Minute No. 319
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 15, 2021

Item No. 3 **Extension of Time – Proposed Subdivision and Rezoning – Parcel A, Plan 107449 & Lot 1 Plan 12012, 1501 & 1525 Dawson Road South (Transcona Ward)**
File DASZ 52/2013

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. 56/2016 be extended to April 27, 2023.

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 – March 15, 2021

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 March 17, 2021, 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 March 15, 2021, 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 March 2, 2021, 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 – Parcel A, Plan 107449 & Lot 1 Plan 12012, 1501 & 1525 Dawson Road South – File No. DASZ 52/2013

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
G. Jasper	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 56/2016 under File No. DASZ 52/2013 will expire on April 27, 2021. The Developer will not be able to satisfy all of the conditions prior to expiry and has requested a third 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. 56/2016 be extended to April 27, 2023.

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 27, 2023 to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On July 16, 2014, Council concurred in the recommendations of Item No. 3 of the report of the Standing Policy Committee on Property and Development dated July 8, 2014 and approved Development Application No. DASZ 52/2013 which proposed the subdivision and rezoning to a "C3" Commercial Corridor District, a "CMU" Commercial Mixed Use District, an "RMF-M" Residential Multi-Family (Medium) District and a "PR1" Parks and Recreational District under the Winnipeg Zoning By-law 200/2006. See Appendix "A" map attached.

Recommendations 9 and 10 of Council's minutes stipulate:

"9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council."

On April 27, 2016, By-law No. 56/2016 was enacted by Council. Section 1 and Section 3 of By-law No. 56/2016 stipulates:

Plan of subdivision

1 The plan of subdivision shown below is approved, subject to a Development Agreement being entered into between The City of Winnipeg and the registered owner or persons entitled to be registered owner of the subject land.

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.

(2) Section 2 comes into force for each lot when:

a) The plan of subdivision is registered in the Winnipeg Land Titles Office; and

b) Zoning Agreement DASZ 52/2013 is registered in the Winnipeg Land Titles Office by caveat against the subject land; and

c) The City of Winnipeg issues a building permit for that lot; or that lot is sold or leased; or ten (10) years from the date this By-law is passed, whichever comes first.

On May 24, 2017, Council adopted Item. No. 7 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated May 9, 2017 which recommended an extension of time to April 27, 2019 for the coming into force of Section 1 of rezoning By-law No. 56/2016.

On June 30, 2019, Council adopted Item No. 3 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated May 27, 2019 which recommended a second extension of time to April 27, 2021 for the coming into force of Section 1 of rezoning By-law 56/2016.

By-law No. 56/2016 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 and Zoning Agreement. The By-law's current time limit will expire on April 26, 2021.

The applicant, Lauren Lange of WSP, 111-93 Lombard Avenue, Winnipeg, Manitoba, R3B 3B1 is requesting a third extension of time for an additional two years in order to finalize the necessary Development Agreement for Servicing, Zoning Agreement and to complete the necessary registrations at the Winnipeg Land Titles Office. See Appendix "B".

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

Legal Services (as to legal issues)

OUR WINNIPEG POLICY ALIGNMENT

The subject lands are located within an area designated as New Communities Policy Area identified as Precinct “J” which was adopted by Council on May 27, 2014 under Secondary Plan File No. SP 5/2013.

