Agenda – Council – May 30, 2023

Report – Standing Policy Committee on Property and Development – May 4, 2023

Item No. 3 Extension of Time – Subdivision and Rezoning – 25 and 55 Rothwell Road (Charleswood-Tuxedo-Westwood Ward) File DASZ 21/2020

STANDING COMMITTEE RECOMMENDATION:

On May 16, 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. 32/2022 be extended to September 24, 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 – May 4, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 16, 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 May 4, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 24, 2023, the Assiniboia 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 – 25 and 55 Rothwell Road – File No. DASZ 21/2020

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and 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. 32/2022, under File No. DASZ 21/2020, expired on March 24, 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. 32/2022 be extended to September 24, 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 September 24, 2023, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On January 28, 2021, Council adopted Item No. 7 of the Executive Policy Committee dated January 20, 2021 which recommended approval of a subdivision and the rezoning of proposed Lot 1 to an "M2" Manufacturing General District under Winnipeg Zoning By-Law 200/2006. See Appendix “A” map attached.

The rezoning By-law No. 32/2022 was enacted by Council on March 24, 2022.

Sections 3 and 4 of By-law No. 32/2022 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. 32/2022 has not come into force by the required registration of the Plan of Subdivision and the one (1) year time limit expired on March 24, 2023.

On March 23, 2023, Ronald S. Ade Law Corporation, Attention: Myong Lee, 102-1015 Wilkes Avenue, Winnipeg, Manitoba, R3P 2R8 applied for an Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 32/2022 be extended 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

This report has been prepared in consultation with:

Urban Planning and Design Branch, Planning, Property and Development Department.

OUR WINNIPEG POLICY ALIGNMENT

6.31 Employment Lands
Designate Employment Lands within the Urban Structure, to accommodate forecasted job growth and advance economic development in both the City and region, while mitigating incompatible land use conflicts, to provide a stable operating environment for businesses, and to promote community health and safety.

3.5 Strategic Enterprise Supports
Invest in employment lands servicing based on an analysis of municipal and regional supply, municipal return on investment, and future land requirements in industry sectors that are integral to achieving sustainable, local economic growth.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

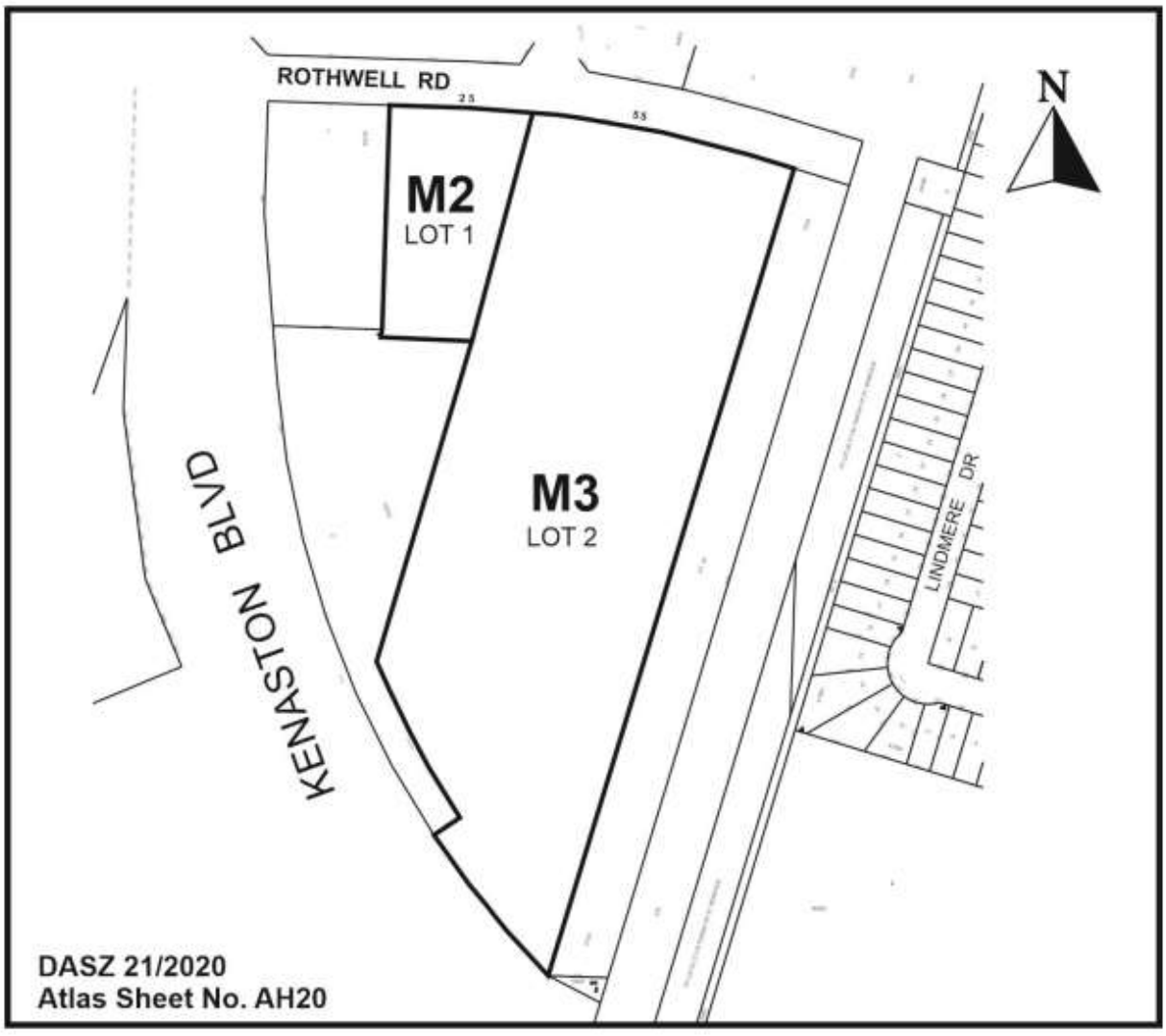
WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: M. Hammerberg, Development Applications Coordinator
Date: April 13, 2023
File No: DASZ 21/2020
Attachments: Appendix “A” – DASZ 21/2020 Map
Appendix “B” – Letter Requesting Extension of Time

APPENDIX "A" – DASZ 21/2020 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

RONALD S. ADE
LAW CORPORATION

Phone: 204-487-5915
E-mail: myong@ronade.ca

March 23, 2023

The City of Winnipeg
Planning, Property & Development Department
Main Floor, 65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Chris Skobel

RE: Letter of Intent
Proposed Plan of Survey and Consent to Convey on land located at 25 & 55 Rothwell Road, Winnipeg, MB
File Number: 32/2022

The City has approved the by-law for the subdivision of 25 & 55 Rothwell Road, Winnipeg, MB on March 24, 2022. This subdivision is subject to the approval of the parties which have the interest over the lands, such as the tenants (SBA Canada ULC and Direct General Partner Corporation) as well as the mortgagee, Bank of Montreal.

We are in contact with these parties to obtain the discharge of their interest as well as for the process of re-registration upon completion of the subdivision. We are in the process of obtaining the signed discharge while ensuring that their interest will be re-registered.

We anticipate that we will be able to complete this process within a couple of months.

Yours truly,

RONALD S. ADE LAW CORPORATION

Per:

MYONG LEE
P: (204) 487-5915
F: (204) 487-4755
E: myong@ronade.ca

Enc.