Agenda - Council – September 26, 2007

Report - Standing Policy Committee on Property and Development – September 4, 2007

Item No. 3 Closing - part of Harrow Street between Wellington Crescent and the Assiniboine River (River Heights - Fort Garry Ward) File DAC 10/2007

STANDING COMMITTEE RECOMMENDATION:

On September 19, 2007, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits to Council that the street closing under File DAC 10/2007 not be proceeded with.

Report - Standing Policy Committee on Property and Development – September 4, 2007

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On September 19, 2007, 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 September 4, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and recommended to Council that the street closing under File DAC 10/2007 not be proceeded with.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 17, 2007, the City Centre Community Committee concurred in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development that the street closing shown under File DAC 10/2007 not be proceeded with.

On June 26, 2007, the City Centre Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on July 17, 2007.

PUBLIC HEARING SUMMARY

File:	DAC 10/2007
Before:	City Centre Community Committee Councillor Gerbasi, Chairperson Councillor Leipsic Councillor Smith
Public Hearing:	July 17, 2007 North Committee Room Council Building, 510 Main Street
Applicant:	Tupper and Adams (Kenneth Dalton)
Premises Affected:	part of Harrow Street between Wellington Crescent and the Assiniboine River
Exhibits Filed:	1. Report from the Real Property Officer dated June 11, 2007 2. Inspection Report 3. Communication dated June 26, 2007, from Kenneth J. Dalton, Barrister & Solicitor, on behalf of the applicant, requesting an adjournment of the public hearing

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

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

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Exhibit "1" referred to in File DAC 10/2007

RE: DAC 10/2007 – PROPOSED CLOSING OF PART OF HARROW STREET BETWEEN WELLINGTON CRESCENT AND THE ASSINIBOINE RIVER

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

REPORT DATE: **June 11, 2007**

RECOMMENDATION: **That the proposed street closing as shown on Misc. Plan No. 13132 not be approved.**

Report Summary

Key Issues:

- The application requires the portion of the street to accommodate side yard requirements for the house he plans to build on the site. The house is wider than the lot. The Planning and Land Use Division is of the opinion that the applicant should design a building that fits within the lot and apply for a zoning variance if necessary.

- City policy states that all street ends providing access to a river are to be retained for recreational purposes. The applicant sought the administration's approval based on the premise that only a part of the street is being closed and that the balance of the street would serve to provide access to the river. The Planning and Land Use Division feels that the entire street is required.

- The applicant wishes to purchase the westerly 5.9m of the street. The Water and Waste Department has advised that a land drainage sewer system outfall is planned for the future. A 12m wide piece of property would be necessary to accommodate the future outfall pipe. Since Harrow Street is 14.173m wide, only 2.173m would be available for closing.

