Minutes – Council – April 25, 2024

Minute No. 253
Report – Standing Policy Committee on Property and Development – April 11, 2024

Item No. 6 Extension of Time – Rezoning – 122 St. Anne's Road (St. Vital Ward) File DAZ 219/2022

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. 9/2023 be extended to April 27, 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 – April 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

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 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 April 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 April 5, 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 – Rezoning – 122 St. Anne's Road – File No. DAZ 219/2022

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. 9/2023 under File No. DAZ 219/2022 will expire on April 27, 2024. The Developer has not been able to satisfy all of the conditions prior to expiry and has requested an extension of time in order 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. 9/2023 be extended to April 27, 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 recommendation is concurred in, the Developer will be allowed a time extension to April 27, 2025, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On December 15, 2022, Council adopted Item No.15 of the Report of the Standing Policy Committee on Property and Development dated November 30, 2022 which recommended approval of a rezoning to a "CMU" Commercial Mixed Use District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

The rezoning by-law was enacted by Council on April 27, 2023. Sections 2 and 3 of By-law No. 99/2023 stipulate the following:

Coming into force
2 This By-law comes into force when the Zoning Agreement 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 Zoning Agreement 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. 9/2023 has not come into force by the required registration of the Zoning Agreement and the one (1) year time limit will expire on April 27, 2024.

On March 7, 2024, the Applicant, John Scott Wintrup Planning & Development, Attention: John Wintrup, applied for an Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 9/2023 be extended to April 27, 2025 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 as circumstances leading to the original approval remain unchanged.

FINANCIAL IMPACT

N/A

CONSULTATION

N/A

OUR WINNIPEG POLICY ALIGNMENT

The proposal is consistent with the policies guiding development along “Urban Mixed Use Corridors” under the *Complete Communities Direction Strategy 2.0* where vertical mixed-use buildings with ground floor commercial uses encompassing a pedestrian-oriented design are encouraged.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Consideration was given as to whether this report connects to any of the Strategic Opportunities and Key Directions in the Climate Action Plan and it was determined that the Plan is not applicable to this specific report.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Poverty Reduction Strategy (PRS), as well as the corresponding 2021-2023 Implementation Plan, and it was determined that the Strategy is not applicable to this specific report.

