Agenda – Council – January 30, 2013

Report – Standing Policy Committee on Property and Development – January 15, 2013

Item No. 12 Extension of Time – Subdivision and Rezoning 90 Lexington Park (North Kildonan Ward)
File DASZ 21/2010

STANDING COMMITTEE RECOMMENDATION:

On January 23, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submits the following to Council:

1. That the time limit to provide for enactment of rezoning By-law No. 65/2011, under File DASZ 21/2010, coming into force and effect not be extended.

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 15, 2013

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 23, 2013, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 15, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 11, 2012, the East Kildonan-Transcona Community Committee did not concur in the recommendation of the Winnipeg Public Service and the time limit to provide for enactment of rezoning By-law No. 65/2011, under File DASZ 21/2010, coming into force and effect not be extended, and forwarded to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – SUBDIVISION AND REZONING – 90 LEXINGTON PARK - FILE NO. DASZ 21/2010**

Critical Path: **East Kildonan - Transcona Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council**

AUTHORIZATION

Author	Department Head	CFO	CAO
Kim Raban Land Development Administrator	Barry Thorgrimson, Director	N/A	N/A

RECOMMENDATIONS

That the time limit to provide for enactment of Rezoning By-law No. 65/2011 coming into force and effect be extended to May 31, 2013.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The property owner, Palliser Furniture (Canada) Corporation will be granted a one (1) year extension of time in order to allow for the execution of a Addendum Agreement and registration of the Zoning Agreement at the Winnipeg Land Titles Office, thus facilitating the coming into force section of rezoning By-law No. 65/2011 under DASZ 21/2010.

HISTORY

On January 26, 2011 Council adopted Item No. 5 of the report of the Standing Policy Committee on Property and Development dated January 11, 2011 which clause recommended approval of the subject rezoning to a “C2” Commercial Community District under Zoning By-law 200/2006 as shown on Appendix “A” attached.

Recommendation 6 contained in the said report stipulates:

> "That in the event the matter is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council."

On May 25, 2011, By-law No. 65/2011 was enacted by the passage of City Council. Section 3 of the By-law stipulates:

“Coming into force

3 (1) Section 1 comes into force when The City of Winnipeg executes the Addendum Agreement referred to in that section, which execution notwithstanding passage of this By-law shall remain in the absolute discretion of City Council.

(2) Section 2 comes into force when the plan of subdivision is registered in the Winnipeg Land Titles Office and Zoning Agreement DASZ 21/2010 is registered in the Winnipeg Land Titles Office by caveat against the subject land, all within one year from the date this By-law is passed, failing which this By-law expires unless that date is extended by resolution of City Council and the plan of subdivision and caveat are registered before such extended date.”

By-law No. 65/2011 has not come into force by the registration by caveat of the Zoning Agreement and the execution of the Addendum Agreement and the one year time limit expired on May 25, 2012.

The applicant, Susan Russell, of McGowan Russell Group, on behalf of Palliser Furniture (Canada) Corporation, is requesting an extension of time in order to complete the necessary registration of caveats and documents at Winnipeg Land Titles Office, citing that extra time was required to process the file in light of work being undertaken on the larger parcel (the Palliser Major Redevelopment Site). See attached Appendix “B”.

Committee is further advised that the developer is currently engaging in an Area Master Plan process for the site, which is identified as a Major Redevelopment Site in the Complete Communities Direction Strategy.

FINANCIAL IMPACT

There is no financial impact associated with this recommendation.

