Minute No. 308
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 7, 2022

Item No. 4 Extension of Time – 662 St. Mary's Road
(St. Vital Ward)
File DAZ 209/2019

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. 11/2021 be extended to January 28, 2024.

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 7, 2022

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 16, 2022, 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 7, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development Committee concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 23, 2022, Riel 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 – Rezoning –662 St. Mary's Road – File No. DAZ 209/2019

Critical Path: Riel 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. 11/2021 under File No. DAZ 209/2019 will 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 in order 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. 11/2021 be extended to January 28, 2024.

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 January 28, 2024, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On May 6, 2020, Council adopted Item No. 7 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated April 20, 2020 which recommended approval of a rezoning to a "C1" Commercial Neighbourhood District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

Recommendation 5 of the above-referenced report states:

> "That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if a by-law to implement this report (the "By-law") is not enacted within 2 years after the date on which this report is approved by Council unless the developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension."

On January 28, 2021, By-law No. 11/2021 was enacted by Council. Sections 2 and 3 of By-law No. 9/2021 stipulate the following:

Coming into force
2 This By-law Comes into force when the Zoning Agreement is registered at the Winnipeg land Titles Office.

Extensions of time
3(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 Zoning Agreement has not been registered at the Winnipeg Land Titles Office; and

(b) the owner has not applied for an extension of time.

3(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. 11/2021 has not come into force by the required registration of the Zoning Agreement and the one (1) year time limit will expire on January 28, 2022.

On January 24, 2022, the Owner, Calvin Zankowski, 662 St. Mary's Road, Winnipeg, Manitoba, R2M 3M4, applied for an Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 9/2021 be extended to January 28, 2024 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 subject property is located along a "Regional Mixed Use Corridor" (St. Mary's Road) in the *Complete Communities'* Urban Structure map which is predominantly zoned for single family residential uses. The proposed "C1" zoning and commercial use would introduce a low impact commercial use consistent with the objectives in the *Complete Communities Direction Strategy* as it maximizes the use of existing infrastructure, encourages intensification to occur along a corridor, and supports a mix of commercial services and employment uses that serve the local community.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

