Minute No. 137
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

Item No. 17 **Extension of Time – Proposed Subdivision and Rezoning – 221 and 227 Stradbrook Avenue (Fort Rouge – East Fort Garry Ward) File DASZ 14/2017**

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. 114/2017 be extended to December 13, 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 – January 7, 2019

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

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 January 22, 2019, 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 January 7, 2019, 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 November 13, 2018, 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 – 221 & 227 Stradbrook Avenue – File No. DASZ 14/2017

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

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 114/2017 under File No. DASZ 37/2016 will expire on December 13, 2018. The Developer may not be able to satisfy all of the conditions prior to expiry and has requested 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. 114/2017 be extended to December 13, 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 13, 2019, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On November 15, 2017, Council adopted Item No. 32 of the report of the Standing Policy Committee on Property and Development dated November 7, 2017 which recommended approval of the subject subdivision and rezoning to an "RMU" Residential Mixed Use District under the Winnipeg Zoning By-law 200/2006.

On December 13, 2017, By-law No. 114/2017 was enacted by Council. See Appendix "A" map attached.

Section 3 of By-law No. 114/2017 stipulates:

Coming into force

3 (1) Section 1 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and The City of Winnipeg executes the Development Agreement for Servicing referred to in this By-law.

(2) Section 2 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 14/2017 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 will expire unless an extension of time is applied for prior to expiry, Council approves the extension, and the caveat is registered before the extended date.

By-law No. 114/2017 has not come into force by the required registration of the Plan of Subdivision and Zoning Agreement in the Winnipeg Land Titles Office and the execution of the required Development Agreement for Servicing. The By-law's current time limit will expire on December 13, 2018.

The applicant, Mr. Christopher P. Daly of MMP Architects, 300-214 McDermot Avenue, Winnipeg, Manitoba, R3B 0S3, has requested an extension of time in order to resolve matters involving a restrictive caveat 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 would be acceptable as circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG POLICY ALIGNMENT

The subject site falls within the Areas of Stability - Mature Communities Policy Area. The proposal is located on a rapid transit corridor and an arterial road (Stradbrook Avenue) and is situation directly across the street from the Harkness rapid transit station. These factors make this site ideal for high density intensification.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Real Estate and Land Development
Prepared by:	A. Savage, Land Development Services Coordinator
Date:	November 1, 2018
File No:	DASZ 14/2017
Attachments:	Appendix “A” – DASZ 14/2017, By-law No. 114/2017 Map
	Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 14/2017, BY-LAW NO. 114/2017 MAP

By-Law No.

File No. **DASZ 14/17**

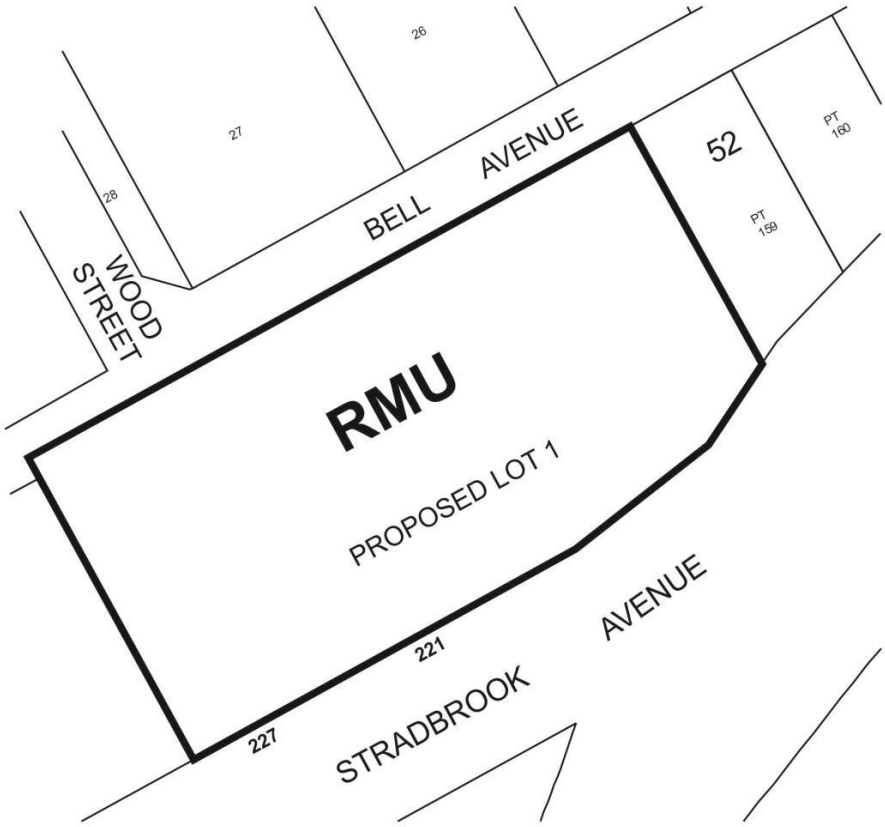
Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 221 and 227 Stradbrook Avenue from a "C2" COMMERCIAL COMMUNITY DISTRICT to a "RMU" RESIDENTIAL MIXED USE DISTRICT to facilitate the consolidation of lands for the construction of a multi-family dwelling and parkade as shown outlined below.

Atlas Sheet No.

N

AC25
CITY CENTRE
COMMUNITY



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

300-214 McDermot Avenue
Winnipeg, Manitoba R3B 0S3
T: 204.956.0530
F: 204.943.5704
MMP ARCHITECTS

October 22, 2018

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

ATTN: Ms. Angela Savage, Land Development Service Coordinator
Email: asavage@winnipeg.ca

RE: EXTENSION: DASZ 14/2017 (By-law 114/2017) – 221/227 Stradbrook Ave, WPG, MB

Hello Angela,

On behalf of East Village Holdings Inc.,

With regards to the above noted zoning by-law DASZ 14/2017, the following letter is a request for a one year extension of the rezoning approval for the above noted property located at 221 Stradbrook Ave..

The project is currently under construction with a foundation permit issued, however due to a dispute with a caveat holder on the property, the client will not have the mylars signed and registered with the Winnipeg Land Titles Office before the deadline date of December 13, 2018.

We hope to resolve our issue early in 2019 and proceed with a project with the release of the final permit.

I thank you for your consideration. Please feel free to contact me should you have any questions or concerns regarding the request.

Sincerely,

Christopher P. Daly

MAA, SAA, RAIC LEED® AP
Principal Architect, MMP Architects Inc.

Robert Wrublowsky MAA
Christopher P. Daly MAA
www.mmparchitects.com