Minute No. 428
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 8, 2018

Item No. 3 Extension of Time – Subdivision and Rezoning – 535 Ham Street (Transcona Ward)
File DASZ 21/2009

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. 65/2010 be extended to December 31, 2018.

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

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DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

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 June 13, 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 June 8, 2018, 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 DECISION:

On May 15, 2018, 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 – 535 Ham Street –
File No. DASZ 21/2009

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 provisions of By-law No. 65/2010 under File No. DASZ 21/2009 expires on April 9, 2018 unless the expiry date is extended. The developer, Giancola Construction Ltd., has not been able to satisfy all of the conditions prior to expiry and has requested a fourth 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. 65/2010 be extended to December 31, 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.

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IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendation is concurred in, the Developer will be allowed a time extension to December 31, 2018, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On November 25, 2009, Council adopted Item No. 2 of the report of the Standing Policy Committee on Property and Development dated November 3, 2009 which clause recommended approval of the subject subdivision and rezoning to a "R1-M" RESIDENTIAL SINGLE FAMILY (Medium) DISTRICT to allow for the creation of three (3) additional residential lots fronting onto Williamson Crescent. The rezoning By-law No. 65/2010 was passed by Council on June 23, 2010. See Appendix "A" map attached.

Section 3 of By-law No. 65/2010 stipulates:

“**Coming into force**

> “3(1) Section 1 comes into force when The City of Winnipeg executes the Servicing 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 when the plan of subdivision is registered in the Winnipeg Land Titles.”

On September 25, 2013 Council concurred with Item No. 11 of the report of the Standing Policy Committee on Property and Development dated September 10, 2013 recommending that the time limit to provide for enactment of Zoning By-law No. 65/2010 coming into force be extended to June 30, 2014.

On May 18, 2016 Council concurred with Item No. 5 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated May 10, 2016 recommending that the time limit to provide for enactment of Zoning By-law No. 65/2010 coming into force be extended to April 7, 2017.

On April 26, 2017 Council concurred with Item No. 6 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated

April 11, 2017 recommending that the time limit to provide for enactment of Zoning By-law No. 65/2010 coming into force be extended to April 9, 2018.

By-law No. 65/2010 has not come into force by the registration of the Plan of Subdivision in the Winnipeg Land Titles Office and the final execution of the required Servicing Agreement. The Servicing Agreement has been prepared and finalized by the City and has been provided to the Developer to execute and return back to the City.

The Developer, Giancola Construction Ltd., represented by John Giancola and Tammy Giancola are requesting an additional extension of time to complete the necessary finalizing of the Servicing Agreement and plan registrations. They intend to proceed with the undertaking of the development and all requirements under DASZ 21/2009, however, by-law extension approvals are necessary as the current time limit of April 9, 2018 has now expired. 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 to December 31, 2018 would be acceptable in view that the Developer has the necessary Agreements from the City for execution and further that circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG POLICY ALIGNMENT

The subject subdivision and rezoning is consistent with the Recent Communities Strategy to *"support the subdivision of a parcel of land into two or more lots when it is done in a context sensitive manner".*

