Agenda – Council – November 25, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 10, 2021

Item No. 10 Extension of Time – Closing – Cadboro Road, Albright Road and Part of Formby Avenue for Incorporation into DASZ 43/2019 (Waverley West Ward)
File DAC 6/2019

STANDING COMMITTEE RECOMMENDATION:

On November 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 following to Council:

1. That Recommendation 3 under File DAC 6/2019 approved by Council on May 29, 2020, be deleted and replaced with the following:

   "3. That in the event By-Law 111/2020 is not registered in the Winnipeg Land Titles Office on or before November 26, 2022, the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for prior to November 26, 2022 and Council approves the extension."

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 – November 10, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 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 November 10, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On October 27, 2021, the Assiniboia 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 - Closing – Cadboro Road, Albright Road and Part of Formby Avenue for Incorporation into DASZ 43/2019 (Waverley West Ward) – DAC 6/2019

Critical Path: Assiniboia 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			

EXECUTIVE SUMMARY

On May 29, 2020, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and approved the closing of Cadboro Road, Albright Road and part of Formby Avenue (DAC 6/2019) for incorporation into DASZ 43/2019.

On November 26, 2020, Council approved By-law No. 111/2020 that included a condition requiring the closing plan and by-law under DAC 6/2019 to be registered in the Winnipeg Land Titles Office within one year.

On August 30, 2021, the applicant, citing delays in finalizing agreements required under DASZ 43/2019 that will inhibit their ability to complete the aforesaid registrations, applied for a one-year extension of time to complete the registrations.

The Public Service supports this request.

RECOMMENDATIONS

1. That Recommendation 3 under File DAC 6/2019 approved by Council on May 29, 2020, be deleted and replaced with the following:

   "3. That in the event By-Law 111/2020 is not registered in the Winnipeg Land Titles Office on or before November 26, 2022, the matter shall be deemed to be concluded and shall not be proceeded with, unless an extension of time is applied for prior to November 26, 2022 and Council approves the extension."

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 for a road closing.

IMPLICATIONS OF THE RECOMMENDATIONS

Should Council concur in the recommendation, the applicant will be permitted an extension of time to November 26, 2022, to complete the necessary registrations at the Winnipeg Land Titles Office to implement the intent of Council's May 29, 2020 decision.

HISTORY/DISCUSSION

On May 29, 2020, Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development, and approved the closing of Cadboro Road, Albright Road, and part of Formby Avenue (DAC 6/2019) for incorporation into DASZ 43/2019, being an application to subdivide and rezone the adjoining property for the establishment of mixed-use residential, multi-family and commercial development.

On November 26, 2020, Council enacted By-law No. 111/2020, requiring registration of the closing plan and the by-law in the Winnipeg Land Titles Office within one year of enactment.

On August 30, 2021, the applicant, citing delays in finalizing agreements required under DASZ 43/2019 that will inhibit their ability to complete the aforesaid registrations, applied for a one year extension of time within which to fulfil outstanding administrative conditions of approval outlined in Appendix A of the report for DAC 6/2019 approved by Council. They have indicated that they anticipate being able to do so by the end of 2021 or during the first quarter of 2022.

The Public Service has reviewed the applicant/developer's request and supports an extension of time to November 26, 2022 inasmuch as circumstances leading to the original approval remain unchanged.

CONSULTATION

N/A

OURWINNIPEG POLICY ALIGNMENT

Section 235 of The City of Winnipeg Charter states that "…public works, undertakings and development in the city must be consistent with Plan Winnipeg or any secondary plan."
The subject closings do not contravene OurWinnipeg or the Complete Communities Direction Strategy and generally align with their overall vision and key directions.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

