Agenda – Executive Policy Committee – June 18, 2024

Report – Standing Policy Committee on Property and Development – June 4, 2024

Item No. 9 Extension of Time – Plan of Survey and Rezoning – 225 and 235 McPhillips Street, 1030 Pacific Avenue and a portion of Ross Avenue File DAC 2/2021 and File DASZ 28/2022

STANDING COMMITTEE RECOMMENDATION:

On June 4, 2024, 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. 148/2022 be extended to January 26, 2025.

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 – June 18, 2024

Report – Standing Policy Committee on Property and Development – June 4, 2024

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On June 4, 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 May 28, 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 – Plan of Survey and Rezoning –225 and 235 McPhillips Street, 1030 Pacific Avenue and a portion of Ross Avenue being closed under File No. DAC 2/2021 – File No. DASZ 28/2022

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
M. Hammerberg	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 148/2022 under File No. DASZ 28/2022 expired on January 26, 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. 148/2022 be extended to January 26, 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 26, 2025, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On September 22, 2022, Council adopted Item No. 29 of the Report of the Executive Policy Committee, dated September 14, 2022, which recommended approval of a plan of survey and rezoning to an “M2” Manufacturing General District under Winnipeg Zoning By-Law 200/2006.

The rezoning By-law No. 148/2022 was enacted by Council on January 26, 2023. See Appendix “A” map attached.

Sections 3 and 4 of By-law No. 148/2022 stipulate the following:

Coming into force

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

(b) the plan of survey and 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.

By-law No. 148/2022 has not come into force by the required registration of the Plan of Survey and Zoning Agreement, File No. DASZ 28/2022, by caveat in the Winnipeg Land Titles Office and the one (1) year time limit expired on January 26, 2024.

On December 13, 2023, Myers LLP Barristers and Solicitors, c/o Kara Bjornson, Suite 724-240 Graham Avenue, Winnipeg, Manitoba, R3C 0J7, on behalf of Manitoba Building Trades Institute, submitted a request for an 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

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

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

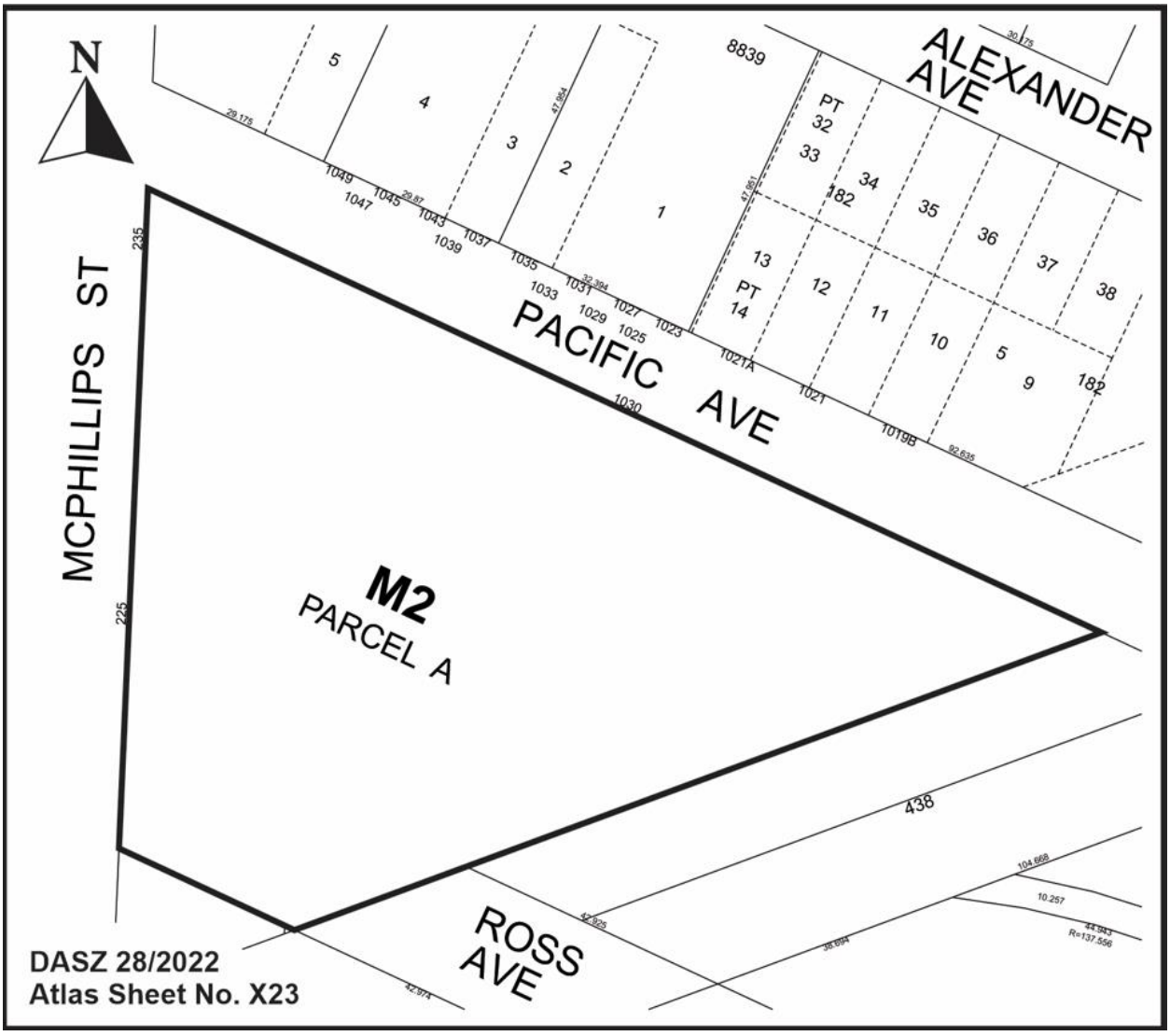
WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the PRS and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: M. Hammerberg, Acting Land Development Service Coordinator
Date: May 14, 2024
File No: DASZ 28/2022
Attachments: Appendix “A” – DASZ 28/2022 Map
Appendix “B” – Letter Requesting Extension of Time

APPENDIX "A" – DASZ 28/2022 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Myers LLP
Barristers & Solicitors

REPLY TO: KARA L BJORNSON
File No.: 42048-008
EMAIL: kbjornson@myersfirm.com
WRITER'S DIRECT LINE: 204-926-1511

December 14, 2023

BY COURIER

The City of Winnipeg
Land Development Branch
Main Floor – 65 Garry Street
Winnipeg, MB R3C 4K4

Attention: Michele Hammerberg

Dear Madame:

Re: Rezoning of Ross Avenue
DASZ 28/2022

Please be advised that our office represents the purchaser in this matter.

We are requesting an extension of time to fulfill the Purchaser's obligations with respect to the Rezoning By-law.

The parties have worked diligently this past year to complete the proposed closing, including negotiating a right of way access agreement with a neighboring property. The parties are now ready to proceed – all required documents have been prepared and signed, and our office is ready to file the closing material with the Winnipeg Land Titles Office. However, we understand the land titles office is experiencing delays because of the strike action in the summer and early fall of 2023. We anticipate that the filing and registration of the documents with land titles will take longer than usual, and we are requesting an extension of **one (1) year** to complete the closing and comply with the Rezoning By-law.

Thank you for your consideration.

Yours truly,

Myers LLP
Per:

Kara L. Bjornson
/kb:encls.

Suite 724-240 Graham Avenue, Winnipeg, Manitoba R3C 0J7 info@myersfirm.com T 204 942 0501 F 204 956 0625
myersfirm.com