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

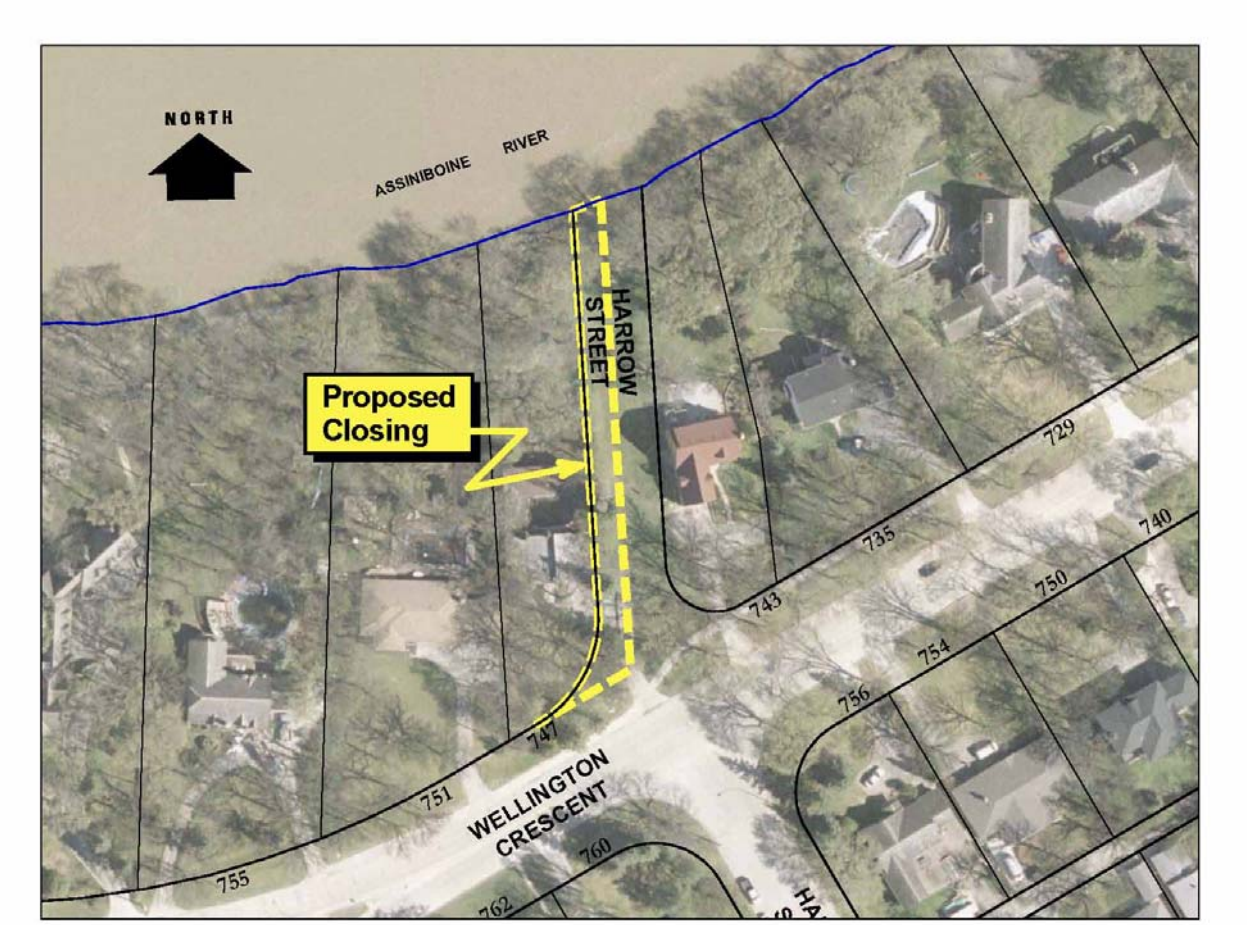
( ) Current and/or capital budget adjustment required

Comment(s):

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 Mr. Kenneth Dalton of Tapper Cuddy LLP, acting on behalf of the owner of No. 747 Wellington Crescent, to purchase the portion of Harrow Street identified as “Proposed Closing” on the attached Misc. Plan No. 13132.

The property owner intends to build a house on the site. The house will be larger than the width of the lot. Zoning in the area calls for 8 foot side yards. The acquisition of the westerly 19 feet (5.79m) of Harrow Street would allow the property owner to build the house in conformance with the side yard requirements.

DISCUSSION:

Administrative Objections

The proposal has been considered by all affected City departments and public utilities. There are three points of opposition to this application.

The main objection to the closing is based on a City policy stating that all street ends providing access to a river are to be retained for recreational purposes. The applicant sought the administration's approval based on the premise that only a part of the street is being closed and that the balance of the street would serve to provide access to the river. The Planning and Land Use Division feels that the entire street is required.

The second objection to the proposal is based on the size of the building planned for the site. The Planning and Land Use Division is of the opinion that the applicant should design a building that fits within the lot and apply for a zoning variance if necessary.

The Water and Waste Department has advised that, in the future, it is likely the combined sewer system will be separated into a land drainage sewer system which may include an outfall at the Assiniboine River at Harrow Street. A 12m (39.37') wide piece of property would be necessary to accommodate the future outfall pipe. Since Harrow Street is 14.173m (46.5') wide, only 2.173m (7.1') would be available for closing, with the rest to remain city property.

The Riverbank Management Engineer advises that a Waterway Permit is required for any development within 350 feet of the river.

Easements

Manitoba Hydro and Centra Gas will require easements for their plants in the street, should it be closed. No permanent structures of any kind will be allowed in these easement areas.

