Agenda - Council - February 25, 2004

Report - Standing Policy Committee on Property and Development - February 3, 2004

Item No. 1 Extension of Time - Rezoning - 95 Sutherland Avenue
File DAZ 213/2000

STANDING COMMITTEE RECOMMENDATION:

On February 18, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the time limit to provide for the enactment of Rezoning By-law No. 7687/2000 be extended to September 24, 2005.

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 - February 3, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 18, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 3, 2004, the Standing Policy Committee on Property and 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 July 22, 2003, the Lord Selkirk-West Kildonan concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: EXTENSION OF TIME - Proposed rezoning of land located at 95 Sutherland Avenue
- File No. DAZ 213/00

RECOMMENDATION:

That your Community Committee recommend to the Standing Policy Committee on Property and Development that it recommend to Council that the time limit to provide for the enactment of Rezoning By-law No. 7687/00 be extended to September 24, 2005.

REASON:

Council approval is required for all extension of time applications.

HISTORY:

On August 31, 2000 Council adopted Clause 1 of the report of the Standing Committee on Property and Development dated August 31, 2000 which clause recommended approval of the subject rezoning to a "C2" COMMERCIAL DISTRICT as shown on the attached Schedule "A" to permit the establishment of a non-accessory parking area.

Recommendation III contained in the said report stipulates:

> "That in the event this application is not proceeded with expeditiously and the By-law is not enacted within 36 months after adoption of this report by Council the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time."

Recommendation V further stipulates the following:

> "That the Rezoning By-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs twenty-four (24) months from the date that the said Rezoning By-law is adopted by Council".

The rezoning By-law No. 7687/00 was passed by Council on September 20, 2000. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by September 20, 2002, failing which the By-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

DISCUSSION:

Naylor Real Estate Ltd., Attention: Mr. A. Kushner, 100 Sutherland Avenue, Winnipeg, Manitoba, R2W 3C7 advised the Planning, Property and Development Department that as a result of the events of September 11, 2001, their company which conducts 70% of their business in the United States, has been unable to forecast future business growth and as a result has been unable to plan for the future expansion of their company. Mr. Kushner was advised at the time that an extension of time would be required, however it was decided that since it was unknown when development was likely to occur that Naylor Real Estate Ltd. could apply for the extension when economic conditions improved. However due to the recent interpretation by the Legal Services Department Mr. Kushner was contacted and advised to proceed with the extension of time, under the previous practice, so as to not jeopardize all the work and cost which has already gone into the subject application.

The Administration is in support of the extension of time as the City's interest's remain secured and the circumstances leading to the original approval remain unchanged.
Past practice has been for the Planning, Property and Development to accept applications for the extensions of time after the expiry date stipulated by Council. However a recent interpretation by the Legal Services Department has indicated that the application for the extension require that all extensions of time be made prior to the expiry date, and be processed and approved by all necessary committees prior to that date. All ongoing applications will now be processed in this manner, however this matter is now being brought forward based on past practice. The Administration has reviewed the applicant's request and is of the opinion that the approval for an extension of time would be acceptable in view of the fact that the City's interest's remain secured and circumstances leading to the original approval remain unchanged.

THIS REPORT SUBMITTED BY:

E. Axelrod
Subdivision Officer
June 24, 2003
File: DAZ 213/00

c.c. Naylor Real Estate Ltd, Attn: A. Kushner, 100 Sutherland Ave., Wpg., R2W 3C7
Councillor Lazarenko

By-Law No. _____

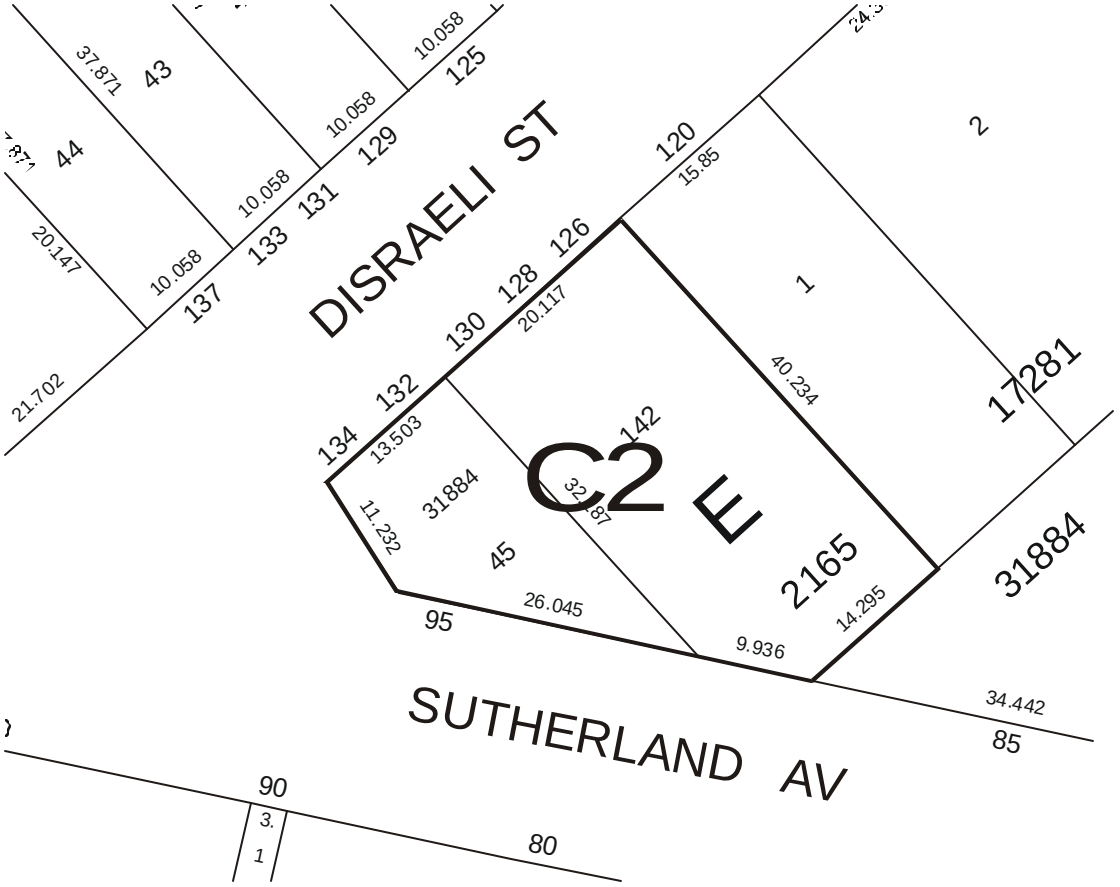
File No. **DAZ 213/00**

Atlas Sheet No. **Y26**

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land on the northeast corner of Disraeli Street and Sutherland Avenue from an "R2" TWO-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



SCHEDULE "A" FOR THE REPORT TO THE LORD SELKIRK/WEST KILDONAN COMMUNITY COMMITTEE FOR FILE NO. DAZ 213/00

DATED : JUNE 24, 2003

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____