Report - Standing Policy Committee on Property and Development – September 7, 2004

Item No. 25 Extension of Time to register Zoning Agreement - Rezoning of land located at 3 - 11 Reenders Drive
File DAZ 204/99

STANDING COMMITTEE RECOMMENDATION:

On September 22, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submits the following to Council:

1. That the time to provide for the enactment of Rezoning By-law No. 7486/99 under File DAZ 204/99 be extended to July 21, 2006.

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 - September 7, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 22, 2004, 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 September 7, 2004, the Standing Policy Committee on Property and Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

Re: Extension of Time to register Zoning Agreement - Rezoning of land located at 3 - 11 Reenders Drive - File No. DAZ 204/99

For submission to: Standing Policy Committee on Property & Development

Original report signed by: Director of Planning, Property and Development

Report date: July 14, 2004

Recommendation(s):

1. That the Standing Policy Committee on Property and Development consider this request to vary its May 6, 2003 directive and allow an application in this instance for an extension of time and,

2. That if Committee allows this application, that the Standing Policy Committee on Property and Development recommend to Council that an extension of time for DAZ 204/99 be approved to July 21, 2006 to provide for the enactment of Rezoning By-law No. 7486/99.

REPORT SUMMARY

Key Issues:

By-law No. 7486/99 passed by Council on July 19, 1999.

Enactment Section of said By-law required the Zoning Agreement Caveat to be registered in Winnipeg Land Titles Office by July 21, 2001, which did not occur.

The May 6, 2003 directive of the Standing Policy Committee on Property and Development requires that applications for extensions of time must be approved prior to the expiry date.

Solicitor advised that the documents from the City required to complete the rezoning by-law enactment were not received.

An Extension of Time would be required to proceed with the caveat registration and bring the zoning into effect, otherwise a new DAZ application would have to be made.

Implications of the Recommendation(s):

General implications:

X	None
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s):

Policy implications:

[X] **No**
[ ] **Yes**
Comment(s):

Environmental implications:

[X] **No**
[ ] **Yes**
Comment(s):

Human resources implications:

[X] **No**
[ ] **Yes**
Comment(s):

Financial implications:

[X] Within approved current and/or capital budget
[ ] Current and/or capital budget adjustment required
Comment(s):

REASON FOR THE REPORT:

The Standing Policy Committee on Property and Development is requested to determine whether circumstances in this instance warrant a departure from its May 6, 2003, directive which states that "the time frame for enactment of the By-law approved by Council is twenty-four months, with any requests for extensions of time to be submitted within that said time frame, . . . ". That directive requires that, regardless of the circumstances, applicants whose time limits for completing certain steps in the application process have expired must start the whole approval process from the beginning with a new application.

If the Standing Policy Committee on Property and Development favorably considers a departure from its May 6, 2003 directive in this instance and allows for an application for an extension of time, then Council approval is required to extend the time limit to provide for the enactment of a Rezoning By-law.

HISTORY:

On July 19, 1999 Council adopted Clause 8 of the report of the Standing Committee on Property and Development dated June 29, 1999 which recommended approval of the subject rezoning, DAZ 204/99, to a "C2" COMMERCIAL DISTRICT as shown on the attached Schedule “A”, dated April 8, 2004.

Recommendation IV contained in the said report stipulates:
"That in the event this application is not proceeded with expeditiously and the By-law is not enacted within 24 months after adoption of this report by Council the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time."

Recommendation VI further stipulates the following:

"That the Rezoning By-law shall become effective when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office provided that the said effective date occurs within twenty-four (24) months from the date that the said Rezoning By-law is adopted by Council."

The rezoning By-law No. 7486/99 was passed by Council on July 19, 1999. The enactment section of the By-law required that the Zoning Agreement caveat be registered in the Winnipeg Land Titles Office by July 21, 2001 failing which the By-law shall expire unless that date is extended by a resolution of City Council and that registration is completed before any such extended date.

DISCUSSION:

The applicant, Mr. A. Anhang, 311 - 267 Edmonton Street, Winnipeg, Manitoba, R3C 1S2 is requesting a two-year Extension of Time in order to complete the necessary zoning requirements. Although City records indicate that the zoning agreement was sent to Mr. Anhang's office in August of 1999; Mr. Anhang later advised that this document was never received. Therefore Mr. Anhang was unable to have the documents executed and the matter was never completed. This matter was brought to Mr. Anhang's attention in January, 2004, when a zoning memorandum was requested by the present property managers, and it was pointed out that the time period for registering the required zoning caveat has now expired.

Mr. Anhang was apprised, by the Planning, Property and Development Department, that since the time in which the zoning agreement should have been registered has expired that a new application must be submitted as per the May 6, 2003 instructions of the Standing Policy Committee on Property and Development.

Mr. Anhang is requesting a departure from the May 6, 2003 instructions that he believes is warranted considering the circumstances that the documents were never received and therefore he was unable to finalize the subject rezoning. Mr. Anhang further reports that the subject development is fully leased and he is prepared to have the documents executed and registered in a timely manner.

