**Agenda – Council – June 20, 2019**

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 27, 2019**

**Item No. 4** **Extension of Time – Subdivision and Rezoning – 1280 Notre Dame Avenue**
**(Daniel McIntyre Ward)**
**File DASZ 19/2017**

STANDING COMMITTEE RECOMMENDATION:

On June 11, 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-law No. 33/2018 be extended to April 26, 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 – May 27, 2019**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 11, 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 May 27, 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 May 7, 2019, 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 – Subdivision and Rezoning – 1280 Notre Dame Avenue – File No. DASZ 19/2017

**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. 33/2018 under File No. DASZ 19/2017 expired on April 26, 2019. The Developer has not been 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. 33/2018 be extended to April 26, 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 April 26, 2020, to complete the necessary registrations at the Winnipeg Land Titles Office for DASZ 19/2017.

## HISTORY/DISCUSSION

On November 15, 2017, Council adopted Item No. 2 of the Report of the Standing Policy Committee on Property and Development , Heritage and Downtown Development dated November 7, 2017 which recommended approval of a subdivision and rezoning to an "M1 PDO-1 Airport Vicinity Protection Area" Manufacturing Light District under Winnipeg Zoning By-Law 200/2006.

The rezoning By-law No. 33/2018 was passed by Council on April 26, 2018. See Appendix "A" map attached.

Section 3 of By-law No. 33/2018 stipulates:

**Coming into force**

3 (a) Section 1 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office.

(b) Section 2 comes into force when Zoning Agreement DASZ 19/2017 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. 33/2018 has not come into force by the required registration of the Plan of Subdivision and the required Zoning Agreement in the Winnipeg Land Titles Office. The By-laws time limit expired on April 26, 2019.

Mr. Peter M. Klymkiw of Klymkiw Law, 194 Provencher Boulevard, Winnipeg, Manitoba, R2H G3, on behalf of the owner 5444498 Manitoba Ltd. is requesting a one year 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 would be acceptable as circumstances leading to the original approval remain unchanged.

## FINANCIAL IMPACT

N/A

## CONSULTATION

N/A

## OUR WINNIPEG POLICY ALIGNMENT

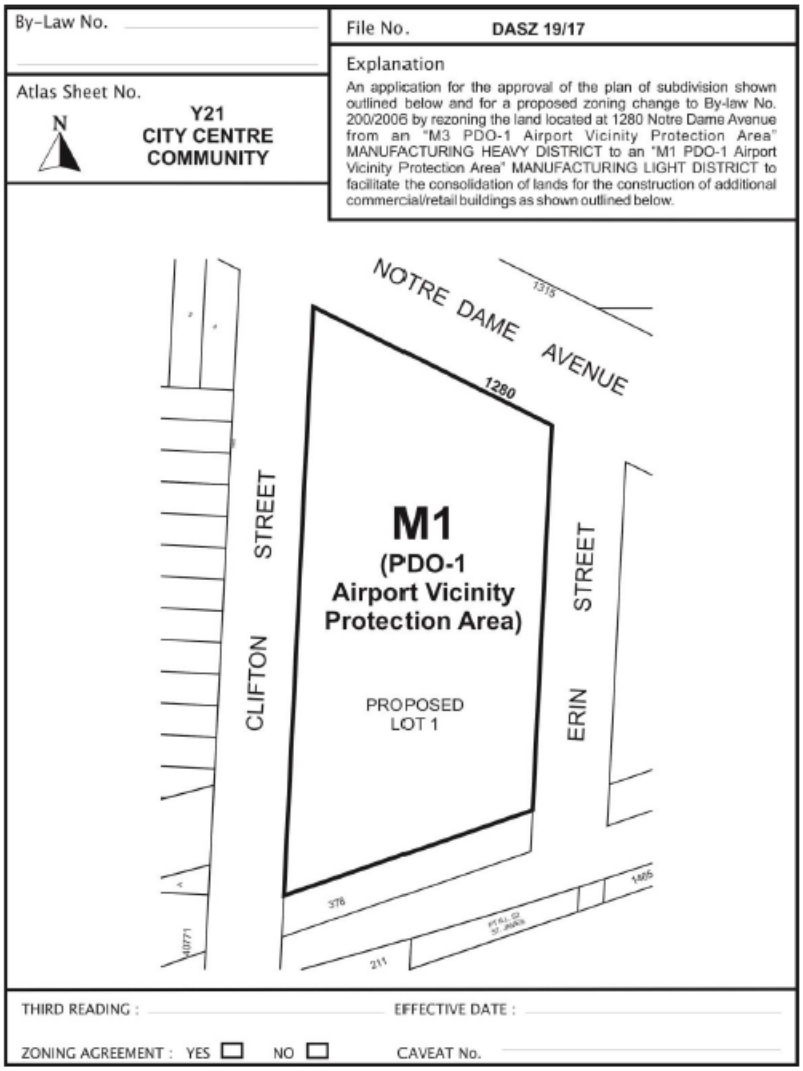
The site is located along a major corridor, and will provide complimentary commercial/retail uses under the proposed rezoning to an “M1 PDO-1 Airport Vicinity Protection Area” Manufacturing Light District. This is consistent with the vision establish for General Manufacturing areas as stated in the *Complete Communities* direction strategy under OurWinnipeg which supports the introduction of commercial/retail and personal service development that is subordinate to, and supportive of the primary employment uses in business/institutional areas.

## SUBMITTED BY

| | |
|---|---|
| Department: | Planning, Property and Development |
| Division: | Real Estate and Land Development |
| Prepared by: | A. Savage, Land Development Services Coordinator |
| Date: | April 30, 2019 |
| File No: | DASZ 19/2017 |
| Attachments: | Appendix “A” – DASZ 19/2017 Map |
| | Appendix “B” – Letter Requesting Extension of Time |

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**APPENDIX "A" – DASZ 19/2017 MAP**



**APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME**

# KLYMKIW LAW

Barrister and Solicitor • Notary Public

April 22, 2019

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

Dear Sir/Madam:

Re: Zoning By-Law
DASZ 19/2017 – Bylaw 33/2018
1280 Notre Dame Avenue, Winnipeg, Manitoba

LETTER OF INTENT

On the advice of GW Architecture, I can inform the City of Winnipeg that the owner of the subject property intends to continue with the sub-dividing and development of the property.

The extension of time is required due to the fact that Caveats of Manitoba Hydro, Bell MTS and Shaw have not yet been received from the caveators securing their easements.

Upon receipt of same, we will advise the City of Winnipeg accordingly.

Yours truly,
**KLYMKIW LAW**
Per:

**PETER M. KLYMKIW**
PMK/hjl

194 Provencher Boulevard • Winnipeg • Manitoba • R2H 0G3
Telephone 204-237-9816 • FAX 204-233-2689
Email: pmklymkiw@mymts.net