Agenda – Council – July 18, 2019

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 24, 2019

Item No. 9 **Extension of Time – Subdivision and Rezoning – Lots 2 and 3, Plan 45753, Peguis Street and Reenders Drive**
(Transcona Ward)
File DASZ 33/2013

STANDING COMMITTEE RECOMMENDATION:

On July 9, 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. 27/2017 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 – June 24, 2019

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 9, 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 June 24, 2019, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 22, 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 – Lots 2 and 3, Plan 45753, Peguis Street and Reenders Drive – File No. DASZ 33/2013

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 for the Coming into Force provisions of By-law No. 27/2017 under File No. DASZ 33/2013 will expire on April 26, 2019. The Developer has not been able to satisfy all of the conditions prior to expiry and has requested a fifth extension of time in order 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. 27/2017 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.

HISTORY/DISCUSSION

On December 11, 2013, Council adopted Item No. 2 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated December 3, 2013 which recommended approval of a subdivision and rezoning to a "C4" Commercial Regional District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

Recommendation 5 contained in the report stipulates:

> "That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two years after adoption of the report by Council, 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 two-year period and Council approves the extension."

The necessary by-law was not passed and the two-year period was due to expire on December 11, 2015.

On December 7, 2015, the applicant, Mr. Justin Zarnowski of Shindico Realty Inc., 200 – 1355 Taylor Avenue, Winnipeg, Manitoba, R3M 3Y9 on behalf of the Developer, 2514109 Manitoba Limited, submitted a request for an extension of time in order to satisfy the necessary by-law enactment requirements.

On February 24, 2016, Council adopted Item No. 12 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated February 16, 2016 which recommended approval of an extension of time for the enactment of the necessary rezoning by-law be extended to September 30, 2016.

On September 13, 2016, the applicant submitted a request for a further nine-month extension of time. On November 16, 2016, Council adopted Item No. 14 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated November 8, 2016 which recommended approval of an extension of time for the enactment of the necessary rezoning by-law be extended to December 30, 2016.

On December 23, 2016, the applicant submitted a request for a further two month extension of time. On March 22, 2017, Council adopted Item No. 7 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated March 7, 2017 which recommended approval of an extension of time for the enactment of the necessary rezoning by-law be extended to April 28, 2017.

On April 26, 2017, By-law No. 27/2017 was enacted by Council. Section 3 of By-law No. 27/2017 stipulates:

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.

3(2) Section 2 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 33/2013 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.

On July 19, 2018, Council adopted Item No. 17 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated June 25, 2018 which recommended approval of a fourth extension of time in order to complete the necessary registration of the Plan of Subdivision and the required Zoning Agreement DASZ 33/2013 by caveat in the Winnipeg Land Titles Office.

By-law No. 27/2017 has not come into force by the registration of the Plan of Subdivision and the required Zoning Agreement in the Winnipeg Land Titles Office which includes the final execution of the required Development Agreement. The Development Agreement has been finalized by the City and was provided to the Developer to execute and return back to the City. The By-law's current time limit will expire on April 26, 2019.

On April 12, 2019, the applicant submitted a request for a fifth 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 and circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG POLICY ALIGNMENT

OurWinnipeg designates the Transcona West area as a “Recent Community” and a “Regional Mixed Use Centre”. The Transcona West Area Structure Plan designates the subject property as “Proposed Commercial” which permits a variety of retail, commercial, office, and institutional uses, including regional commercial uses. The proposed rezoning under application DASZ 33/2013 to “C4” Commercial Regional District aligns with OurWinnipeg, the Transcona West Area Structure Plan and Complete Communities and has been supported by the Winnipeg Public Service.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: April 15, 2019
File No: DASZ 33/2013

Attachments:
Appendix “A” – DASZ 33/2013, By-law No. 27/2017 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 33/2013, BY-LAW NO. 27/2017 MAP

