Agenda – Council – December 16, 2021

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – December 2, 2021

Item No. 14 Extension of Time – Subdivision and Rezoning – Northwest Corner of Inkster Boulevard and King Edward Street
(Old Kildonan Ward)
DASZ 44/2016

STANDING COMMITTEE RECOMMENDATION:

On December 8, 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. 5/2021 be extended to January 28, 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 – December 2, 2021

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 8, 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 December 2, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 29, 2021, the Lord Selkirk-West Kildonan 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 –Northwest Corner of Inkster Boulevard and King Edward Street – File No. DASZ 44/2016

Critical Path: Lord Selkirk-West Kildonan 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	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 5/2021 under File No. DASZ 44/2016 expire on January 28, 2022. 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. 5/2021 be extended to January 28, 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 recommendations are concurred in, the Owner will be allowed a time extension to January 28, 2023, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On March 22, 2017, Council adopted Item No. 5 of the Report of the Executive Policy Committee dated March 8, 2017 which recommended approval of a subdivision and rezoning to a “C2 PDO-2 Airport Vicinity” Commercial Community District under Winnipeg Zoning By-Law 200/2006.

Recommendation 5 of the above-referenced report states:

> "That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 Council approves the extension."

On May 29, 2020, Council adopted Item No.11 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated May 21, 2020 which recommended approval of an Extension of Time and that the time limit for enactment of the necessary by-law for DASZ 44/2016 be extended to March 22, 2021.

The rezoning By-law No. 5/2021 was enacted by Council on January 28, 2021. See Appendix “A” map attached.

Sections 3 and 4 of By-law No. 5/2021 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision and Zoning Agreement is 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 has 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. 5/2021 has not come into force by the required registration of the Plan of Subdivision and Zoning Agreement DASZ 44/2016 by caveat in the Winnipeg Land Titles Office and the one (1) year time limit is due to expire on January 28, 2022.

On April 26, 2021, the Applicant, Richard + Wintrup Planning and Development, Attention: John Wintrup, 301-139 Roslyn Road, Winnipeg, Manitoba, R3L 0G7, on behalf of the Owner, B. & B. Developers Inc. has submitted a request for a second extension of time in order to continue facilitating the engineering studies currently under process for the development agreement and complete with 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 and circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG POLICY ALIGNMENT

The site is located within a Recent Community area under the Complete Communities Direction Strategy. It also falls within a General Manufacturing area under an Employment Lands Policy 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: October 19, 2021
File No: DASZ 44/2016
Attachments: Appendix "A" – DASZ 44/2016 Map
Appendix "B" – Letter Requesting Extension of Time