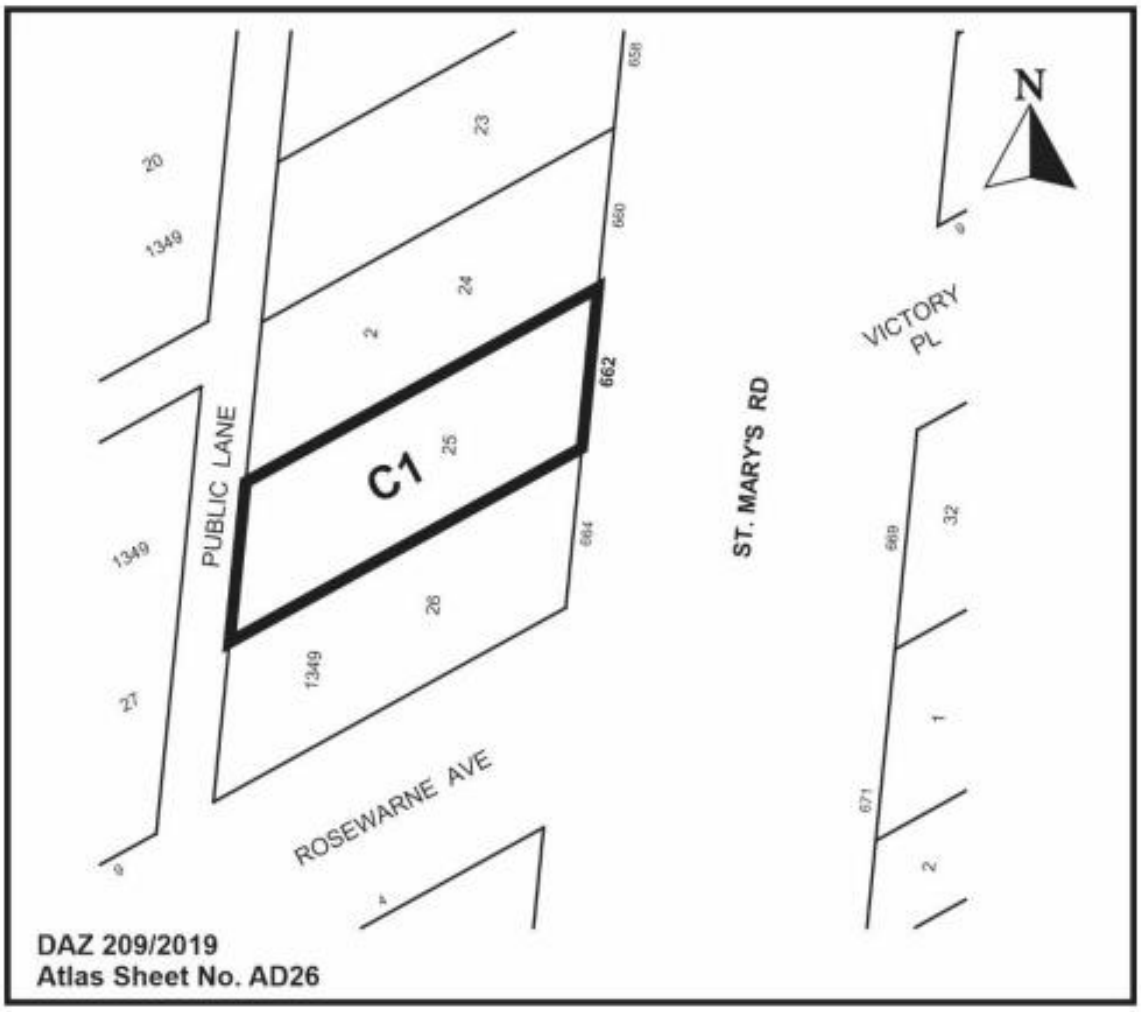
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: January 28, 2022
File No: DAZ 209/2019

Attachments: Appendix "A" – DAZ 209/2019 Map
Appendix "B" – Letter Requesting Extension of Time

APPENDIX "A" – DAZ 209/2019 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

January 24, 2022

To Whom it May Concern,

I Calvin Zankowski am writing this letter to request an "Extension of Time," for the property at 662 St. Mary's Road, in order to comply with The City of Winnipeg's requirements to zone the building from a residential to commercial property.

As we all know, 2 years ago we were just hearing about Covid-19. Because of this pandemic Massage Therapists were required to shut down for two and a half months. As a small business owner, that was quite a financial hit. After we were allowed to return to work my business was operating at approximately 1/3 of what would be considered normal. This has carried on and off for 2 years. Even in some of the best weeks my appointment hours were less than half, depending on the different waves of the pandemic.

In June of 2020 I tried unsuccessfully to get a home equity loan in time for the July mortgage renewal deadline, due to shutdowns and not being able to contact a Chaise representative. The home equity loan was my only source of obtaining enough money to pay for all of the City's zoning requirements that I need to comply with.

The next year 2021, I began the process of the equity loan earlier and was hopeful that the people involved would be able to get everything in order for me in a timely fashion. Unfortunately, there were issues with the new mortgage company and the delays prevented me from getting the money I required until late August.

In September of 2021, once I had secured the money, I began pricing the costs. The contractor said he would be able to do the paving before the winter. Unfortunately, he was unable to fit my job in before the winter freeze up. The contractor assures me that I will be one of the first jobs scheduled for spring 2022.

If I am granted this extension, it would enable me to complete and comply with the requirements set out by the City in order to zone my property.

Thank you kindly for this consideration,

Cal Zankowski

Because of the unknowns in regards to labour and supply shortages, I am requesting for a 2 year extension in order to complete the entire requirements.
Thank you