Minute No. 139
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – January 7, 2019

Item No. 19 Extension of Time – 472/474 Henderson Highway
(North Kildonan Ward)
File DASZ 1/2015

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. 124/2016 be extended to October 30, 2019.

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 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 East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 17, 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 – 472/474 Henderson Highway – File No. DASZ 1/2015**

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 provision of By-law No. 124/2016, under File No. DASZ 1/2015, will expire on October 29, 2018, unless the expiry date is extended. The developer has not been able to satisfy all the conditions 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. 124/2016 be extended to October 30, 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 October 30, 2019, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On June 17, 2015, Council adopted Item No. 2 of the Report of the Standing Policy Committee on Property and Development dated June 2, 2015 which recommended approval of the subject subdivision and rezoning to a “RMF-M” Residential District under the Winnipeg Zoning By-law 200/2006. The rezoning By-law No. 124/2016 was passed by Council on October 26, 2016. See Appendix "A" map attached.

Section 1 of By-law No. 124/2016 stipulates:

Plan of Subdivision

1 The plan of subdivision shown below is approved, subject to a Development Agreement for Servicing being entered into between the City of Winnipeg and the registered owner or persons entitled to be registered owner of the subject land.

Section 3 of By-law No. 124/2016 stipulates:

Coming into force

3 (1) Section 1 comes into force when The City of Winnipeg executes the Development Agreement for Servicing 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 Office and Zoning Agreement DASZ 1/2015 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 will expire unless an extension of time is applied for prior to expiry, Council approves the extension, and the plan of subdivision and caveat are registered before the extended date.

By-law No. 124/2016 has not come into force by the required registration of the Plan of Subdivision and the required Zoning Agreement DASZ 1/2015 by caveat in the Winnipeg Land Titles Office and the one (1) year time limit expired on October 26, 2017.

On November 15, 2017, Council concurred with Item No. 4 of the report of the Standing Policy Committee on Property and Development, dated November 7, 2017, recommending that the time limit to provide for enactment of Zoning By-law No. 124/2016 coming into force be extended to October 29, 2018.

The Developer and the City have yet to execute the required Development Agreement for Servicing and the Zoning Agreement DASZ 1/2015 referred to in 3(1) and 3 (2) above.

On August 28, 2018, a second extension of time request was received by the applicant, Karl Devlin representing Exquisite Homes, requesting additional time in order to finalize the necessary Development Agreement for Servicing and 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 property is located on the Henderson Highway Regional Mixed Use Corridor under the Complete Communities Direction Strategy. Based upon the policies of Complete Communities Direction Strategy and the Henderson Highway Corridor Secondary Plan the subject development comprised of small scale multi-family usage was supported by the Winnipeg Public Service.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: R.Deighton, P.Eng.,Land Development Coordinator
Date: September 7, 2018
File No: DASZ 1/2015

Attachments:
Appendix "A" – DASZ 1/2015, By-law No. 124/2016 Map
Appendix "B" – Letter Requesting Extension of Time

