Minute No. 367
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 7, 2018

Item No. 2 **Extension of Time – Proposed Rezoning on land located at 2501 Ferrier Street (Old Kildonan Ward) File DAZ 202/2010**

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. 128/2010 be extended to December 31, 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 – May 7, 2018

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 May 15, 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 May 7, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 17, 2018, the Lord Selkirk-West Kildonan 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.

Jason Brennan, Board Chairperson, Immaculate Heart of Mary School submitted a communication dated April 17, 2018, in support of the matter.

On March 13, 2018, the Lord Selkirk-West Kildonan Community Committee further laid the matter over to its meeting on April 17, 2018.

On February 13, 2018, the Lord Selkirk-West Kildonan Community Committee laid the matter over to its meeting on March 13, 2018.

ADMINISTRATIVE REPORT

Title: **Extension of Time – Proposed Rezoning on land located at 2501 Ferrier Street – File No. DAZ 202/2010**

Critical Path: **Lord Selkirk-West Kildonan 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. 128/2010 initially expired on December 16, 2011. The Developer was previously granted three (3) time extensions by Council. By-law No.128/2010 expired on December 31, 2017.

Although the expiry date is past due, the Developer had requested a further extension of time prior to the expiry date in order to ensure all necessary conditions and registration obligations could be completed 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. 128/2010 be extended to December 31, 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 December 31, 2019, to complete the necessary registrations at the Winnipeg Land Titles Office, thus facilitating the coming into force of rezoning By-law 128/2010 under DAZ 202/2010.

HISTORY/DISCUSSION

On September 22, 2010, Council adopted Item No. 25 of the report of the Standing Policy Committee on Property and Development dated September 14, 2010 which recommended approval of the subject rezoning to a “PR2” Parks and Recreation 2 (Community) District under the Winnipeg Zoning By-law 200/2006. The rezoning By-law No. 128/2010 was passed by Council on December 16, 2010. (see Appendix "A" map attached)

Recommendation 3 contained in the said report stipulates:

> "That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council."

On December 15, 2010, By-law No. 128/2010 was enacted by the passage of City Council.

Section 1 and Section 2 of By-law No. 128/2010 stipulate:

“Zoning

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

2(316) Notwithstanding anything elsewhere contained in this By-law or shown on the Zoning Maps, the land designated on the plan below as “PR2” is hereby zoned as a “PR2” Parks and Recreation 2 (Community) 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 Zoning Agreement and a Servicing 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 202/2010 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. 128/2010 has not come into force by the required registrations of the Zoning Agreement DAZ 202/2010 by caveat at the Winnipeg Land Titles Office and the initial one year time limit expired on December 16, 2011.

On December 12, 2012 Council concurred with Item No. 1 of the report of the Standing Policy Committee on Property and Development dated November 30, 2012 recommending that the time limit to provide for the enactment of Zoning By-law No. 128/2010 coming into force and effect be extended to December 31, 2013.

On February 26, 2014 Council concurred with Item No. 10 of the report of the Standing Policy Committee on Property and Development dated February 18, 2014 recommending that the time limit to provide for the enactment of Zoning By-law No. 128/2010 coming into force and effect be extended to December 31, 2015.

On February 24, 2016 Council concurred with Item No. 10 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated February 16, 2016 recommending that the time limit to provide for the enactment of Zoning By-law No. 128/2010 coming into force and effect be extended to December 31, 2017.

The Developer, WSP, Attention: Mr. Scott Rosin, Suite 111 – 93 Lombard Avenue, Winnipeg, Manitoba, R3B 3B1, on behalf of the owner Immaculate Heart of Mary School Inc., is requesting a further two (2) year extension of time in order to meet the conditions needed to finalize requirements under By-law No. 128/2010 which include the completion of the necessary registrations at the Winnipeg Land Titles Office. The extension will enable Immaculate Heart of Mary School Inc. to continue their capital fundraising campaign efforts for the construction of their new school. 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. The Public Works Department has confirmed that this land will not be impacted by the future land acquisitions associated with the future connections to the Chief Peguis Trail.

FINANCIAL IMPACT

N/A

CONSULTATION

- Public Works Department
- Urban Planning Division

OUR WINNIPEG POLICY ALIGNMENT

The subject property is located in an area of "Recent Communities" under the Complete Communities Direction Strategy. The rezoning under application DAZ 202/2010 has been supported by the Winnipeg Public Service which identifies that the proposed rezoning to "PR2" allows for the land to align to the policy objectives guiding development within "Recent Communities" areas.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: January 15, 2018
File No: DAZ 202/2010

Attachments:
Appendix “A” – DAZ 202/2010, By-law No. 128/2010 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DAZ 202/2010, BY-LAW NO. 128/2010 MAP

By-Law No. _____

File No. **DAZ 202/10**

Atlas Sheet No. **T26**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 2501 Ferrier Street from an "M2" MANUFACTURING GENERAL DISTRICT to "PR2" PARKS AND RECREATION 2 (COMMUNITY) DISTRICT to allow for the construction of a school (K-8) with a daycare centre as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

WSP

December 19, 2017

Land Development Branch Administrator
The City of Winnipeg
Main Floor – 65 Garry St.
Winnipeg, MB R3C 4K4

Attention: Mr. Greg Jasper

Dear Mr. Jasper:

Re: Extension of Time – Rezoning – 2501 Ferrier Street: File DAZ 202/2010

On behalf of our Client, Immaculate Heart of Mary School, WSP is requesting a two-year extension of time to complete the registration of Zoning Agreement DAZ 202/2010 with the Winnipeg Land Titles Office. Our Client required this rezoning to begin a capital fundraising campaign to build a new school, and this extension of time will allow our client to continue their capital fundraising campaign.

We appreciate your consideration in this matter. Please contact me at 204-943-3178 should you have any questions.

Yours sincerely,

WSP

Scott Rosin, MALA, CSLA

SR/

wsp.com