Minute No. 464
Report – Standing Policy Committee on Property and Development – May 4, 2023

Item No. 4 **Extension of Time – Subdivision and Rezoning – Prairie Pointe Neighbourhood – Waverley West South West Area (Waverley West Ward) File DASZ 33/2012**

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. 68/2013 be extended to June 26, 2028.

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:

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 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.

David Grant submitted a communication with respect to the matter.

STANDING COMMITTEE RECOMMENDATION:

On May 4, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, with the following amendment:

- In Recommendation 1, delete the word "2033" and replace with "2028"

- Delete Recommendation 2 in its entirety, and renumber the remaining recommendation accordingly

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

The following persons submitted communications with respect to the matter:
- David Grant
- Vicky Poirier

COMMUNITY COMMITTEE RECOMMENDATION:

On April 24, 2023, the Assiniboia Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- In Recommendations 1 and 2, delete the word "2028" and replace with "2033"

and forwarded the matter to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: Extension of Time – Subdivision and Rezoning – Prairie Pointe Neighbourhood - Waverley West South West Area – File No. DASZ 33/2012

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. 68/2013 under File No. DASZ 33/2012 expires on June 26, 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. 68/2013 be extended to June 26, 2028.

2. That no further extensions beyond June 26, 2028 be permitted.

3. 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 recommendation is concurred in, the Developer will be allowed one final time extension to June 26, 2028, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On May 29, 2013, Council adopted Item No. 5 of the report of the Standing Policy Committee on Property and Development dated March 26, 2013 which recommended approval of the subject subdivision and rezoning application to an "R1-M" Residential Single-Family (Medium) District, "RMF-S" Residential Multi-Family (Small) District, "RMF-M" Residential Multi-Family (Medium) District, a "PR-1" Parks and Recreational District and a "C3" Commercial Regional District under the Winnipeg Zoning By-law 200/2006 as shown on Appendix "A" attached. Recommendation 4 contained in the Council Decision stipulated:

> "That in the event the application is not proceeded with expeditiously and the by-law is not enacted within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and the extension is subsequently approved by Council."

The rezoning By-law No. 68/2013 was passed by Council on June 26, 2013.

Section 3 of By-law No. 68/2013 stipulated:

3(1) Section 1 comes into force when The City of Winnipeg executes the Development Agreement referred to in that section, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council.

(2) Section 2 comes into force for each phase of the development when

(i) the block plan of subdivision for that phase and the lot plan of subdivision for that phase are both registered in the Winnipeg Land Titles Office; and

(ii) the Zoning Agreement for that phase is registered in the Winnipeg Land Titles Office by caveat against the subject land,

All within ten (10) years from the date this By-law is passed, failing which this By-law expires unless that date is extended by resolution of City Council and the plans of subdivision and caveats are registered before such extended date.

On March 9, 2023, the Owner Ladco Company Limited, c/o Michael Carruthers, 200 – 40 Lakewood Boulevard, Winnipeg, Manitoba, R2J 2M7 submitted an application for an Extension of Time and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 68/2013 be extended by an additional ten (10) years to June 26, 2033 in order to complete the required registrations. See Appendix "B" attached.

The Winnipeg Public Service has reviewed this request for an extension of time, for an additional ten (10) years, and is of the opinion that approval of this request is not acceptable. The intent to allow for the previous ten (10) year time limit was to accommodate for orderly and sequential development within the south and east areas of Waverley West, being developed by Ladco Company Limited. Section 8.1.6 of the By-law allowed for staging of rezoning districts coming under force via short form subdivisions. This Section was subsequently identified as an error being contrary to the City of Winnipeg Charter and was amended under By-law 136/2009 removing this provision.

Subsequently, the South Point West Neighbourhood Area Structure Plan, By-law 4/2013 was adopted by Council. Although the intent of this policy is similar in allowing for phased development of the Prairie Pointe Neighbourhood, which is anticipated to occur over a 20-year period, this does not preclude the Developer/Owner from following established processes for development applications including zoning changes that apply to DASZ 33/2012, beyond the one-time exception that was granted for the initial ten years. Furthermore, Policy 8.1.6 of the By-law does not include establishing lands for commercial zoned uses.

The Public Service recommends that the time limit to satisfy the Coming into Force provisions of By-law No. 68/2013 be extended no more than five (5) years to June 26, 2028 and that no further extensions be permitted.

