Minute No. 150
Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 5 **Closing – public lane in the block bounded by Pembina Highway, Dudley Avenue, Daly Street North and Lorette Avenue**
File DAC 15/2006

COUNCIL DECISION:

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

1. That the lane closing shown on Misc. Plan No. 11422/1 not be proceeded with.

2. That the lane closing and opening shown on Misc. Plan No. 11422/3 be approved and the portion of the lane to be closed declared surplus to the City's needs.

3. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the lane closing and opening in accordance with Misc. Plan No. 11422/3, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

4. That the applicant enter into a Servicing Agreement concerning the construction of a turnaround in concrete pavement and related works as may be determined by the Director of Public Works in the lane to be opened.

5. 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 - January 9, 2007

DECISION MAKING HISTORY:

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 17, 2006, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 9, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 12, 2006, the City Centre Community Committee concurred in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development that the proposed lane closing as shown on Misc. Plan No. 11422/1 not be proceeded with.

Further, the City Centre Community Committee recommended to the Standing Policy Committee on Property and Development:

1. That the lane closing and opening shown on Misc. Plan No. 11422/3 be approved and the portion of the lane to be closed 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 lane closing and opening in accordance with Misc. Plan No. 11422/3, 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 applicant enter into a Servicing Agreement concerning the construction of a turnaround in concrete pavement and related works as may be determined by the Director of Public Works in the lane to be opened.

Report - Standing Policy Committee on Property and Development - January 9, 2007

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

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

On November 11, 2006, the City Centre Community Committee adjourned the public hearing to its meeting on December 12, 2006.

PUBLIC HEARING SUMMARY

File:	DAC 15/2006
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Leipsic Councillor Smith
Public Hearing:	November 11, 2006, West Committee Room December 12, 2006, North Committee Room Council Building, 510 Main Street
Applicant:	Stevenson Advisors (Rocky Neufeld)
Premises Affected:	public lane in the block bounded by Pembina Highway, Dudley Avenue, Daly Street North and Lorette Avenue

Exhibits Filed:

1. Report from the Real Property Officer dated October 27, 2006
2. Inspection Report
3. Communication dated November 13, 2006, from Michael Capozzi, Barrister and Solicitor, representing Corrado Lao, Hans Smolders and Maurice Lipkowitz in opposition to the application
4. Communication dated November 14, 2006, from Ken Devine, President, Electra Sign Ltd. in opposition to the application
5. Communication and photographs(2) dated December 11, 2006, from Dean Macaulay, submitted by Corrado Lao at the public hearing, in opposition to the application
6. Communication dated December 12, 2006, from Joel Semchuk, submitted by Corrado Lao at the public hearing, in opposition to the application
7. Photographs (9) submitted by Corrado Lao at the public hearing in opposition to the application
8. Communication dated March 4, 2002 from James Trimble, submitted by Corrado Lao at the public hearing in opposition to the application
9. Communication dated December 11, 2006 from D. and C. Bonne, submitted by Corrado Lao at the public hearing in opposition to the application

REPRESENTATIONS:

In Support:

Gerry Gordon
Rocky Neufeld

In Opposition:

D. and C. Bonne
Mark Brooker
Michael Capozzi, Barrister and Solicitor
Ken Devine (President), Electra Sign Ltd.
Hazel Kelsey
Richard Kelsey
Corrado Lao
Maurice Lipkowitz
Dean Macaulay
Joe Smechuk
Hans Smolders
James Trimble

For Information:

Nil

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. M. Sandhurst, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 15/2006

RE: DAC 15/2006 – PROPOSED CLOSING OF THE PUBLIC LANE IN THE BLOCK BOUNDED BY PEMBINA HIGHWAY, DUDLEY AVENUE, DALY STREET NORTH AND LORETTE AVENUE

FOR SUBMISSION TO: **The City Centre Community Committee**

REPORT DATE: **October 24, 2006**

RECOMMENDATION: **That the proposed lane closing as shown on Misc. Plan No. 11422/1 not be approved.**

Report Summary

Key Issues:

The Applicant (Gerry Gordon's Mazda) wishes to acquire the portion of the lane within his property to increase the parking area on the site. He wishes to close the portion of the lane east of his property because a partial closure of the lane will create a "dead end", which will require him to dedicate a portion of his property for either a turnaround area or for alternate access to and from Lorette Avenue. The administration cannot support the application to close the entire lane because the owners at 614 Dudley Avenue and 607 Lorette Avenue have not consented to the closing of the portion of the lane adjacent to their properties.

