Agenda – Council – December 15, 2022

Report – Standing Policy Committee on Property and Development – November 30, 2022

Item No. 13 Extension of Time – Subdivision and Rezoning –Northwest Corner of Inkster Boulevard and King Edward Street (Old Kildonan Ward) File DASZ 44/2016

STANDING COMMITTEE RECOMMENDATION:

On December 7, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and 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, 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 – November 30, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On December 7, 2022, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On November 30, 2022 the Standing Policy Committee on Property and 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 17, 2022, 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.

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
D. Trenchard	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, 2023. 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, 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 recommendations are concurred in, the Owner will be allowed a time extension to January 28, 2024, 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.

On December 16, 2021, Council adopted Item No.14 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated December 2, 2021 which recommended approval of a second extension of time in order to complete the necessary registration of the Plan of Subdivision and the required Zoning Agreement DASZ 44/2016 by caveat in the Winnipeg Land Titles Office.

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, 2023.

On October 11, 2022, 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 third extension of time in order to continue facilitating the engineering requirements for the development agreement and complete 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 2045 POLICY ALIGNMENT

The site is located within an Employment Lands Policy Area under the *Complete Communities Direction Strategy 2.0* of *OurWinnipeg 2045.*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

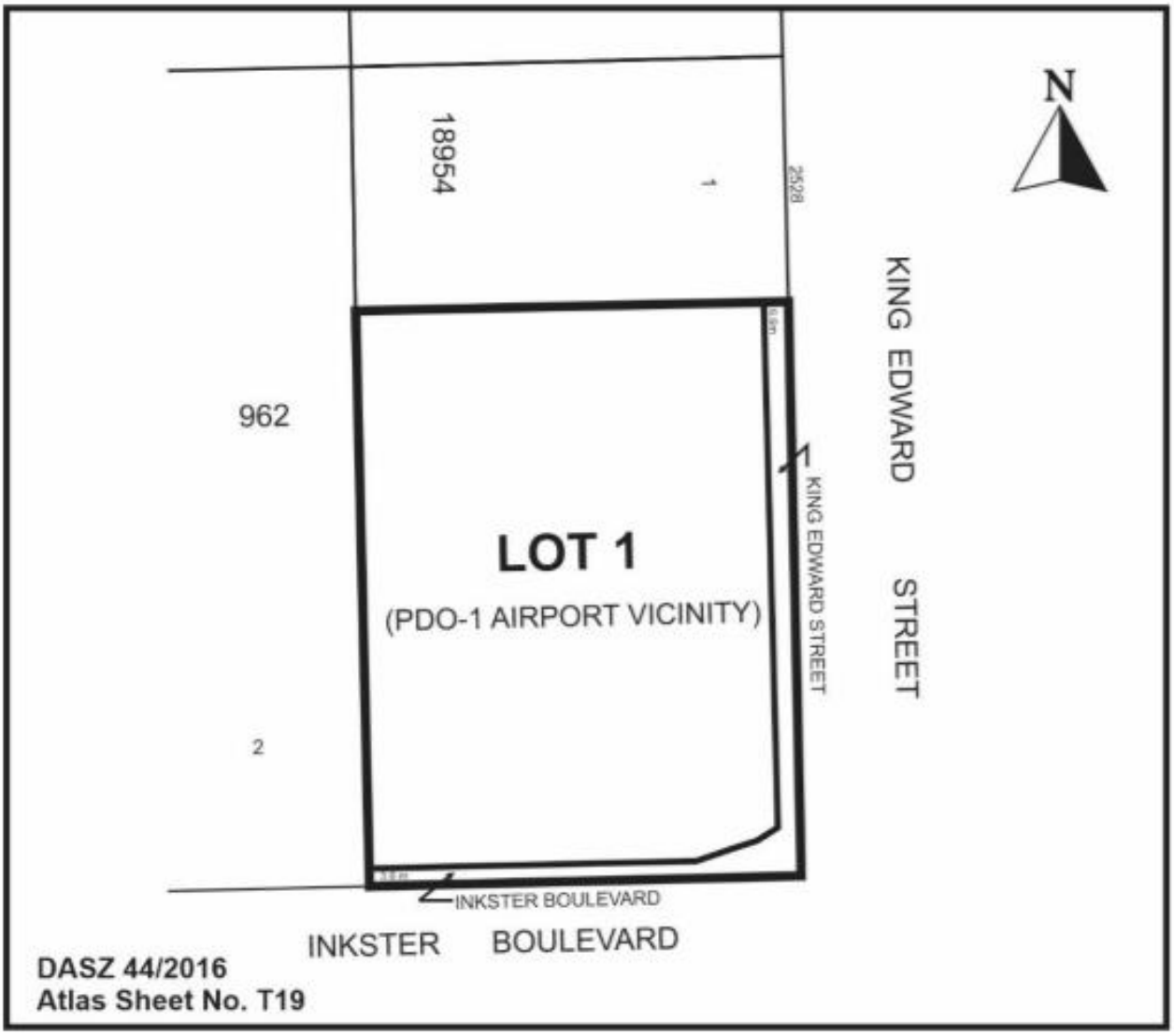
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: October 11, 2022
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

October 6, 2022

Michele Hammerberg
Land Development Branch
Main Floor, 65 Garry St.
Winnipeg, MB R3C 4K4

Dear Michele Hammerberg, Development Applications Coordinator:

RE: Letter of Intent – NW Intersection King Edward ST & Inkster BLVD, Extension

John Wintrup is the 'Applicant' in making the application for the extension of time on the **SUBJECT LANDS** for the **PROPOSED DEVELOPMENT** as outlined below.

