Agenda – Council – April 25, 2019

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 1, 2019

Item No. 1 **Extension of Time – Proposed Subdivision and Rezoning – North and East of Edward Turner / East of Hydro Lines / North of Dragonfly / South of future Bishop Grandin to the East City Limit**
(St. Vital Ward)
File DASZ 30/2012

STANDING COMMITTEE RECOMMENDATION:

On April 16, 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 following to Council:

1. That the time limit to satisfy the Coming into Force provisions of By-laws No. 40/2013 and No. 51/2013 be extended to February 27, 2020.

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 – April 1, 2019

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 16, 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 April 1, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 4, 2019, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the time limit to satisfy the Coming into Force provisions of By-laws No. 40/2013 and No. 51/2013 be extended to February 27, 2020.

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

ADMINISTRATIVE REPORT

Title: Extension of Time – Proposed Subdivision and Rezoning – North and East of Edward Turner / East of Hydro Lines / North of Dragonfly / South of future Bishop Grandin to the East City Limit – File No. DASZ 30/2012

Critical Path: Riel 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-laws No. 40/2013 and No. 51/2013 under File No. DASZ 30/2012 expire on February 27, 2019. The developer has not been able to satisfy all of the conditions prior to expiry and has requested a third 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-laws No. 40/2013 and No. 51/2013 be extended to February 27, 2020.

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 February 27, 2020, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On January 30, 2013, Council adopted Item No. 9 of the Report of the Standing Policy Committee on Property and Development dated January 15, 2013 which recommended approval of a subdivision and rezoning to an "R1-M" Residential Single-Family (Medium) District and a "PR1" Parks and Recreation (Neighbourhood) District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

On February 27, 2013, By-law No. 40/2013 was enacted by Council. Subsequently, on April 24, 2013, Council enacted By-law No. 51/2013 and adopted Item. No. 5 of the Report of the Standing Policy Committee on Property and Development dated April 9, 2013 which recommended an extension of time to February 27, 2018 for the coming into force of rezoning By-laws No. 40/2013 and No. 51/2013. By-law No. 51/2013 repealed subsection 3(2) of By-law 40/2013 and substituted the following provision:

Coming into force

3 (1) Section 1 comes into force when The City of Winnipeg executes the Development 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 for each phase of development when:

(a) a plan of subdivision which defines blocks for that phase is registered in the Winnipeg Land Titles Office;

(b) a plan of subdivision which defines lots for that phase is registered in the Winnipeg Land Titles Office; and

(c) a Zoning Agreement for that phase is registered in the Winnipeg land Titles Office by caveat against the subject land,

no later than February 27, 2018. On that date this By-law will expire for any phase of development with respect to which the above have not all been registered, unless that date is extended by resolution of City Council and the plans of subdivision and caveat(s) are registered before such extended date. *(amended 51/2013)*

On April 26, 2018, Council adopted Item No. 5 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated April 9, 2018 which recommended approval of the second extension of time for the enactment of the necessary rezoning by-laws be further extended to February 27, 2019.

By-laws No. 40/2013 and No. 51/2013 have not come into force by the required registration of the Plan of Subdivision which defines lots within the final phase of this development along with the corresponding Zoning Agreement in the Winnipeg Land Titles Office. The By-laws current time limits expire on February 27, 2019.

On February 7, 2019, the applicant, Ms. Tara Reid of Sage Creek Development Corporation, 1 Dr. David Friesen Drive, Winnipeg, Manitoba, R3X 0G8 submitted a request for a third

extension of time 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 is acceptable as circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG POLICY ALIGNMENT