The administration has approved alternate proposals, either of which effects a partial closing of the lane that does not affect the owners of 614 Dudley and 607 Lorette.

Implications of the Recommendation(s):

General Implications

(x) None
( ) For the organization overall and/or for other departments
( ) For the community and/or organizations external to the City
( ) Involves a multi-year contract

Comment(s):

Policy Implications

(x) No
( ) Yes
Comment(s):

Regulatory Implications

(x) None
( ) Eliminates or reduces regulatory impact
( ) Proposes regulatory impact

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): There are no financial implications for the City of Winnipeg.

Report

REASON FOR THE REPORT:

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

HISTORY:

The Planning, Property and Development Department has received a request from Stevenson Advisors, representing Coventry Motors Limited (Gerry Gordon's Mazda), to purchase the public lane identified as "Proposed Closing" on the attached Misc. Plan No. 11422/1. Coventry Motors intends to use the closed lane within its property for additional parking. Coventry Motors wants to close the balance of the lane, adjacent to 614 Dudley and 607 Lorette, to avoid the loss of the land that will be required for either alternate access to and from Lorette Avenue as shown on the attached Misc. Plan No. 11422/2 or for a turnaround area as shown on the attached Misc. Plan No. 11422/3.

Coventry Motors Limited made an application to close this lane in 2002 (DAC 1/2002) but withdrew its application when the property owners at 614 Dudley and 607 Lorette objected to the proposal.

DISCUSSION:

Administrative Comments

The proposal has been considered by all affected City departments and public utilities. There were no administrative objections to the closing, subject to the condition that the adjoining property owners consent. The adjoining property owners have not consented to the closing, and the administration cannot support the proposal to close the entire lane.

Options

The Applicant has requested that he be provided with options to the closing of the entire lane. The administration supports either of the options shown on Misc. Plan Nos. 11422/2 or 11422/3. Both of these options are contained within the Applicant's property, and both provide a means of egress from the "dead end" that will be created by the partial closing of the lane.

Approaches from Pembina and Daly

If the applicant wishes to retain either of the existing public lane turnouts on Pembina Highway or Daly Street North for access, private approach approval will be required. If the applicant does not wish to retain the lane turnouts it will be necessary for the applicant to enter into a Servicing Agreement for the removal of the lane turnouts and the restoration the curb, boulevard and sidewalk as determined by and to the satisfaction of the Director of Public Works.

Easements

Manitoba Hydro and MTS Allstream will require easements for their services in the lane. No permanent structures will be allowed in these easement areas.

Transfer of Jurisdiction Over Public Rights-of-Way

The lane must be legally closed before it may be sold. Title to all public rights of way in Manitoba is vested in the name of the Province. The registration in the Winnipeg Land Titles Office of a closing by-law removes the public right of way status from the land and vests the ownership of the property in the City's name. The City is not entitled to dispose of the land until this has been done.

IN PREPARING THIS REPORT THERE WAS:

Internal 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

External Consultation With:

