Agenda – Council – February 23, 2023

Report – Standing Policy Committee on Property and Development – February 2, 2023

Item No. 6 **Extension of Time – Subdivision and Rezoning – Land located on North and South Side of Commercial Avenue, West of Hazelton Drive (Old Kildonan Ward)**
File DASZ 15/2021

STANDING COMMITTEE RECOMMENDATION:

On February 14, 2023, 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. 108/2021 be extended to December 16, 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 – February 2, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 14, 2023, 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 February 2, 2023, 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 January 23, 2023, 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 – Land located on North and South Side of Commercial Avenue, West of Hazelton Drive – File No. DASZ 15/2021

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. 108/2021 under File No. DASZ 15/2021 will expire on December 16, 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. 108/2021 be extended to December 16, 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 December 16, 2023, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On September 29, 2021, Council adopted Item No. 10 of the Executive Policy Committee dated September 21, 2021 which recommended approval of a subdivision and rezoning to an "RMF-M PDO-1 AIRPORT VICINITY" Residential Multi-Family (Medium) District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

The rezoning By-law No. 108/2021 was enacted by Council on December 16, 2021.

Sections 3 and 4 of By-law No. 108/2021 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. 108/2021 has not come into force by the required registration of the Plan of Subdivision and the Zoning Agreement and the one (1) year time limit will expire on December 16, 2022.

On December 12, 2022, the Applicant PSB Group Inc., Attention: Pardeep Bhullar, President, 61 Nihal Bay, Winnipeg, Manitoba, R2P 1R1 applied for an Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 108/2021 be extended to December 16, 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 *Complete Communities Direction Strategy 2.0* "Established Neighbourhoods - Recent Communities" policies (Precinct T North Inkster Industrial) and the "Employment Lands - General Industrial" policies.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

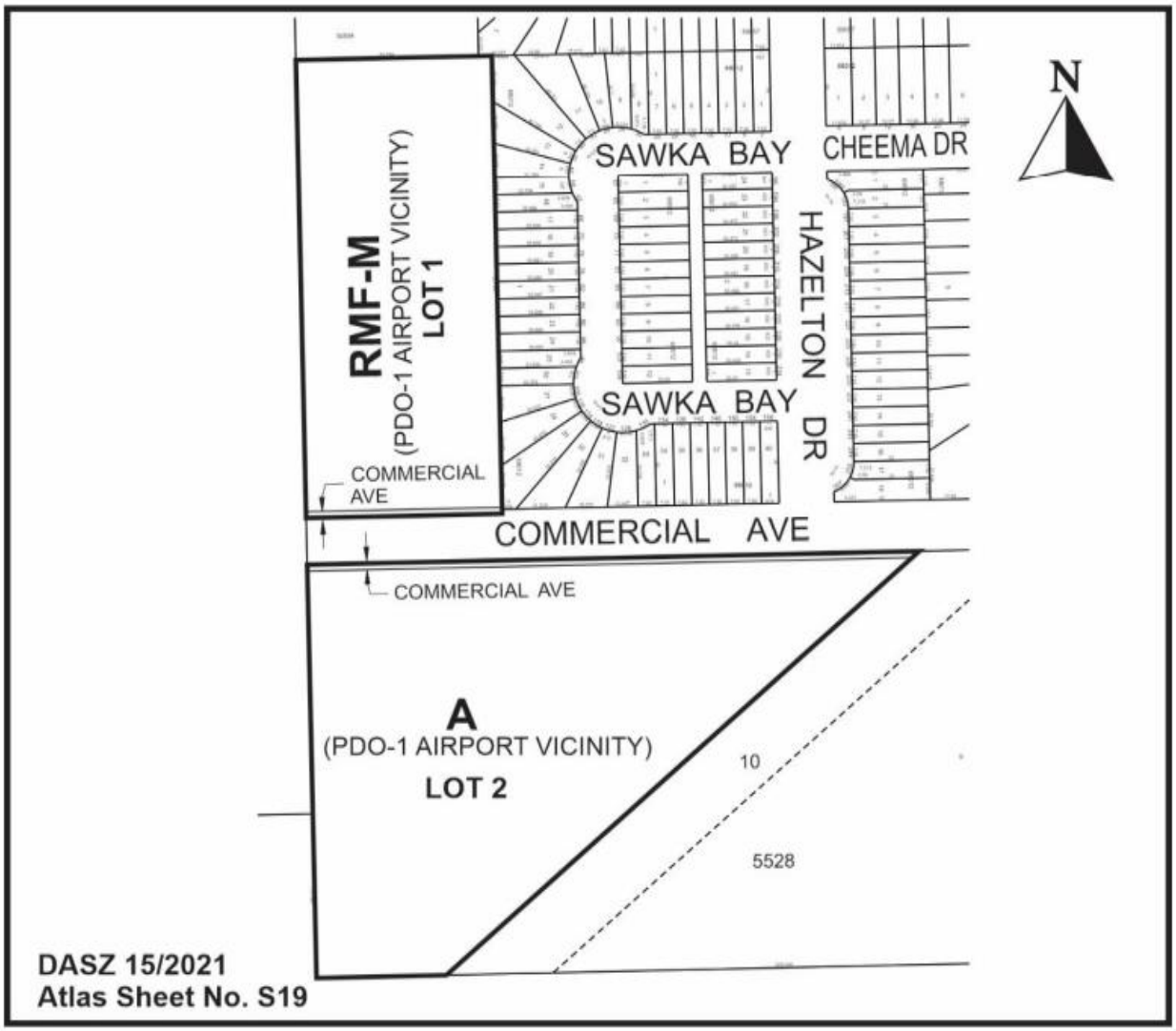
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: December 13, 2022
File No: DASZ 15/2021
Attachments: Appendix "A" – DASZ 15/2021 Map
Appendix "B" – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 15/2021 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

LETTER OF INTENT

November 23, 2022

City of Winnipeg
Land Development Branch
Main Floor, 65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Michele Hammerberg, Development Applications Coordinator

Re: DASZ 15/2021, By-Law No. 108/2021, Lots 1, 2 and 11, Plan 5528 WLTO, IN S 1/2 OF NE 1/4 26-11-2 EPM

Dear Madam:

Further to the above referenced matter, enclosed please find the Authorization signed by the registered owners with regard to an Application for Extension of Time for By-Law No. 108/2021.

We confirm that the Applicant under Development Application No. DASZ 15/2021 (the "**Subdivision and Rezoning Application**"), PSB Group Inc., has purchased the land affected by said Subdivision and Rezoning Application from the registered owners and this purchase and sale transaction is scheduled to close within the next few days, pending resolution of an issue relating to the Temporary Road Turnaround Easement Agreement.

The registration of the Transfer of Land in series with the subdivision documents, as required under the Subdivision and Rezoning Application, will be submitted to the Land Titles Office as soon as the purchase and sale transaction closes. However, based on recent subdivision submissions with the Land Titles Office, it usually takes about three (3) weeks to complete a subdivision registration. If there are any issues with the submitted materials, this could take longer.

As the expiration of By-Law No. 108/2021 is on December 15, 2022, we find it appropriate to apply for an Extension of Time for six (6) months or until June 15, 2023.

For your ease of reference, enclosed is a copy of the Current Status of Title.

We trust you will find the foregoing satisfactory but should you require any other information, please do not hesitate to contact the writer or our solicitor, Steven Meltzer, or his office c/o Michelle Sarmiento at PKF Lawyers.

Yours truly,

PSB GROUP INC.
Per:

Pardeep Bhullar, President