Minute No. 523
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – June 8, 2021

Item No. 17 **Extension of Time – Subdivision and Rezoning – 109 Mayfair Avenue (Fort Rouge-East Fort Garry Ward)**
File DASZ 27/2019

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. 69/2020 be extended to June 26, 2022.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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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 June 16, 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 June 9, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 31, 2021, the City Centre 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 – 109 Mayfair Avenue – File No. DASZ 27/2019

Critical Path: City Centre 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. 69/2020 under File No. DASZ 27/2019 expires on June 26, 2021. 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. 69/2020 be extended to June 26, 2022.

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 June 26, 2022, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On December 12, 2019, Council adopted Item No. 7 Standing Policy Committee on Property and Development, Heritage and Downtown Development dated November 18, 2019 which recommended approval of a subdivision and rezoning to an "RMF-L" Residential Multi-Family (Large) District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

The rezoning By-law No. 69/2020 was enacted by Council on June 26, 2020.

Sections 3 and 4 of By-law No. 69/2020 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision 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 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. 69/2020 has not come into force by the required registration of the Plan of Subdivision and the one (1) year time limit expires on June 26, 2021.

On May 6, 2021, the Developer, Landmark Planning & Design Inc., Attention: Jeff Pratte, 298 Waterfront Drive, Winnipeg, Manitoba, R3B 0G5 submitted an application for an Extension of Time on behalf of the Owner, WRE Development Ltd. and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 69/2020 be extended to June 26, 2022 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 property falls with the Areas of Stability – Mature Communities policy areas under the *Complete Communities Direction Strategy*. The development adds residential intensification to a location that is adjacent to a regional corridor and a rapid transit corridor, and aligns with other relevant policies of the *Complete Communities Direction Strategy*.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

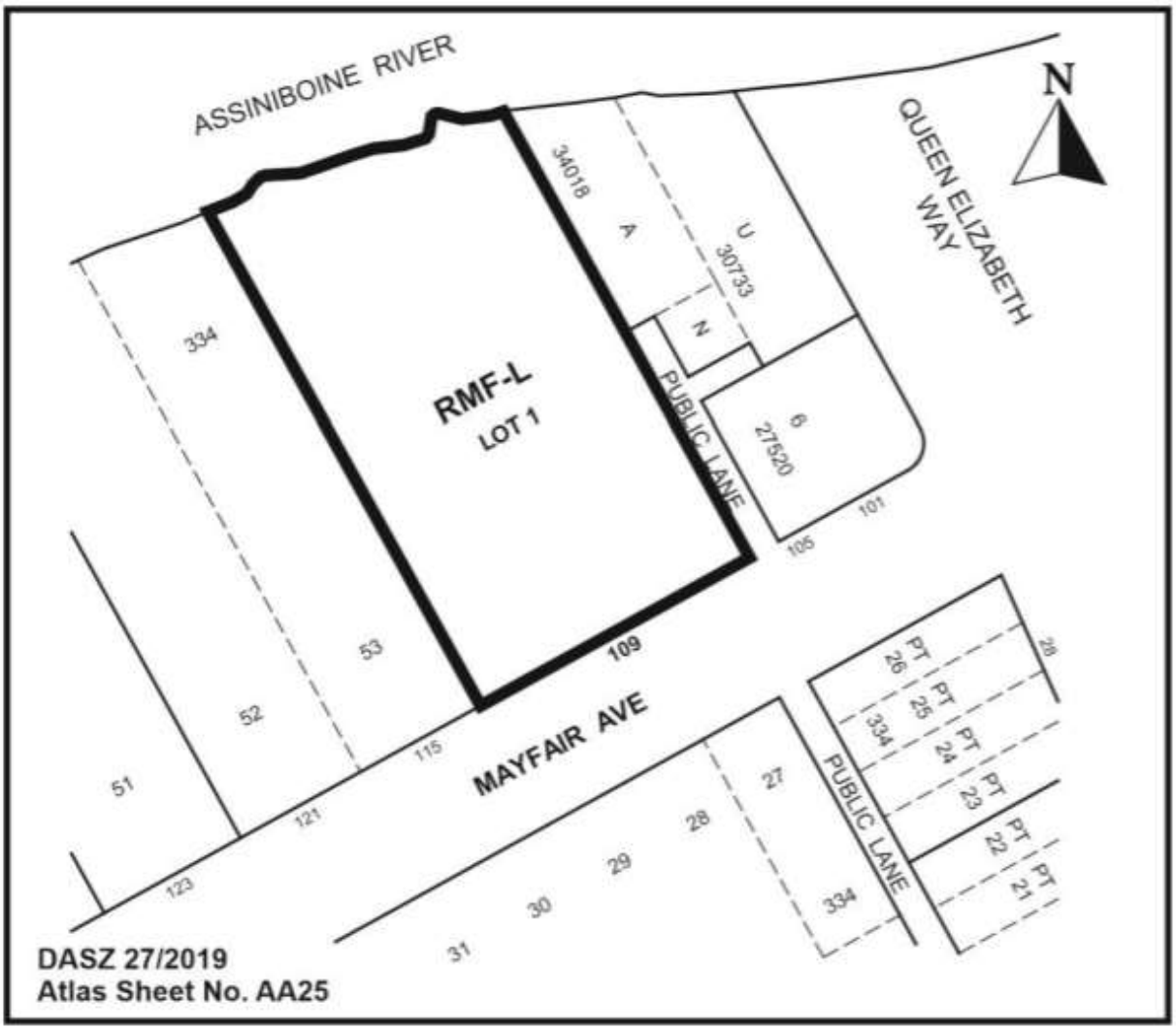
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Land Development Services Coordinator
Date: May 17, 2021
File No: DASZ 27/2019
Attachments: Appendix “A” – DASZ 27/2019 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 27/2019 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

