Agenda – Council – April 27, 2023

Report – Standing Policy Committee on Property and Development – April 6, 2023

Item No. 5 Extension of Time – Subdivision and Rezoning – 1266, 1300 & 1350 Dugald Road (Transcona Ward) File DASZ 13/2020

STANDING COMMITTEE RECOMMENDATION:

On April 18, 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 provide for the enactment of the necessary rezoning by-law under File No. DASZ 13/2020 be extended to March 25, 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 – April 6, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 18, 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 April 6, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On March 20, 2023, the East Kildonan-Transcona 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 – 1266, 1300 & 1350 Dugald Road – File No. DASZ 13/2020

Critical Path: East Kildonan-Transcona 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 enactment by Council of the necessary rezoning by-law under DASZ 13/2020 will expire on March 25, 2023. The Developer has requested an extension of time in order to enact the rezoning by-law.

The Winnipeg Public Service has no objection to this request.

RECOMMENDATIONS

1. That the time limit to provide for the enactment of the necessary rezoning by-law under File No. DASZ 13/2020 be extended to March 25, 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 Developer will be allowed an extension of time to March 25, 2024, to enact the required rezoning by-law under DASZ 13/2020 and complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On March 25, 2021, Council adopted Item No. 10 of the Executive Policy dated March 17, 2021 which recommended approval of a subdivision and rezoning to an “M2” Manufacturing General District and a “PR1” Parks and Recreation 1 District under Winnipeg Zoning By-Law 200/2006. See Appendix “A” map attached.

Recommendation 4 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."

The necessary by-law has not been enacted and the two 2 year period will expire on March 25, 2023.

On February 1, 2023, the Applicant, 7475323 Manitoba Ltd., Attention: Paige Peach, 4 – 1090 McDermot Avenue, Winnipeg, Manitoba, R3E 3S6 submitted a request for a one (1) year extension of time in order to satisfy the necessary by-law enactment requirements 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 as 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 *OurWinnipeg* and the *Complete Communities Direction Strategy 2.0* employment land policies.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposal aligns with the following Key Direction in the Winnipeg Climate Action Plan:

4.2 Ensure New Areas of Growth are Designed According to the Principles of Complete Communities.
4.4 Support Redevelopment of Former Commercial and Industrial Lands into Active Use.

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: March 6, 2023
File No: DASZ 13/2020
Attachments: Appendix “A” – DASZ 13/2020 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 13/2020 MAP

August 12, 2020

By-Law No.