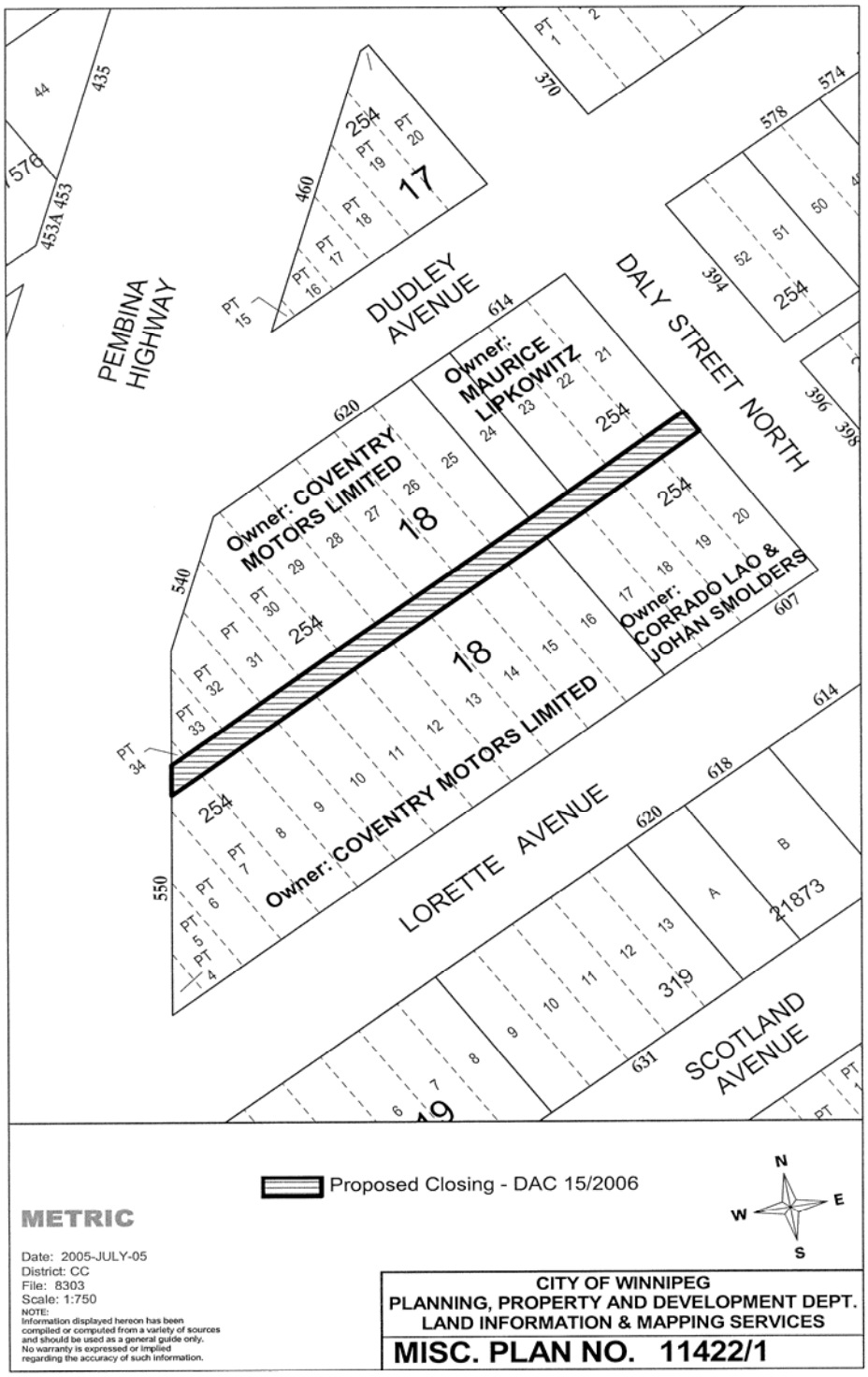
Centra Gas, Manitoba Hydro, MTS Communications