May 6th, 2021
City of Winnipeg – Land Development Branch
Main Floor, 65 Garry St.
Winnipeg, MB,
R3C 4K4

ATTN: **Greg Jasper** - Land Development Branch Administrator
RE: **Extension of Time Application – 109 Mayfair Avenue, Winnipeg**
Titles: 2958957/1 and 2958954/1
C/R DASZ 27/2019 and By-law 69/2020

Dear Greg,

Landmark Planning & Design Inc. is hereby filing an "extension of time" application on behalf of WRE Development LTD. This extension would apply to file DASZ 27/2019 and By-law 69/2020 which is set to expire on June 26, 2021. We would like to request:

- coming into force provisions of the by-law 69/2020; and
- an extension of the approval date on the mylars.

The reason for extension pertains to the complex nature of the site, which as required extra effort in meeting the conditions of approval. In particular, condition 8(b) of Schedule B of the ACG report which requires the Developer to "enter into an agreement with the City in which the Developer expressly grants to the City a 10m wide easement within the riverside portion of the planned area for an active transportation pathway approximately 3 to 4 m wide." Due to the complex nature of the site and riverbank considerations it has proven complicated to accommodate the pathway. Ultimately modifications to the building footprint have been pursued. As of May 6th 2021, the Developer is confident a solution has been found, but it is not possible for the coming into force provision and mylar approval to be achieved prior to the expiration date.
We are requesting an extension of 1 year to complete the remaining conditions of approval.

Application Documentation

We have enclosed each of the following application materials:

- Current Statuses of Title 2958957/1 and 2958954/1;
- City of Winnipeg Caveat 2247356/1; and
- Letter of Authorization from WRE Development LTD.

If you have any questions or require additional information, please contact the undersigned at 204-453-8008. We thank you for your consideration in this matter, and we look forward to meeting with City of Winnipeg representatives on this file.

Yours truly,

Jeff Pratte, MCIP, RPP
LANDMARK PLANNING & DESIGN INC

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Winnipeg, Manitoba R3B 0G5
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E-mail: info@landmarkplanning.ca