**Agenda – Council – March 22, 2017**

**Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 7, 2017**

**Item No. 6 Extension of Time – Proposed Subdivision and Rezoning On Land Located At 90 Lexington Park (North Kildonan Ward) File DASZ 5/2015**

STANDING COMMITTEE RECOMMENDATION:

On March 15, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 5/2016 be extended to January 31, 2018.

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, Heritage and Downtown Development – March 7, 2017**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 15, 2017, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2017, the Standing Policy Committee on Property and Development, Heritage and Downtown 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 February 14, 2017, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

# ADMINISTRATIVE REPORT

**Title:** **EXTENSION OF TIME – PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 90 LEXINGTON PARK – PALLISER FURNITURE – FILE NO. DASZ 5/2015**

**Critical Path:** **East Kildonan – Transcona Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee - Council**

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| M. Pittet | J. Kiernan | N/A | N/A |

## EXECUTIVE SUMMARY

The time limit for the Coming into Force provision of By-law No. 5/2016 expired on January 27, 2017. The Developer was not able to satisfy all 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. 5/2016 be extended to January 31, 2018.

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 recommendation is concurred in, the Developer will be allowed a time extension to January 31, 2018 to complete the necessary registrations at the Winnipeg Land Titles Office.

## HISTORY/DISCUSSION

On July 15, 2015, Council adopted Item No. 3 of the report of the Standing Policy Committee on Property and Development dated June 26, 2015 which recommended approval of the subject subdivision and rezoning to a “RMU” Residential Multi Use Zoning District under the Winnipeg Zoning By-law 200/2006. The rezoning By-law No. 5/2016 was passed by Council on January 27, 2016. See Appendix "A" map attached.

Section 1 and Section 3 of By-law No. 5/2016 stipulates:

**“Plan of subdivision**

1 The plan of subdivision shown below is approved, subject to an Addendum to Servicing Agreement AG 222/1996 being entered into between The City of Winnipeg and the registered owner or persons entitled to be registered owner of the subject land.

**Coming into force**

3(1) Section 1 comes into force when the City of Winnipeg executes the Addendum to Servicing Agreement AG 222/1996 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 5/2015 is registered in the Winnipeg Land Titles Office by caveat against the subject land within one year from the date this By-law is passed, failing which this By-law will expire unless an extension of time is applied for prior to expiry, Council approves the extension, and the plan of subdivision and caveat are registered before the extended date.**”**

By-law No. 5/2016 has not come into force by the registration of the Plan of Subdivision and the registration of Zoning Agreement DASZ 5/2015 by caveat in the Winnipeg Land Titles Office and the one year time limit expired on January 27, 2017.

The applicant, Ms. Susan Russell, President of McGowan Russell, on behalf of Palliser Furniture (Canada) Ltd., is requesting an extension of time in order to complete the necessary registrations of the Plan of Subdivision and Zoning Agreement 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

## OURWINNIPEG POLICY ALIGNMENT

The subject lands are located within an area designated as Major Redevelopment Site (Palliser) in the Complete Communities Urban Structure Map. The subdivision and rezoning of the lands to "RMU" Residential Mixed Use District is consistent with the strategies of these areas to "provide transformative opportunities for the development of Complete Communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or underutilized sites within the existing urban fabric".

