Minutes – Council – January 25, 2024

Minute No. 131
Report – Standing Policy Committee on Property and Development – January 11, 2024

Item No. 3 **Extension of Time – Subdivision – Moore Avenue (Lot Located Between 35 and 39 Moore Avenue)**
(St. Vital Ward)
File DAS 14/2021

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. 156/2022 be extended to December 15, 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 – January 11, 2024

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

Councillors Schreyer and Wyatt were absent from the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2024, 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 January 11, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 3, 2024, the Riel 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 – Moore Avenue (Lot Located Between 35 and 39 Moore Avenue) – File No. DAS 14/2021

Critical Path: Riel 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. 156/2022 under File No. DAS 14/2021 will expire on December 15, 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. 156/2022 be extended to December 15, 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 December 15, 2024, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On September 29, 2021, Council adopted Item No. 10 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated September 14, 2021 which recommended approval of a plan of subdivision under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

The rezoning By-law No. 156/2022 was enacted by Council on December 15, 2022.

Sections 2 and 3 of By-law No. 156/2022 stipulate the following:

Coming into force

2 This By-law comes into force when the Development Agreement required under Section 1 is executed on behalf of The City of Winnipeg and the plan of subdivision is registered at the Winnipeg Land Titles Office.

Extensions of time

3(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.

3(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. 156/2022 has not come into force by the required registration of the plan of subdivision and the one (1) year time limit will expire on December 15, 2023.

On November 2, 2023, the applicant, John Scott Wintrup Planning & Development, Attention: John Wintrup, 301-139 Roslyn Road, Winnipeg, Manitoba, R3L 0G7 applied for an Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 131/2022 be extended to December 15, 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

The subdivision complies with the intent of the policies in the Complete Communities 2.0 promoting contextually compatible infill development to maximize the use of existing infrastructure.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

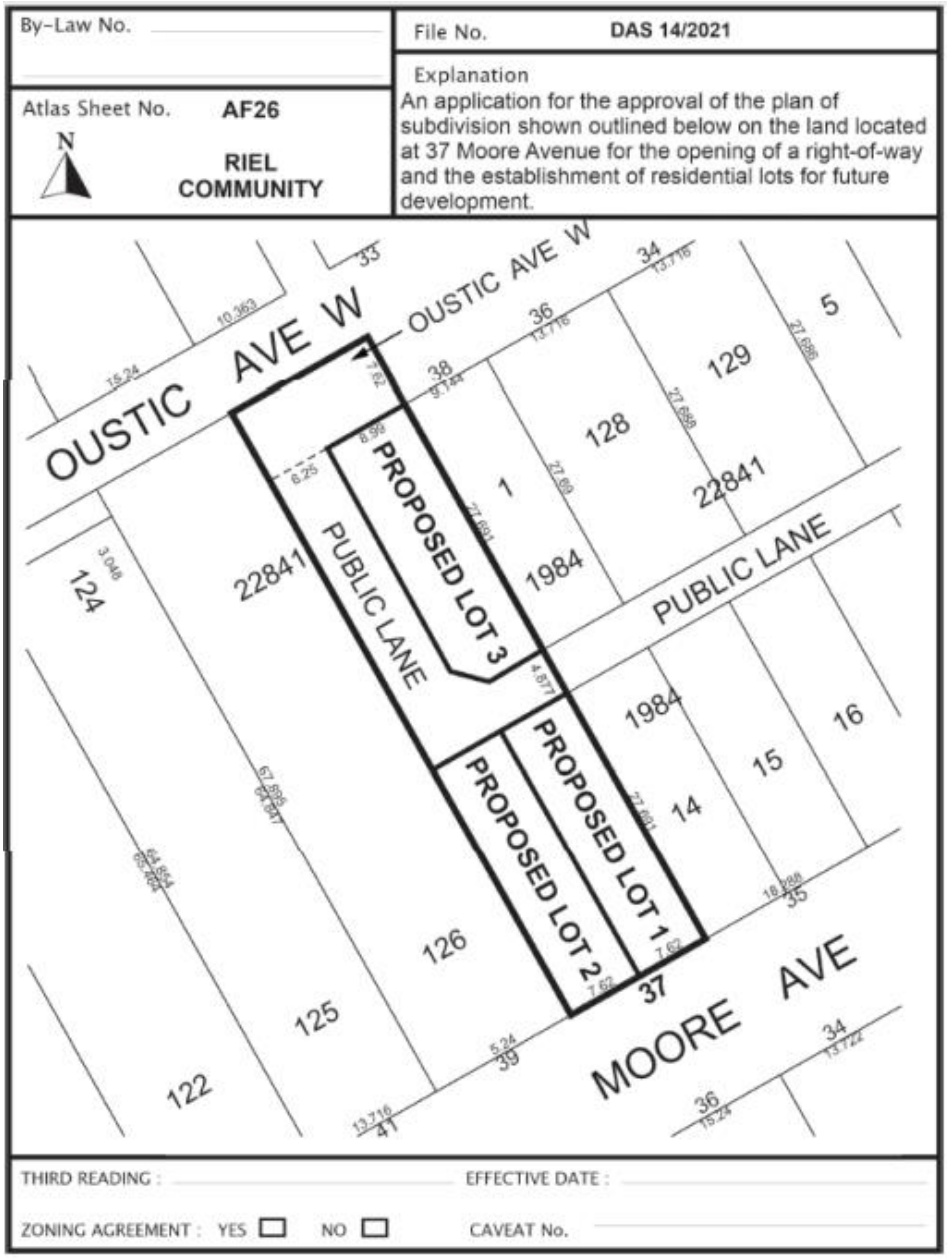
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Acting Land Development Administrator
Date: October 27, 2023
File No: DASZ 14/2021
Attachments: Appendix “A” – DASZ 14/2021 Map
Appendix “B” – Letter Requesting Extension of Time

