Minute No. 371
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 27, 2019

Item No. 3 **Extension of Time – Proposed Subdivision and Rezoning – Parcel A, Plan 107449 & Lot 1 Plan 12012, 1501 & 1525 Dawson Road South (Transcona Ward)**
File DASZ 52/2013

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 obtain plan of subdivision mylar approval signatures in accordance with recommendations 9 and 10 of Minute No. 672 of the July 16, 2014 meeting of Council be extended to April 27, 2021.

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:

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

COMMUNITY COMMITTEE RECOMMENDATION:

On April 16, 2019, 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 – Parcel A, Plan 107449 & Lot 1 Plan 12012, 1501 & 1525 Dawson Road South – File No. DASZ 52/2013

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 to obtain plan of subdivision mylar approval signatures will expire on April 27, 2019 in accordance with recommendations 9 and 10 of Council's approval of File No. DASZ 52/2013 contained in Minute No. 672 dated July 16, 2014. The Developer will not be able to satisfy all of the conditions prior to expiry and has requested an extension of time to complete the necessary obligations and registrations at the Winnipeg Land Titles Office.

The Winnipeg Public Service has no objection to this request.

RECOMMENDATIONS

1. That the time limit to obtain plan of subdivision mylar approval signatures in accordance with recommendations 9 and 10 of Minute No. 672 of the July 16, 2014 meeting of Council be extended to April 27, 2021.

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 27, 2021, to obtain the plan of subdivision mylar approval signatures for registrations to occur at the Winnipeg Land Titles Office and execute the necessary Development Agreement.

HISTORY/DISCUSSION

On July 16, 2014, Council concurred in the recommendations of Item No. 3 of the report of the Standing Policy Committee on Property and Development dated July 8, 2014 and approved Development Application No. DASZ 52/2013 which proposed the subdivision and rezoning to a "C3" Commercial Corridor District, a "CMU" Commercial Mixed Use District, an "RMF-M" Residential Multi-Family (Medium) District and a "PR1" Parks and Recreational District under the Winnipeg Zoning By-law 200/2006. See Appendix "A" map attached.

Recommendations 9 and 10 of Council's minutes stipulate:

"9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council."

On April 27, 2016, By-law No. 56/2016 was enacted by Council. Section 1 and Section 3 of By-law No. 56/2016 stipulates:

Plan of subdivision

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

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 lot when:

a) The plan of subdivision is registered in the Winnipeg Land Titles Office; and

b) Zoning Agreement DASZ 52/2013 is registered in the Winnipeg Land Titles Office by caveat against the subject land; and

c) The City of Winnipeg issues a building permit for that lot; or that lot is sold or leased; or ten (10) years from the date this By-law is passed, whichever comes first.

Subsequently, on May 24, 2017, Council adopted Item. No. 7 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated May 9, 2017 which recommended an extension of time to April 27, 2019 for the coming into force of Section 1 of rezoning By-law No. 56/2016.

By-law No. 56/2016 has not come into force by the required registration of the Plan of Subdivision in the Winnipeg Land Titles Office and execution of the Development Agreement. Section 2 of the By-law's current time limit expires on April 27, 2026. However, the plan of subdivision mylar approval signatures have not been secured as per Condition No. 10 of Council's July 16, 2014 minutes. This Condition's time limit expires on April 27, 2019.

The applicant, Mr. David Jopling of WSP (formerly MMM Group), 111-93 Lombard Avenue, Winnipeg, Manitoba, R3B 3B1 is requesting an extension of time in order to obtain the mylar approval signatures, execute the Development Agreement and complete the necessary registrations of the Plan of Subdivision and Zoning Agreement 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

Legal Services (as to legal issues)