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

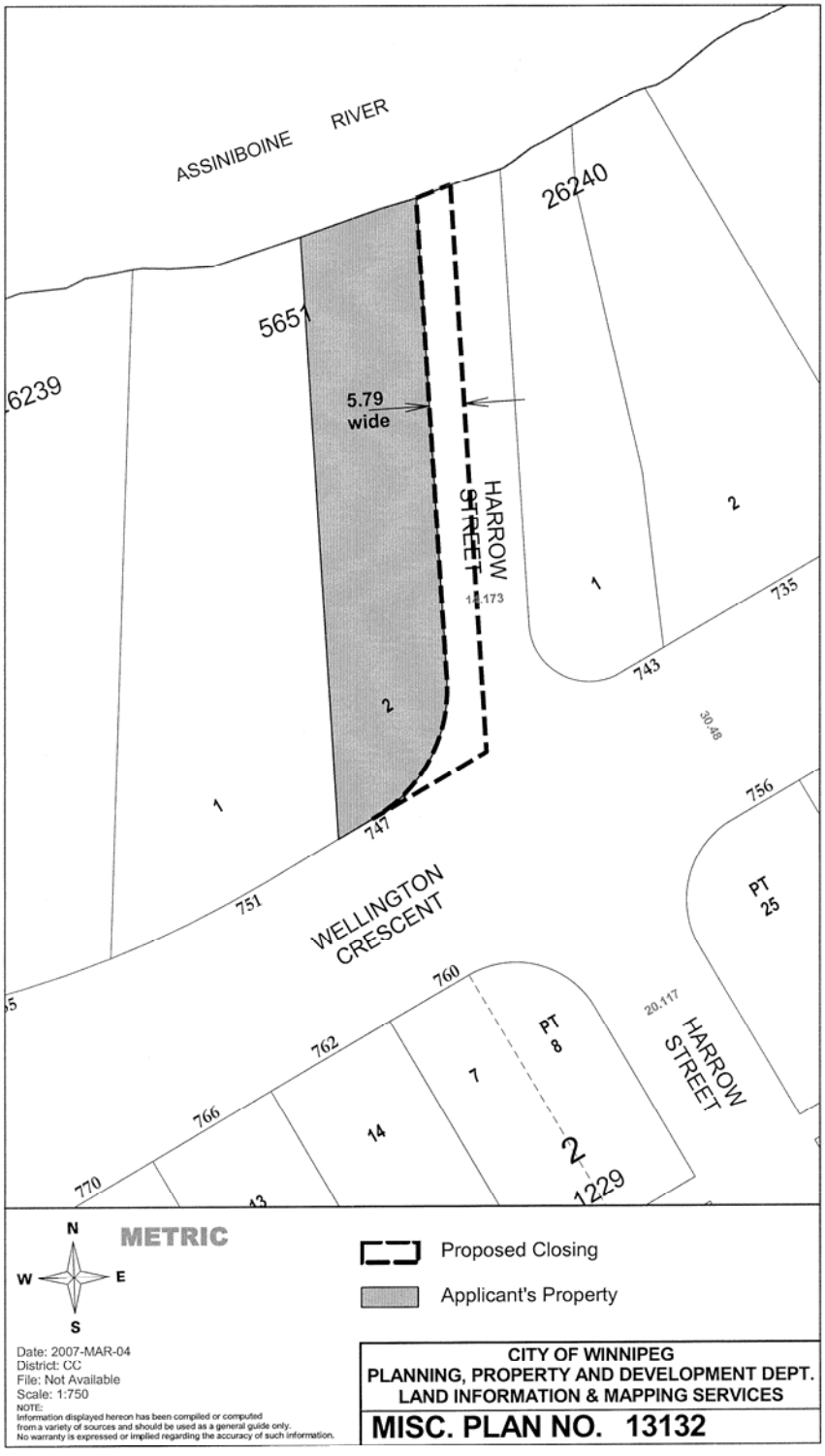
There was no internal consultation involved in the preparation of this report.

External Consultation With:

Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. 32/3535


ASSINIBOINE RIVER
26240
5651
6239
5.79
wide
HARROW
STREET
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1
735
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20.117
HARROW
STREET
N
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S
METRIC
Proposed Closing
Applicant's Property
Date: 2007-MAR-04
District: CC
File: Not Available
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. 13132