CONSULTATION

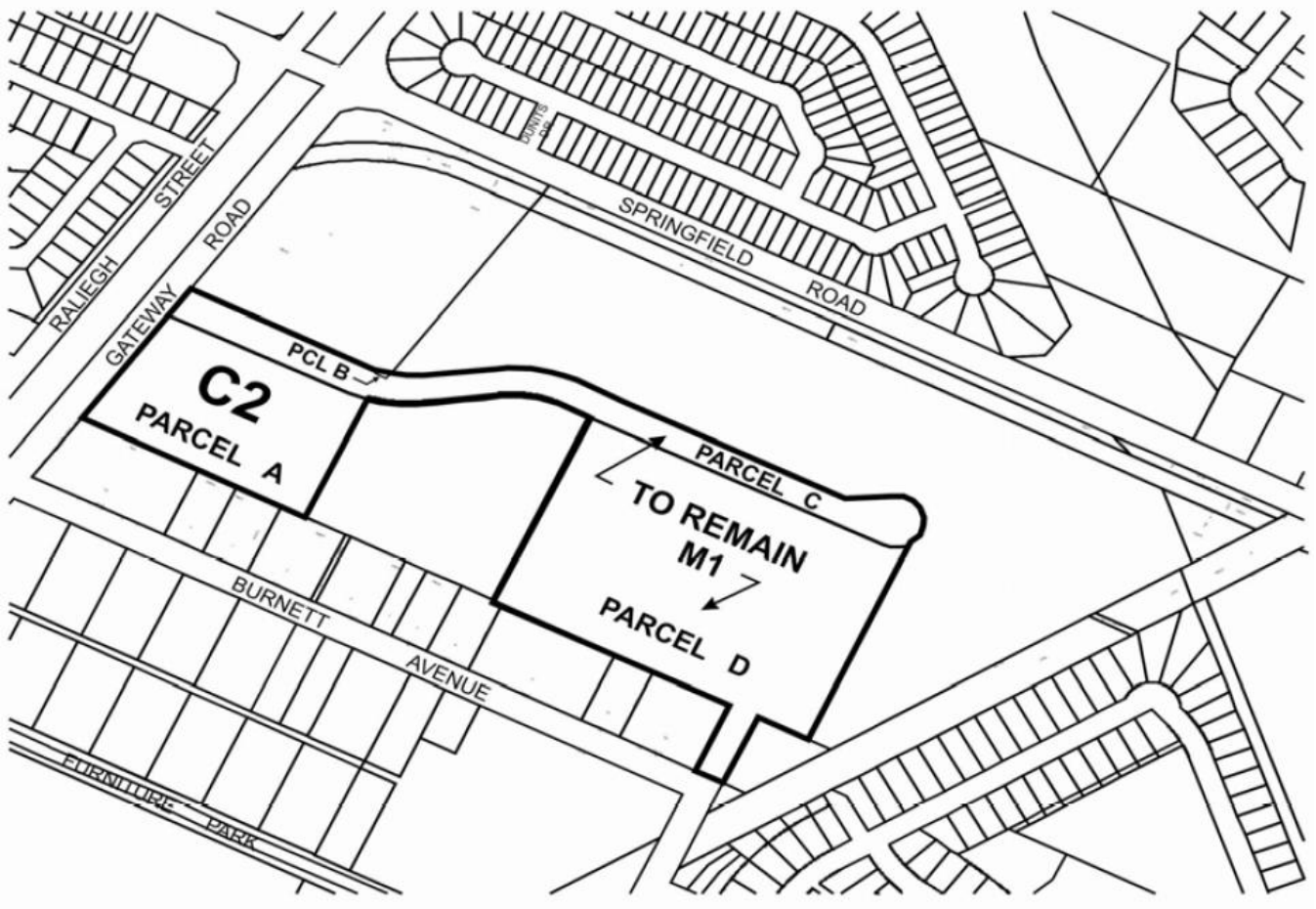
In preparing this Report there was consultation with:
n/a

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Land Development, Geomatics and Land Information Systems
Prepared by:	K.T.Raban / R. Deighton, Land Development Branch
Date:	November 30, 2012
File No.	DASZ 21/2010

Appendix “A” – DASZ 21/2010 map
Appendix “B” – Time Extension Request from Applicant

APPENDIX "A" – DASZ 20/2010 – map



APPENDIX "B" – Time extension request from Applicant

From: Susan Russell [mailto:srussell@mcgowanrussell.com]
Sent: Monday, November 26, 2012 9:00 AM
To: Raban, Kim
Cc: 'Diane B. Dawiskiba'; 'Cathy Shendroski'
Subject: Extension of Time, DASZ 21/2010

Kim,

On behalf of Palliser, we respectfully request an extension of time to allow for registration of documents at Land Titles for File DASZ 21/2010. Extra time was required to process the file in light of work being undertaken on the larger parcel (the Palliser Major Redevelopment Site).

Cathy, in my office, will contact you to coordinate payment asap Monday am.

Please call should you have any questions or require additional information.

Thanks
Susan
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PLEASE NOTE:
As of December 21, 2012 - McGowan Russell Group will be located at our new office at
825 St. Joseph St.
Winnipeg, MB, R2H 3A8.
Our phone number, fax number and email addresses will not change.

Susan Russell, MALA, CSLA
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