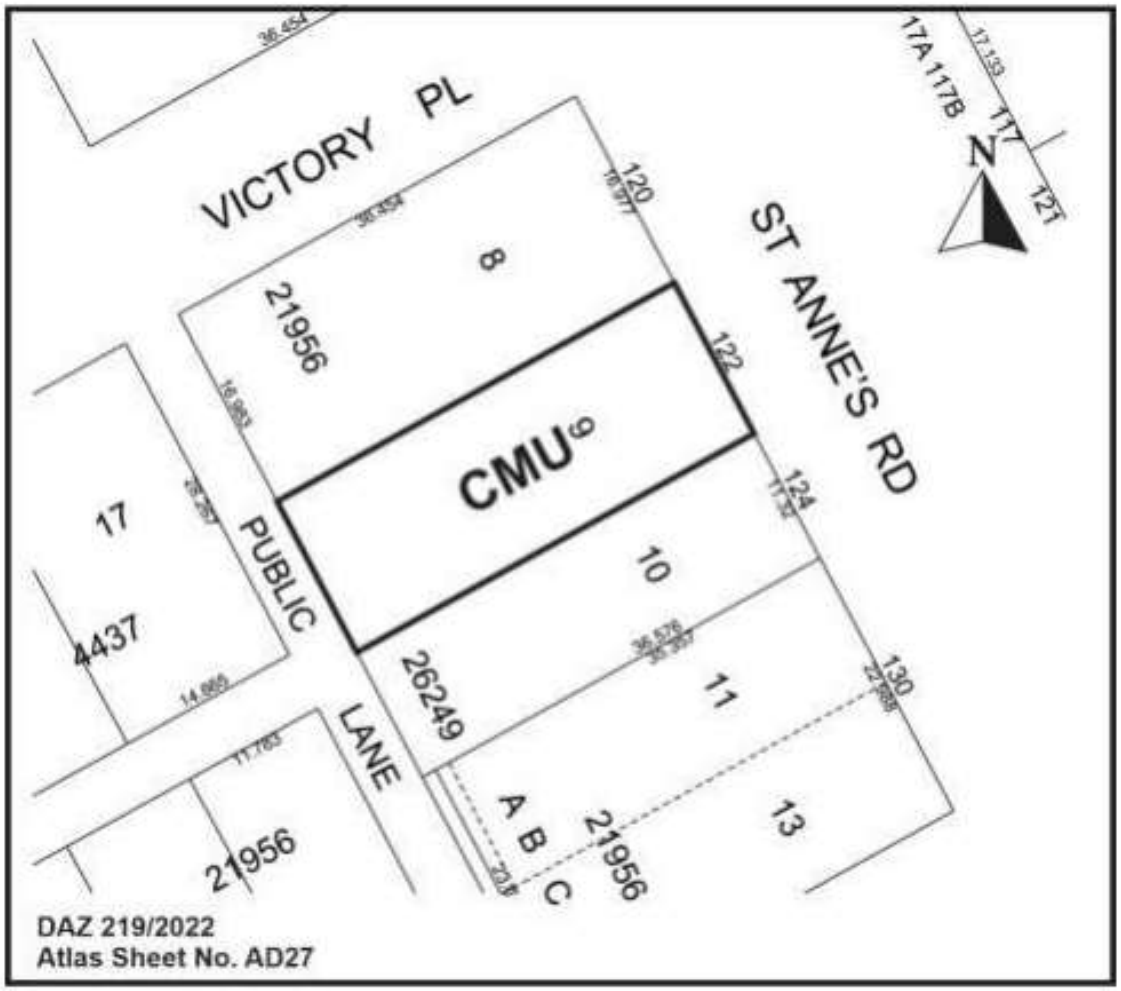
SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Acting Land Development Administrator
Date: March 7, 2024
File No: DAZ 219/2022

Attachments: Appendix “A” – DAZ 219/2022 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DAZ 219/2022 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT

March 1, 2024

Michele Hammerberg
Land Development Branch
Main Floor, 65 Garry St.
Winnipeg, MB R3C 4K4

Dear Michele Hammerberg, Development Applications Coordinator:

RE: Letter of Intent – 122 St. Anne's Road File DAZ 219/2022 Extension of Time.

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:	122 St. Anne's RD
(b) Location:	West side, north of Sherwood PL and south of Victory PL
(c) Roll Numbers:	008000914000
(d) CT:	3177810//1
(e) COW Caveat(s):	N/A
(f) Legal Description:	Lot 9 Plan 21956
(g) Registered Owners:	10060862 Manitoba Inc.
(h) Neighbourhood:	Varennes
(i) Electoral Ward:	St. Vital
(j) Provincial Regs:	*Inside Airport Regulations // Outside Flood Fringe Reg*
(k) Development Plan:	***OurWinnipeg 2045 By-law No. 120/2020*** [May 26, 2022] ***Complete Communities Direction Strategy By-law No119/2020***
(l) D. Plan Designation:	Mature Community Priority Urban Mixed-Use Corridor
(m) Zoning By-law:	***Winnipeg Zoning By-law 200/2006*** [March 1, 2008]
(n) Zoning District:	***RMF - S Residential Multi-Family District – Small***
(o) Zoning PDO:	Urban Infill 'SCHEDULE C' Area 2
(p) Land Area:	+/- 5,389 sq.ft.
(q) Lot Configuration:	Interior
(r) Land Configuration:	Rectangular
(s) Fronting Street:	+/- 45 ft on St. Anne's Road, P1AT – Regional Street

