Agenda – Council – January 28, 2015

Report – Standing Policy Committee on Property and Development – January 13, 2015

Item No. 11 Extension of Time – Proposed Subdivision and Rezoning on Land Located at 90 Lexington Park – Palliser Furniture (North Kildonan Ward) File DASZ 21/2013

STANDING COMMITTEE RECOMMENDATION:

On January 21, 2015, 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 provide for enactment of Rezoning By-law No. 44/2014 coming into force be extended to March 26, 2016.

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, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2015, the Executive Policy Committee concurred in the recommendations 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 13, 2015, 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 15, 2014, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

ADMINISTRATIVE REPORT

Title: **EXTENSION OF TIME – PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 90 LEXINGTON PARK – PALLISER FURNITURE - FILE NO. DASZ 21/2013**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M.Pittet	Barry Thorgrimson	N/A	N/A

RECOMMENDATIONS

That the time limit to provide for enactment of Rezoning By-law No. 44/2014 coming into force be extended to March 26, 2016.

REASON FOR THE REPORT

Council approval is required for an extension of time.

IMPLICATIONS OF THE RECOMMENDATIONS

The owner will be granted a one (1) year extension of time in order to complete the registration of the Plan of Subdivision at Winnipeg Land Titles Office.

HISTORY

On September 10, 2013 Council adopted Item No. 5 of the report of the Standing Policy Committee on Property and Development dated September 10, 2013 which recommended approval of the subject development application as shown on Appendix "A" attached.

Recommendation 7 contained in said report stipulates:

"That in the event the matter is not proceeded with expeditiously and the by-law is not passed within three 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 three-year period and Council approves the extension."

On March 26, 2014, By-Law No. 44/2014 was passed by 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 to Development for Servicing Agreement AG 222/96 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 21/2013 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. 44/2014 has not come into force by the execution of the required Addendum Agreement, registration of the Plan of Subdivision and the registration of Zoning Agreement DASZ 21/2013 by caveat; the one year time limit will expire on March 26, 2015.

The owner's representative, Susan Russell of McGowan Russell Group Inc., is requesting an extension of time in order to complete the necessary registrations, see attached Appendix "B".

The Winnipeg Public Service has reviewed the request for the extension of time and is of the opinion that approval of the subject extension of time is acceptable and circumstances leading to the original approval remain unchanged.

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: R.R. Deighton, P.Eng., Land Development Coordinator
Date: November 18, 2014
File No. DASZ 21/2013
Appendix "A" – DASZ 21/2013 map
Appendix "B" – Letter Requesting Extension of time

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APPENDIX "A" – DASZ 21/2013 MAP

By-Law No. _____

File No. **DASZ 21/13**

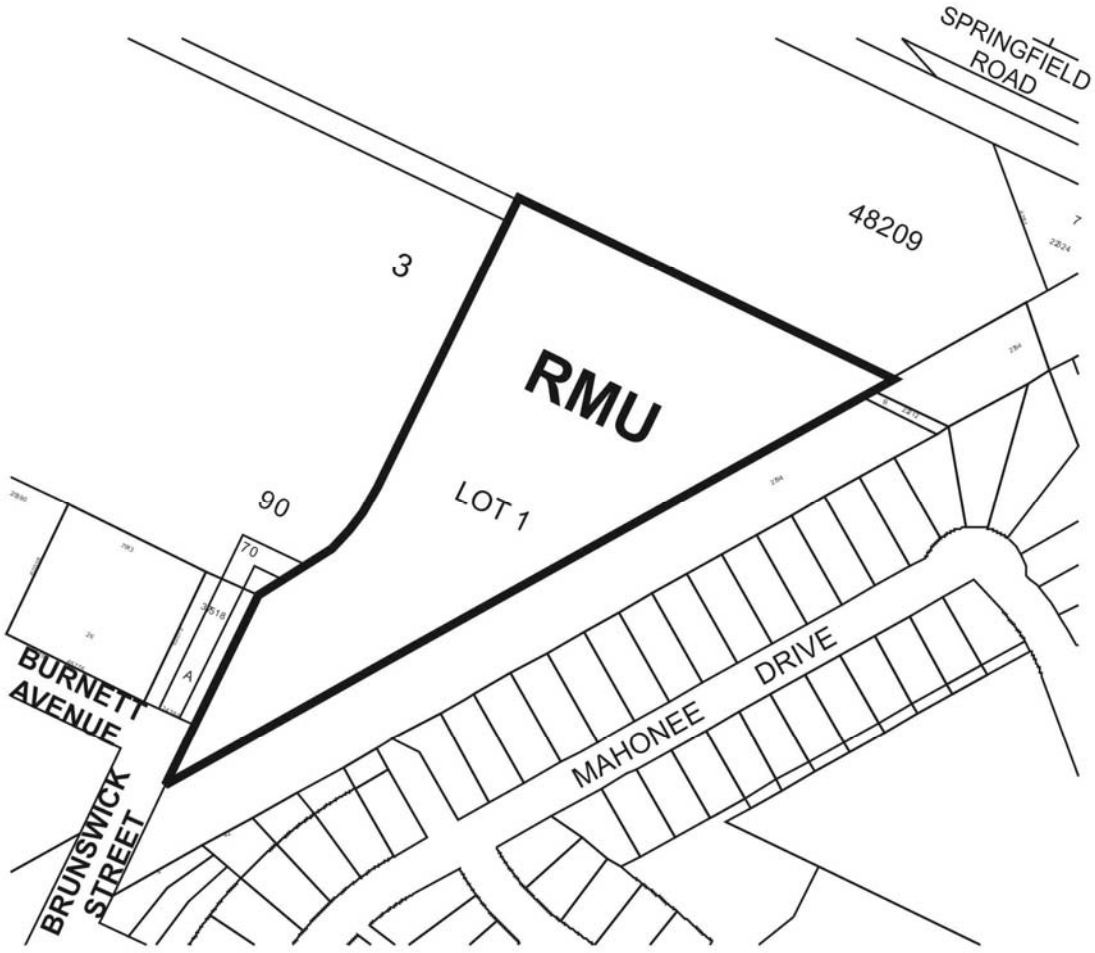
Atlas Sheet No. **V30**

N

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 90 Lexington Park from an "M1" MANUFACTURING LIGHT DISTRICT to an "RMU" RESIDENTIAL MIXED USE DISTRICT to allow for future residential/commercial development as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME



November 17, 2014

City of Winnipeg
Planning, Property and Development Department
Land Development, Geomatics & Land Information Services Division
Land Development Branch
65 Garry Street
Winnipeg, Manitoba R3C 4K4

Dear Mr. Raban

RE: DASZ 21/2013 – EXTENSION OF TIME

On behalf of Palliser, we respectfully request an extension of time relating to By-Law 44/2014 to allow for registration of documents at Land Titles for File DASZ 21/2013. Extra time will be required to process the file in order to complete the required Agreement and registrations which are ongoing at this time.

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

Thank you

MCGOWAN RUSSELL GROUP INC.

S. Russell

Susan Russell, M.A.L.A., C.S.L.A.
President

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