Minute No. 388
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 16, 2020

Item No. 3 **Extension of Time – Proposed Subdivision and Rezoning – 741-765 Bonner Avenue (North Kildonan Ward) File DASZ 19/2014**

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. 40/2019 be extended to June 20, 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 – June 16, 2020

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 18, 2020, 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 16, 2020, 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 June 4, 2020, 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 – 741-765 Bonner Avenue – File No. DASZ 19/2014

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. 40/2019 under File No. DASZ 19/2014 expires on June 20, 2020. The Developer has not been able to satisfy all of the conditions prior to expiry and has requested a third 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. 40/2019 be extended to June 20, 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 June 20, 2021, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On January 28, 2015, Council adopted Item No. 7 of the report of the Standing Policy Committee on Property and Development dated January 13, 2015 which recommended approval of the subject subdivision and rezoning application to an "R1-M" Residential Single-Family (Medium) District and "R1-L" Residential Single-Family (Large) District under the Winnipeg Zoning By-law 200/2006 as shown on Appendix "A" attached. Recommendation 6 contained in the Council Decision stipulates:

> "That in the event the application is not proceeded with expeditiously and the by-law is not passed within two (2) 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 this two (2) year period and Council approves the extension."

On October 26, 2016, Council adopted Item No. 2 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated October 11, 2016 which recommended approval of an Extension of Time and that the time limit for enactment of the necessary by-law for DASZ 19/2014 be extended to January 31, 2018.

On January 25, 2018, Council adopted Item No. 3 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated January 8, 2018 which recommended approval of an Extension of Time and that the time limit for enactment of the necessary by-law for DASZ 19/2014 be extended to January 31, 2020.

On June 20, 2019, By-law No. 40/2019 was enacted by Council. Section 3 and 4 of By-law No. 40/2019 stipulated the following:

Coming into force

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

Extensions of time

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. 40/2019 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 By-law's current time limit will expire on June 20, 2020.

On April 6, 2020, the Developer, McGowan Russell, 825 St. Joseph Street, Winnipeg, Manitoba, R2H 3A8, on behalf of the Bonner Residents Group, submitted a request for a third 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

Under the *Complete Communities Direction Strategy* the proposed development is located within the Areas of Stability – Recent Communities policy area.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: May 6, 2020
File No: DASZ 19/2014

Attachments:
Appendix “A” – DASZ 19/2014 Map
Appendix “B” – Letter Requesting Extension of Time
V:\3-Applications-SAVE\113-2020 – REPORTS\Extension of Time Request#3 - DASZ 19-14

APPENDIX "A" – DASZ 19/2014 MAP

By-Law No. _____

File No. **DASZ 19/14**

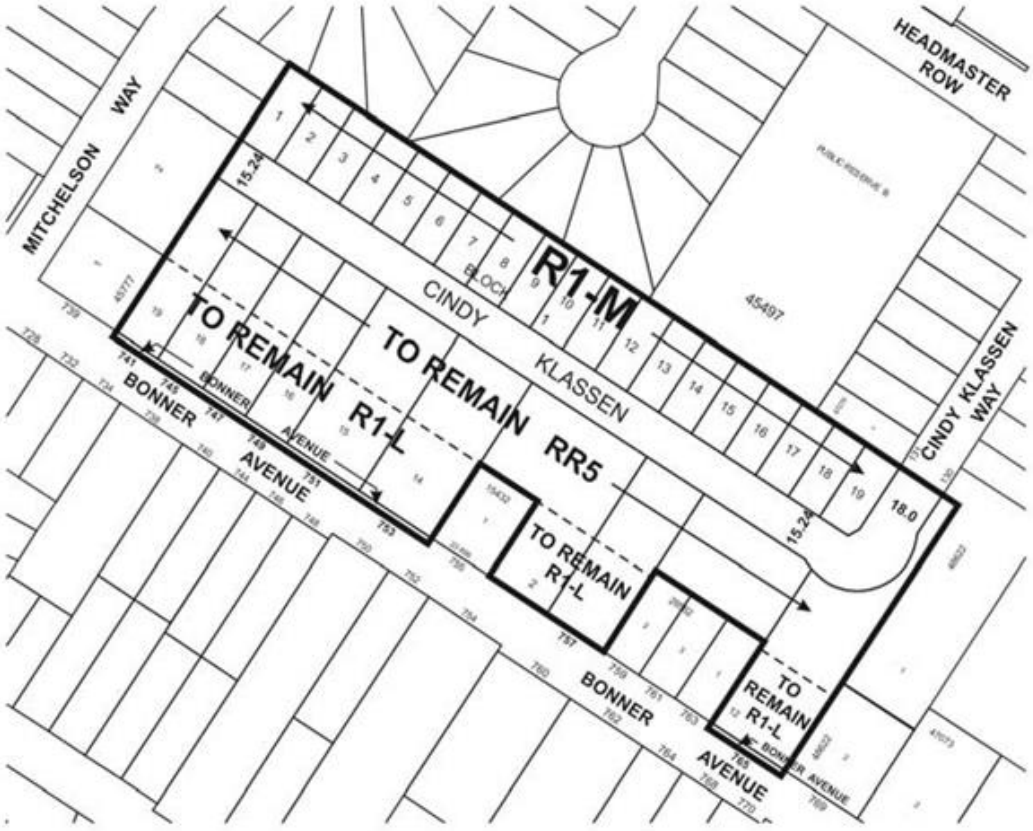
Atlas Sheet No. **U32**

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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 at 741 – 765 Bonner Avenue from an "RR5" RURAL RESIDENTIAL 5 DISTRICT, to an "R1-M" RESIDENTIAL SINGLE-FAMILY DISTRICT to include the establishment of residential building lots and the Cindy Klassen Way right-of-way extension connecting to Mitchelson Way to allow for future residential development as shown outlined below.



OPTION 1

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

McGOWAN•RUSSELL

April 6, 2020

City of Winnipeg
Planning, Property and Development Department
Land Development, Geomatics & Land Information Services Division
Land Development Branch
65 Garry Street
Winnipeg, Manitoba R3C 4K4

Dear Mr. Greg Jasper,

RE: **DASZ 19/2014, BY-LAW 40/2019 - 741-765 BONNER AVE. - EXTENSION OF TIME**

Due to the given uncertainty surrounding the COVID-19 pandemic Kris Sidhu and the Bonner Residents group respectfully request an extension of time to June 20, 2021 for DASZ 19/2014. The zoning by-law (By-Law 40/2019) was passed on June 20, 2019 with a requirement to complete registration of the plan by June 20, 2020. Extra time will be required to have the Plan of Subdivision and Zoning Agreement registered at Winnipeg Land Titles Office, for the plan of subdivision to be approved and signed by the Director of Planning, Property and Development and to obtain City of Winnipeg mylar signatures.

Please call should you have any questions or require additional information.

Thank you

McGowan Russell Group Inc.

S. Russell

Susan Russell, M.A.L.A., C.S.L.A.
President

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