## 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: February 6, 2017
File No: DASZ 5/2015

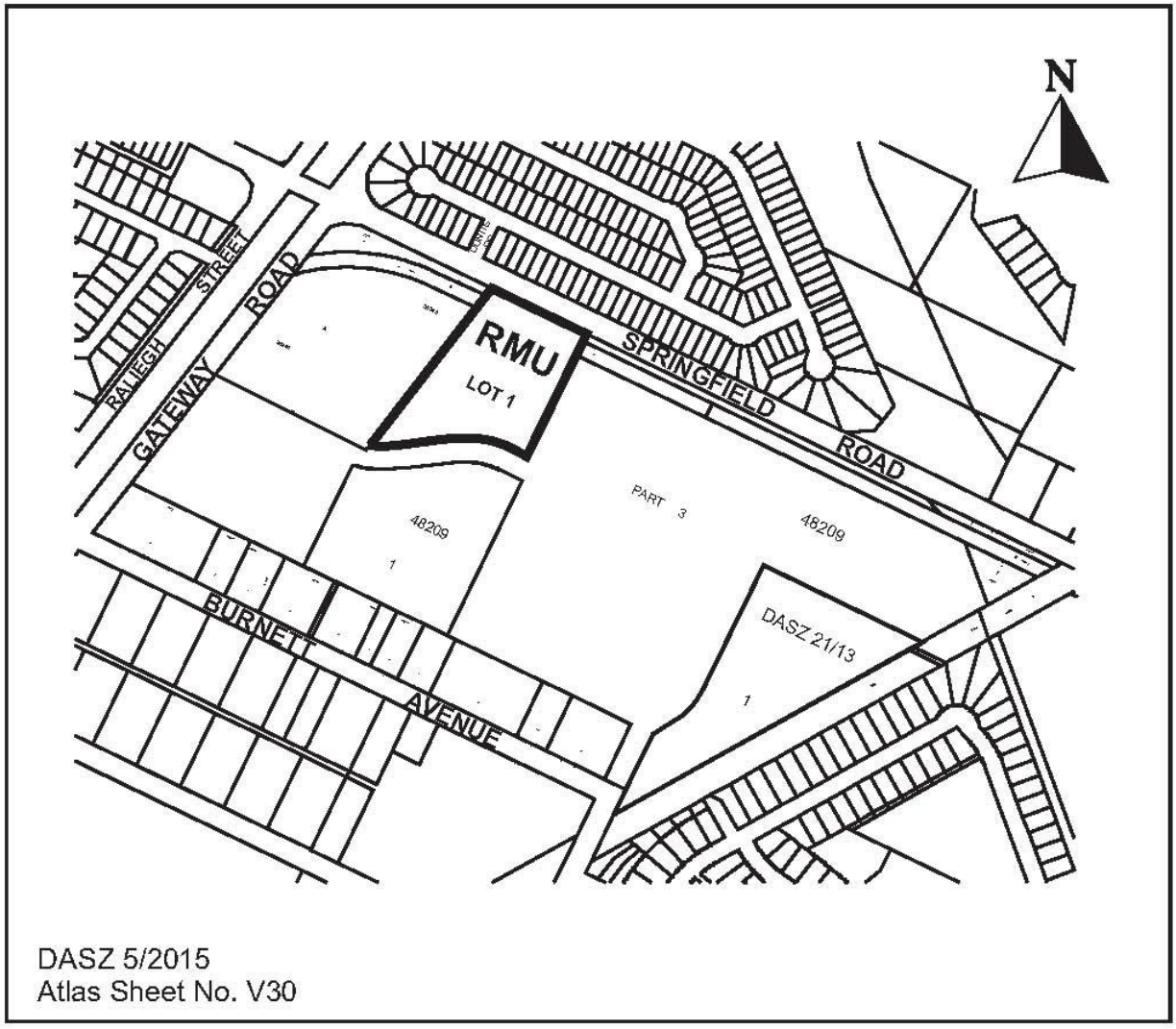
Attachments:

Appendix "A" – DASZ 5/2015 – By-law No. 5/2016 Map

Appendix "B" – Letter Requesting Extension of Time

V:\3-Applications-SAVE\113-2017 - REPORTS\Extension of Time DASZ 5-2015 - By-law 5-2016 -rd.doc.docx

**APPENDIX "A" – DASZ 5/2015 - BY-LAW NO. 5/2016 Map**




DASZ 5/2015
Atlas Sheet No. V30

## APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

McGOWAN·RUSSELL

December 1, 2016

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. Jasper

**RE: DASZ 5/2015 – EXTENSION OF TIME**

On behalf of Palliser, we respectfully request an extension of time relating to By-Law 5/2016 to allow for registration of documents at Land Titles for File DASZ 5/2015. 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

*Strategic Planning • Landscape Architecture • Urban Design*
825 St. Joseph Street Winnipeg, MB, R2H 3A8 • Telephone (204) 956-0396 • Fax (204) 956-1265 • info@mcgowanrussell.com
McGowan Russell Group Inc.