Minutes – Council – February 22, 2024

Minute No. 182
Report – Standing Policy Committee on Property and Development – February 1, 2024

Item No. 4 **Extension of Time – Subdivision and Rezoning – Northwest Corner of Inkster Boulevard and King Edward Street**
(Old Kildonan Ward)
File DASZ 44/2016

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. 5/2021 be extended to January 28, 2025.

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 – February 1, 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

Councillor Wyatt was absent from the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 13, 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 February 1, 2024, 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 January 23, 2024, 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 –Northwest Corner of Inkster Boulevard and King Edward Street – File No. DASZ 44/2016

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. 5/2021 under File No. DASZ 44/2016 expires on January 28, 2024. 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. 5/2021 be extended to January 28, 2025.

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 January 28, 2025, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On March 22, 2017, Council adopted Item No. 5 of the Report of the Executive Policy Committee dated March 8, 2017 which recommended approval of a subdivision and rezoning to a “C2 PDO-2 Airport Vicinity” Commercial Community District under Winnipeg Zoning By-Law 200/2006.

Recommendation 5 of the above-referenced report states:

> "That in the event the matter is not proceeded with expeditiously and the by-law is not passed 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 Council approves the extension."

On May 29, 2020, Council adopted Item No.11 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated May 21, 2020 which recommended approval of an Extension of Time and that the time limit for enactment of the necessary by-law for DASZ 44/2016 be extended to March 22, 2021.

The rezoning By-law No. 5/2021 was enacted by Council on January 28, 2021. See Appendix “A” map attached.

Sections 3 and 4 of By-law No. 5/2021 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision and 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 Zoning Agreement 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.

On December 16, 2021, Council adopted Item No.14 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated December 2, 2021 which recommended approval of a second extension of time in order to complete the necessary registration of the Plan of Subdivision and the required Zoning Agreement DASZ 44/2016 by caveat in the Winnipeg Land Titles Office.

On December 15, 2022, Council adopted Item No.13 of the report of the Standing Policy Committee on Property and Development dated November 30, 2022 which recommended approval of a third extension of time in order to complete the necessary registration of the Plan of Subdivision and the required Zoning Agreement DASZ 44/2016 by caveat in the Winnipeg Land Titles Office.

By-law No. 5/2021 has not come into force by the required registration of the Plan of Subdivision and Zoning Agreement DASZ 44/2016 by caveat in the Winnipeg Land Titles Office and the one (1) year time limit is due to expire on January 28, 2024.

On December 28, 2023, the Applicant, John Scott Wintrup Planning & Development, Attention: John Wintrup, 301-139 Roslyn Road, Winnipeg, Manitoba, R3L 0G7, on behalf of the Owner, B. & B. Developers Inc., submitted a request for a fourth extension of time in order to 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 and circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG 2045 POLICY ALIGNMENT

The site is located within an Employment Lands Policy Area under the *Complete Communities Direction Strategy 2.0* of *OurWinnipeg 2045.*

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.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

