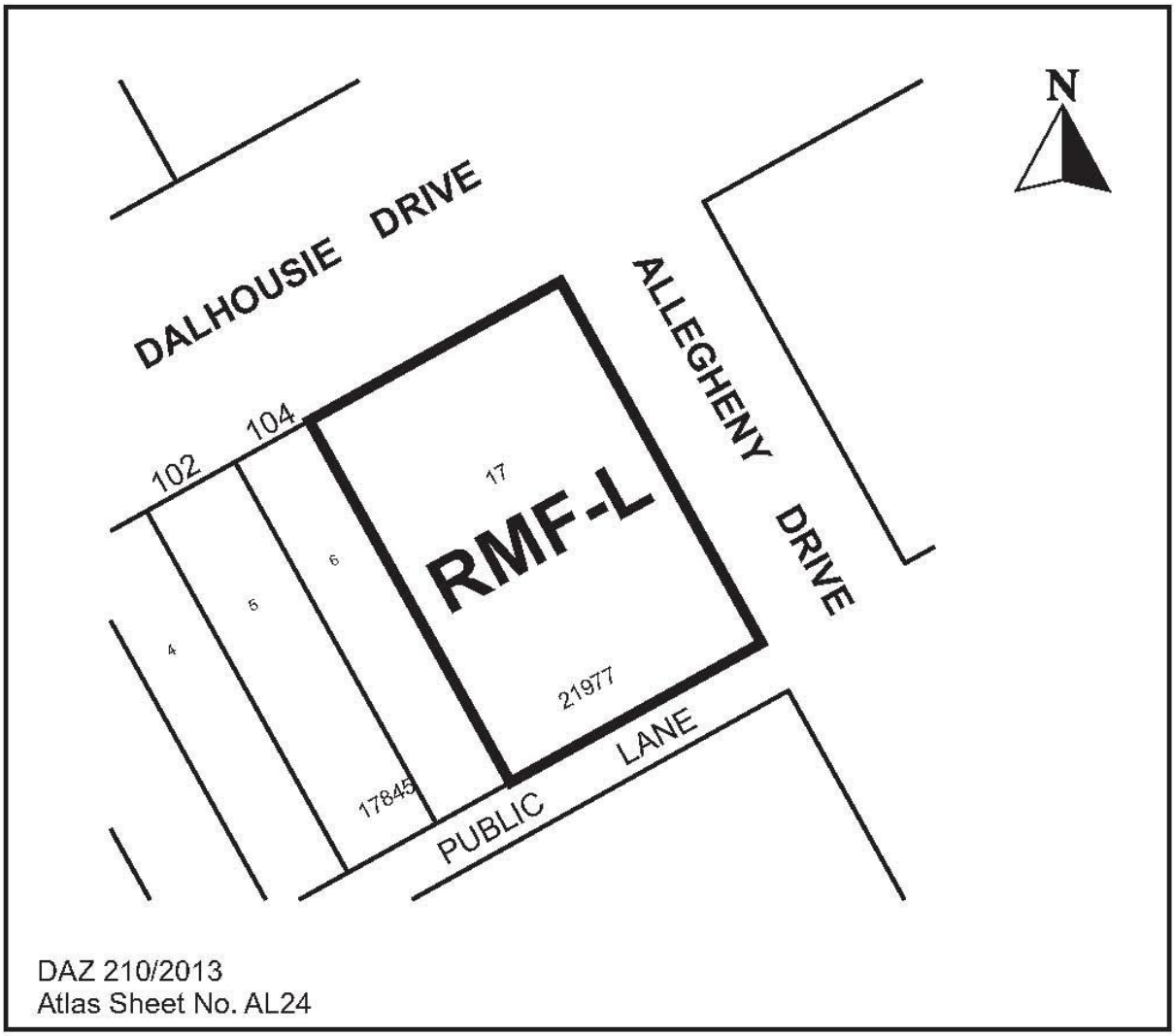
The subject rezoning is consistent with the Recent Communities Strategy to *"support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form".*

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Systems
Prepared by: R.R. Deighton, P.Eng., Land Development Coordinator
Date: March 23, 2017
File No: DAZ 210/2013

Attachments:
Appendix "A" – DAZ 210/2013 – By-law No. 61/2014 Map
Appendix "B" – Letter Requesting Extension of Time

APPENDIX "A" – DAZ 210/2013 - BY-LAW NO. 61/2014 Map



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

RICHARD WINTRUP & ASSOCIATES

March 6, 2017

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: DAZ 210/13 – By-law No.61 /2014 Dalhousie Drive & Allegheny DR

On behalf of the Developer, *Richard Wintrup & Associates* is filing a request to extend the time limit for By-law 61/2014 affecting the Southwest Corner of Dalhousie Drive and Allegheny Drive.

Council on April 27, 2016 granted an extension to By-law 61/2014 to satisfy the Coming into Force provisions until December 14, 2016. The time limit for the Coming into Force provision of By-law No. 61/2014 had first expired on May 27, 2015. In 2016, we requested the first extension of time on behalf of the developer to allow completion of building designs and related financing.

We have been advised this second extension is needed by the Developer to complete the necessary registrations on the land title of the various agreements at the Winnipeg Land Titles Office. Our client will make 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

RW | **Richard Wintrup** & Associates ltd.

P: 204.594.1485 | **F: 204.809.4677**