File No. **DASZ 13/2020**

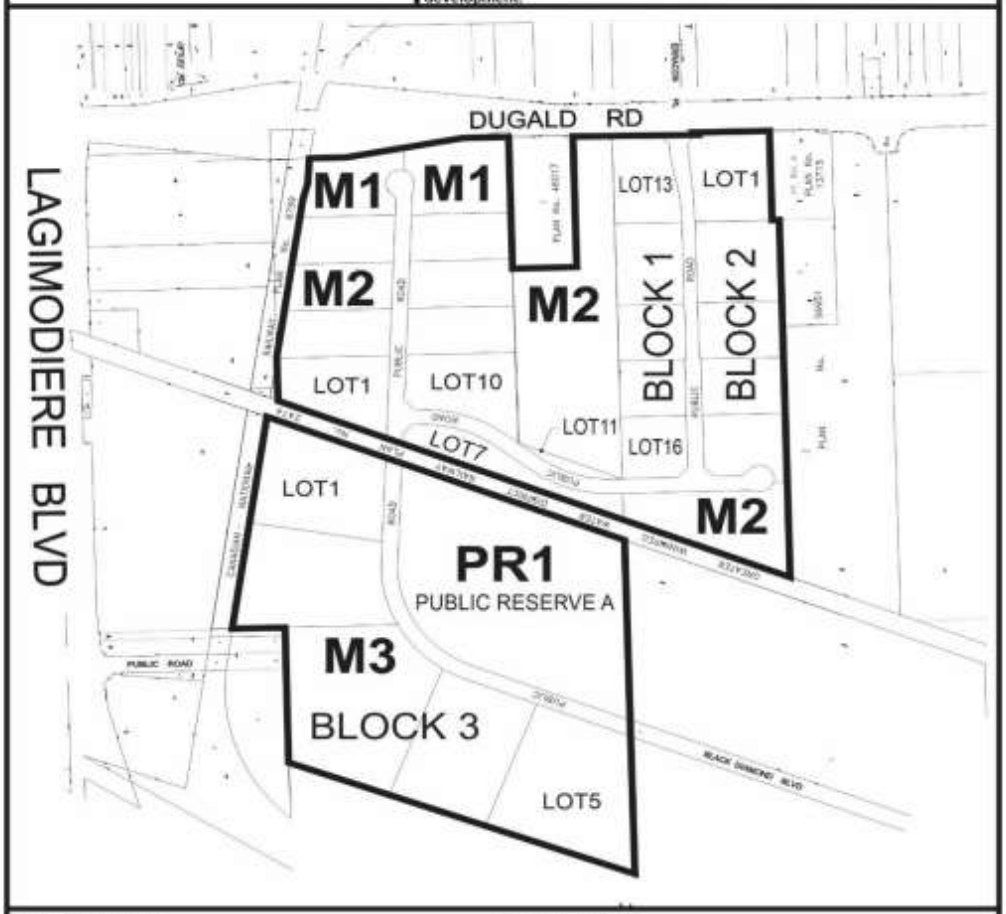
Explanation

An application for the approval of the plan of subdivision shownoutlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 1266, 1300, 1330 and 1350 Dugald Road from "M1", "M2" and "M3" MANUFACTURING DISTRICTS to "M1", "M2" and "M3" MANUFACTURING DISTRICT and a "PR1" PARKS AND RECREATION 1 (NEIGHBOURHOOD) DISTRICT to allow the creation of industrial zoning lots, Public Reserve and the establishment of public right-of-ways for future development.

Atlas Sheet No. **AB30**

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EAST KILDONAN TRANSCONA COMMUNITY



THIRD READING : EFFECTIVE DATE :

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No.

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

7475323 Manitoba Ltd.
4 – 1090 McDermot Ave
Winnipeg, MB, R3E 3S6
December 21, 2022

Land Development
Branch Main Floor
65 Garry St.
Winnipeg, MB R3C 4K4
Attn: Daniel Trenchard, P.Eng

Re: Letter of Intent for Extension of Time Application – DASZ 13/2020

7475323 Manitoba Ltd (the Applicant) would like to request an extension of time on development application DASZ 13/2020.

This is a joint application between two land owners and will be represented by the Applicant. The legal descriptions of the lands comprising the Property, located at 1266, 1300, 1330 and 1350 Dugald Road, are as follows:

Owner: 7475323 Manitoba Ltd. (the Applicant)

1. 2921397/1 - Lot 1 Plan 40049 WLTO
2. 2921398/1 - Lot 2 Plan 40049 WLTO
3. 2921401/1 - Lot 3 Plan 40049 WLTO
4. 2921403/1 - Lot 4 Plan 40049 WLTO
5. 2921395/1 - Parcel 4 Plan 6917 WLTO

Owner: Big Stone Bay Enterprises Inc.

6. 2215779/1 - Lot 2 Plan 46017 WLTO*

* Note: 2.5 acres of the south portion has been sold to 7475323 Manitoba Ltd.. The registration of land title for this 2.5-acre parcel will be processed upon the approval of this subdivision.

Owner: 725 Panet Inc.

7. 1396644/1 - Lot 234 Plan 433 WLTO
8. 1396679/1 - Lot 234 Plan 433 WLTO
9. 1396646/1 - Lot 235 Plan 433 WLTO

Pursuant to the March 25, 2021 Council Disposition, we have been made aware of an issue that requires a significant amount of dialogue between the Applicant and Public Works. As there is a two-year time requirement to complete the Development Agreement, we believe that there is insufficient time to engage in the necessary discussions with Public Works and find a satisfactory solution.

During the subdivision process, it was discovered by our engineers (WSP) that there is inadequate room to accommodate the proposed public walk and multi-use pathway between the slope of the Dugald Drain and the private property to the south of Dugald Road. In some areas, the land between

the third-party owner's north property line and the slope of the land drainage ditch is approximately two (2') feet. The owners of this property are not related to the Applicant, nor are they party to the development. It should be noted that the existing landscaping features, signage, and fencing would affect the alignment of the multi-use pathway.

In the coming weeks, our civil engineers will continue to discuss this matter with Public Works and ideally arrive at a mutually acceptable solution. However, given the complexity of this issue, a one-year extension to the Council Disposition is required.

Sincerely,

Paige Reach
7475323 Manitoba Ltd.
4-1090 McDermot Ave
Winnipeg, MB, R3E 3S6

cc. Rijad Hadzic
Michael Culjak
Wayne Bollman