CONSULTATION

Michael Cortvriendt, Manager of Assessment Services, Assessment & Taxation Department

OURWINNIPEG POLICY ALIGNMENT

The subject property complies with Complete Communities 2.0 and the South Pointe West Area Structure Plan.

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: March 9, 2023
File No: DASZ 33/2012

Attachments: Appendix “A” – By-law 68/2013
Appendix “B” – Letter Requesting Extension of Time

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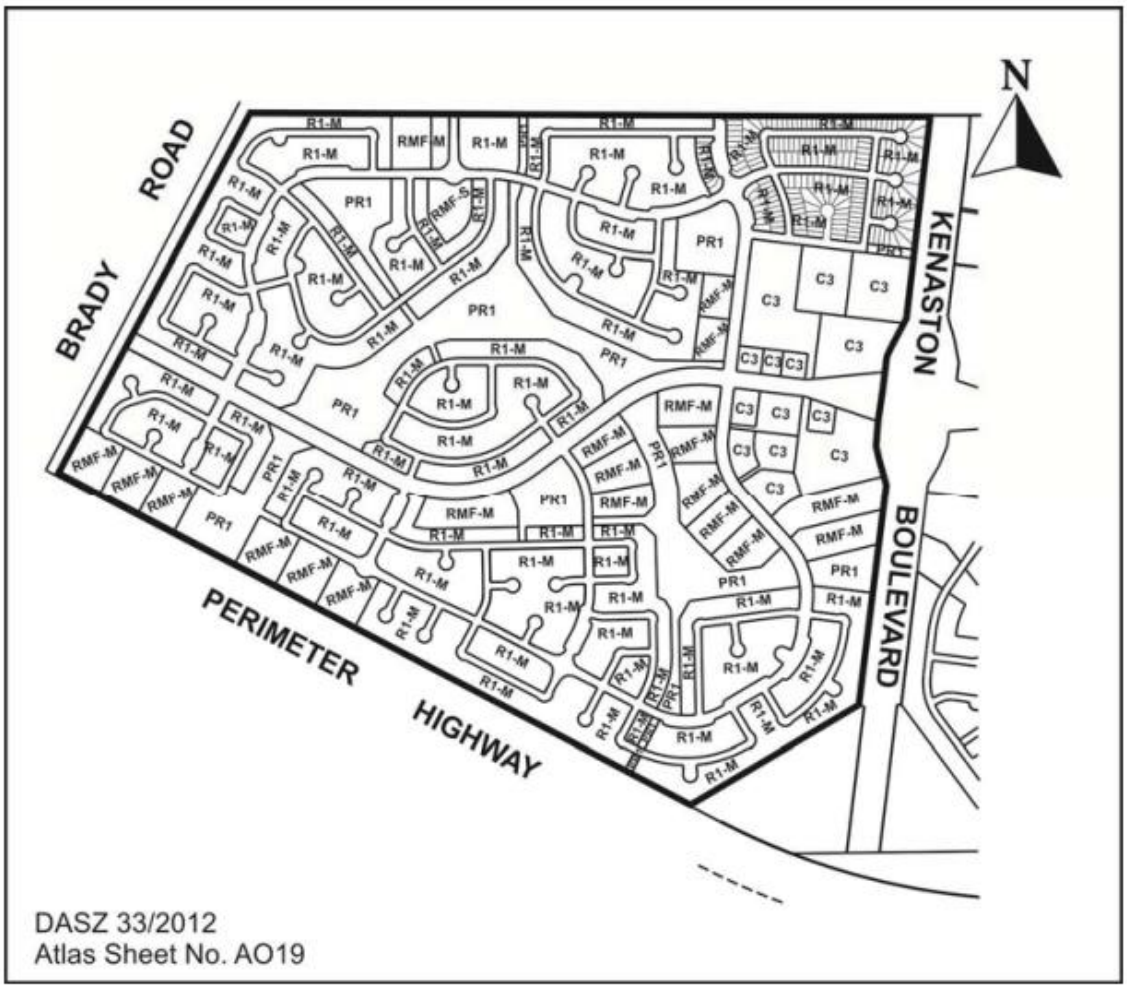
APPENDIX "A" – BY-LAW 68/2013, DASZ 33/2012