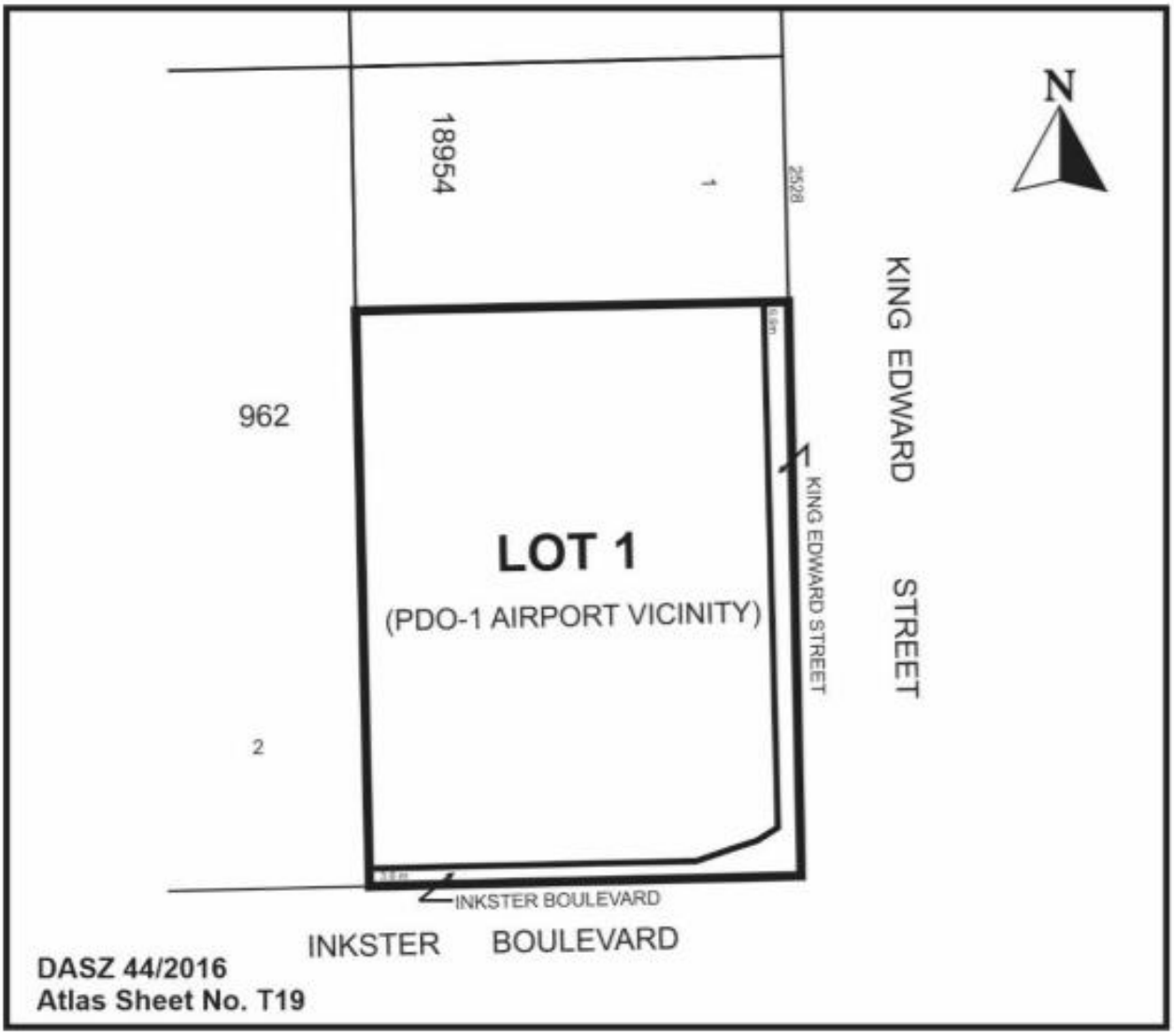
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Acting Land Development Administrator
Date: January 4, 2024
File No: DASZ 44/2016
Attachments: Appendix “A” – DASZ 44/2016 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 44/2016 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT

December 22, 2023

Michele Hammerberg
Development Applications Coordinator
Land Development Branch
City of Winnipeg
Main Floor, 65 Garry Street
Winnipeg MB R3C 4K4

RE: Letter of Intent – NW Intersection King Edward ST & Inkster BLVD
Extension of Time DASZ 44/2016

John Wintrup is the 'Applicant' in making all the development applications on the **SUBJECT LANDS** for the **PROPOSED DEVELOPMENT** as outlined below.