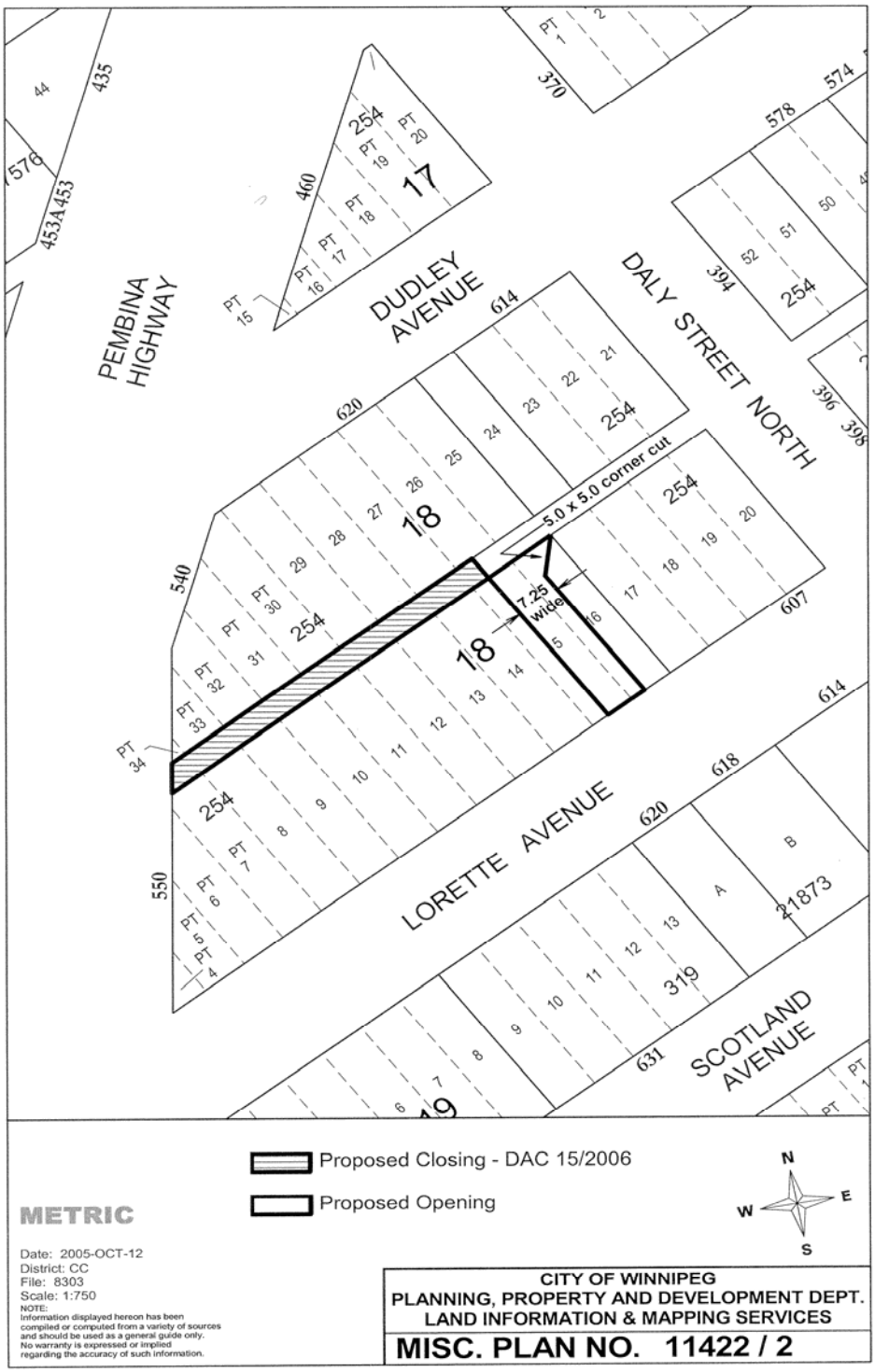
Shaw Cable did not respond to the circulation of the proposal.