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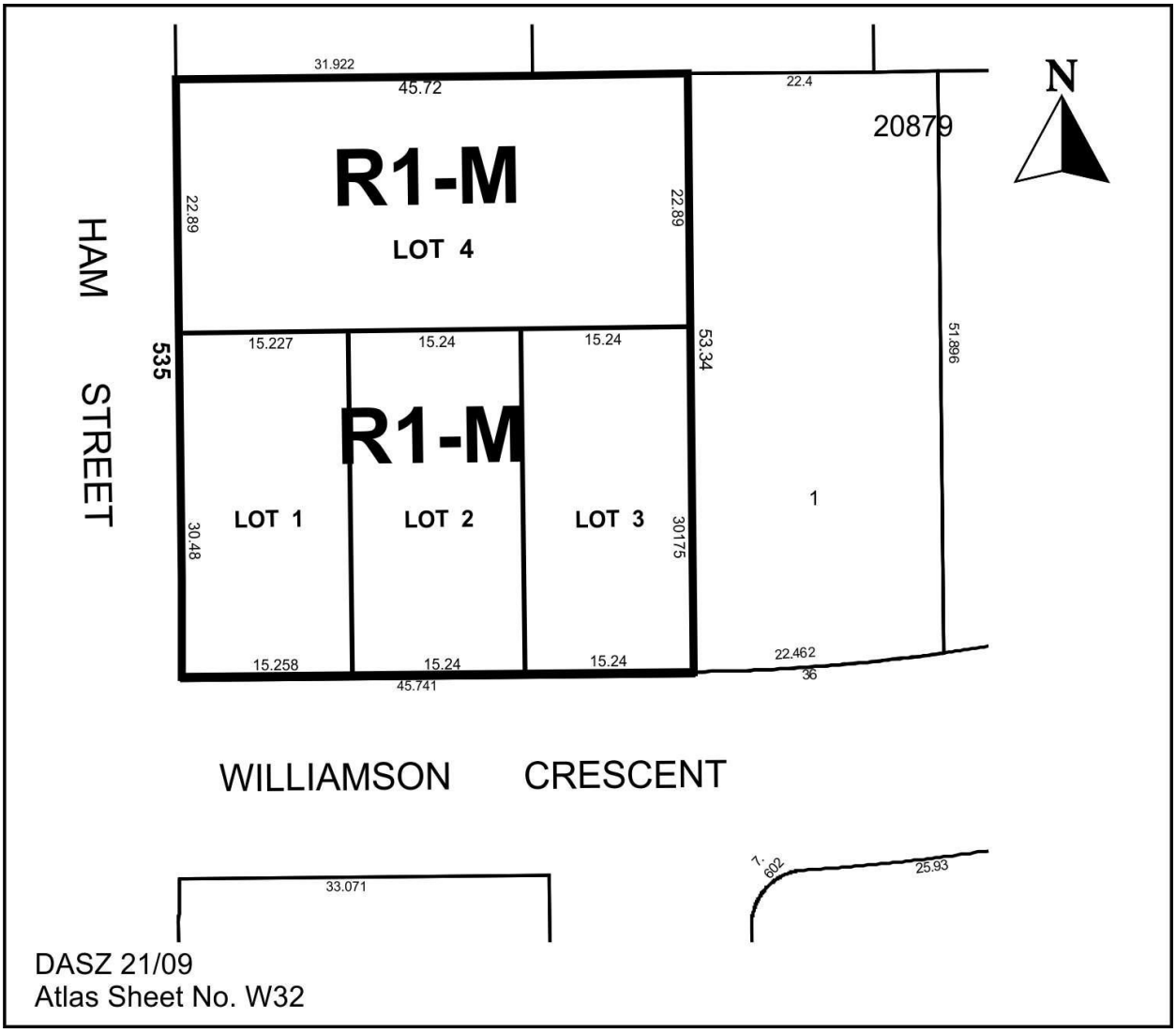
SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: R. Deighton, P.Eng., Land Development Coordinator
Date: May 4, 2018
File No: DASZ 21/2009

Attachments: Appendix “A” – DASZ 21/2009, By-law No. 65/2010 Map
Appendix “B” –Extension of Time Request Letter

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APPENDIX "A" – DASZ 21/2009, BY-LAW NO. 65/2010 MAP



APPENDIX "B" – EXTENSION OF TIME REQUEST LETTER

Giancola Construction LTD
Property Restoration
375 Foch Ave, Winnipeg Manitoba R2C-5H9 PH: 204-333-1789

City of Winnipeg
Planning, Property and Development Department
Land Development Branch
Main Floor – 65 Garry Street
Winnipeg, MB R3C 4K4

RE: Extension of Time Request for DASZ 21/2009 (Re-zoning By-law No. 65/2010).

Giancola Construction LTD purchased the property at: 535 Ham Street, July 31/2013.
We appoligies for the delay , due to a family issue but ,We are requesting an extension on the: DASZ 21/2009 (Re-zoning by-law No. 65/2010).

Giancola Construction LTD is ready and would like to proceed with any requirements as per DASZ 21/2009 (Re-zoning by-law No. 65/2010).

Please let me know if there is any further information you will require form us.

Our contact information is as follows:
Giancola Construction LTD
John Giancola.....PH: 204-333-1789
Tammy Giancola.....PH: 204-232-5413
Office.....PH: 204-222-2494
Office fax..... 204-777-0676
E-mail:.....giacon@shaw.ca

I would like to thank you very much for taking the time to help with the process of this development.

Regards,
John Giancola
Tammy Giancola
Giancola Construction LTD