Agenda – Council – April 26, 2017

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – April 11, 2017

Item No. 5 Extension of Time - Proposed Subdivision and Rezoning On Land Located At 90 Lexington Park (North Kildonan Ward) File DASZ 21/2013

STANDING COMMITTEE RECOMMENDATION:

On April 19, 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. 44/2014 be extended to March 26, 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 – April 11, 2017

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On April 19, 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 April 11, 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 March 20, 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 21/2013**

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. 44/2014, under File No. DASZ 21/2013, will expire on March 26, 2017 unless the expiry date is extended. The Developer, Palliser Furniture, has requested a third extension of time to allow for registration of all required documents at Winnipeg Land Titles Office for File DASZ 21/2013.
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. 44/2014 be extended to March 26, 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 March 26, 2018 to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

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 subdivision and rezoning to an “RMU” Residential Mixed Use District under the Winnipeg Zoning By-law No. 200/2006. The rezoning By-law No. 44/2014 was passed by Council on March 26, 2014. See Appendix "A" map attached.

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 registration of the Plan of Subdivision and the registration of Zoning Agreement DASZ 21/2013 by caveat in the Winnipeg Land Titles Office and the one (1) year time limit expired on March 26, 2015.

On January 28, 2015 Council concurred with Item No. 11 of the report of the Standing Policy Committee on Property and Development dated January 13, 2015 recommending that the time limit to provide for enactment of Zoning By-law No. 44/2014 coming into force be extended to March 26, 2016.

On April 27, 2016 Council concurred with Item No. 4 of the report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated April 27, 2016 recommending that the time limit to provide for enactment of Zoning By-law No. 44/2014 coming into force be extended to March 26, 2017.

The Developer and the City have executed the required Zoning Agreement DASZ 21/2013 and the Addendum to Development for Servicing Agreement AG 222/96 referred to in 3(1) and 3(2) above, however, the necessary registrations in the Winnipeg Land Titles Office has not been completed.

The applicant, Susan Russell of McGowan Russell Group Inc., on behalf of Palliser Furniture (Canada) Ltd., is requesting a third extension of time in order to complete the necessary registrations. 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 "A" (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. Deighton, Land Development Coordinator
Date: February 28, 2017
File No: DASZ 21/2013

Attachments: Appendix "A" – DASZ 21/2013 – By-law No. 44/2014 Map
Appendix "B" – Letter Requesting Extension of Time

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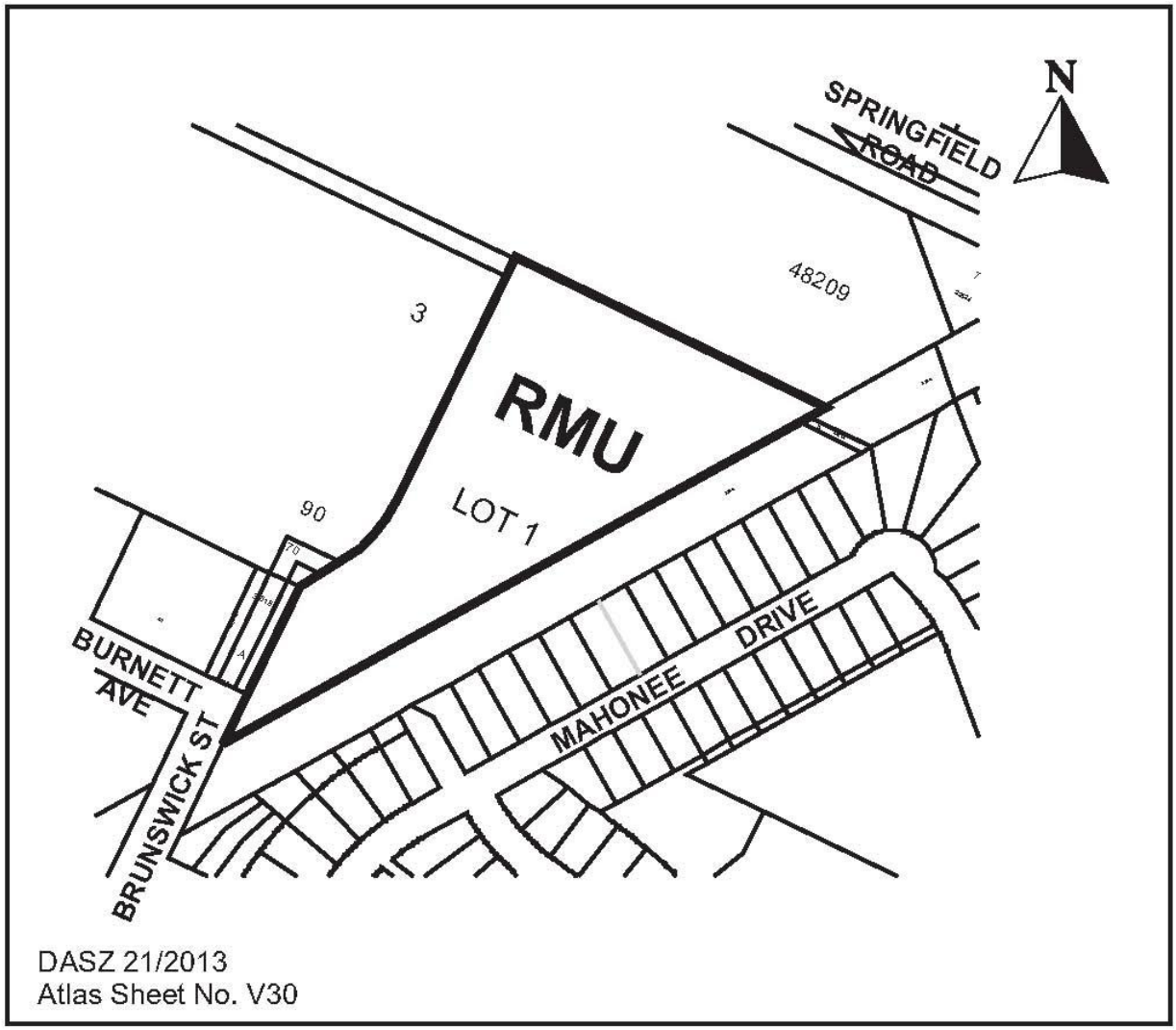
APPENDIX "A" – DASZ 21/2013 – BY-LAW NO. 44/2014 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

McGOWAN•RUSSELL

February 13, 2017

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. Deighton

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 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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