Minute No. 89
Report – Standing Policy Committee on Property and Development – November 30, 2022

Item No. 12 **Extension of Time – Subdivision and Rezoning – 2046 Warde Avenue (St. Vital Ward)**
File DASZ 18/2021

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 94/2021 be extended to November 25, 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 – November 30, 2022

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

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 Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On November 14, 2022, the 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.

ADMINISTRATIVE REPORT

Title: Extension of Time – Subdivision and Rezoning –2046 Warde Avenue (Lands Located South of Warde Avenue, East of Lagimodiere Boulevard/Kotelko Drive, North of Kotelko Drive and West of the Hydro Transmission Corridor) – File No. DASZ 18/2021

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. 94/2021 under File No. DASZ 18/2021 will expire on November 25, 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. 94/2021 be extended to November 25, 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 Developer will be allowed a time extension to November 25, 2023, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On September 29, 2021, Council adopted Item No. 6 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated September 14, 2021 which recommended approval of a subdivision and rezoning to an "R1-S" Residential Single-Family (Small) District, "R1-M" Residential Single-Family (Medium) District, "R2" Residential Two-Family District, "RMF-S" Residential Multi-Family (Small) District, "RMF-M" Residential Multi-Family (Medium) District, "PR1" Parks and Recreation 1 (Neighbourhood) District and "PR2" Parks and Recreation 2 (Community) District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

The rezoning By-law No. 94/2021 was enacted by Council on November 25, 2021.

Sections 3 and 4 of By-law No. 94/2021 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision and the 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 the 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. 94/2021 has not come into force by the required registration of the Plan of Subdivision and the one (1) year time limit will expire on November 25, 2022.

On September 26, 2022, the Owner, Sage Creek Development Corporation, Attention: Dave Jopling, One Dr. David Friesen Drive, Winnipeg, Manitoba, R3X 0G8 applied for an Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 94/2021 be extended to November 25, 2023 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 and circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG POLICY ALIGNMENT

The proposed development is consistent with the policies of the *Complete Communities 2.0 Direction Strategy* and the *South St. Boniface Secondary Plan*.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

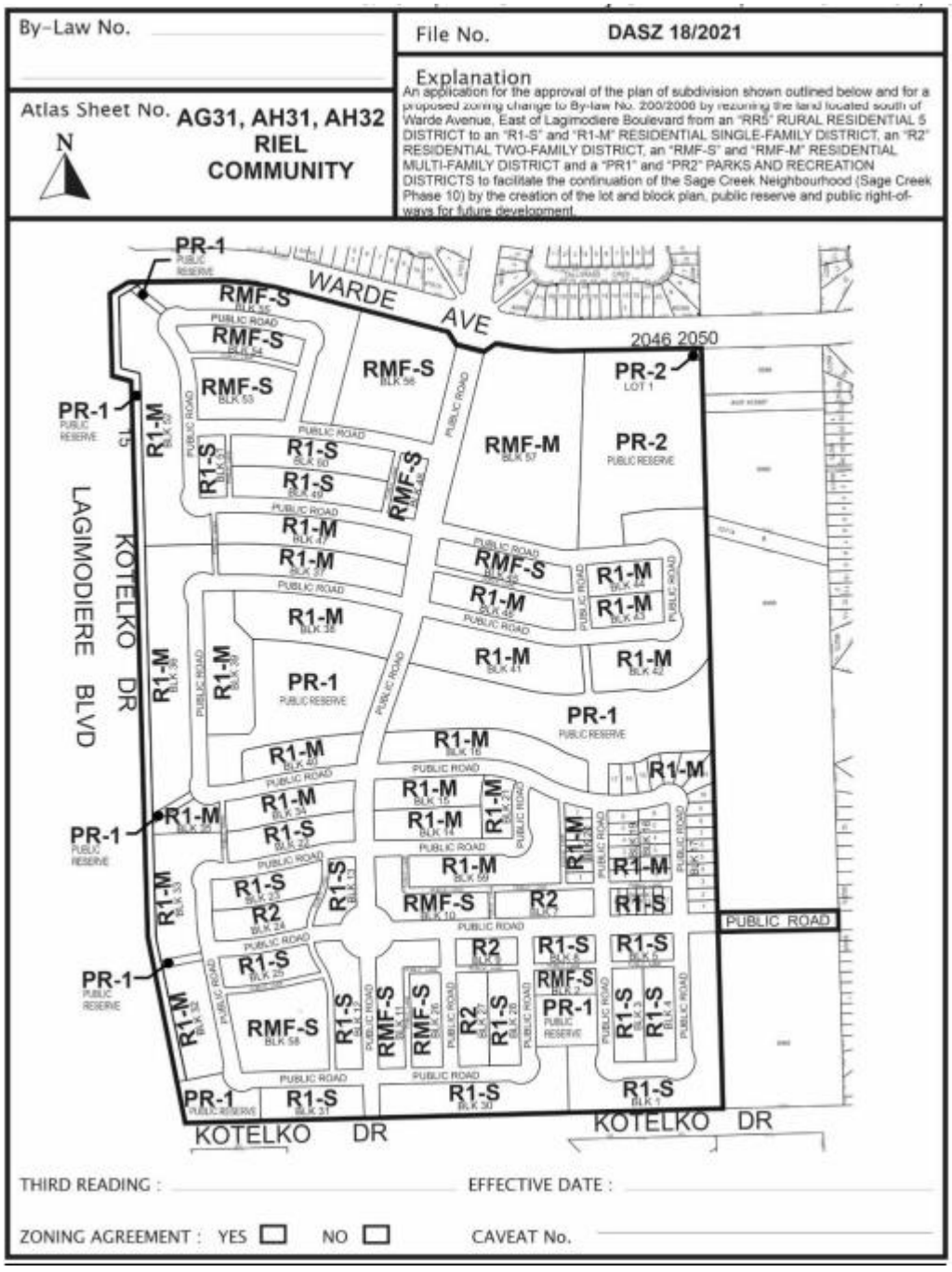
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: September 29, 2022
File No: DASZ 18/2021
Attachments: Appendix “A” – DASZ 18/2021 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 18/2021 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

One Dr. David Friesen Drive Winnipeg, MB R3X 0G8
QUALICOCOMMUNITIES.COM

QUALICO communities

September 20, 2022

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

Dear Michele,

Sage Creek - Phase 10
Extension of Time Request – DASZ 18/2021

At its meeting held on November 25th, 2021, City of Winnipeg Council passed By-law No. 94/2021 to approve the plan of subdivision and rezoning applied for under DASZ 18/2021. The By-law requires that the plan of subdivision and zoning agreement must be registered at WLTO within one year of enactment, being November 25th, 2022.

Since approval of the above applications, we have worked with the City on the Development Agreement, Zoning Agreement and required Easement Agreements relating to these applications. However, due to the time required to complete these documents, the easements with utilities, legal work, and registration time at WLTO, we will be unable to meet the current deadline of November 25th, 2022. Accordingly, we are requesting a one (1) year extension for registration of the plans of subdivision required under By-law 94/2021. We expect to have the subdivision registered by the end of 2022 or during the first quarter of 2023.

Please confirm that this letter will meet your requirements for requesting a one (1) year extension for By-law 94/2021.

Payment for this request can be processed through our trust account 12-04-116919 TR.

Yours truly,

SAGE CREEK DEVELOPMENT CORPORATION

Dave Jopling RPP, MCIP
Land Development Project Manager