Agenda – Council – January 30, 2025

Report – Standing Policy Committee on Property and Development – January 13, 2025

Item No. 5 Extension of Time – Subdivision and Rezoning – Northwest Corner of Inkster Boulevard and King Edward Street (Old Kildonan Ward) File DASZ 44/2016

STANDING COMMITTEE RECOMMENDATION:

On January 21, 2025, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 5/2021 be extended to January 28, 2026.

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 13, 2025

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2025, 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 13, 2025, 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 7, 2025, 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.

John Scott Wintrup, J. Wintrup Consulting Ltd., submitted a communication with respect to the matter.

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
M. Hammerberg	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, 2025. 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, 2026.

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, 2026, 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.

On February 22, 2024, Council adopted Item No. 4 of the report of the Standing Policy Committee on Property and Development dated February 1, 2024 which recommended approval of a fourth 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, 2025.

On October 28, 2024, 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 fifth 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

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

4.2 Ensure New Areas of Growth are Designed According to the Principles of Complete Communities.

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, Land Development Service Coordinator
Date:	November 20, 2024
File No:	DASZ 44/2016
Attachments:	Appendix “A” – DASZ 44/2016 Map
	Appendix “B” – Letter Requesting Extension of Time

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