Agenda – Council – May 27, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 11, 2021

Item No. 11 Extension of Time – Subdivision and Rezoning – 813 Rathgar Avenue (Fort Rouge-East Fort Garry Ward)
File DASZ 23/2017

STANDING COMMITTEE RECOMMENDATION:

On May 18, 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 following to Council:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 55/2020 be extended to November 29, 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 – May 11, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 18, 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 May 11, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 4, 2021, the City Centre 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 – 813 Rathgar Avenue – File No. DASZ 23/2017

Critical Path: City Centre Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Trenchard	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 55/2020 under File No. DASZ 23/2017 expires on May 29, 2021. 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. 55/2020 be extended to November 29, 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 November 29, 2021, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On January 25, 2018, Council adopted Item No. 2 of the Report of the Executive Policy Committee dated January 10, 2018 which recommended approval of a subdivision and rezoning to an “RMF-S” Residential Multi-Family (Small) District under Winnipeg Zoning By-Law 200/2006. See Appendix “A” map attached.

Recommendation 5 of the above-referenced report states:

> "That in the event the application is not proceeded with expeditiously and the by-law is not enacted 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 the two (2)-year period and the extension is subsequently approved by Council."

The rezoning By-law No. 55/2020 was enacted by Council on May 29, 2020.

Sections 3 and 4 of By-law No. 55/2020 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. 55/2020 has not come into force by the required registration of the Plan of Subdivision. The required Zoning Agreement DASZ 23/2017 has not been registered by caveat in the Winnipeg Land Titles Office and the one (1) year time limit expires on May 29, 2021.

On January 15, 2020, the Owner Raj Sharma of 6727132 Manitoba Ltd., 246 Mosselle Drive, Winnipeg, Manitoba, R2P 1N7 submitted a second application for an Extension of Time and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 55/2020 be extended to November 29, 2021 in order to complete the required registrations. 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 site is located in the Areas of Stability – Mature Community policy area of *Complete Communities* of Our Winnipeg. The proposed development will add modest density to this Mature Neighbourhood in a context sensitive manner that is consistent with the direction established for Mature Communities. It is also complimentary to the ongoing development of the Fort Rouge Yards as a transit oriented neighbourhood which is consistent with the principles of Transit Oriented Development and also consistent with the policies for Major Redevelopment Sites as identified in the Complete Communities direction strategy.

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: April 20, 2021
File No: DASZ 23/2017
Attachments: Appendix "A" – DASZ 23/2017 Map
Appendix "B" – Letter Requesting Extension of Time

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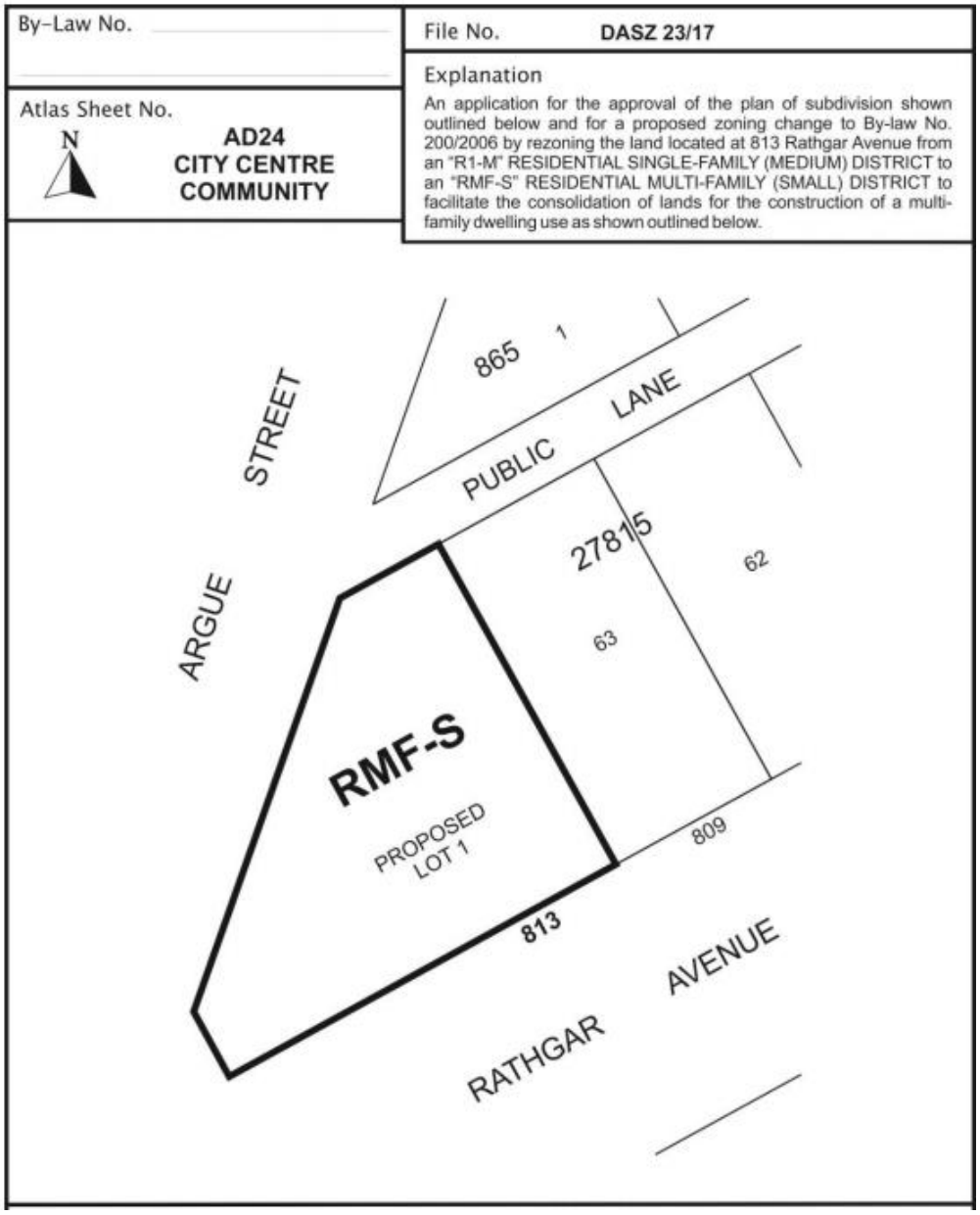
APPENDIX "A" – DASZ 23/2017 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Angela Savage, Development Applications Coordinator Land Development Branch
Planning, Property and Development Department
City of Winnipeg
Main Floor, 65 Garry Street
Winnipeg MB R3C 4K4

Hi Angie,

RE: Letter of Intent - DASZ 23/2017 813 Rathgar [By-law 55/2020]

Raj Sharma owner of this property is working towards fulfilling Council's conditions of approval, namely, the registration of documents at the Land Titles Office in order to advance to a permit this year. Currently, the utility easement documents are pending release by the utility companies, which may or may not happen prior to the by-law deadline. As such, we are requesting a 6-month extension to the above noted file.

We look forward to this matter being advanced to a decision.

Raj Sharma (Owner) 6727132 MB LTD.
246 Mosselle Drive, Winnipeg, MB, R2P 1N7

Raj Kumar 16th April 2021