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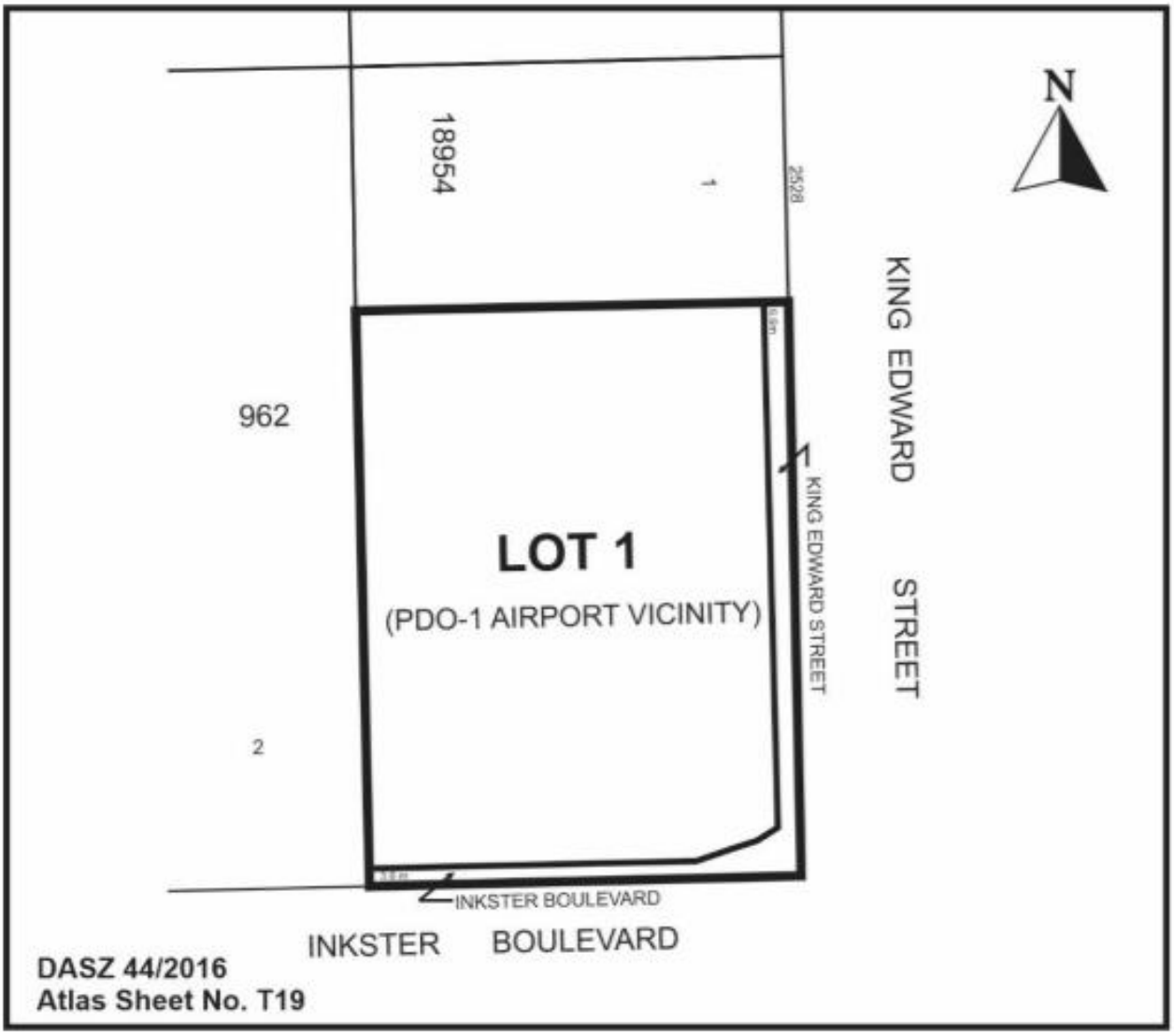
APPENDIX "A" – DASZ 44/2016 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Richard + Wintrup
Planning and Development

Land Area: +/- 3.5 acres
Lot Configuration: Corner Lot
Land Configuration: Rectangle
Fronting Street: King Edward Street & Inkster Blvd
Municipal Services: Full municipal services. Rear public lane, Multi-Use Pathway, Sidewalk
Current Land-Uses: Vacant

Proposed Dev'pmnt: Complete File DASZ 44/2016 approved Council Minutes – March 22, 2017
To rezone the land from "A" Agricultural District to
"C2" Commercial Community District for the establishment
and construction of multi-use commercial buildings

LOCATION

The *subject lands* are approximately +/- 3.5 acres located adjacent to the northwest intersection of King Edward ST and Inkster Blvd, south of Haggart Ave and east of Groverdale ST in the North Inkster Industrial neighbourhood of the Old Kildonan Ward.

The lands are currently vacant, zoned **A – Agricultural [Airport Vicinity Protection Area 2 Overlay District]** under *Winnipeg Zoning By-law 200/2006;* and '**Recent Communities'** and **'General Manufacturing'** as per *Complete Communities Direction Strategy By-law No. 68/2010.*

NOTES

On March 22, 2017, Council approved File DASZ 44/2016 To rezone the land from "A" Agricultural District to "C2" Commercial Community District for the establishment and construction of multi-use commercial buildings.
On January 28, 2021 Council approved BY-LAW NO. 5/2021

The 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. Currently,

engineering studies are being undertaken to provide the required information for the Development Agreement.

Information that is being provided with this Letter of Intent includes:

1. Letter of Authorization to John Wintrup;
2. Current Status of Title;
3. Application Fee.

Please do not hesitate to contact me directly if there is any information or materials missing from this application.

I respectfully request this matter be advanced and processed in a timely manner.



John Scott Wintrup, B.A.(Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
R+W | Richard Wintrup
john@richardwintrup.com
301-139 Roslyn Road
Winnipeg, Manitoba R3L 0G7
Encl.