Report of the Standing Policy Committee on Property and Development dated October 30, 2001

Proposed closing of part of Somerset Avenue, east of Pembina Highway – Assiniboia Community

File DAC 15/2001

3. The Standing Policy Committee on Property and Development has been advised that in April 2001, the Development and Inspections Division of the Planning, Property and Development Department received a request from 3616061 Manitoba Ltd. (Perry Ginakes) to purchase a portion of Somerset Avenue, east of Pembina Highway, identified as "proposed closing" on Misc. Plan No. 11138.

The applicant (Perry Ginakes) owns the property adjacent to the north, and is considering constructing a commercial building at the south end of his property, and therefore would like to purchase the subject portion of Somerset Avenue for use as a parking area.

The street closing proposal was circulated to all affected City Departments and public utilities under File DAC 6/2001. The following objections were received.

- The Traffic Assessment Engineer for the Transportation Division of the Public Works Department advised that he objected to the closing as the subject area is currently used for 90-degree parking by the general public who may be attending to matters at one of the businesses on Pembina Highway. He stated that the parking is particularly important during those times when "stopping" is not allowed on Pembina Highway.

- The Senior Planner for the Planning and Land Use Division of the Planning, Property and Development Department advised that he objected to the closing because the long-standing use of the area for parking for the customers - and probably the staff - of the area businesses. He advised that the Assistant Manager of the Canadian Imperial Bank of Commerce on the south side of Somerset Avenue had told him that the Bank maintains the parking lot by snow removal when required. The Senior Planner recommended that the present status of the street as a parking area be continued.

In view of the foregoing, the Planning, Property and Development Department recommended that the proposed street closing not be approved.

On May 15, 2001, the Assiniboia Community Committee concurred in the administrative recommendation that a part of Somerset Avenue, east of Pembina Highway not be closed, and forwarded the matter to the Standing Policy Committee on Property and Development. The Standing Policy Committee concurred in the Assiniboia Community Committee's recommendation, and on June 20, 2001, Council adopted the recommendation from the Standing Policy Committee.

In July 2001, Peter Ginakes submitted a second request to close the street. The applicant maintains that this portion of the street is not primarily used for public purposes and retained the services of Quest Investigation Group to monitor the parking area twice a day from June 4 to June 8, 2001, to prove that it is, in effect, a parking lot for the employees of the adjacent businesses. He feels that if the land is not being used for public purposes, it should be available for purchase.
A copy of the Quest Investigation Group report was forwarded to the Transportation Division of the Public Works Department for review. The Traffic Assessment Engineer had the following comments.

1. The street is used for public parking; there is no signing in place or any other indication that the right of way is for the use of any specific business or individuals. There are numerous locations throughout the city where essentially the same people - customers or employees - park in the same general area on a regular basis. This does not mean that the street is not available for parking by the general public. On street parking is on a first come basis.

2. All the survey indicates is that there is a low turnover in parking in this location. This situation occurs in many locations in the city. If there is a concern with parking turnover the area could be signed with limited time parking (1 or 2 hour limit or whatever is deemed appropriate).

3. If the public parking is lost due to the closure and sale of the right of way it will likely result in vehicles parking further east into the residential area and provoking complaints from the residents.

4. It is noted that the investigator's observations generally ended at approximately the time of the start of the afternoon peak hour parking restrictions (3:30 to 5:30 p.m.) on Pembina Highway, the period when the parking is most needed by the Pembina Highway businesses. On only one day did the observations extend to 4:00 p.m.

5. Even if the area of the proposed closing was not providing much-needed parking for the businesses on Pembina Highway, the Public Works Department would not support the closing and sale of the property as it would result in a substandard right of way of only 14.117 metres, leaving no space available for snow storage, boulevard landscaping or a sidewalk.

6. In the event that the Assiniboia Community Committee recommended approval of the closing application, the Public Works Department recommends:

    a. That a 6.0 metre by 6.0 metre corner cut be retained to permit the maintenance of the existing pavement geometry (radius).
    b. Through a Servicing Agreement, the applicant be responsible for the removal of the pavement within the area to be closed and for the restoration of the curb and boulevard along Somerset Avenue between Pembina Highway and the public lane immediately to the east, as determined by and to the satisfaction of the Director of Public Works.
    c. The street right of way proposed to be closed be consolidated with the purchaser's adjoining lands.

The portion of the street proposed to be closed has been in use as a parking area for local businesses and area residents for 25 years or more.

The Public Works Department maintains that there are numerous areas in the City where employees use the street for parking during working hours. Closing the street will cause increased parking in the residential area to the east.

The closure of the street is opposed by the Public Works Department, which is responsible for the use of streets, and by the Planning, Property and Development Department, which is responsible for ensuring that projects such as the one considered in this report do not conflict with the quality of life in the neighbourhood.

The recommendation of the Administration that the proposed street closing under File DAC 15/2001 not be approved is based on these objections.

On September 15 and October 16, 2001, the Assiniboia Community Committee considered the application under File DAC 15/2001 to close a part Somerset Avenue, east of Pembina Highway. No one registered in support of the application, and four persons registered in opposition thereto. The Assiniboia Community Community recommended that the application for street closing not be approved.

The Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and recommends that the application under File DAC 15/2001, to close a part of Somerset Avenue, east of Pembina Highway, not be proceeded with.

Appendix "A" referred to in Clause 3 of the Report of the Standing Policy Committee on Property and Development dated October 30, 2001