1. SUBJECT LANDS

(a) Municipal Address:	N/A
(b) Location:	NW Corner of Inkster and King Edward
(c) Roll Numbers:	14098649000
(d) CT:	3138028/1
(e) Legal Description:	*Lot 1 Plan 962 exc. Plan 18954 in SE ¼ of 26-11-2 EPM*
(f) Registered Owners:	B & B Developers Inc.
(g) Neighbourhood:	3.327 North Inkster Industrial Neighbourhood
(h) Electoral Ward:	Old Kildonan Ward
(i) Provincial Regs:	*Airport Vicinity Protection Area Regulation 66/2021 [August 12, 2021]* Area 2
(j) Development Plan:	*OurWinnipeg 2045 By-law No. 120/2020* [May 26, 2022] *Complete Communities Direction Strategy By-law No. 119/2020*
(k) D. Plan Designation:	Employment Lands
(l) Zoning By-law:	*Winnipeg Zoning By-law 200/2006 [March 1, 2008]*
(m) Zoning District:	A – Agricultural District
(n) Land Area:	+/- 3.5 acres
(o) Lot Configuration:	Corner Lot
(p) Land Configuration:	Rectangle
(q) Fronting Street:	King Edward Street & Inkster Blvd
(r) Municipal Services:	Full municipal services.
(s) Current Land-Uses:	Vacant

1

(t) Proposed Dev'pmnt:

(a) Port Town Centre – a multi-building, multi-tenant development consistent with the C2 zoning.

2. LOCATION

(1) The subject lands are approximately +/- 3.5 acres located adjacent to the northwest intersection of King Edward ST and Inkster Blvd, south of Haggart Ave and east of Groverdale ST in the North Inkster Industrial neighbourhood of the Old Kildonan Ward.

3. PROPOSED DEVELOPMENT

(1) Port Town Centre – a multi-building, multi-tenant development consistent with C2.

(2) Five (5) buildings will be constructed, along the edges of the property with a common parking area down the spine of the planned area.

(3) Public Works road widenings have been accommodated into the site plan.

(4) Bike rack, earth bins for garbage, landscaping [trees and shrubs], and pedestrian walkways connecting to the public sidewalks will be included in the site plan.

(5) Monument style signage will be included at the front of the property along Inkster.

(6) Driveway access points will include one along King Edward, approximately +270 feet north of Inkster; and two (2) along Inkster approximately 123 feet west of King Edward.

4. NOTES

(1) The lands are currently vacant, zoned **A – Agricultural [Airport Vicinity Protection Area 2 Overlay District]** under *Winnipeg Zoning By-law 200/2006.*

(2) On March 22, 2017, Council approved File DASZ 44/2016 To rezone the land from "A" Agricultural District to "C2" Commercial Community District for the establishment and construction of multi-use commercial buildings subject to the following:

That the applicant enter into, execute and deliver a Zoning Agreement with the City pursuant to Section 240(1) of The City of Winnipeg Charter to include the following conditions:

That for the development of any building or structure, plans shall be submitted showing the location and design of proposed buildings, fencing, landscaping, parking and garbage enclosures to the Lord Selkirk – West Kildonan Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

(3) Public Works required a 6.6 metre road opening along King Edward, a 3.6 metre road opening along Inkster Blvd; and a corner cut at the in the north-west corner of the intersection of Inkster Boulevard and King Edward Street, as determined by and to the satisfaction of the Director of Public Works.

(4) There were no variances sought or granted at the time of the File DASZ 44/2016 that was at the Lord Selkirk – West Kildonan Community Committee meeting on February 13, 2017.

(5) On January 28, 2021 Council approved BY-LAW NO. 5/2021.

(6) On December 16, 2021 Council approved Extension of Time – Subdivision and Rezoning – Northwest Corner of Inkster Boulevard and King Edward Street File DASZ 44/2016 with the Coming into Force provisions of By-law No. 5/2021 be extended to January 28, 2024.

(7) On January 23, 2023 the Lord Selkirk-West Kildonan Community Committee approved the plans for the Northwest Corner of Inkster Blvd and King Edward Street.

(8) The Agreements and mylars have been prepared for release and the Developer anticipates construction beginning as soon as the Developer secures funding for the required Letters of Credited.

5. APPLICATION MATERIAL

Information that is being provided with this Letter of Intent includes:

(1) Letter of Authorization to John Wintrup;
(2) Current Status of Title;
(3) Current Zoning and Lot Configuration;
(4) Legal Description and Title Plot;
(5) Application Fee.

Please do not hesitate to contact me directly if there is any information or materials missing from 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.