O:\Reports Directive\Land Development, Geomatics and Land Information Services\Land Development\Extension of Time\Extension of Time Request #1 - DASZ 14-21.docx

APPENDIX "A" – DASZ 14/2021 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT

October 26, 2023

Zoning and Permits Branch
Planning, Property & Development Dept.
City of Winnipeg
31-30 Fort Street
Winnipeg MB R3C 4X7

Dear **Zoning Development Officer**:

RE: Letter of Intent – 37 MOORE AVENUE

John Wintrup is the 'Applicant' in making the development application(s) on the **SUBJECT LANDS** for the **PROPOSED DEVELOPMENT** as outlined below.

1. SUBJECT LANDS

(a) Municipal Address:	37 Moore
(b) Location:	N.side Moore AVE, and S.side of Oustic AVE West, btwm
(a) Roll Numbers:	08003361500
(b) CT:	1081777/1
(c) COW Caveat(s):	N/A
(d) Legal Description:	LOT 127 PLAN 23091
(e) Registered Owners:	City of Winnipeg
(f) Neighbourhood:	Norberry
(g) Electoral Ward:	St. Vital
(h) Provincial Regs:	*Outside Airport Regulations // Outside Flood Fringe Reg*
(i) Development Plan:	***OurWinnipeg 2045 By-law No. 120/2020*** [May 26, 2022] ***Complete Communities Direction Strategy By-law No119/2020***
(j) D. Plan Designation:	Recent Community
(k) Zoning By-law:	***Winnipeg Zoning By-law 200/2006*** [March 1, 2008]
(l) Zoning District:	***R1 Residential Single Family***
(m) Zoning PDO:	*N/A*
(n) Land Area:	+/- 11,122 sq.ft. [50 ft x 222.65 ft]
(o) Lot Configuration:	Interior, Through Lot
(p) Land Configuration:	Rectangular
(q) Fronting Street:	+/- 50 ROW Moore P3 Concrete, sidewalks
(r) Fronting Street:	+/- 25 ROW Oustic AVE W P3, Concrete, sidewalks
(s) Back Lane:	gravel, east/west alignment, 16 ft wide ROW

(t) Transit: Route #14 #676 2min east, St. Mary's at Moore
Route #16 2min west Dunkirk at Moore

(u) Bikeways: *Multi-use Pathway,* Dunkirk

(v) Sewer District: Combined, Mager Sewer District

(w) Current Land-Uses: vacant lands, being used as a 'L' shaped informal vehicle/lane access

(x) Adjacent Lands:

i. East, 35 Moore, single-detached dwelling 50' lot **R1.**
ii. West, 39 Moore, single-detached dwelling 60' lot **R1.**
iii. East, 38 Oustic Ave W., single-detached dwelling 30' lot **R1.**

(y) Surrounding Lands:

i. North, across Oustic AVE W., 42 Barrington single-detached dwellings **R1.**
iv. South, across Moore, 36 Moore single-detached dwellings **R1.**

(z) Proposed Dev'pmnt:

i. Create 2 lots, one fronting Moore and one fronting Oustic.
ii. Legally open and extend east-west public lane westerly and north-south to Oustic Avenue W.
iii. Widen Oustic to 50 ft wide ROW.