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

LADCO COMPANY LIMITED
200 - 40 LAKEWOOD BOULEVARD, WINNIPEG, MANITOBA R2J 2M7
TELEPHONE (204) 982-5900 FAX (204) 255-3652

March 1, 2023

Angela Savage
Land Development Services Coordinator
Planning Property and Development Department
Land Development Branch
City of Winnipeg
Main Floor – 65 Garry Street
Winnipeg, Manitoba
R3C 4K4

Dear Ms. Savage:

RE: Prairie Pointe Development (DASZ 33/ 2012) - Extension of Time

Further to our discussion, Ladco Company Limited is applying for a 10-year extension of time for the enactment of By-law No. 68/2013 on the remaining lands in Prairie Pointe.

The purpose of this request is to ensure that the development of Prairie Pointe can occur in a planned and staged manner that is consistent with the policies, intent and spirit of the *South Pointe West Neighbourhood Area Structure Plan* (By-law 4/2013, "the Plan"). Prairie Pointe is a 636 acre, master planned community. The development of the community is progressing according to schedule and in accordance to the Plan.

Plan Policies:

Policy 8.1.6 of the Plan states:

"The registration of plans of subdivision and zoning may be carried out as development progresses. The initial plan of subdivision and zoning shall include registration of the following:

(1) all roadway alignments;
(2) all public lands including land dedicated for parks and open spaces and the land drainage system;
(3) any potential school reserve; and
(4) all lands zoned for residential use within the first stage.

Zoning for all remaining lands will be implemented in a phased manner as development progresses…"

The intention of this policy is to allow for the phased development of Prairie Pointe which was anticipated to occur within a 20-year period. As stated in Policy 1.7 "The Plan is future-oriented and intended to guide development over the next 10-20 years. The timing of development will be influenced by market changes, supply and demand of housing and business, macroeconomic factors and the general health of the Winnipeg economy".

DASZ 33/2012:

The subdivision and rezoning application for Prairie Pointe was approved by Winnipeg City Council in May 2013 (DASZ 33/2012). The by-law (By-law No. 68/2013) was approved one month later in June 2013.

Council Decisions 7 and 8 of DASZ 33/2012 provided a 10-year time period from the date the by-law was passed to implement the zoning and subdivision. "Failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the ten (10) year period and Council approves the extension".

Servicing of Prairie Pointe commenced in 2014, with first home construction in early 2016, almost three years after the by-law was approved. This nearly three-year time lag displays the complexity involved in the planning, engineering and construction of such a large-scale master planned community. Although the by-law was approved almost ten years ago, there has only been 7 years of house construction.

Ladco is requesting a ten (10) year extension to June 26, 2033. This will enable the continuation of the phased in approach to development as contemplated in the Plan.

Present Status of Prairie Pointe:

Today, Stages 1 through 6 have been developed. Stage 7 is underway, with servicing set to commence this spring. Proposed plans are underway for the development of the SW quadrant of Kenaston and Waverley Street (expecting to be a mix of residential uses). Planning is in the preliminary stages for the commercial development in the NW quadrant. Overall, Prairie Pointe is over 50% complete.

Schedule 1 identifies the areas that:

a) have already been developed (in blue),
b) are in the process of being developed (in yellow), and
c) an extension of time is required (in red).

There are ~140 acres of net residential and ~30 acres of commercial remaining to be implemented out of the 636-acre community. Plans are progressing on the commercial land, but it takes time to solidify these plans and deal with retail anchor tenants.

As for the remaining 140 acres of residential, this also is a work in progress with an additional 4-6 stages of development remaining as predicated by market conditions (as contemplated in the Plan).

Conclusion:

Given that:

A. The Plan contemplates up to 20 years for buildout;
B. The policies in the Plan specifically call for a phased in process to implement the development and zoning of Prairie Pointe;
C. Home construction in Prairie Pointe is in year 8;
D. Development is over 50% complete; and
E. An anticipated 4-6 stages of additional development is required to complete the residential component of Prairie Pointe.

The request for a ten (10) year extension should be acceptable to the City.

Please contact me at anytime should there be any comments or questions pertaining to this request.

Sincerely

Michael Carruthers, MCIP
Manager of Land Development
Ladco Company Limited

Enc.