Agenda – Council – April 26, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 9, 2018

Item No. 5 **Extension of Time – North and East of Edward Turner / East of Hydro Lines / North of Dragonfly / South of future Bishop Grandin to the East City Limit**
(St. Boniface Ward)
File DASZ 30/2012

STANDING COMMITTEE RECOMMENDATION:

On April 17, 2018, 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. 40/2013 be extended to February 27, 2019.

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 9, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 17, 2018, 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 9, 2018, 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 March 5, 2018, 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 Subdivision and Rezoning – North and East of Edward Turner / East of Hydro Lines / North of Dragonfly / South of future Bishop Grandin to the East City Limit – File No. DASZ 30/2012

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 provisions of By-law No. 40/2013 under File No. DASZ 30/2012 expire on February 27, 2018. The developer has not been able to satisfy all of 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. 40/2013 be extended to February 27, 2019.

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 February 27, 2019, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On January 30, 2013, Council adopted Item No. 9 of the Report of the Standing Policy Committee on Property and Development dated January 15, 2013 which recommended approval of a subdivision and rezoning to an “R1-M” Residential Single-Family (Medium) District and a “PR1” Parks and Recreation (Neighbourhood) District under Winnipeg Zoning By-Law 200/2006. See Appendix “A” map attached.

On February 27, 2013, By-law No. 40/2013 was enacted by Council. Subsequently, on April 24, 2013, Council adopted Item. No. 5 of the Report of the Standing Policy Committee on Property and Development dated April 9, 2013 which recommended an extension of time to February 27, 2018 for the coming into force of rezoning By-law No. 40/2013 and contained the following provision:

Coming into force

3 (1) Section 1 comes into force when The City of Winnipeg executes the Development Agreement 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 for each phase of development when:

(a) a plan of subdivision which defines blocks for that phase is registered in the Winnipeg Land Titles Office;

(b) a plan of subdivision which defines lots for that phase is registered in the Winnipeg Land Titles Office; and

(c) a Zoning Agreement for that phase is registered in the Winnipeg land Titles Office by caveat against the subject land,

no later than February 27, 2018. On that date this By-law will expire for any phase of development with respect to which the above have not all been registered, unless that date is extended by resolution of City Council and the plans of subdivision and caveat(s) are registered before such extended date. *(amended 51/2013)*

By-law No. 40/2013 has not come into force by the required registration of the Plan of Subdivision which defines lots within the final phase of this development along with the corresponding Zoning Agreement in the Winnipeg Land Titles Office. The By-laws current time limit expired on February 27, 2018.

An extension of time request has been made by Mr. Jordan Sodomsky, Land Development Officer of Sage Creek Development Corporation, 1 Dr. David Friesen Drive, Winnipeg, Manitoba, R3X 0G8 dated February 20, 2018. This extension is required 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 is acceptable as circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG POLICY ALIGNMENT

