Minute No. 389
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 16, 2020

Item No. 4 **Extension of Time – Subdivision and Rezoning – West of Peguis Street, South of Almey Avenue (Transcona Ward) File DASZ 21/2017**

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. 54/2019 be extended to July 18, 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 – Subdivision and Rezoning – West of Peguis Street, South of Almey Avenue – File No. DASZ 21/2017

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. 54/2019 under File No. DASZ 21/2017 expires on July 18, 2020. 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. 54/2019 be extended to July 18, 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 Recommendations are concurred in, the Owner will be allowed a time extension to July 18, 2021, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On July 19, 2018, Council adopted Item No. 15 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated June 25, 2018 which recommended approval of a subdivision and rezoning to an “RMF-M” Residential Multi-Family (Medium) District under Winnipeg Zoning By-Law 200/2006. See Appendix “A” map attached.

The rezoning By-law No. 54/2019 was enacted by Council on July 18, 2019.

Sections 3 and 4 of By-law No. 54/2019 stipulate 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 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. 54/2019 has not come into force by the required registration of the Plan of Subdivision. The required Zoning Agreement DASZ 21/2017 has not been registered by caveat in the Winnipeg Land Titles Office and the one (1) year time limit expires on July 18, 2020.

On April 20, 2020, the Owner, Zekar Holdings Ltd., Attention: Zacharias Worku submitted an application for an Extension of Time and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 54/2019 be extended to July 18, 2021 in order to secure the financial obligations for the required servicing fees. All other coming into force provisions, including execution of the Zoning Agreement has been satisfied by the Owner. 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 this development is within the Areas of Stability policy area of OurWinnipeg and also falls within the Transcona West Area Structure Plan. The proposed "RMF-M" rezoning and multi-family dwelling land use complies with these planning policies and will appropriately enhance the neighbourhood area.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

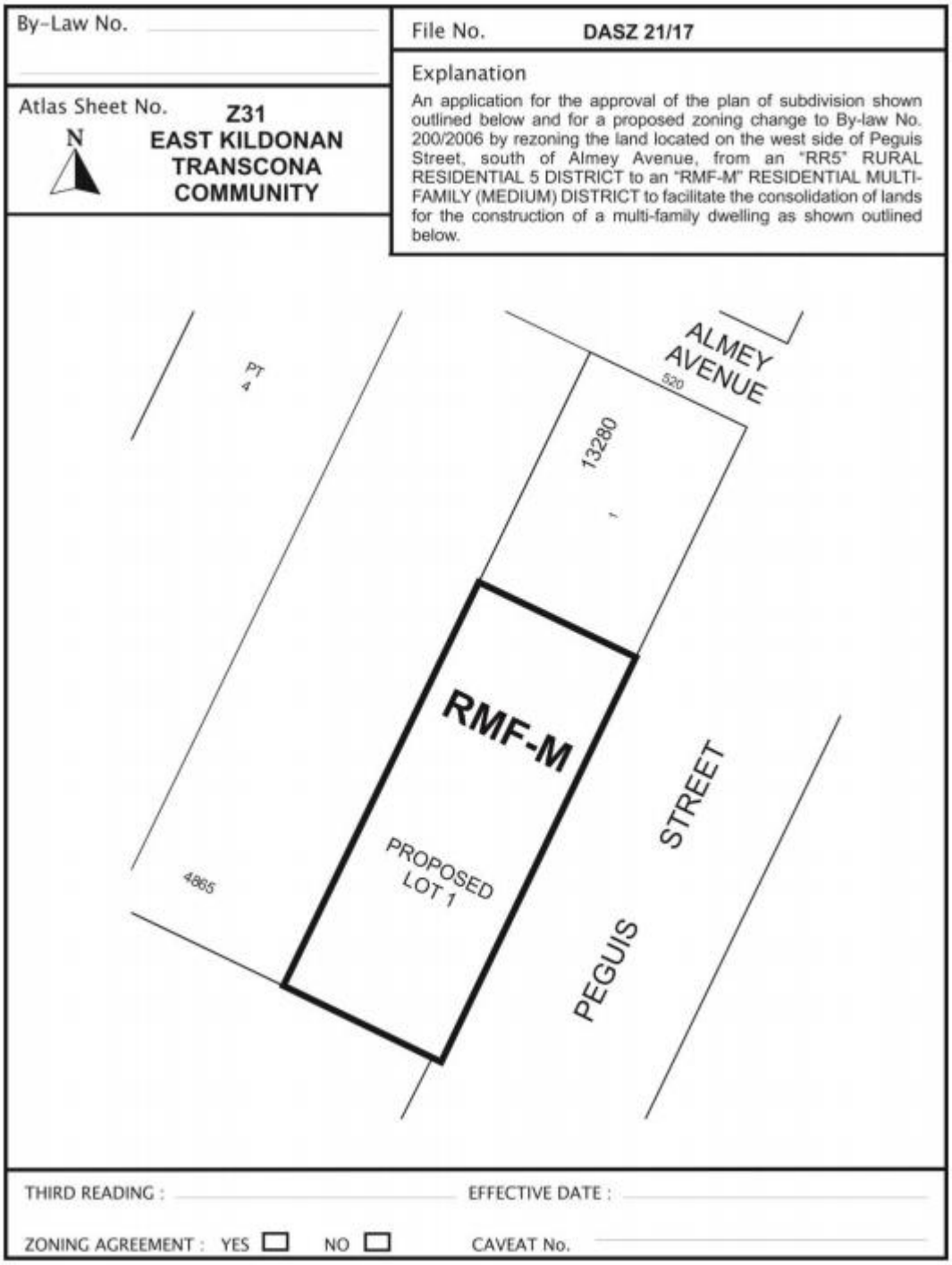
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: May 8, 2020
File No: DASZ 21/2017
Attachments: Appendix “A” – DASZ 21/2017 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 21/2017 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