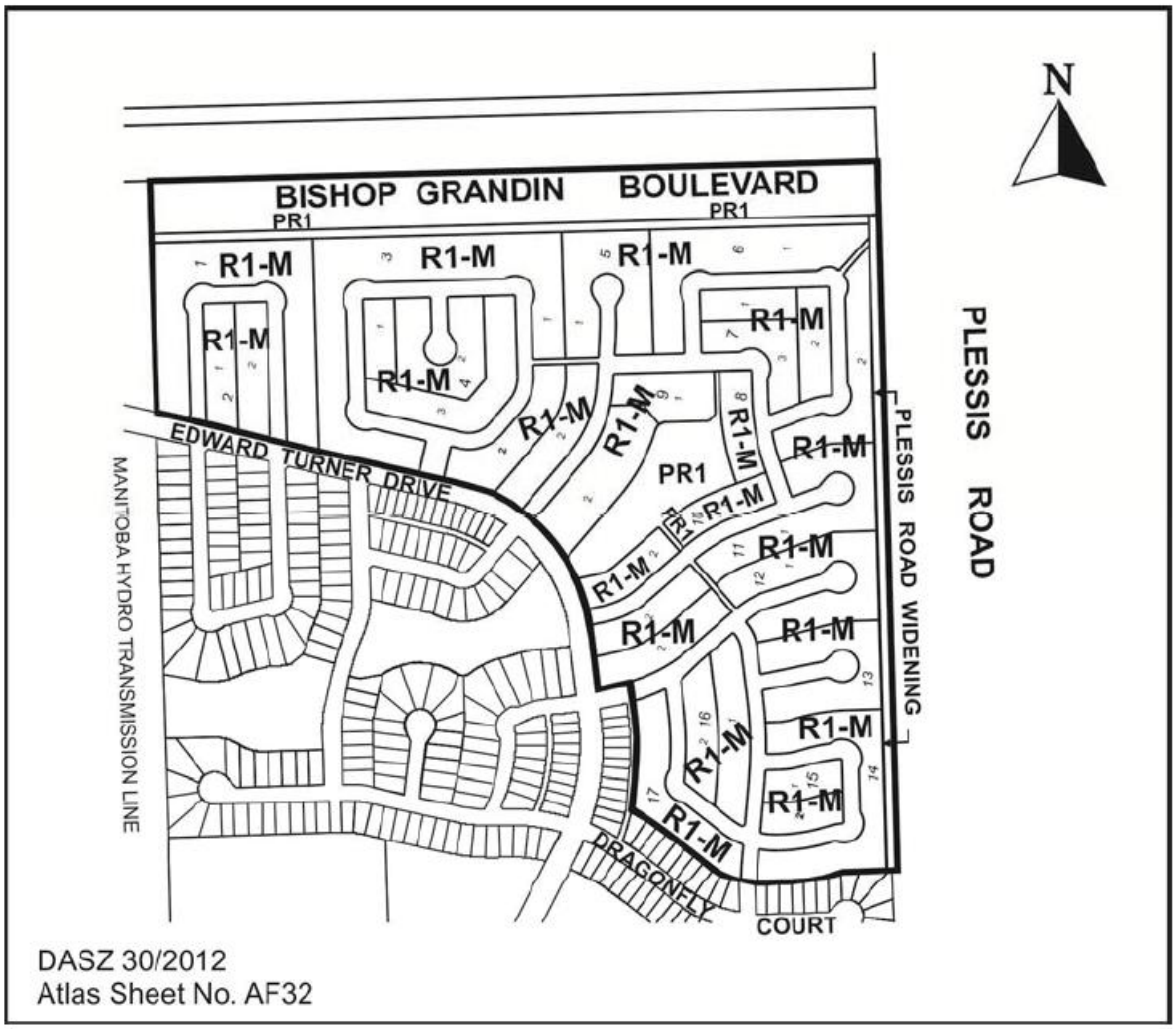
The proposed development is within the Areas of Stability – Recent Communities policy area under the *Complete Communities Direction Strategy* and complies with the South St. Boniface Area Structure Plan (Secondary Plan).

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: February 11, 2019
File No: DASZ 30/2012
Attachments: Appendix “A” – DASZ 30/2012, By-law No. 40/2013 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 30/2012, BY-LAW NO. 40/2013 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Sage Creek Development Corporation
1 Dr. David Friesen Drive Winnipeg, MB R3X 0G8

February 7, 2019

Greg Jasper
The City of Winnipeg
Planning, Property and Development
Main Floor – 65 Garry Street
Winnipeg, Manitoba R3C 4K4

Sage Creek Phase 7
Extension of Time for Coming Into Force section of By-law 51/2013

Dear Greg,

At its meeting held on February 27th, 2013, City of Winnipeg Council passed By-law 40/2013 to approve the plan of subdivision applied for under application DASZ 30/2012. The By-law was later amended by By-Law 51/2013 as approved by Council on April 24th, 2013.

Clause 3(2) of Council's amended approval of this plan of subdivision outlines the requirement that the plan of subdivision for both the blocks and lots, along with the Zoning Agreement, all be registered at the Winnipeg Land Titles Office no later than February 27th, 2018. An extension of time was granted by Council on April 26, 2018, requiring that registration occur on or before February 27, 2019.

Due to delays with the Zoning Agreement, Sage Creek Development Corporation will be unable to meet the current deadline for registration of the final lotting plan contained within the application area at WLTO, and would like to request a one (1) year extension for the coming into force section of By-law 51/2013. The current application for the lots within this phase was made May 1, 2018 under DASSF 524/2018.

Please confirm that this letter will meet your requirements for requesting the one (1) year extension for By-law 51/2013. Should you require more information please let me know.

Kind Regards,

SAGE CREEK DEVELOPMENT CORPORATION

Tara Reid
Sales & Development Manager