By-Law No. _____

File No. **DASZ 33/13**

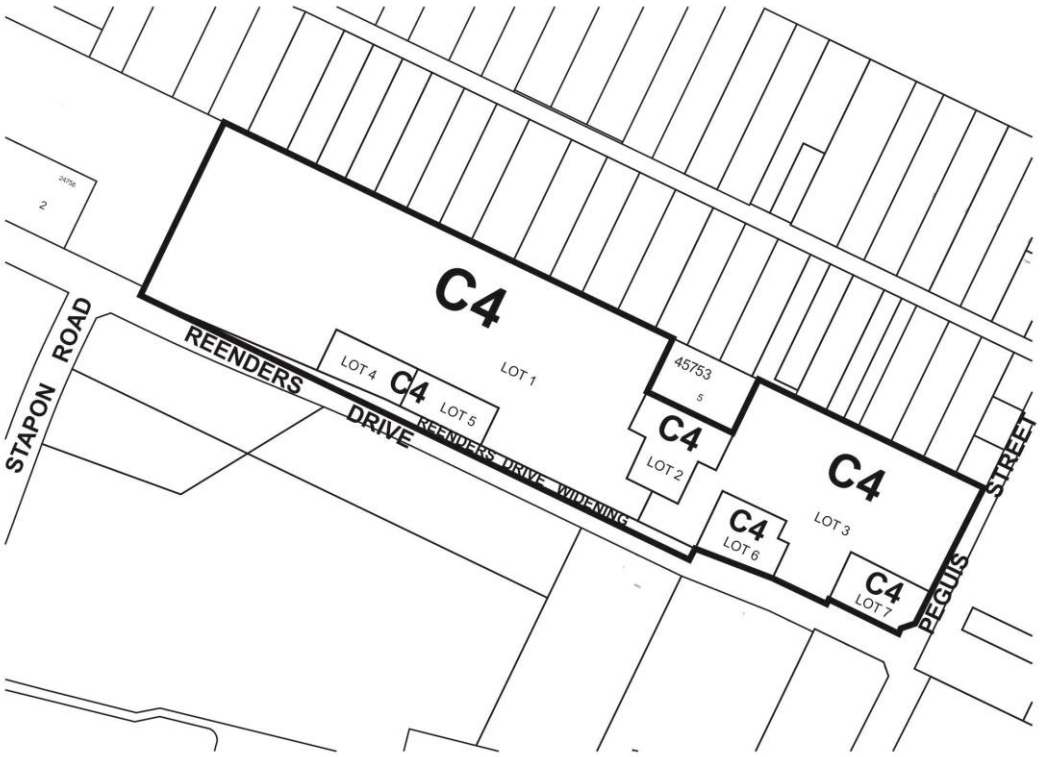
Atlas Sheet No. **Y31**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located on lot 2 & 3 Plan 45753 Peguis Street & Reenders Road from an "RR5" RURAL RESIDENTIAL 5 DISTRICT to a "C4" COMMERCIAL REGIONAL DISTRICT and by creating lots to allow for future commercial sales & services uses as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Shindico
Succeeding By Helping Others Succeed

RECEIVED
APR 12 2019
LAND DEVELOPMENT

April 12, 2019

VIA COURIER

City of Winnipeg
Real Estate and Land Development, Planning, Property and Development
Main Floor, 65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Angela Savage, Land Development Services Coordinator

DASZ 33/13 – Extension of Time

Please be advised that we are requesting an extension of the time to register the above subdivision and zoning by one year in order to finalize the servicing agreement and effect registration at the Property Registry.

Please find enclosed a cheque for the fee of $986.75.

Thank you.

Yours truly,

SHINDICO REALTY INC.

Justin Zarnowski
Vice-President, Legal Affairs
Encl.

200 – 1355 Taylor Avenue, Winnipeg, MB Canada R3M 3Y9 • Tel: (204) 474-2000 • Fax: (204) 284-7115 • www.shindico.com