Minute No. 123
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 12, 2016

Item No. 7 **Extension of Time – Subdivision and Rezoning on Land Located on South Side of Taylor Avenue between Wilton Street and 1260 Taylor Avenue**
(River Heights-Fort Garry Ward)
File DASZ 4/2013

COUNCIL DECISION:

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

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 52/2014 be extended to September 30, 2016.

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 – January 12, 2016

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.

Carried

Councillors Eadie and Wyatt asked to be recorded as having voted in opposition to the item in accordance with Rule No 47(7) of the Procedure By-law.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 20, 2016, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

The Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 15, 2015, the City Centre 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 ON LAND LOCATED ON SOUTH SIDE OF TAYLOR AVENUE BETWEEN WILTON STREET AND 1260 TAYLOR AVENUE – FILE NO. DASZ 4/2013**

Critical Path: **City Centre Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee - Council**

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
M. Pittet	J. Kiernan	N/A	N/A

RECOMMENDATIONS

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 52/2014 be extended to September 30, 2016.

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.

EXECUTIVE SUMMARY

The time limit for the Coming into Force provision of By-law No. 52/2014 has expired. The Developer has requested an extension of time to allow for the necessary registrations citing also that subdivision plan amendments and securing consents from interest holders are necessary to address proposed City of Winnipeg land expropriations that have been recently imposed on the land.

The Winnipeg Public Service has no objection to this request.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the Developer will be allowed a time extension to September 30, 2016 to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY

On May 29, 2013, Council adopted Item No. 3 of the report of the Standing Policy Committee on Property and Development dated May 7, 2013 which recommended approval of the subject rezoning to a “C3” Commercial Corridor District under the Winnipeg Zoning By-law 200/2006. The rezoning By-law No. 52/2014 was passed by Council on April 30, 2014. See Appendix "A" attached.

Section 4 of rezoning By-law No. 52/2014 stipulates:

“Coming into force

4(1) Section 1 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office.

(2) Sections 2 and 3 come into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 4/2013 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 expires unless that date is extended by resolution of City Council and the plan of subdivision and caveat are registered before such extended date.”

The Developer and the City of Winnipeg have executed the Servicing Agreement and the necessary Zoning Agreement, however, By-law No. 52/2014 has not come into force by the required registrations of the Plan of Subdivision (Deposit No. 409/2014) and Zoning Agreement DASZ 4/2013 by caveat at the Winnipeg Land Titles Office and the one year time limit expired on April 30, 2015.

On March 25, 2015 Council approved Expropriation By-law No. 33/2015 to acquire land for the purpose of constructing the Southwest Rapid Transit Bus Corridor which acquisitions will affect part of the DASZ 4/2013 land as generally shown dashed on Appendix “B” attached.

The Developer, 3346234 Manitoba Limited, Attn: Mr. Justin Zarnowski, 200-1355 Taylor Avenue, Winnipeg, Manitoba is requesting a one (1) year extension of time in order to complete the necessary registrations, citing also that subdivision plan amendments and securing consents from interest holders are necessary to address contemplated expropriations for the BRT (Bus Rapid Transit). See Appendix “C” 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 subdivision and rezoning under application DASZ 4/2013 has been supported by the Winnipeg Public Service which identifies that the proposed subdivision and rezoning is consistent with the Taylor Area Redevelopment Master Plan and Major Redevelopment Site policies in Complete Communities and Our Winnipeg.

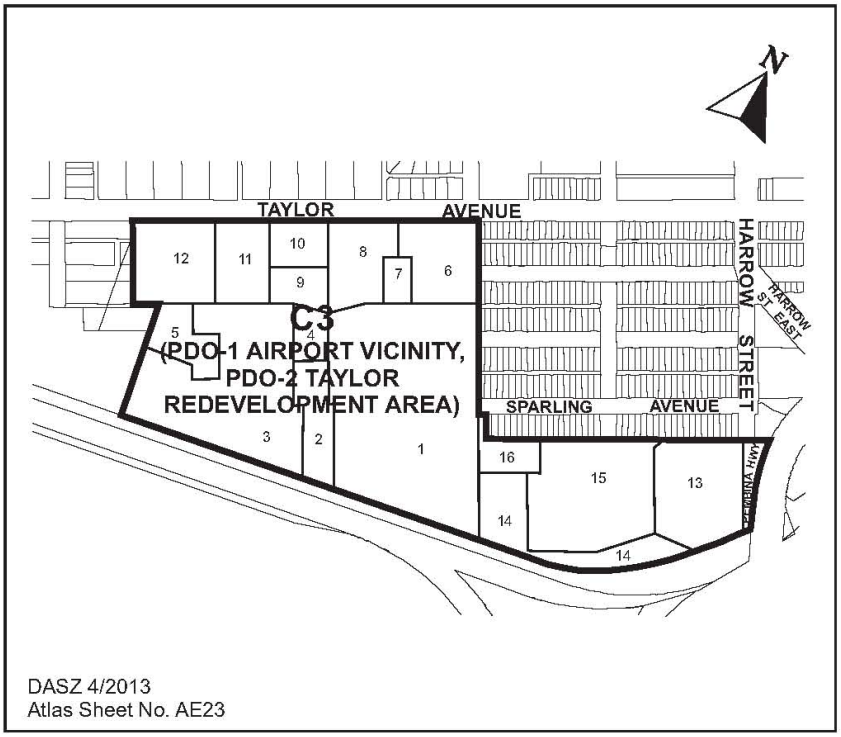
SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	R. Deighton, P.Eng., Land Development Coordinator
Date:	November 27, 2015
File No.	DASZ 4/2013

