Minute No. 606
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – October 16, 2020

Item No. 7 **Extension of Time – Proposed Subdivision and Rezoning – 341/345 Springfield Road (North Kildonan Ward) File DASZ 37/2016**

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. 101/2017 be extended to October 25, 2022.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

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 October 20, 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 October 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 October 2, 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 – 341/345 Springfield Road – File No. DASZ 37/2016

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. 101/2017 under File No. DASZ 37/2016 will expire on October 25, 2020. The Developer will not be able to satisfy all of the conditions prior to expiry and has requested a second 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. 101/2017 be extended to October 25, 2022.

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 October 25, 2022, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On February 22, 2017, Council adopted Item No. 3 of the report of the Standing Policy Committee on Property and Development dated February 8, 2017 which recommended approval of the subject subdivision and rezoning to an "R2" Residential Two-Family District under the Winnipeg Zoning By-law 200/2006.

On October 25, 2017, By-law No. 101/2017 was enacted by Council. See Appendix "A" map attached.

Section 3 of By-law No. 101/2017 stipulates:

Coming into force

3 (1) Section 1 comes into force when the City of Winnipeg executes the Development Agreement for Servicing 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 when the plan of subdivision is registered in the Winnipeg Land Titles Office 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 January 31, 2019, Council adopted Item No. 18 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated January 7, 2019 extending the time limit to satisfy the Coming into Force provisions of By-law 101/2017 to October 25, 2020.

By-law No. 101/2017 has not come into force by the required registration of the Plan of Subdivision in the Winnipeg Land Titles Office which includes the final execution of the required Development Agreement for Servicing. The By-law's current time limit will expire on October 25, 2020.

The applicant, Inderpal Jauhal, 461 Almey Avenue, Winnipeg, Manitoba, R2M 3H7, has requested a second extension of time for an additional two years in order to finalize the necessary Development Agreement for Servicing and 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 as circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG POLICY ALIGNMENT

The subject site is within an Areas of Stability Policy Area under *OurWinnipeg* and the *Complete Communities Direction Strategy*, and is located in an "R1-M" Residential Single-Family (Medium) District. The proposed plan of subdivision and rezoning would facilitate a multi-family development, thereby expanding housing options in the area. A moderately-dense residential development would be more transit supportive than low density residential development. Therefore, the proposed plan of subdivision and rezoning would comply with the Areas of Stability Key Direction.

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: September 22, 2020
File No: DASZ 37/2016
Attachments: Appendix "A" – DASZ 37/2016, By-law No. 101/2017 Map
Appendix "B" – Letter Requesting Extension of Time