The Administration has reviewed the request for the extension and is of the opinion that if the Standing Policy Committee on Property and Development is prepared to vary from the May 6, 2003 directive, then approval of the subject extension of time would be acceptable in view of the

fact that the City's interests remain secured and circumstances leading to the original approval remain unchanged.

Financial Impact Statement

Date: July 12, 2004

COMMENTS:

This report recommends that the Standing Policy Committee on Property and Development consider the request for an extension of time and further recommends to Council that an extension of time for DAZ 204/99 be approved to July 21, 2006 to provide for the enactment of the Rezoning By-law. There is no financial impact to the City with respect to this recommendation.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

LEGAL SERVICES DIVISION

This report submitted by:

Planning, Property and Development Department
Division: Development Inspections
Prepared by: C. Torpey
PPD File #: DAZ 204/99

c.c. Summutt Westan Ltd, Attn: A. Anhang, 311 - 267 Edmonton Street, Wpg., R3C 1S2

Document name: o:\reports directive\development and inspections\land development\99daz204-rpt.doc

By-Law No. _____

File No. **DAZ 204/99**

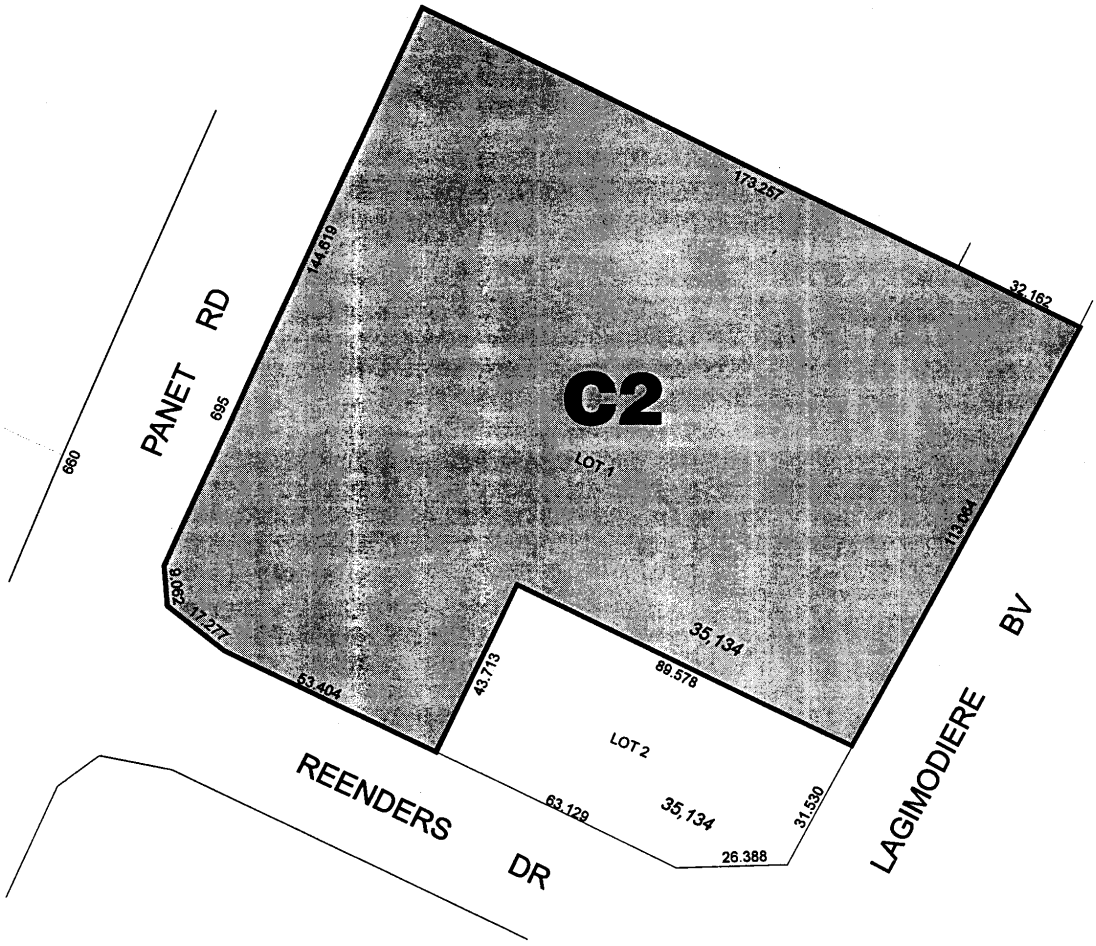
Atlas Sheet No. **Y30**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

A proposed zoning change to By-law 6400/94 by rezoning the land on the north side of Reenders Drive, west of Lagimodiere Boulevard from a "C3-1" COMMERCIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown shaded below.



SCHEDULE "A" FOR THE REPORT TO THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT FOR FILE NO. DAZ 204/99

DATED: APRIL 8, 2004

THIRD READING : _____

ZONING AGREEMENT : YES ☐ NO ☐

CAVEAT No. _____