Minutes – Council – March 21, 2024

Minute No. 214
Report – Standing Policy Committee on Property and Development – March 7, 2024

Item No. 5 **Extension of Time – Subdivision and Rezoning – Lands bounded by Marion Street to the North, CN Railway and Speers Road to the East, CP/CN Railway to the West – File No. DASZ 30/2020 (St. Boniface Ward)**

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the time limit to satisfy the Coming into Force provisions of By-law No. 26/2022 be extended to February 24, 2025.

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 – March 7, 2024

DECISION MAKING HISTORY:

Moved by Councillor Rollins,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

His Worship Mayor Gillingham and Councillor Chambers were absent from the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 12, 2024, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 7, 2024, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 29, 2024, the Riel 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 – Lands bounded by Marion Street to the North, CN Railway and Speers Road to the East, CP/CN Railway to the West – File No. DASZ 30/2020

Critical Path: Riel Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
A. Savage	N/A	N/A	N/A

EXECUTIVE SUMMARY

The time limit for the Coming into Force provisions of By-law No. 26/2022 under File No. DASZ 30/2020 will expire on February 24, 2024. 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. 26/2022 be extended to February 24, 2025.

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 February 24, 2025, to complete the necessary registrations at the Winnipeg Land Titles Office.

HISTORY/DISCUSSION

On June 24, 2021, Council adopted Item No. 8 of the Standing Policy Committee on Property and Development, Heritage and Downtown Development dated May 11, 2021 which recommended approval of a subdivision and rezoning to an "RMF-M" Residential Multi-Family (Medium) District, “RMF-L” Residential Multi-Family (Large) District, “C2” Commercial Community District, “C3” Commercial Corridor District, “CMU” Commercial Mixed Use District, “M2” Manufacturing General District, “M1” Manufacturing Light District, “MMU” Manufacturing Mixed Use District, “PR1” Parks And Recreation 1 (Neighbourhood) District, and a “PR2” Parks and Recreation 2 (Community) District under Winnipeg Zoning By-Law 200/2006. See Appendix “A” map attached.

The rezoning By-law No. 26/2022 was enacted by Council on February 24, 2022.

Sections 3 and 4 of By-law No. 26/2022 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.

On April 27, 2023, Council adopted Item No. 6 of the Report of the Standing Policy Committee on Property and Development dated April 6, 2023 extending the time limit to satisfy the Coming into Force provisions of By-law 26/2022 to February 24, 2024.

By-law No. 26/2022 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 February 24, 2024.

On January 30, 2024, the Applicant McGowan Russell Group Inc., Attention: Susan Russell, 825 St. Joseph Street, Winnipeg, Manitoba, R2H 3A8 applied for an Extension of Time application on behalf of the Owner, Olexa Development Holdings (St. Boniface) (7319828 Manitoba Ltd.) and requested that the time limit to satisfy the Coming into Force provisions of By-law No. 26/2022 be extended an additional six (6) months in order to complete the required registrations. The Public Service recommends the time limit be extended to February 24, 2025 to ensure adequate time for completing 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 proposed development is consistent with the *Complete Communities Direction Strategy 2.0* and is identified as a Major Redevelopment Site.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposal aligns with the following Key Direction in the Winnipeg Climate Action Plan:

4.2 Ensure New Areas of Growth are Designed According to the Principles of Complete Communities.
4.4 Support Redevelopment of Former Commercial and Industrial Lands into Active Use.

