Minute No. 458
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 24, 2019

Item No. 11 **Extension of Time – Subdivision and Rezoning – Sage Creek Phase 9(b) – Lands Located West of Plessis Road, Between PTH 100 and Robert Bockstael Drive**
(St. Vital Ward)
File No. DASZ 20/2016

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 satisfy the Coming into Force provisions of By-law No. 55/2018 be extended to June 21, 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:

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 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 June 4, 2019, the Riel 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 – Sage Creek Phase 9(b) – Lands Located West of Plessis Road, Between PTH 100 and Robert Bockstael Drive – File No. DASZ 20/2016

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-law No. 55/2018 under File No. DASZ 20/2016 expires on June 21, 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. 55/2018 be extended to June 21, 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 June 21, 2020, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On January 25, 2017, Council adopted Item No. 2 of the Report of the Executive Policy Committee dated January 11, 2017 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 June 21, 2018, By-law No. 55/2018 was enacted by Council. Section 3 and 4 of By-law No. 55/2018 stipulates:

Coming into force

3 This By-law comes into force when the plan of subdivision and Zoning Agreement are registered at the Winnipeg Land Titles Office.

4(1) Subject to subsection (2), this By-law will expire without coming into force one year after the date on which this By-law is enacted if:

(a) The plan of subdivision and the Zoning Agreement have not been registered at the Winnipeg Land Titles Office; and

(b) The owner has not applied for an extension of time.

4(2) This By-law will be deemed to have expired without coming into force on the date provided in subsection (1) when:

(a) The owner has applied for an extension of time prior to the date provided in subsection (1); and

(b) Council denies the extension of time.

By-law No. 55/2018 has not come into force by the required registration of the Plan of Subdivision and Zoning Agreement DASZ 20/2016 by caveat in the Winnipeg Land Titles Office and the one (1) year time limit is due to expire on June 21, 2019.

On May 28, 2019, the applicant, Ms. Lyne B. Jones of Sage Creek Development Corporation, 1 Dr. David Friesen Drive, Winnipeg, Manitoba, R3X 0G8 submitted a request for an 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: May 29, 2019
File No: DASZ 20/2016
Attachments: Appendix “A” – DASZ 20/2016, By-law No. 55/2018 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 20/2016, BY-LAW NO. 55/2018 MAP

By-Law No. _____

File No. **DASZ 20/16**

Atlas Sheet No.

N

AH32
RIEL
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 in Sage Creek Phase 9B, Northwest Corner of Plessis Road & Perimeter Highway from a "RR5" RURAL RESIDENTIAL 5 DISTRICT to an "R1-M" RESIDENTIAL SINGLE FAMILY (MEDIUM) DISTRICT and a "PR1" PARKS AND RECREATION 1 DISTRICT to facilitate the continuation of the Sage Creek Neighbourhood Plan by the creation of lots, public reserve and public right-of-ways for future residential development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

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

May 28, 2019

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

Sage Creek Phase 9B – DASZ 20/16
Extension of Time for Coming Into Force section of By-law 55/2018

Dear Sirs,

At its meeting held on June 21, 2018, City of Winnipeg Council passed By-law 55/2018 to approve the plan of subdivision applied for under application DASZ 20/16.

Clause 4(1) of By-law 55/2018 outlines the requirement that the plan of subdivision and the Zoning Agreement be registered at the Winnipeg Land Titles Office no later than June 21, 2019, being one year after the date on which the By-law was enacted.

On May 21, 2019, we received from the City the mylars and documents required for registration at WLTO, and have now obtained the majority of the signatures required to submit the documents to WLTO for registration. We also understand that WLTO will require that the mylars and documents be registered prior to the expiry of By-law 55/2018 on June 21, 2019. As we are unable to ensure that registration at WLTO will be completed prior to June 21, 2019, Sage Creek Development Corporation would like to request a one (1) year extension for the coming into force section of By-law 55/2018.

Please confirm that this letter will meet your requirements for requesting the one (1) year extension for By-law 55/2018. Should you require more information please let me know.

Yours truly,

SAGE CREEK DEVELOPMENT CORPORATION

Lyne B. Jones
Senior Development Manager