Agenda – Council – September 22, 2022

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – September 8, 2022

Item No. 6 Extension of Time – Subdivision and Rezoning – 2025 and 2071 Corydon Avenue (Charleswood-Tuxedo-Westwood Ward) File DASZ 26/2020

STANDING COMMITTEE RECOMMENDATION:

On September 14, 2022, 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. 66/2021 be extended to January 22, 2023.

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 – September 8, 2022

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 14, 2022, 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 September 8, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On August 29, 2022, the Assiniboia 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 – Subdivision and Rezoning – 2025 and 2071 Corydon Avenue – File No. DASZ 26/2020

Critical Path: Assiniboia Community Committee – Standing Policy Committee on Property and Development, Heritage and Downtown Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Trenchard	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 66/2021 under File No. DASZ 26/2020 expired on July 22, 2022. 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. 66/2021 be extended to January 22, 2023.

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 22, 2023, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On February 25, 2021, Council adopted Item No. 11 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated February 12, 2021 which recommended approval of a subdivision and rezoning to an "RMU PDO-1 AIRPORT VICINITY" Residential Mixed-Use District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

The rezoning By-law No. 66/2021 was enacted by Council on July 22, 2021.

Sections 3 and 4 of By-law No. 66/2021 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision and the 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 the Zoning Agreement have 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.

By-law No. 66/2021 has not come into force by the required registration of the Plan of Subdivision and the Zoning Agreement and the one (1) year time limit expired on July 22, 2022.

On July 13, 2022, the Applicant, Raymond S.C. Wan, Architect, Attention: Ray Wan, 50 Willow Avenue, Winnipeg, Manitoba, R3N 0G8, on behalf of the owner, Investors Group Trust Co. Ltd., applied for an Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 66/2021 be extended to January 22, 2023 in order to complete the required 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

OUR WINNIPEG POLICY ALIGNMENT

The subject property is located within the Established Neighbourhoods – Mature Communities policy area under Complete Communities Direction Strategy 2.0 and may also be considered a Community Mixed-Use Centre policy area under Complete Communities 2.0.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

N/A

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

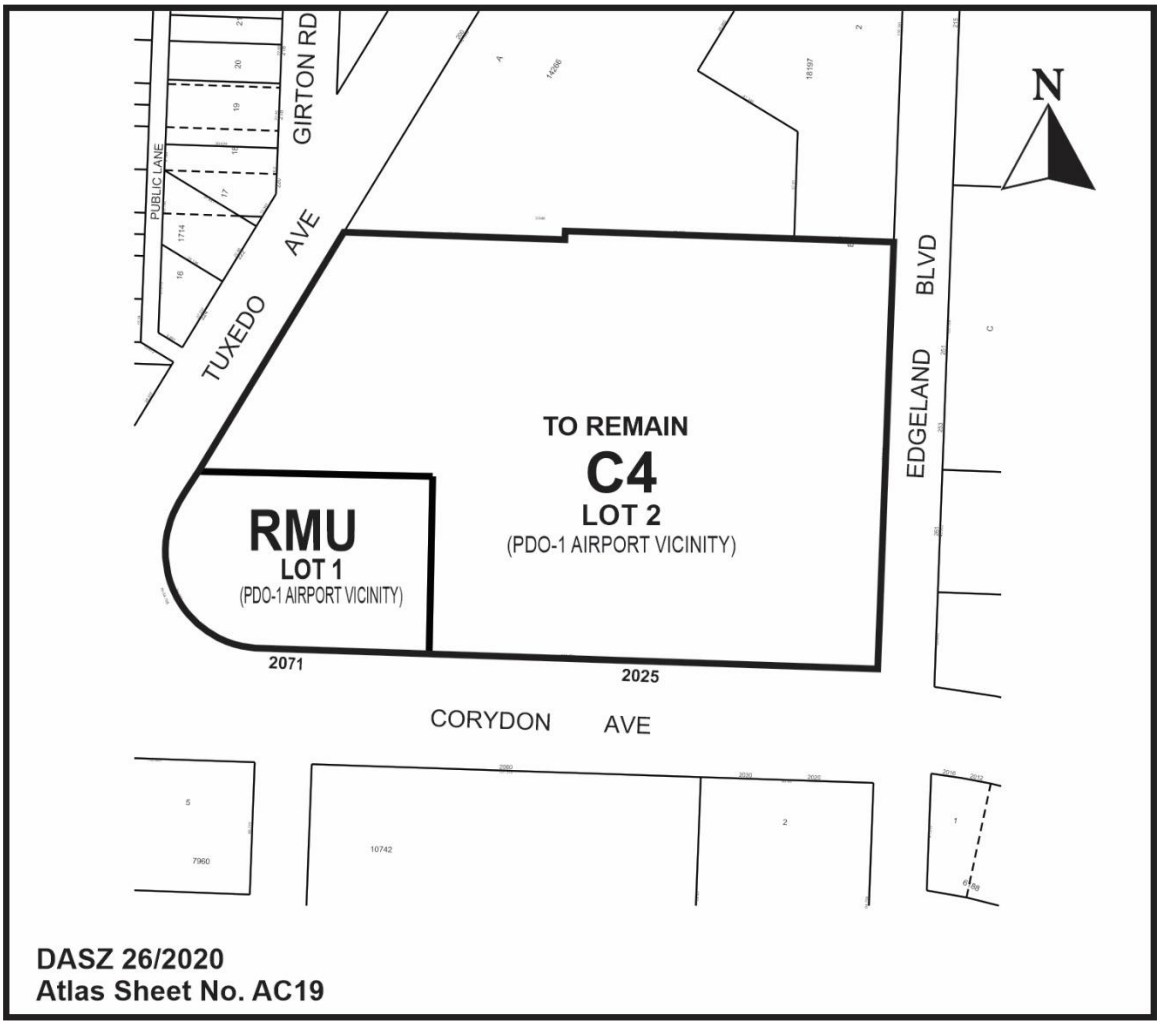
N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: M. Hammerberg, Development Applications Coordinator
Date: August 10, 2022
File No: DASZ 26/2020
Attachments: Appendix “A” – DASZ 26/2020 Map
Appendix “B” – Letter Requesting Extension of Time