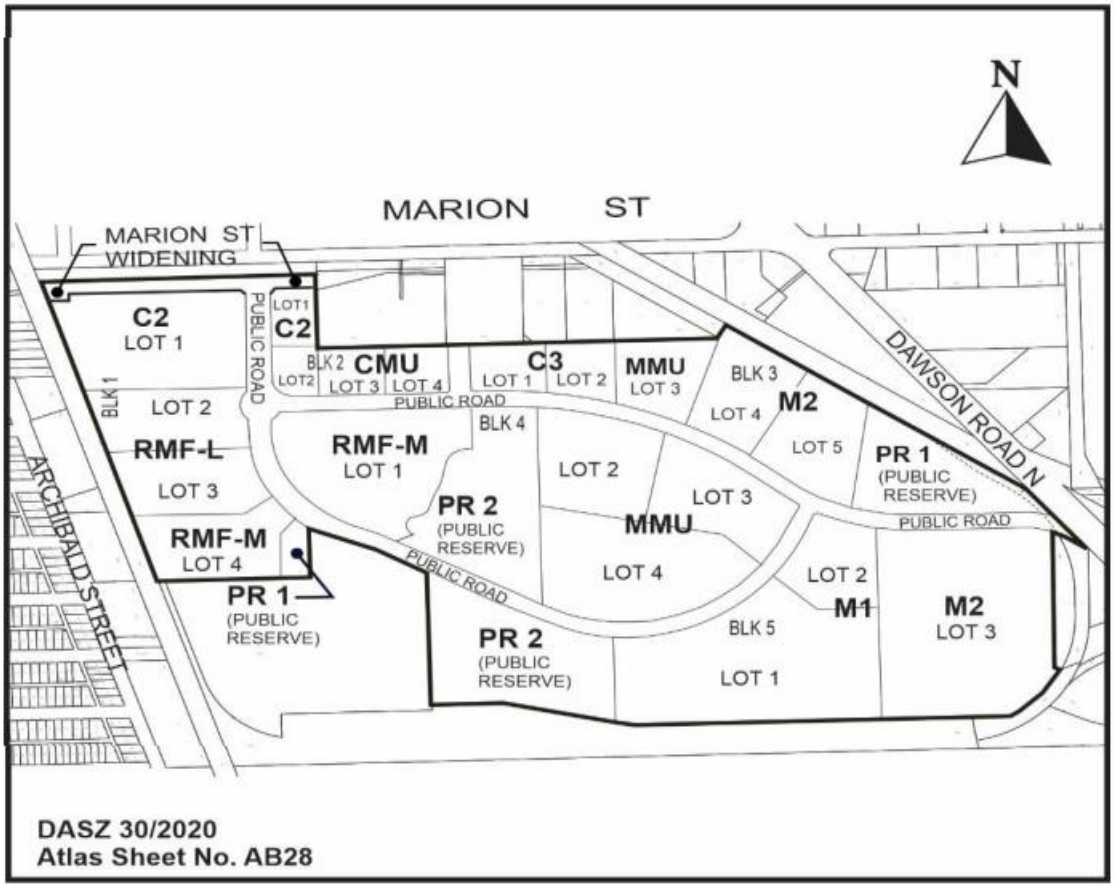
WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: A. Savage, Acting Land Development Administrator
Date: February 2, 2024
File No: DASZ 30/2020
Attachments: Appendix "A" – DASZ 30/2020 Map
Appendix "B" – Letter Requesting Extension of Time

APPENDIX "A" – DASZ 30/2020 MAP



APPENDIX "B" – LETTER REQUESTING EXTENSION OF TIME

McGOWAN·RUSSELL

January 30, 2024

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

To Whom it may concern,

RE: EXTENSION OF TIME FOR DASZ 30/2020, BY-LAW NO. 26/2022 – LANDS BOUNDED BY MARION STREET TO THE NORTH, CN RAILWAY AND SPEERS ROAD TO THE EAST, CP/CN RAILWAY TO THE SOUTH AND CP RAILWAY TO THE SOUTH AND CP RAILWAY TO THE WEST

Robert Scaletta of Olexa Development Holdings (St. Boniface) (7319828 Manitoba Ltd.) requests an extension of time to July 24, 2024, for DASZ 30/2020. The zoning by-law (By-Law 26/2022) was passed on February 24, 2022, with a requirement to complete registration of the plan by February 24, 2023. We received an extension of time to February 24, 2024, to complete the below items:

a. Resolve alignments of the two Marion Street eastbound lane transitions to minimize or eliminate land purchase from the adjacent landowner. This was brought to our attention in mid-December, land purchase for Marion Street Road right of way was not part of the Council approved documents.
b. Obtain signatures from Funeral home for land drainage, sewer easement.
c. Negotiate new access easement caveat with CN/CP and Access Storage

The owner now requests an extension of time of six months (to July 24th, 2024) to complete the registration of the plans at the Winnipeg Land Titles Office (WLTO).

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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McGowan Russell Group Inc.