OUR WINNIPEG POLICY ALIGNMENT

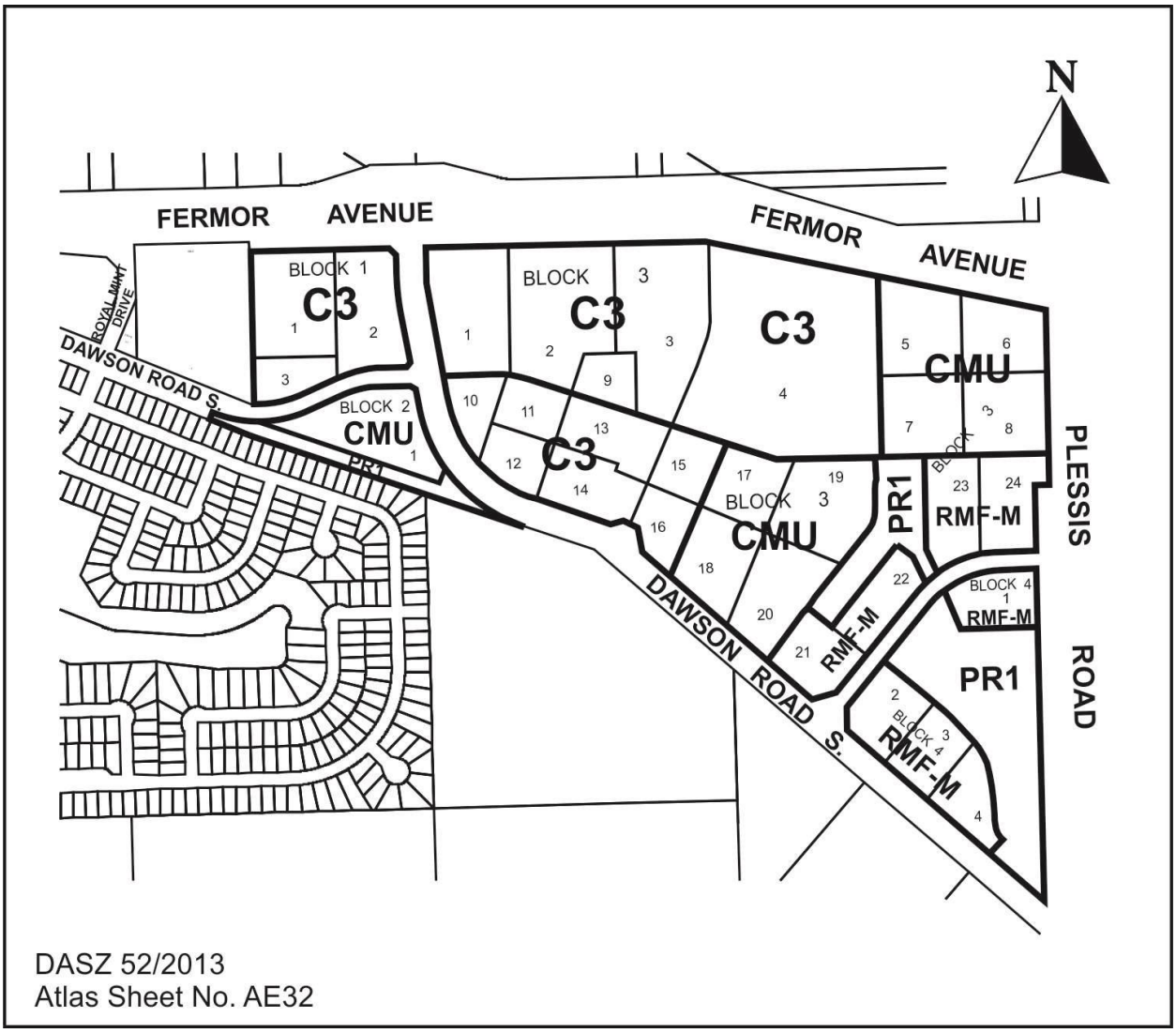
The subject lands are located within an area designated as New Communities Policy Area identified as Precinct "J" which was adopted by Council on May 27, 2014 under Secondary Plan File No. SP 5/2013.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: March 11, 2019
File No: DASZ 52/2013
Attachments: Appendix "A" – DASZ 18/2014, By-law No. 56/2016 Map
Appendix "B" – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 52/2013, BY-LAW NO. 56/2016 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

February 28, 2019

Confidential

Mr. Greg Jasper
Land Development Administrator
City of Winnipeg
Main floor – 65 Garry Street
Winnipeg MB R3C 4K4

Dear Mr. Jasper:

RE: Extension of Time – Subdivision and Re-zoning – File No. DASZ 52/2013 – By-Law No. 56/2016

On behalf of our Client, 5086109 Manitoba Ltd., 5086095 Manitoba Ltd., 5154635 Manitoba Ltd., and 5154643 Manitoba Ltd., WSP Canada Group Limited (WSP), is requesting a two-year extension of time for approval of the amending By-law. Currently, the time limit to satisfy the Coming into Force provisions of By-law No. 56/2016 is April 27, 2019. Our Client required this re-zoning in accordance with the policies of the Precinct J Plan, and this extension of time will allow our Client to continue to work with the City of Winnipeg to confirm the details of the Development Agreement.

We appreciate your consideration in this matter. Please contact me at 204.943.3178 if you have any questions.

Yours sincerely,
WSP Canada Group Limited

David Jopling, MCIP RPP
Manager
Planning, Landscape Architecture and Urban Design

LL/kk
WSP ref.: 13M-00324-01

111-93 Lombard Avenue
Winnipeg, MB, Canada R3B 3B1
T: +1 204 943-3178
F: +1 204 943-4948
wsp.com