Agenda – Council – November 15, 2017

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

Item No. 4 Extension of Time – Proposed Subdivision and Rezoning – 472/474 Henderson Highway
(North Kildonan Ward)
File DASZ 1/2015

STANDING COMMITTEE RECOMMENDATION:

On November 8, 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. 124/2016 be extended to October 29, 2018.

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 – November 7, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 8, 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 November 7, 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 COMMITTEE RECOMMENDATION:

On October 17, 2017, 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 Subdivision and Rezoning – 472/474 Henderson Highway – File No. DASZ 1/2015**

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

EXECUTIVE SUMMARY

The time limit for the Coming into Force provision of By-law No. 124/2016 expires on October 26, 2017. The Developer was not able to satisfy all the conditions prior to expiry and a request has been made for an 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. 124/2016 be extended to October 29, 2018.

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 October 29, 2018 to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On June 17, 2015, Council adopted Item No. 2 of the Report of the Standing Policy Committee on Property and Development dated June 2, 2015 which recommended approval of the subject subdivision and rezoning to a “RMF-M” Residential District under the Winnipeg Zoning By-law 200/2006. The rezoning By-law No. 124/2016 was passed by Council on October 26, 2016. See Appendix "A" map attached.

Section 1 of By-law No. 124/2016 stipulates:

Plan of Subdivision

1 The plan of subdivision shown below is approved, subject to a Development Agreement for Servicing being entered into between the City of Winnipeg and the registered owner or persons entitled to be registered owner of the subject land.

Section 3 of By-law No. 124/2016 stipulates:

Coming into force

3 (1) Section 1 comes into force when The City of Winnipeg executes the Development Agreement for Servicing referred to in that section, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council.

(2) Section 2 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 1/2015 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 will expire unless an extension of time is applied for prior to expiry, Council approves the extension, and the plan of subdivision and caveat are registered before the extended date.

By-law No. 124/2016 has not come into force by the required registration of the Plan of Subdivision and the required Zoning Agreement in the Winnipeg Land Titles Office. The By-law’s current time limit will expired on October 26, 2017.

On September 20, 2017, an extension of time request was received by the applicant, Karl Devlin representing Exquisite Homes, in order to finalize the necessary Development Agreement for Servicing and 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 property is located on the Henderson Highway Regional Mixed Use Corridor under the Complete Communities Direction Strategy. Based upon the policies of Complete Communities Direction Strategy and the Henderson Highway Corridor Secondary Plan the subject development comprised of small scale multi-family usage was supported by the Winnipeg Public Service.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: R. Deighton, P.Eng., Land Development Coordinator
Date: October 4, 2017
File No: DASZ 1/2015
Attachments:
Appendix "A" – DASZ 1/2015, By-law No. 124/2016 Map
Appendix "B" – Letter Requesting Extension of Time

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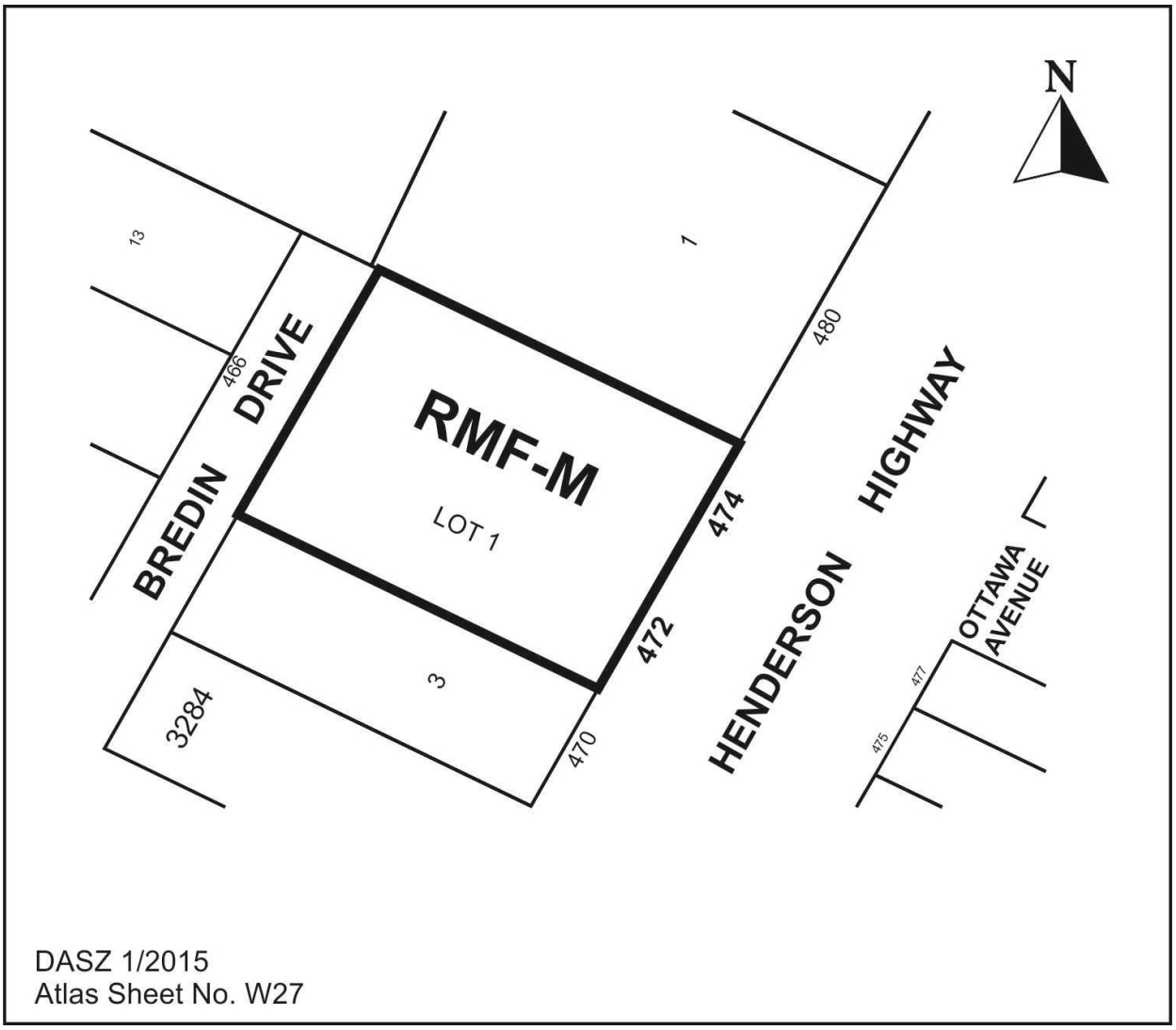
APPENDIX "A" – DASZ 1/2015, BY-LAW NO. 124/2016 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

RECEIVED
SEP 20 2017
LAND DEVELOPMENT

September 1, 2017

City of Winnipeg
Land Development Branch
Main Floor, 65 Garry Street
Winnipeg, Manitoba R3C 4K4

Dear Mr. Greg Jasper, Land Development Administrator

RE: DASZ 1/2015 – EXTENSION OF TIME

Exquisite Homes (Karl Devlin), respectfully requests an extension of time relating to By-law 124/2016 to allow for registration of documents at Land Titles for File DASZ 1/2015. Extra time will be required to process the file in order to complete the required Servicing Agreement and registrations which are ongoing at this time.

Please call should you have any questions or require additional information.

Thank you

EXQUISITE HOMES

Karl Devlin
President