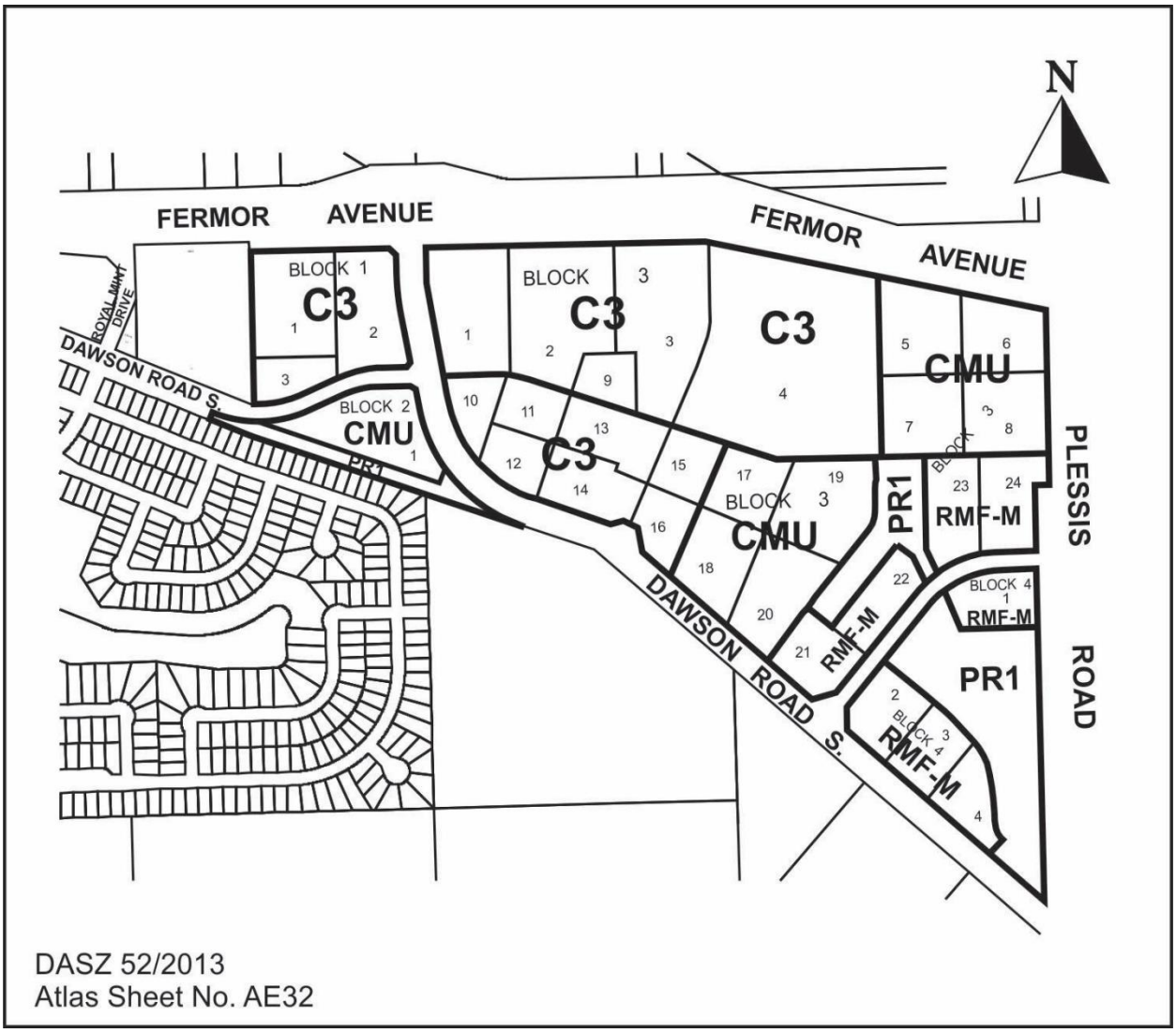
WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Real Estate and Land Development
Prepared by:	A. Savage, Land Development Services Coordinator
Date:	February 2, 2021
File No:	DASZ 52/2013
Attachments:	Appendix “A” – DASZ 18/2014, By-law No. 56/2016 Map
	Appendix “B” – Letter Requesting Extension of Time

APPENDIX "A" – DASZ 52/2013, BY-LAW NO. 56/2016 MAP



DASZ 52/2013
Atlas Sheet No. AE32

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

February 1, 2021

Confidential

Ms. Angela Savage
Land Development Services Coordinator
City of Winnipeg
Main floor – 65 Garry Street
Winnipeg MB R3C 4K4

Dear Ms. Savage:

RE: Extension of Time – Subdivision and Re-zoning – File No. DASZ 52/2013 – By-Law No. 56/2016

On behalf of our Client, 5086109 Manitoba Ltd., 5086095 Manitoba Ltd., 5154635 Manitoba Ltd., and 5154643 Manitoba Ltd., WSP Canada Group Limited (WSP), is requesting a two-year extension of time for approval of the amending By-law. Currently, the time limit to satisfy the Coming into Force provisions of By-law No. 56/2016 is April 27, 2021. Our Client required this re-zoning in accordance with the policies of the Precinct J Plan, and this extension of time will allow our Client to continue to work with the City of Winnipeg to confirm the details of the Development Agreement.

We appreciate your consideration in this matter. Please contact me at (204) 259-5429 if you have any questions.

Yours sincerely,
WSP Canada Group Limited

Lauren Lange, MCIP RPP
Senior Planner
Planning, Landscape Architecture and Urban Design

LL/
WSP ref.: 20M-00378-00