Agenda – Executive Policy Committee – November 14, 2023

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

Item No. 6 Extension of Time - Subdivision and Rezoning – 2762 King Edward Street - File DASZ 5/2021 (Old Kildonan Ward)

STANDING COMMITTEE RECOMMENDATION:

On November 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 following to Council:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 102/2021 be extended to November 25, 2024.

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

Agenda – Executive Policy Committee – November 14, 2023

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

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On November 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 October 24, 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 – 2762 King Edward Street – File No. DASZ 5/2021

Critical Path: Lord Selkirk-West Kildonan Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
A. Savage	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 102/2021 under File No. DASZ 5/2021 will expire on November 25, 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. 102/2021 be extended to November 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 Owner will be allowed a time extension to November 25, 2024, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On June 24, 2021, Council adopted Item No. 12 of the Executive Policy Committee dated June 16, 2021 which recommended approval of a subdivision and rezoning to an "EI PDO-1 AIRPORT VICINITY" Educational and Institutional District and a "PR1 PDO-1 AIRPORT VICINITY" Parks and Recreation 1 District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

The rezoning By-law No. 102/2021 was enacted by Council on November 25, 2021.

Sections 3 and 4 of By-law No. 102/2021 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.

On February 23, 2023, Council adopted Item No. 5 of the Report of the Standing Policy Committee on Property and Development dated February 2, 2023 extending the time limit to satisfy the Coming into Force provisions of By-law 102/2021 to November 25, 2023.

By-law No. 102/2021 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 November 25, 2023.

On September 25, 2023, the Applicant Terry Kozak, c/o 3 East Springs Cove, Winnipeg, Manitoba, R2G 4C3, on behalf of the Owner Gurdwara Kalgidhar Darbar Inc. applied for a second Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 102/2021 be extended to November 25, 2024 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

01-1a OurWinnipeg Approach to City Building: *Promote compact urban form and manage the extension of municipal services for new growth: Support new developments that are contiguous with existing developments to minimize the spatial use of land and the extension of services.*

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Ensure New Areas of Growth are Designed According to the Principles of Complete Communities.

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: September 25, 2023
File No: DASZ 5/2021
Attachments: Appendix “A” – DASZ 5/2021 Map
Appendix “B” – Letter Requesting Extension of Time

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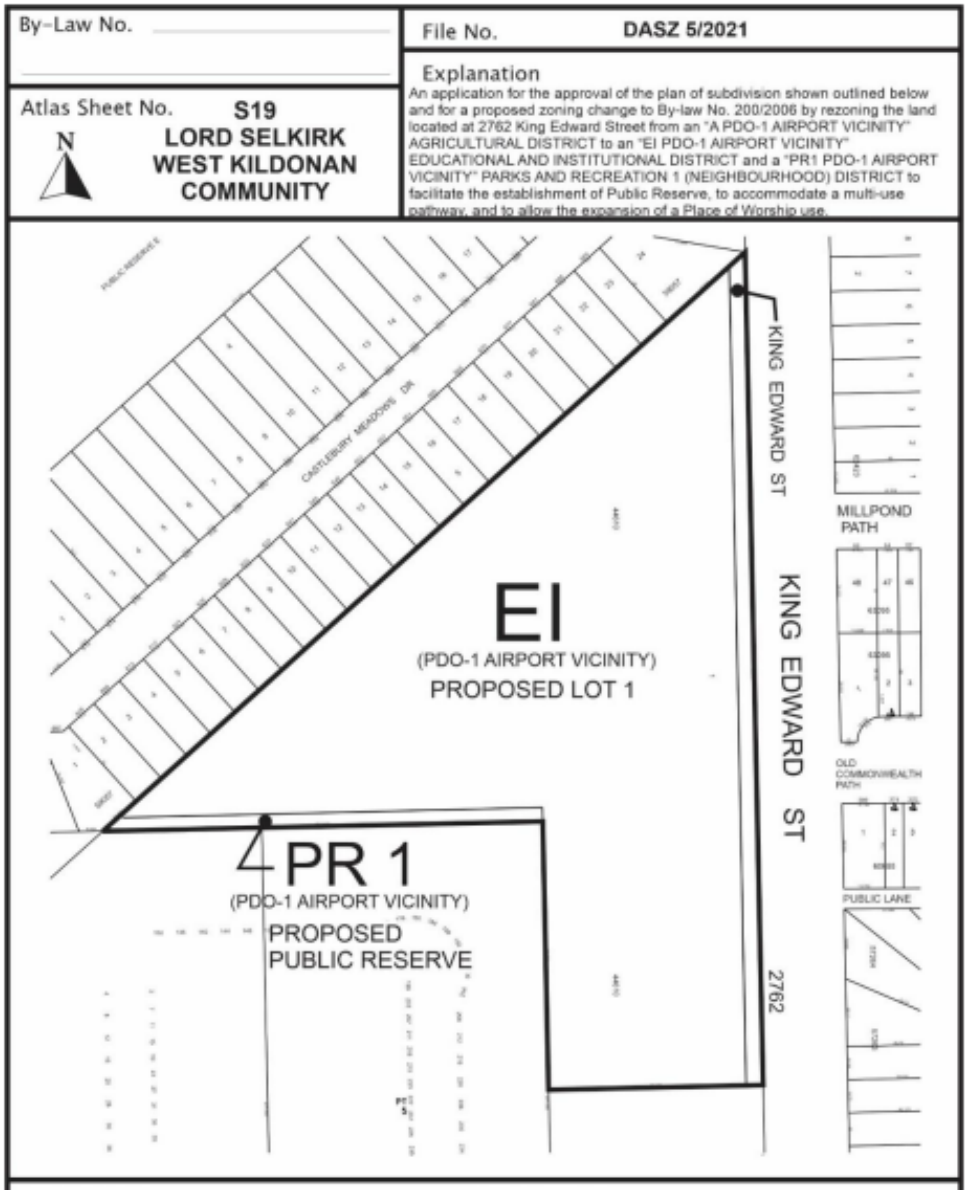
APPENDIX "A" – DASZ 5/2021 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Extension of Time Request By-law 102/2021

Letter of Intent

I am writing with respect to an Extension of Time request on the above noted application since the related By-law 102/2021 is set to expire on November 25, 2023.

The reason for the request for the extension and for the delay in completing the application's registration at LTO is a result of our request to the City of Winnipeg to amend the development agreement on DASZ 5/2021 - 2762 King Edward Street as it pertains to infrastructure upgrade fee on King Edward Street. We have formally requested to Greg Jasper from the Land Development Administrator, Real Estate and Development Division, that the development agreement be amended to delay the timing of the payment to the City of Winnipeg of said upgrades to when the actual construction is scheduled to occur.

Regards,

Gurpal Bhullar

Gurpal Bhullar
President
GURDWARA KALGIDHAR DARBAR INC

Sep 22-2023