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APPENDIX "A" – DASZ 26/2020 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

Letter of Intent – Extension of Time Application

RAYMOND S.C. WAN, ARCHITECT

Date: **July 12th, 2022** **File No: 19-1959**

City of Winnipeg – Planning, Property and Development
Attention: Zoning Officer

RE: Tuxedo Park Shopping Centre – Proposed New Mixed-Use Development
2025 and 2071 Corydon Avenue
Winnipeg, Manitoba

City File Number:DASZ 26 / 2020

This letter is respecting the subdivision of the above-noted Property by Investors Group Trust Co. Ltd. ("IG"). The City's file for that subdivision and re-zoning is ***DASZ 26/2020 – By-Law No. 66/2021.***

LOT SUBDIVISION / REZONING

- Request for subdivision of proposed parcel and to be rezoned to **RMU** for proposed new mixed-use development

CONDITIONAL USE

- Application for Conditional Use to permit higher density of 60.43 unit per acre instead of 35 unit per acre.

VARIANCES

- Building height variance
- Variance for parking stalls to be located within side yard setbacks

Applications were submitted and approval for all of the above were received along with the new By-Law 66/2021 issued on ***July 22nd, 2021***. We understand the said By-Law will expire without coming into force one (1) year after the date on which this by-law is enacted if: ***(expiry date – July 22nd, 2022)***

(a) the plan of subdivision and the Zoning Agreement have not been registered at the Winnipeg Land Titles Office; and

(b) the owner has not applied for an extension of time.

The purpose of this letter is to confirm that we have not yet received two (2) of the requisite consents required to accompany said filing.

We confirm that our client "IG" has no reason to believe that the consents will not be forthcoming, and that none of the encumbrancers has expressed a refusal to sign the consents. In order to avoid possible multiple request for extension, we wish to submit this request for a ***six (6) months extension*** in order to allow us adequate time to complete the process. Should you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

Raymond S.C. Wan, Principal
MAA, MAIBC, MOAA, MAAA, MSAA, MNWTAA

50 Willow Avenue WINNIPEG, MANITOBA R3N 0G8 TEL: [204] 287-8668 FAX: [204] 287-8388