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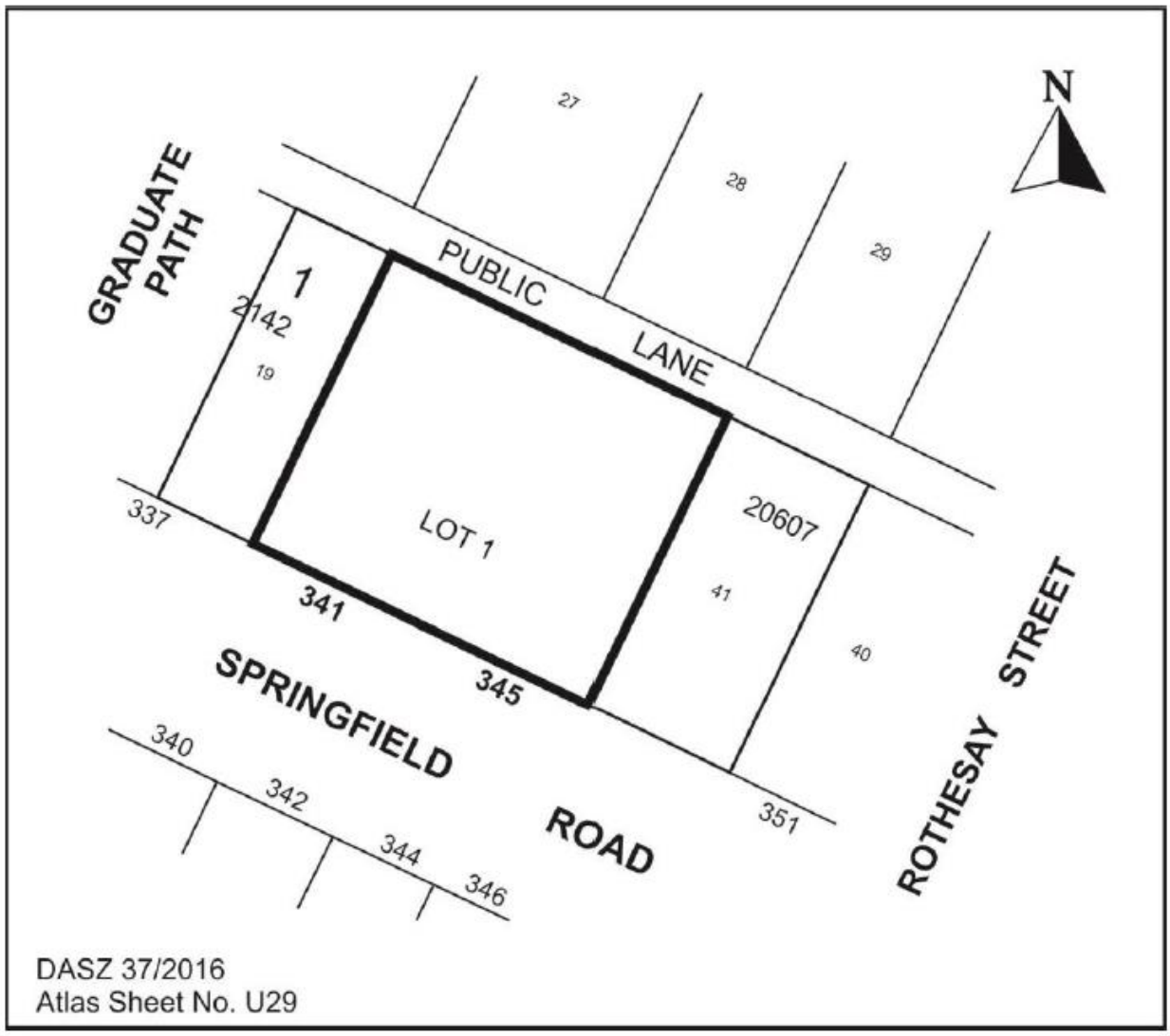
APPENDIX "A" – DASZ 37/2016, BY-LAW NO. 101/2017 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

LETTER OF INTENT
with respect to the property at 341 - 345 Springfield Road
referenced in file DASZ37/2016

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

The original intention was to rezone the property and develop a 15 unit building thereon. This was approved, but subsequently an issue surfaced with respect to the Water and Waste Department as to the capability of the infrastructure to service a 15 unit development. Considerable time and effort was expended to try to address this issue.

Ultimately, the owners abandoned efforts to do a 15 unit development, and opted to proceed with a 7 unit development of a different configuration. The owners have now received confirmation from the Water and Waste Department that the reduction to 7 units satisfies their original concerns.

Unfortunately, there is a lingering issue concerning fire flow. The owners have now proposed a resolution to that concern, which is apparently acceptable to the City. Presumably that may have to be reflected in a Servicing Agreement, which is not likely capable of being prepared and finalized and executed prior to October 25, 2020.

It is the intention of the owners to proceed towards construction and completion of the 7 unit development on the property. In that regard, it will now be necessary for the owners to finalize easement arrangements with BellCanada/MTS, Manitoba Hydro/Centric Gas Manitoba and Shaw Cable

Systems. Although there were previous dealings on the easement issue, those will now have to be revisited given the change to the density of the project and the revised configuration of the project. Dealing with utilities can be a time consuming process.

It is the expectation of the owners that an extension of 1 year would probably be sufficient. However, the owners would appreciate consideration being given to a longer extension of 2 years, to be on the safe side and to recognize that the owners do not control the timing of when agreements with third parties are prepared and executed.

Once the foregoing matters are completed, the Plan of Subdivision (Mylars) which have previously been provided to the City of Winnipeg, will be registered.

If you have any questions concerning any of the foregoing, please do not hesitate to contact the undersigned.

All of which is respectfully submitted, this 21st day of August, 2020.

Inderpal Jauhal
The party authorized by the owners to make this application