April 20, 2020

10031260 Manitoba Ltd.
105-138 Lorne Ave
Winnipeg, MB
R2W 2N9

The City of Winnipeg
Planning, Property and Development Department
Land Development Branch
Main Floor, 65 Garry Street
Winnipeg, Manitoba

ATTN: Greg Jasper, Administrator

RE: DASZ 21/17; By-law 54/2019 Approval of a plan of subdivision and rezoning for land located West of Peguis St, South of Almey Avenue in the East Kildonan-Transcona Community.

Dear Mr. Jasper,

I am the sole Director of Corporation 10031260 Manitoba Ltd. Corporation 10031260 Manitoba Ltd. Is the sole owner of the property in question.

I would like to request an extension for 12 months (1 year) to finalize the remaining requirement(s) associated with this subdivision / rezoning, which is due to expire on July 18, 2020. The last outstanding item to complete is payment of the servicing fees of approximately $350,000 owing to the City of Winnipeg, and then registration of the mylars and zoning agreement with The Property Registry.

While my company has been actively working on this project, we have yet to secure the financing for the project which will allow us to proceed with the payment of the servicing fees and satisfy the final requirement. The zoning conditions regarding the number of units, setbacks and the outstanding servicing costs forced us to reimagine the project and adjust the proforma. Additionally, we applied for a zoning agreement amendment which was only concluded this past November, so that has also delayed the project and planning process.

My architect has completed drawings (evidence available upon request) to the level required for us to solicit a Class D estimate and enter into discussions with CMHC. However, the COVID-19 pandemic has also contributed to delays as my financial institution informed me that they are completely preoccupied with restructuring their existing commercial property portfolio and will not be considering the review of any new project financing for the indefinite future.

We hope to have a Class D estimate and formal project appraisal complete by mid-May, and conditional commitment by CMHC for funding under their MLI program by the end of July. However, if the proforma is not acceptable, we may need to redesign elements of the building design to adjust the cost structure. This would push back the conclusion of financing until fall. However, if capital financing markets continue to react to the pandemic economic situation, we may face further delays. Worst case

scenario would see me refinancing some of my other properties to obtain the money necessary to proceed with finalizing the subdivision / rezoning conditions.

As such, I would request that an extension be granted given the circumstances.

I will be contacting your permits office to proceed with the payment of the application for extension and reapproval of the legal plan mylars.

Sincerely,

Zacharias Worku