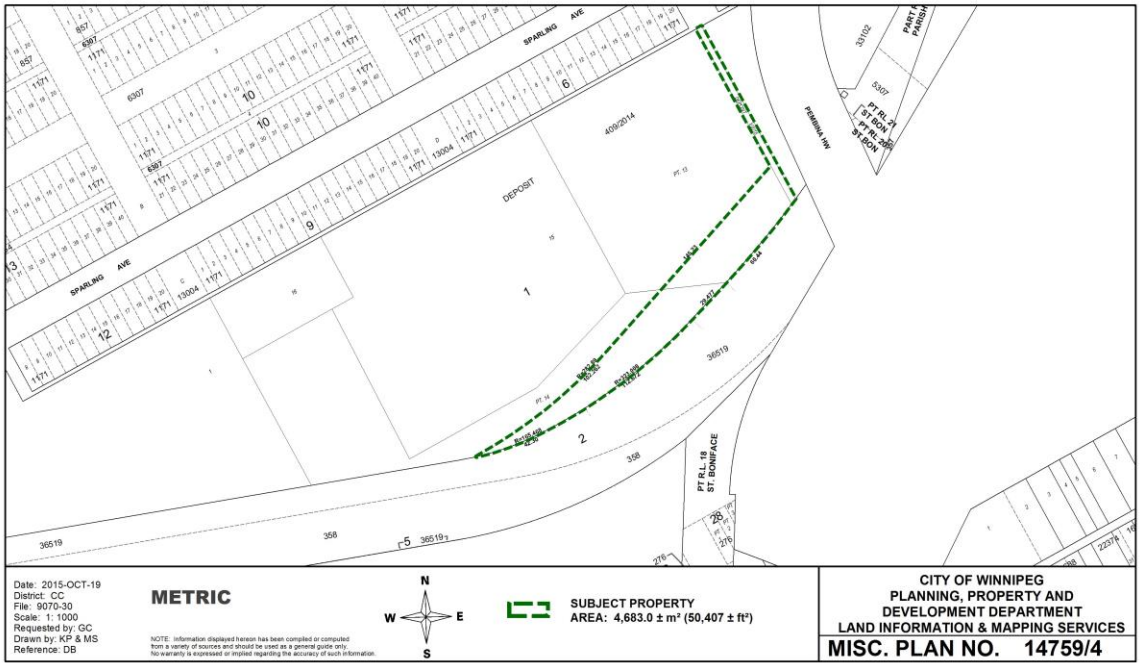
Appendix “A” – DASZ 4/2013 – By-law No. 52/2014 Map
Appendix “B” – Potential Land Expropriation within DASZ 4/2013
Appendix “C” – Letter Requesting Extension of time

V:\3-Angie-SAVE\111-2015 - REPORTS\Extension of Time Request DASZ 4-2013 - rev2 - final.doc

APPENDIX "A" – DASZ 4/2013 - BY-LAW NO. 52/2014 Map



APPENDIX "B" – POTENTIAL LAND EXPROPRIATION WITHIN DASZ 4/2013



APPENDIX "C" – LETTER REQUESTING EXTENSION OF TIME

Shindico
Succeeding By Helping Others Succeed

November 18, 2015

City of Winnipeg
Planning Property and Development Department
Land Development, Geomatics and Land Information Systems Division
Land Development Branch
Main Floor – 65 Garry Street
Winnipeg - Manitoba - R3C 4K4

Attention: K.T. (Kim) Raban, P.Eng.
Land Development Administrator

DASZ 4/2013

Please find enclosed the cheque in the amount of $565.05 as well as this letter regarding the extension of time for DASZ 4/2013. We request the bylaw be extended for a further period of one year, or such other time as the Council of the City of Winnipeg is willing to grant to allow for the amendment of the subdivision plans to reflect the takings contemplated by the BRT expropriation, and to finalize the consents required from interest holders on such amended plans.

Thank you.

Yours truly,

3346234 MANITOBA LIMITED

Justin Zarnowski
Legal Affairs Manager

200 – 1355 Taylor Avenue, Winnipeg, MB Canada R3M 3Y9 • Tel: (204) 474-2000 • Fax: (204) 284-7115 • www.shindico.com