2. LOCATION

(1) The subject land is a through lot located on the northside of Moore Avenue and south side of Oustic that is used, informally, as an extension of the gravel public lane serving the south side of Oustic and north side of Moore Ave that terminates as a legal ROW on the east property line.

3. PROPOSED DEVELOPMENT

(1) Create 2 new lots for single-detached dwellings.

(a) 30 foot wide on Oustic, +/- 2724 sq.ft.
(b) 50 foot wide lot on Moore Avenue +/- 4542 sq.ft.

(2) Opening a new ROW that is 20.0 feet wide north/south connection to Oustic and 16 foot east/west connection to existing rear public lane terminus.

(3) Widen Oustic Avenue W. to a 50 ft wide ROW.

(4) The Proponent is requesting an extension of time for one year to complete the required engineering and servicing drawings needed for the Agreement.

4. BACKGROUND

(1) On January 18, 2021, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service

and approved the sale of the Subject City Property, located between 35 and 39 Moore and identified as "Subject City Property" on Misc. Plan 10071/7 to 6727132 Manitoba Ltd. Status of Title 1081777/1 includes LOTS 123 and 124 PLAN 22841: these City Properties are not subject to this development application.

(2) On September 1, 2021 Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development File DAS 14/2021 for one new lot on Oustic Ave W and the amendment to require the proponent to consolidate the proposed two lots on Moore Avenue into one lot fronting Moore.

(3) On September 1, 2021 Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and approved a Variance on "the land" for the establishment of two (2) residential building lots to permit as follows:

1. On consolidated Lot 1 and 2:
B. A lot area of 4,540 square feet instead of 7,733 square feet.

3. On Proposed Lot 3:

1. *A lot width of 29.49 feet (8.98 metres) instead of 48 feet (14.63 metres);*
2. *A lot area of 2629 square feet (224.24 square metres) instead of 7733 square feet (718.4 metres).*

Subject to the following conditions:

1. *That the height of principal buildings shall be limited to a maximum of 30 feet.*
2. *That no front driveway approaches shall be permitted.*
3. *That there shall be no new garages constructed attached to any principal dwelling on the subject property.*
4. *That any principal dwelling located on the subject properties shall provide an entrance on the building elevation facing the front yard.*
5. *That each newly constructed dwelling shall be distinctly different from one another in terms of the design, and incorporate a balance of varying materials into the front façade.*

6. That the Owner must submit plans showing the location and design of any and all proposed:

1. *Buildings including elevations of the front façades identifying proposed finishing materials;*
2. *Accessory parking areas;*
3. *Fencing;*

4. Landscaping

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

7. That alcoves, bay windows, vestibules and similar building elements creating interior floor area shall be at least two feet from any side lot line, measured from the exterior finish of said building element

(4) On September 29, 2021 Council concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and approved File DAS 14/2021 subject to conditions.

(5) On December 15, 2022, Council adopted By-law 156/2022 o approve a plan of subdivision for land located at 37 Moore Avenue in the Riel Community pursuant to Development Application No. DAS 14/2021.

5. APPLICATION MATERIAL

Information provided with this Letter of Intent includes:

(1) Letter of Authorization;
(2) Current Status of Title(s);
(3) Current Legal Description & Title Plot;
(4) Current Zoning & Lot Configuration;
(5) City Misc. Plan No. 10071/7;
(6) Proposed Plan of Development;
(7) Application Fee.

Please do not hesitate to contact me directly if there is any missing information or materials for this application. We respectfully request this matter be advanced and processed in a timely manner.

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
301-139 Roslyn RD Winnipeg MB R3L0G7 Encl.