Minute No. 82
Report - Standing Policy Committee on Property and Development - December 2, 2003

Item No. 6 **Extension of Time - Subdivision and Rezoning - south side of Grandmont Boulevard, west of Pembina Highway File DASZ 11/97**

COUNCIL DECISION:

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

1. That the time to provide for the enactment of the necessary subdivision and rezoning by-law under File DASZ 11/97 be extended to June 30, 2005.

2. That the Proper Officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

Report - Standing Policy Committee on Property and Development - December 2, 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 December 10, 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 December 2, 2003, the Standing Policy Committee on Property and 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 November 4, 2003, the Riel Community Committee concurred in the administrative recommendation, as amended, namely:

- Delete the words “December 17” and replace with the words “June 30”,

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: EXTENSION OF TIME - Proposed subdivision and rezoning of land located on the south side of Grandmont Boulevard, west of Pembina Highway - File No. DASZ 11/97

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

Original Signed by E. Axelrod
E. Axelrod
Subdivision Officer

October 17, 2003

RE: EXTENSION OF TIME - Proposed subdivision and rezoning of land located on the south side of Grandmont Boulevard, west of Pembina Highway - File No. DASZ 11/97

RECOMMENDATION:

That your Community Committee recommend to the Standing Policy on Property and Development that it recommend to Council that the time limit to provide for the enactment of the necessary subdivision and rezoning By-law under File No. DASZ 11/97 be extended to December 17, 2005.

REASON:

Council approval is required for all extension of time applications.

HISTORY:

On September 25, 1997 Council adopted Clause 5 of the report of the Committee on Planning and Community Services dated September 2, 1997 which clause recommended approval of the subject subdivision and rezoning to "RM-5" MULTIPLE-FAMILY DISTRICT, as shown on Schedule "A" attached hereto and dated September 24, 1999 to allow for the construction of a multiple-family development, subject to the execution of a Servicing Agreement and a Zoning Agreement.

Recommendation IX 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 a previous extension of time granted to September 25, 2003 has expired.

DISCUSSION:

The applicant 2468027 Manitoba Ltd., Attention: Mr. Gary Hobman, 240 River Avenue, Winnipeg, Manitoba, R3L 0B4 has advised the Planning, Property and Development Department that they have been unable to complete the subject application due to a corporate backlog of

projects and internal restructuring. The subject application is now being actively dealt with and the applicants are requesting an extension of time to complete this application.

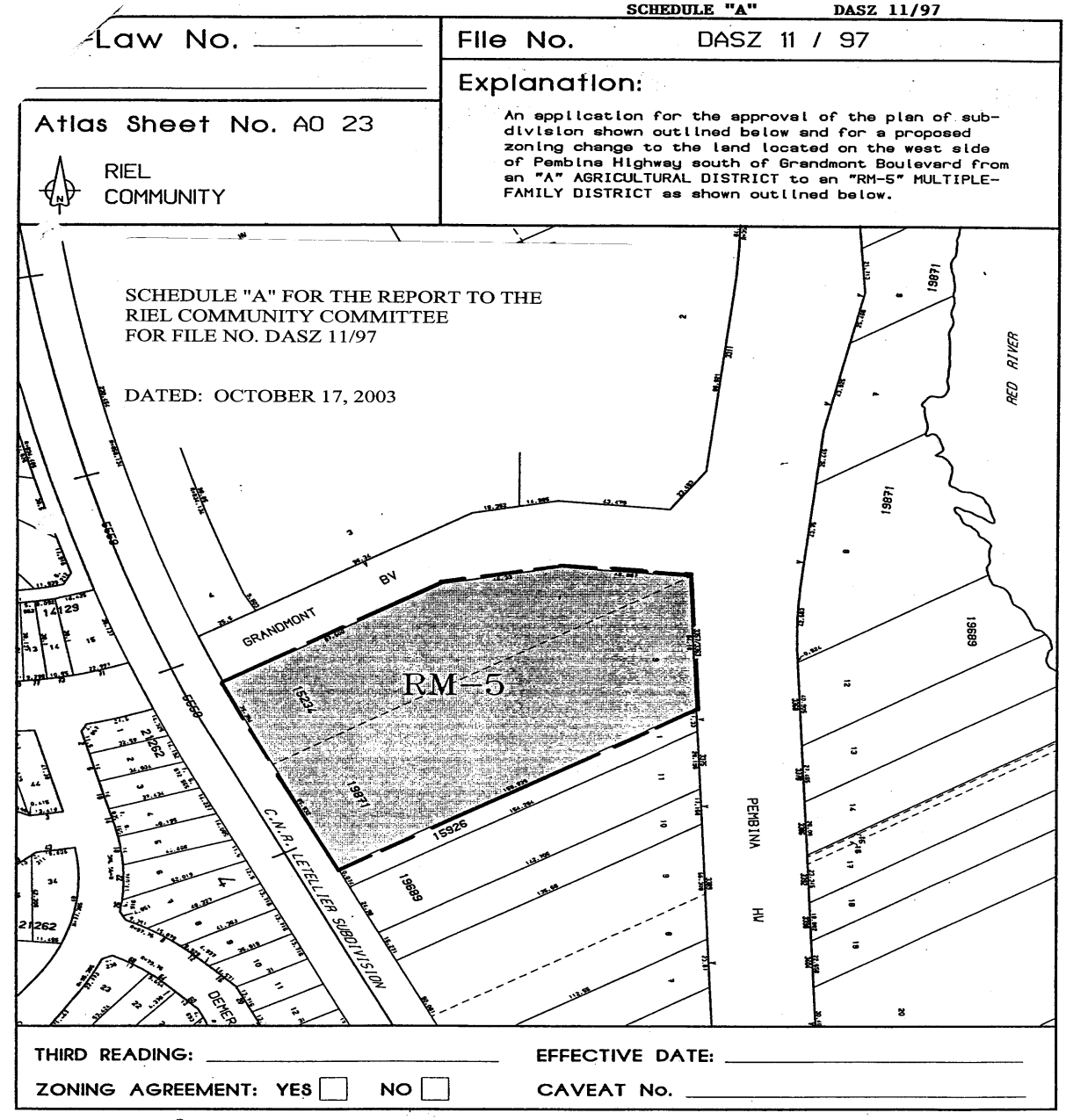
The Administration has reviewed the applicant's request and is of the opinion that approval for an extension of time would be acceptable in view of the fact that the City's interest remain secured and circumstances leading to the original approval are unchanged.

Past practice has been for the Planning, Property and Development to accept applications for the extension 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
October 17, 2003
File: DASZ 11/97

c.c. GreenTree Homes, Attn: Ken Leschuk, 240 River Avenue, Winnipeg, Manitoba, R3L 0B4
Councillor John Angus


SCHEDULE "A" DASZ 11/97
Law No.
File No. DASZ 11 / 97
Explanation:
An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to the land located on the west side of Pembina Highway south of Grandmont Boulevard from an "A" AGRICULTURAL DISTRICT to an "RM-5" MULTIPLE-FAMILY DISTRICT as shown outlined below.
Atlas Sheet No. A0 23
RIEL COMMUNITY
SCHEDULE "A" FOR THE REPORT TO THE RIEL COMMUNITY COMMITTEE FOR FILE NO. DASZ 11/97
DATED: OCTOBER 17, 2003
RM-5
GRANDMONT BV
C.N.R. LETELLIER SUBDIVISION
PEMBINA HW
RED RIVER
THIRD READING:
EFFECTIVE DATE:
ZONING AGREEMENT: YES NO
CAVEAT No.