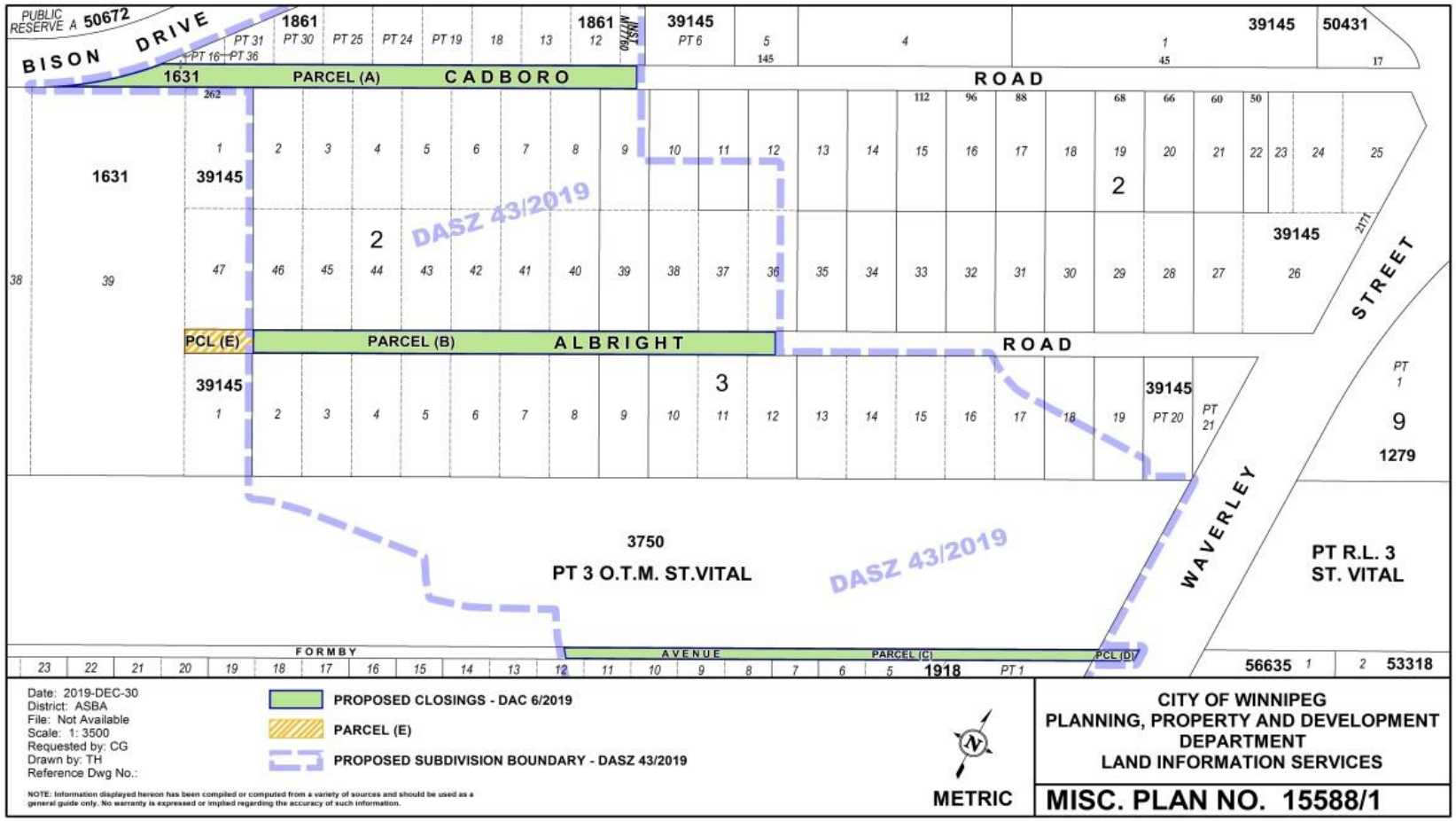
N/A

SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Catherine P. Gagnon
Date: September 14, 2021
File No: DAC 6/2019

Attachments:
Appendix A: Miscellaneous Plan No. 15588/1
Appendix B: Extension of Time Request Letter dated August 30, 2021

APPENDIX A - MISCELLANEOUS PLAN NO. 15588/1



APPENDIX B - EXTENSION OF TIME REQUEST LETTER DATED AUGUST 30, 2021

One Dr David Friesen Drive Winnipeg, MB R0X 0G8
QUALICOCOMMUNITIES.COM

QUALICO communities

August 30, 2021

Michele Hammerberg
The City of Winnipeg
Planning, Property, and Development
Main Floor – 65 Garry Street
Winnipeg, Manitoba R3C 4K4

Dear Michele,

Waverley West - Bison Run Phase 1
Extension of Time Request – DASZ 43/2019 and DAC 6/2019

At its meeting held on November 26th, 2020, City of Winnipeg Council passed By-law No. 110/2020 to approve the plan of subdivision applied for under DASZ 43/2019, together with By-law No. 111/2020 to approve the road closings under DAC 6/2019. The By-laws require that the plans of subdivision and zoning must be registered at WLTO within one year of enactment, being November 26th, 2021.

Since approval of the above applications, we have worked with the City on the Development Agreement, Waverley West Neighbourhood "B" Area Charges, Zoning Agreement and required Easement Agreements relating to these applications. However, due to delays in finalizing these documents, together with the time required to complete the legal work and registration time at WLTO, we will be unable to meet the current deadline of November 26th, 2021. Accordingly, we are requesting a one (1) year extension for registration of the plans of subdivision and closing required under By-law 110/2020 and By-law No. 111/2020. We expect to have these applications registered by the end of 2021 or during the first quarter of 2022, in order that we can transfer registered parcels to builders.

Please confirm that this letter will meet your requirements for requesting a one (1) year extension under By-law 110/2020 and B-law No. 111/2020.

Payment for this request can be processed through our trust account 12-04-1169TR.

Yours truly,

SOUTHEAST LANDS CORP.

Lyne B. Jones
Senior Development Manager