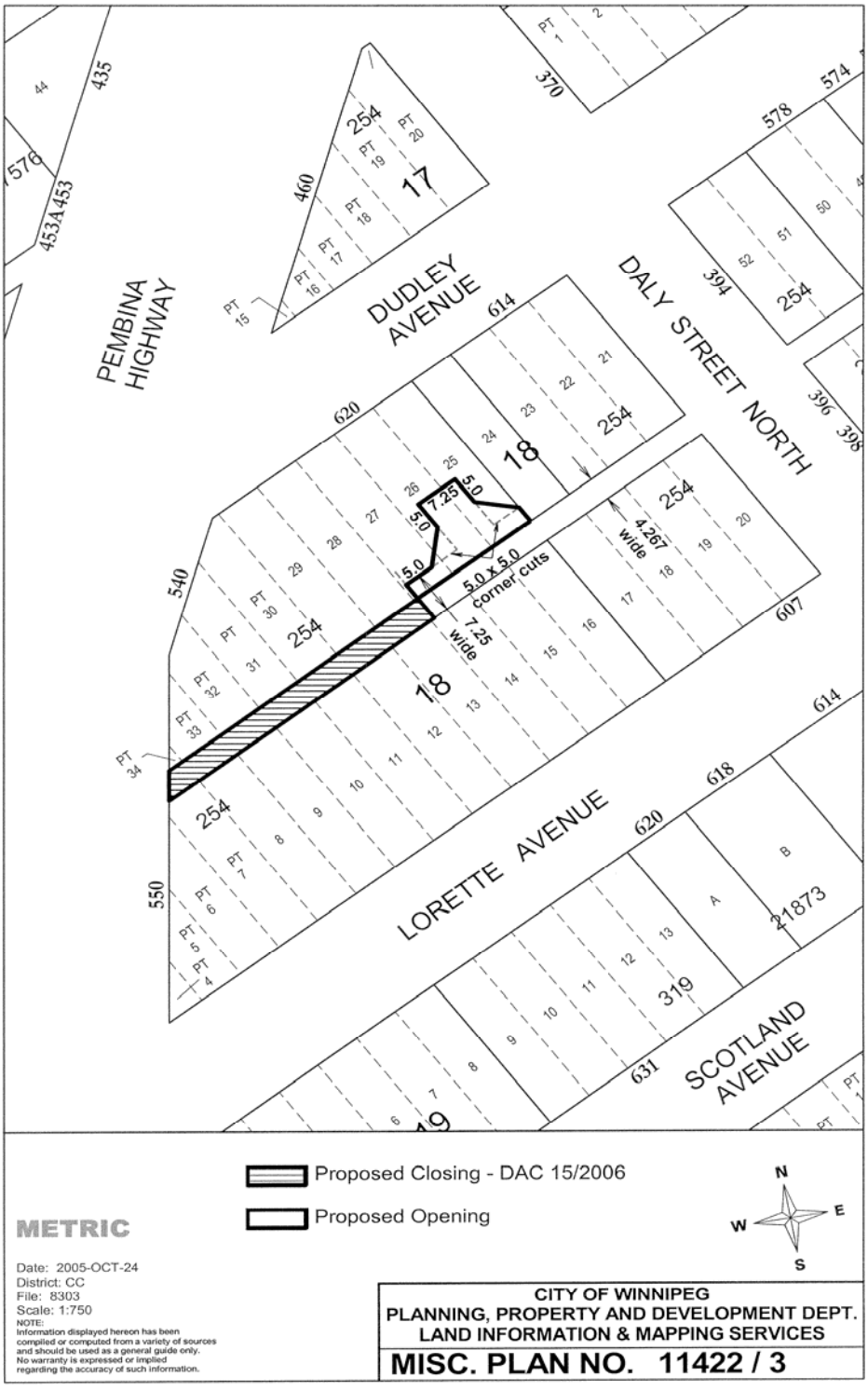
THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. 8308

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PEMBINA HIGHWAY
DUDLEY AVENUE
DALY STREET NORTH
LORETTE AVENUE
SCOTLAND AVENUE
Owner: COVENTRY MOTORS LIMITED
Owner: MAURICE LIPKOWITZ
Owner: CORRADO LAO & JOHAN SMOLDERS
Owner: COVENTRY MOTORS LIMITED
Proposed Closing - DAC 15/2006
METRIC
Date: 2005-JULY-05
District: CC
File: 8303
Scale: 1:750
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11422/1


PEMBINA HIGHWAY
DUDLEY AVENUE
DALY STREET NORTH
LORETTE AVENUE
SCOTLAND AVENUE
5.0 x 5.0 corner cut
7.25 wide
Proposed Closing - DAC 15/2006
Proposed Opening
METRIC
Date: 2005-OCT-12
District: CC
File: 8303
Scale: 1:750
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only. No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11422 / 2


PEMBINA HIGHWAY
DUDLEY AVENUE
DALY STREET NORTH
LORETTE AVENUE
SCOTLAND AVENUE
5.0 x 5.0 corner cuts
7.25 wide
4.267 wide
Proposed Closing - DAC 15/2006
Proposed Opening
METRIC
Date: 2005-OCT-24
District: CC
File: 8303
Scale: 1:750
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 11422 / 3