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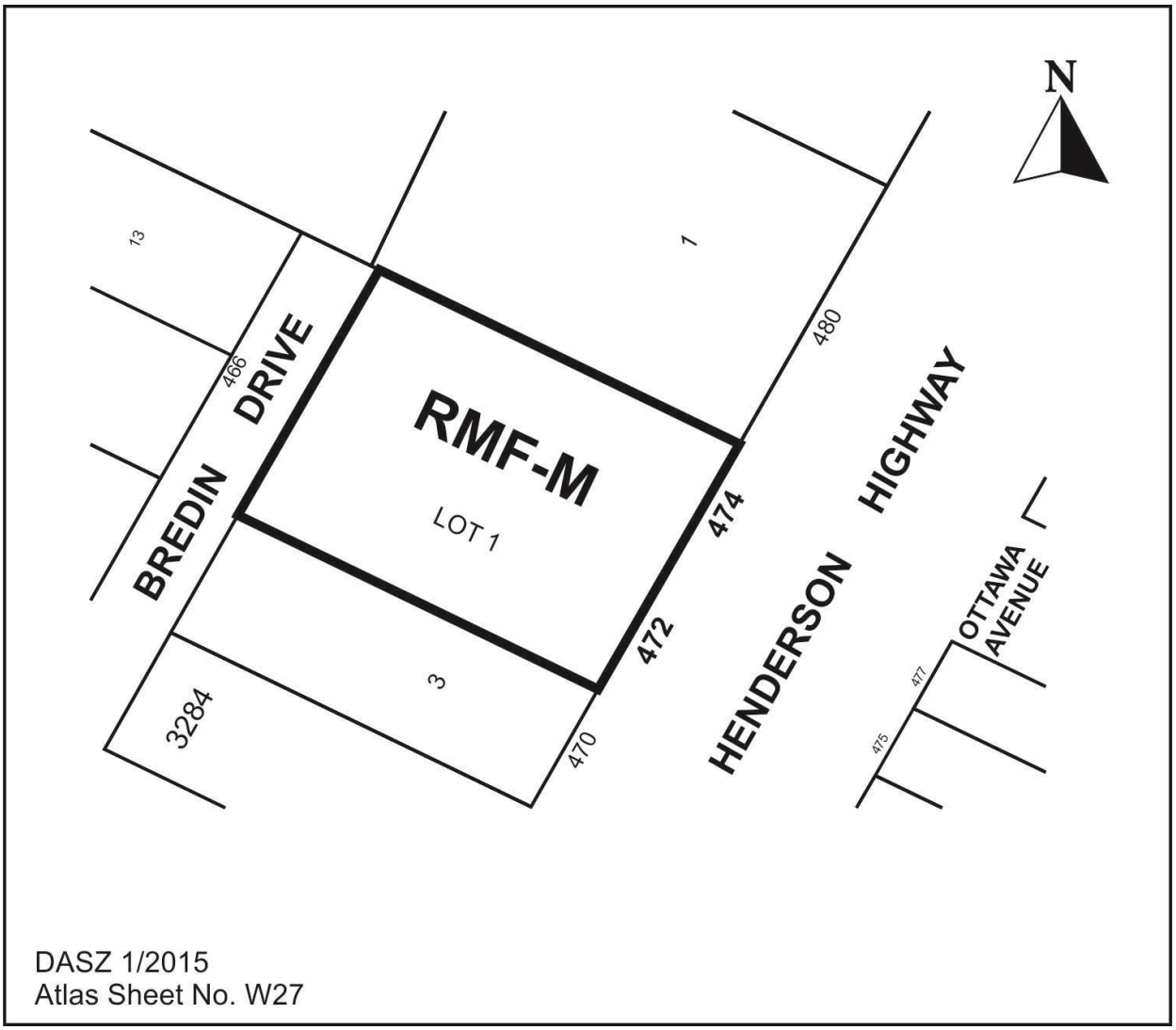
APPENDIX "A" – DASZ 1/2015, BY-LAW NO. 124/2016 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

July 16, 2018

RECEIVED
AUG 28 2018
LAND DEVELOPMENT

City of Winnipeg
Land Development Branch
Main Floor, 65 Garry Street
Winnipeg, Manitoba R3C 4K4

Dear Mr. Greg Jasper, Land Development Administrator

RE: **DASZ 1/2015 – EXTENSION OF TIME**

Exquisite Homes (Karl Devlin), respectfully requests another extension of time relating to By-law 124/2016 to allow for registration of documents at Land Titles for File DASZ 1/2015. We request another year on the previous extension of time approved on November 7, 2017 to October 29th, 2019. Extra time will be required to process the file to complete the required Servicing Agreement and registrations which are ongoing at this time.

Please call should you have any questions or require additional information.

Thank you

EXQUISITE HOMES

Karl Devlin
President