Agenda – Executive Policy Committee – June 12, 2023

Report – Standing Policy Committee on Property and Development – June 1, 2023

Item No. 12 Extension of Time – Subdivision and Rezoning – 70 Lexington Park & Unnumbered Lexington Park
(North Kildonan Ward)
File DASZ 14/2020

STANDING COMMITTEE RECOMMENDATION:

On June 1, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the following to Council:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 56/2021 be extended to June 24, 2024.

2. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda – Executive Policy Committee – June 12, 2023

Report – Standing Policy Committee on Property and Development – June 1, 2023

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On June 1, 2023, 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 May 23, 2023, 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.

ADMINISTRATIVE REPORT

Title: Extension of Time – Subdivision and Rezoning – 70 Lexington Park & Unnumbered Lexington Park – File No. DASZ 14/2020

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

AUTHORIZATION

Author	Department Head	CFO	CAO
G. Jasper	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 56/2021 under File No. DASZ 14/2020 will expire on June 24, 2023. 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. 56/2021 be extended to June 24, 2024.

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 Developer will be allowed a time extension to June 24, 2024, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On March 25, 2021, Council adopted Item No. 4 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated March 15, 2021 which recommended approval of a subdivision and rezoning to an "RMU" Residential Mixed Use District and "PR1" Parks and Recreation 1 (Neighbourhood) District under Winnipeg Zoning By-Law 200/2006. See Appendix "A" map attached.

The rezoning By-law No. 56/2021 was enacted by Council on June 24, 2021.

Sections 3 and 4 of By-law No. 56/2021 stipulate the following:

Coming into force

3 This By-law comes into force when the plan of subdivision 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.

On July 22, 2022, Council adopted Item No. 7 of the Report of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated July 4, 2022 extending the time limit to satisfy the Coming into Force provisions of By-law 56/2021 to June 24, 2023.

By-law No. 56/2021 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 will expire on June 24, 2023.

On April 14, 2023, the Developer, McGowan Russell Group Inc., Attention: Susan Russell, 825 St. Joseph Street, Winnipeg, Manitoba, R2H 3A8 on behalf of the Owner, Palliser Furniture (Canada) Corporation applied for an Extension of Time application and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 56/2021 be extended to June 24, 2024 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 proposal is consistent with the policies in *Complete Communities Direction Strategy*, being within the Major Redevelopment Policy Area known as the "Palliser major Redevelopment Site". A mixed-use facility will facilitate the development of different housing opportunities in terms of types, tenures and unit sizes. It will also facilitate other type of uses/services such as retail sales, personal services, restaurant, theatre and multi-purpose room along with 2.5 acres of green space zoned "PR1" Parks and Recreation 1 (Neighbourhood) District that is compatible with and complimentary to surrounding uses.

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: April 25, 2023
File No: DASZ 14/2020
Attachments: Appendix "A" – DASZ 14/2020 Map
Appendix "B" – Letter Requesting Extension of Time

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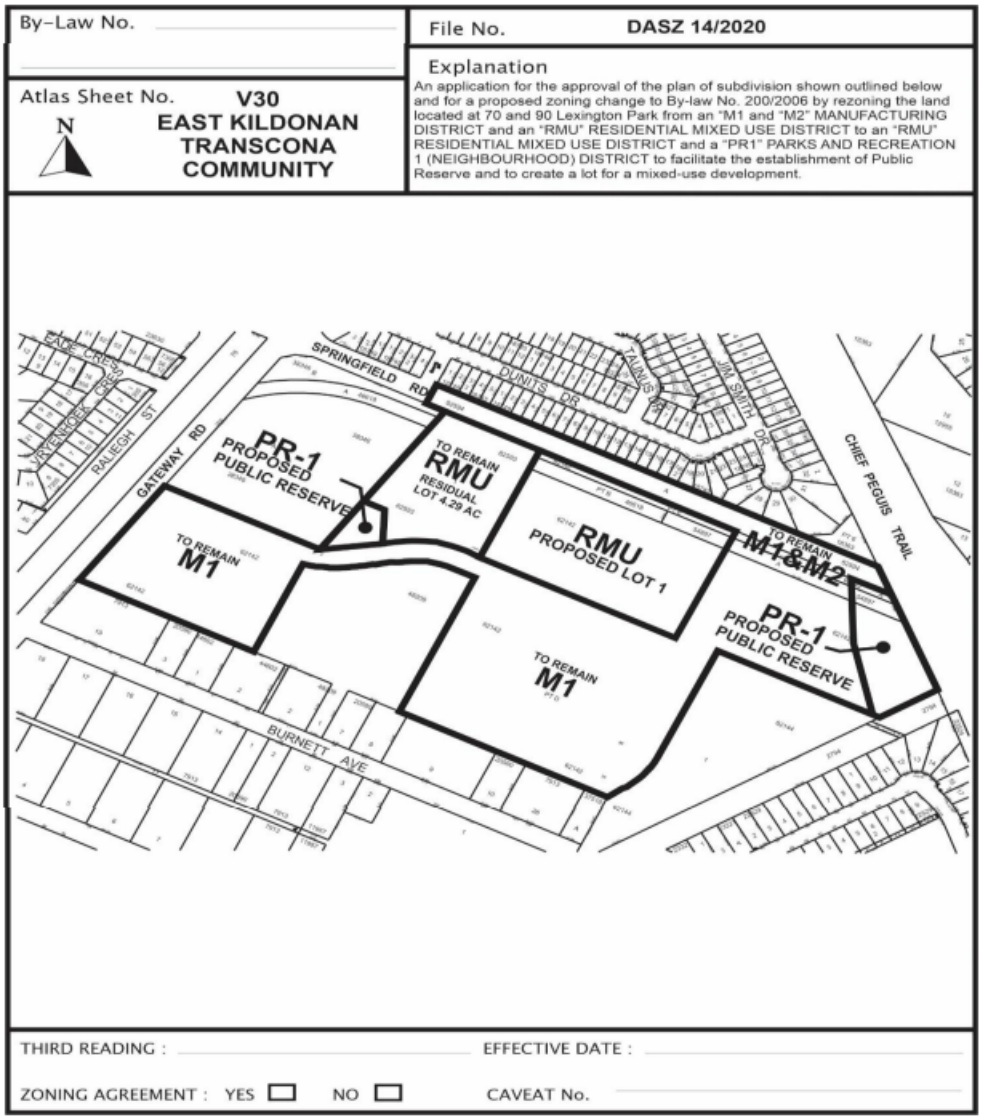
APPENDIX "A" – DASZ 14/2020 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

McGOWAN•RUSSELL

April 13, 2023

City of Winnipeg
Planning, Property and Development Department
Land Development Branch
65 Garry Street
Winnipeg, Manitoba R3C 4K4

To Whom it may concern,

RE: DASZ 14/2020, BY-LAW NO. 56/2021 – 70 AND 90 LEXINGTON PARK- EXTENSION OF TIME

Lexington Real Estate Holdings Inc. requests an extension of time to June 24, 2024, for DASZ 14/2020. A previous extension of time was granted to June 24, 2023, at the July 22, 2022, City Council meeting.

The Development Agreement and Addendum were returned and signed June 1, 2022, and invoices were paid on July 27, 2022. However, extra time will be required to work with City Legal Services to complete the Easement Agreements required for the release of the registration package. Correspondence was sent to City of Winnipeg Legal Service January 29, 2023, by the owner's lawyer for review. We have been assured that we will receive a response once the City Lawyers have completed their review. Extra time will also be needed for the City to release the registration package and for final registration at WLTO.

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

Thank you,

McGowan Russell Group Inc.

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

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