1

(t) Flanking Street:	N/A
(u) Back Lane:	Gravel, between Victory and Sherwood Places
(v) Transit:	Downtown Transit Route #55 is 1 minute walk north on St. Anne's RD Downtown Transit Route #14 is 5 minute walk west on Victory Pl to St. Mary's RD
(w) Bikeways:	Informal on Street Route on Sherwood Pl, Handyside Ave, Elm Park Rd, and Kingston Row between Riverdale Ave and Des Meurons St. Informal on Street Route on Des Meurons St between Eugenie St. and Regal Ave
(x) Sewer District:	Combined, Mager Sewer District
(y) Current Land-Uses:	i. Single-detached dwelling, Single Storey, 1039 sq.ft. built in 1952 w/detached accessory structure
(z) Adjacent Lands:	i. North, 120 St. Anne's Rd, Single-detached dwelling [1953] on 55 foot wide lot zoned C1 ii. South, 124 St. Anne's Road, Single-detached dwelling [1927], on 37 foot wide lot zoned RMF-S Residential Multi-Family - Small
(aa) Surrounding Lands:	i. North, across Victory Pl, are lots addressed **100 to 112 St. Anne's Rd** and **32 Oakleigh Pl** zoned **RMF-S** ii. South, across St. Anne's Rd is 111 St. Anne's Road (Carl's Barber Shop) zoned RMF-S, and 113 to 121 St. Anne's Rd zoned **C2** Commercial – Community in the Glenwood neighbourhood area. iii. West of the rear public lane are Single-Family Detached dwellings from **10 - 38 Victory Pl** and from **11 – 45 Sherwood Pl** zoned **R1**
(bb) Proposed Dev'pmnt:	i. Extension of time by-law no. 9/2023 File DAZ 219/2022

2. LOCATION

(1) The subject +/- 5,389 sq.ft.[45 x 116 ft] lands with a single-detached dwelling is located on west side of St. Anne's Road between Victory Pl and Sherwood Pl.

(2) National chain grocery stores [215 St. Anne's Rd & 2 Alpine Av] are less than 5 minutes away via Winnipeg Transit. King George Park and the St. Vital Outdoor Pool are less than a 15-minute walk

to the southeast. YMCA-YWCA of Winnipeg South is a 15 minute walk or 10 minutes via Winnipeg Transit to the southwest

3. PROPOSED DEVELOPMENT

(1) Rezone subject land to CMU Commercial Mixed Use District.
(2) Demolish existing single-family detached dwelling and detached garage
(3) Build 3 storey mixed-use building with ground floor commercial and a 6 residential units on floors 2 & 3 (3 units on each floor), with parking accessed by the rear public lane.

4. BACKGROUND

(1) On April 27, 2023 Council gave second and third reading to By-law No. 9/2023, a by-law of The City of Winnipeg to amend Winnipeg Zoning By-law No. 200/2006 to rezone land located at 122 St. Anne's Road, in the Riel Community File DAZ 219/2022.
(2) On January 28, 2023 Council gave First Reading to By-law No. 9/2023.
(3) On November 14, 2022 the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and approved File DAZ 219/2022 to rezone the lands CMU.
(4) On November 14, 2022 the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and approved File DAV 177281/2022D as follows:

1. For the construction of a mixed use commercial and residential building to permit:

A. A north side yard of 7.5 feet (2.29 metres);
B. A south side yard of 7.4 feet (2.29 metres).

2. For the establishment of an accessory parking area to permit:
A. Parking spaces accessed directly from an adjacent lane instead of a parking driveway;
B. Insufficient buffering of parking area located within 20 feet (6.1 metres) of a side or rear lot line abutting or adjacent to a residential zoning district.

Subject to the following condition:
1. That the Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DAZ 219/2022.

5. NOTES

(1) By-law no. 9/2023 is set to expire on April 27, 2024.
(2) The agreements remain outstanding and are expected to be completed shortly: the extension of time request is taken as pre-cautionary step in the event the execution of the agreements falls just past the April deadline.

JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT

6. APPLICATION MATERIAL

Information provided with this Letter of Intent includes:

(1) Letter of Authorization to John Wintrup;
(2) Current Status of Titles;
(3) Current Legal Description & Title Plot;
(4) Current Zoning & Lot Configuration;
(5) By-law No. 9/2023;
(6) Application Fee.

Please do not hesitate to contact me directly if there is any missing information or materials for this extension of time request at **122 St. Anne's Rd.** 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.