Minute No. 733
Report - Standing Policy Committee on Property and Development - October 4, 2005

Item No. 4 **Closing - public lane east of 154 Provencher Boulevard**
File DAC 17/2005

COUNCIL DECISION:

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

1. That the lane closing shown on Misc. Plan No. 12598 be approved and the land declared surplus to the City's needs.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 12598, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

3. 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 - October 4, 2005

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 19, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 4, 2005, 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 September 13, 2005, the Riel Community Committee did not concur in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development:

1. That the lane closing shown on Misc. Plan No. 12598 be approved and the land declared surplus to the City's needs.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 12598, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

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

and forwarded to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 17/2005
Before:	Riel Community Committee Councillor Magnifico, Chairperson Councillor Steeves Councillor Swandel
Public Hearing:	September 13, 2005 Community Committee Chamber, 219 Provencher Boulevard
Applicant:	Dr. Joel Bohemier
Premises Affected:	154 Provencher Boulevard
Exhibits Filed:	1. Report from the Real Property Officer dated August 26, 2005 2. Inspection Report 3. Communication (undated) from Tom Scott in support of the application

REPRESENTATIONS:

In Support:

Dr. Joel Bohemier
Tom Scott

In Opposition:

Nil

For Information:

Norm Gousseau

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 17/2005

RE: DAC 17/2005 – PROPOSED CLOSING OF THE PUBLIC LANE EAST OF NO. 154 PROVENCHER BOULEVARD

For submission to: **The Riel Community Committee**

Report date: **August 26, 2005**

Recommendations: **1. That the proposed lane closing as shown on Misc. Plan No. 12598 not be approved.**

REPORT SUMMARY

Key Issues:

- The applicant wishes to buy the public lane adjacent to his place of business and use the land for additional parking.
- The City administration opposes this application to purchase the public lane. In addition to vehicular traffic, the lane is used as the extension of the public walkway to the south. Closing it would deny vehicular and pedestrian access to and from Provencher Boulevard.

Implications of the Recommendation(s):

General implications:

	None
	For the organization overall and/or for other departments
X	**For the community and/or organizations external to the City of Winnipeg**
	Involves a multi-year contract

Comment(s):

- See "Key Issues"

Policy implications:

X	**No**
	Yes

Comment(s):

-

Environmental implications:

[X] **No**
[ ] **Yes**

Comment(s):

-

Human resources implications:

[X] **No**
[ ] **Yes**

Comment(s):

-

Financial implications:

[ ] **Within approved current and/or capital budget**
[ ] **Current and/or capital budget adjustment required**

Comment(s):

- All costs associated with this proposal will be paid by the applicant.

REASON FOR THE REPORT:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

The public lane shown as "Proposed Closing" on the attached Misc. Plan No. 12598 was created in 1883 by the subdivision of the adjoining property and connected Provencher Boulevard and Rue Masson. In 1961, the City of Saint Boniface closed the southern part of the lane at Rue Masson, leaving a reduced area open for a footpath. This footpath is in use today and provides pedestrians access to and from Provencher Boulevard. The northern part of the lane remained open to vehicular and pedestrian traffic.

The Planning, Property and Development Department has received a request to purchase the lane. The applicant is Dr. Joel Bohemier, the owner of the adjoining properties at Nos. 154 and 158 Provencher Boulevard. The property at 158 Provencher Boulevard is used as a parking area. Dr. Bohemier intends to use the closed lane to expand this parking area with approximately 10 additional parking stalls.

Dr. Bohemier feels that closing the lane will make the boulevard safer. He states that a couple of people were struck by vehicles exiting the lane last year.

DISCUSSION:

Administrative Objections

The proposal has been considered by all affected City departments and public utilities. The Senior Planner for the Riel Community and the Traffic Assessment Engineer object to the closing.

The Senior Planner does not feel the expansion of a parking lot will enhance the character of the Boulevard, and recommends that the request to purchase the lane be denied. He states that the Department does not feel that the closure of the lane next to 154 Provencher would be in the best interest of the Boulevard and supports the continued use of the lane by vehicles and as an extension of the pedestrian pathway which connects Rue Masson to Provencher Boulevard.