1. SUBJECT LANDS

(a) Municipal Address:	N/A
(b) Location:	NW Corner of Inkster and King Edward
(c) Roll Numbers:	14098649000
(d) CT:	3138028/1
(e) Legal Description:	*Lot 1 Plan 962 exc. Plan 18954 in SE ¼ of 26-11-2 EPM*
(f) Registered Owners:	B & B Developers Inc.
(g) Neighbourhood:	3.327 North Inkster Industrial Neighbourhood
(h) Electoral Ward:	Old Kildonan Ward
(i) Provincial Regs:	*Airport Vicinity Protection Area Regulation 66/2021 [August 12, 2021]* Area 2
(j) Development Plan:	*OurWinnipeg 2045 By-law No. 120/2020* [May 26, 2022] *Complete Communities Direction Strategy By-law No. 119/2020*
(k) D. Plan Designation:	Employment Lands
(l) Zoning By-law:	*Winnipeg Zoning By-law 200/2006 [March 1, 2008]*
(m)Zoning District:	A – Agricultural District
(n) Zoning PDO:	*Airport Vicinity Protection Area 2 Overlay District*
(o) Z. PDO Zone:	AREA 2
(p) Land Area:	+/- 3.5 acres
(q) Lot Configuration:	Corner Lot
(r) Land Configuration:	Rectangle

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(s) Fronting Street:	King Edward Street & Inkster Blvd
(t) Municipal Services:	Full municipal services. Rear public lane, Multi-Use Pathway, Sidewalk
(u) Current Land-Uses:	Vacant
(v) Proposed Dev'pmnt:	(a) Port Town Centre – a multi-building, multi-tenant development consistent with the C2 zoning.

2. LOCATION

(1) 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.

3. PROPOSED DEVELOPMENT

(1) Port Town Centre – a multi-building, multi-tenant development consistent with the C2 zoning.

(2) Five (5) buildings will be constructed, along the edges of the property with a common parking area down the spine of the planned area.

(3) Public Works road widenings have been accommodated into the site plan.

(4) Bike rack, earth bins for garbage, landscaping [trees and shrubs], and pedestrian walkways connecting to the public sidewalks will be included in the site plan.

(5) Monument style signage will be included at the front of the property along Inkster.

(6) Driveway access points will include one along King Edward, approximately +270 feet north of Inkster; and two (2) along Inkster approximately 123 feet west of King Edward.

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 in Spring, 2023. Currently, engineering studies are being undertaken to provide the required information for the Development Agreement; and site plans of the development have been drawn in a consensus process with the City of Winnipeg.

4. **NOTES**

(1) The lands are currently vacant, zoned **A – Agricultural [Airport Vicinity Protection Area 2 Overlay District]** under *Winnipeg Zoning By-law 200/2006*.

(2) 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 subject to the following:

That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, fencing, landscaping, parking and garbage enclosures to the Lord Selkirk – West Kildonan Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

That the following uses shall be prohibited on the land;

- *a) All residential uses*
- *b) Landscape & Garden Supplies*
- *c) Recycling collection centre.*

The total gross floor area of all principle retail uses shall not exceed 40,000 sq. ft.

(3) Public Works required a 6.6 metre road opening along King Edward, a 3.6 metre road opening along Inkster Blvd; and a corner cut at the in the north-west corner of the intersection of Inkster Boulevard and King Edward Street, as determined by and to the satisfaction of the Director of Public Works.

(4) Public Works road requirements are reflected in the site plan submitted in this matter.

(5) There were no variances sought or granted at the time of the File DASZ 44/2016 that was at the Lord Selkirk – West Kildonan Community Committee meeting on February 13, 2017.

(6) On January 28, 2021 Council approved BY-LAW NO. 5/2021.

(7) On December 16, 2021 Council approved Extension of Time – Subdivision and Rezoning – Northwest Corner of Inkster Boulevard and King Edward Street File DASZ

44/2016 with the Coming into Force provisions of By-law No. 5/2021 be extended to January 28, 2023.

(8) The Agreements and mylars have not been released: work continues on the engineering requirements for the Development Agreement, the Developer anticipates a Spring, 2023 construction.

5. APPLICATION MATERIAL

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

(1) Letter of Authorization to John Wintrup;
(2) Current Status of Title;
(3) Current Zoning and Lot Configuration;
(4) Legal Description and Title Plot;
(5) BY-LAW NO. 5/2021 including maps;
(6) Application Fee.

Please do not hesitate to contact me directly if there is any information or materials missing from this application. We 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™
301-139 Roslyn RD
Winnipeg MB R3L0G7
Encl.