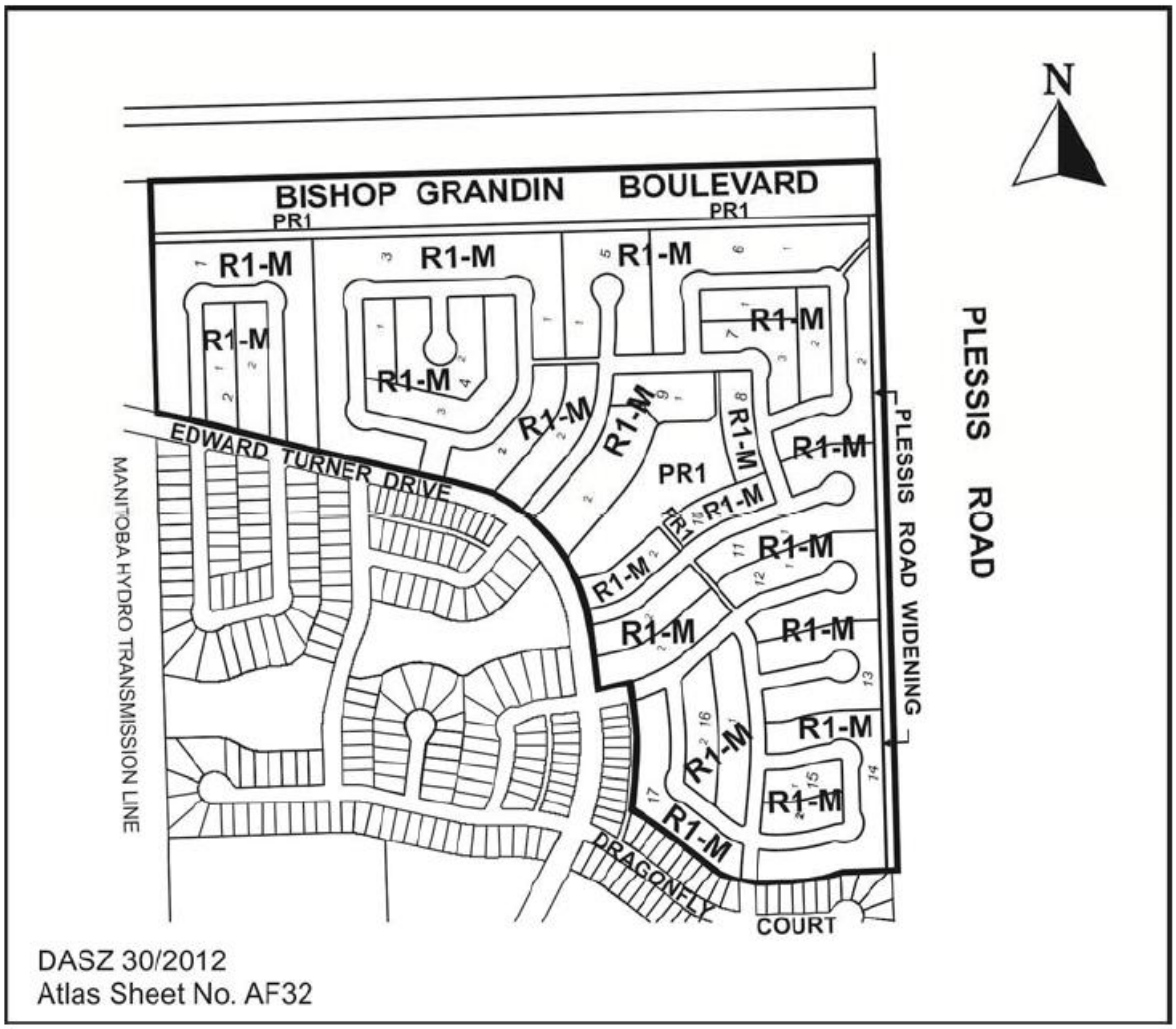
The proposed development is within the Areas of Stability – Recent Communities policy area under the *Complete Communities Direction Strategy* and complies with the South St. Boniface Area Structure Plan (Secondary Plan).

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: February 21, 2018
File No: DASZ 30/2012
Attachments: Appendix “A” – DASZ 30/2012, By-law No. 40/2013 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 30/2012, BY-LAW NO. 40/2013 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

SAGE CREEK DEVELOPMENT CORPORATION

One Dr. David Friesen Drive
Winnipeg, Manitoba R3X 0G8
Tel: 204.233.2451
Fax: 204.233.2965

February 20th, 2018

Greg Jasper
The City of Winnipeg
Planning, Property and Development
Main Floor – 65 Garry Street
Winnipeg, Manitoba R3C 4K4

Sage Creek Phase 7
Extension of Time for Coming Into Force section of By-law 51/2013

Dear Greg,

At its meeting held on February 27th, 2013, City of Winnipeg Council passed By-law 40/2013 to approve the plan of subdivision applied for under application DASZ 30/2012. The By-law was later amended by By-Law 51/2013 as approved by Council on April 24th, 2013

Clause 3(2) of Council's amended approval of this plan of subdivision outlines the requirement that the plan of subdivision for both the blocks and lots, along with the Zoning Agreement, all be registered at the Winnipeg Land Titles Office no later than February 27th, 2018.

At this time the Sage Creek Development Corporation will be unable to meet the deadline for registration of the final lotting plan contained within the application area at WLTO, and would like to request a one (1) year extension for the coming into force section of By-law 51/2013. Application for the lots within this phase was originally made in March of 2016 under DASSF 529/2016. However, slower absorption in the two prior phases has led us into market conditions requiring smaller lots than within the original application. Consequently, a new application reflecting an amended plan of subdivision will need to be filed subsequent to any grant of extension.

In order to process this application, please take payment in the amount of $593.25 from Qualico trust account 12-04-116919TR.

I trust this letter will meet your requirements for requesting the one (1) year extension for By-law 51/2013. Should you require more information please let me know.

Yours truly,

SAGE CREEK DEVELOPMENT CORPORATION

Jordan S. Sodomsky
Land Development Officer

Enclosure(s): As Noted