The Traffic Assessment Engineer has also expressed his concern over the loss of the pedestrian walkway that would result from the closure, and has pointed out that if the lane were to remain to function as only a public walkway it would still require a right-of-way of 5.0m which would only permit 1.096m to be legally closed.

The Zoning Administrator has advised that the subject property is zoned BP (Boulevard Provencher). Accessory parking is permitted, however non-accessory parking requires Conditional Use approval from the Board of Adjustment. In the event that the closing is approved, the parking must be developed in accordance with the zoning by-law and requires a Development Permit prior to establishing the parking use.

Easements

If the closing is approved, Manitoba Hydro will require an easement for the maintenance of its utility pole line in the lane.

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:

Planning, Property and Development Department – Community Planner, Geomatics and Zoning & Permits Branches

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

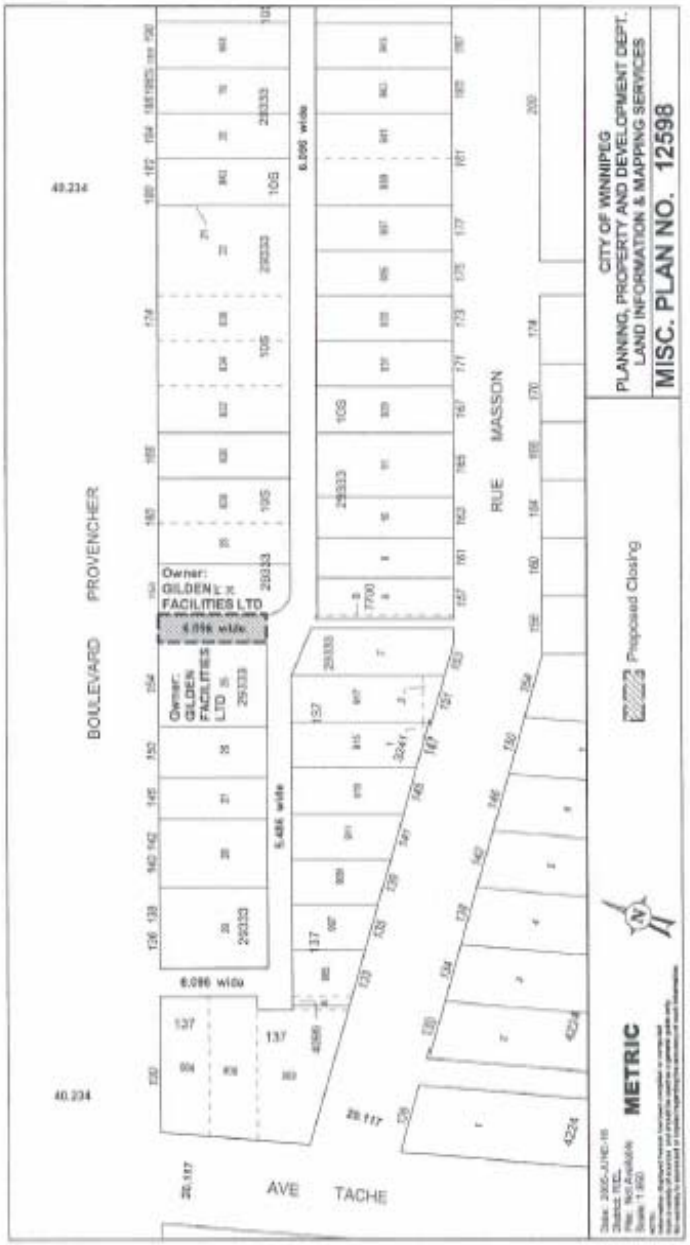
Water and Waste Department – Engineering Division

Centra Gas, Manitoba Hydro, MTS Communications

Shaw Cable did not respond to the request for its comments on the proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
Document name: v:\word\daoc\dac17_05RPT.doc
PPD File #: DAC 17/05


CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12598
METRIC
Proposed Closing
BOULEVARD PROVENCHER
RUE MASSON
AVE TACHE
Owner: GILDEN FACILITIES LTD
6.096 wide
5.486 wide
40.234
26.517