Minute No. 399
Report - Standing Policy Committee on Property and Development - June 24, 2008

Item No. 13 Closing - part of Don Avenue, east of Osborne Street (Fort Rouge-East Fort Garry Ward) File DAC 9/2008

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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 9/2008 not be proceeded with.

Minutes - Executive Policy Committee - July 9, 2008

Report - Standing Policy Committee on Property and Development - June 24, 2008

DECISION MAKING HISTORY:

Moved by Councillor Swandel,

That the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 24, 2008, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and recommends to the Executive Policy Committee and Council that the street closing under File DAC 9/2008 not be proceeded with.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 17, 2008, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommended to the Standing Policy Committee on Property and Development that the street closing under File DAC 9/2008 not be proceeded with.

On May 20, 2008, the City Centre Community Committee adjourned the public hearing to its meeting on June 17, 2008.

PUBLIC HEARING SUMMARY

File:	DAC 9/2008
Before:	City Centre Community Committee Councillor Leipsic, Chairperson Councillor Gerbasi Councillor Smith
Hearing:	June 17, 2008 North Committee Room Council Building, 510 Main Street
Applicant:	4913095 Manitoba Ltd. (Tony Bagnulo)
Premises Affected:	part of Don Avenue, east of Osborne Street
Exhibits Filed:	1. Report from the Real Property Officer dated May 2, 2008 2. Inspection Report 3. Notice of Adjournment dated May 22, 2008 4. Photographs (11) in support of the application submitted by the applicant 5. Car count information dated June 12 and 13, 2008, submitted by the applicant, in support of the application.

REPRESENTATIONS:

In Support:

Tony Bagnulo, 4913095 Manitoba Ltd.

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Doney, Senior Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 9/2008

RE: DAC 9/2008 – PROPOSED CLOSING OF PART OF DON AVENUE, EAST OF OSBORNE STREET

FOR SUBMISSION TO: The City Centre Community Committee

REPORT DATE: May 2, 2008

RECOMMENDATION: That the street closing under File DAC 9/2008 not be proceeded with.

Report Summary

Key Issues:

Mr. Tony Bagnulo has applied to close and purchase the portion of Don Avenue identified as "Proposed Closing" on the attached copy of Miscellaneous Plan No. 13332 for eventual use as a parking area. The subject closing within the right-of way comprises the boulevard immediately in front of No. 440 Don Avenue.

The Public Works Department has consistently objected to the use of boulevards for parking purposes and does not support the application.

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

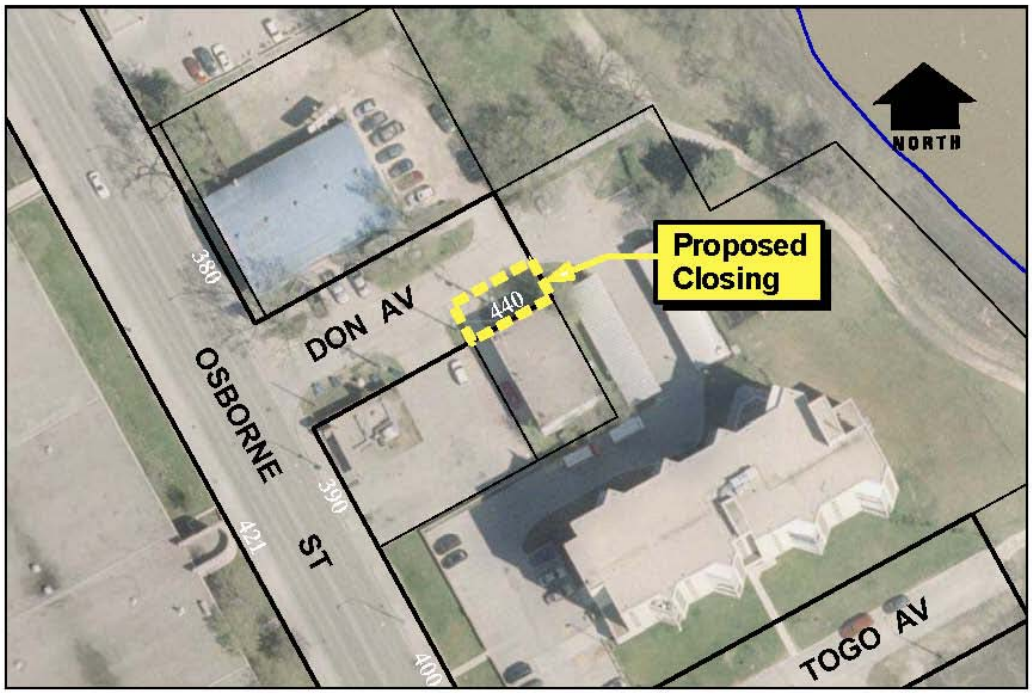
( ) Current and/or capital budget adjustment required

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. Tony Bagnulo, President of 4913095 Manitoba Ltd. to purchase the portion of Don Avenue identified as “Proposed Closing” on the attached copy of Miscellaneous Plan No. 13332. 4913095 Manitoba Ltd. is the registered owner of 440 Don Avenue which adjoins the subject closing. The structure currently on this property is being renovated by Mr. Bagnulo’s company for new commercial usage. Because of a lack of parking in the area, Mr. Bagnulo proposes to construct six (6) parking stalls directly in front of 440

Don Avenue, and wishes to use the boulevard within the subject street closing area for that purpose.

DISCUSSION:

Administrative Objections

The proposal has been considered by all affected City departments and public utilities. The Transportation Engineering Division of the Public Works Department does not support the application for the following reasons:

1) The proposed closing will create a loss of boulevard area which is currently used for snow storage and will result in the need to haul snow from the area at increased cost to the City.

2) The proposed closing will create a situation where a windrow of snow would remain against private property across the applicant's proposed parking area after the street is plowed and before the snow can be hauled away. This will create the potential to block vehicles from entering or exiting the parking area until the windrow is cleared.

3) The applicant's request to close 7.01m of the right-of-way exceeds the existing boulevard width of 6.25m. The proposed closing will therefore result in a reduction of the physical roadway, creating a substandard roadway width which poses both potential safety and traffic operation concerns.

4) The applicant is proposing to park vehicles on the closed boulevard at 90° to the roadway, requiring vehicles to back out of the proposed parking area into the roadway, resulting in a movement that creates both potential safety and traffic operation concerns.

5) The Public Works Department has consistently objected to the use of boulevards for parking purposes.

Easements

Should the subject or adjoining street ever be declared surplus to the City's needs and offered for future sale, the following easement requirements have been identified:

Manitoba Hydro, MTS and Shaw Cablesystems have identified services within the subject area and would require easements for their facilities.

The Water and Waste Department has identified a 150mm watermain, a catch basin and catch basin lead within the proposed closing area and would require an easement to protect their interests.

No permanent structures of any kind would be allowed within these easement areas.

IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:

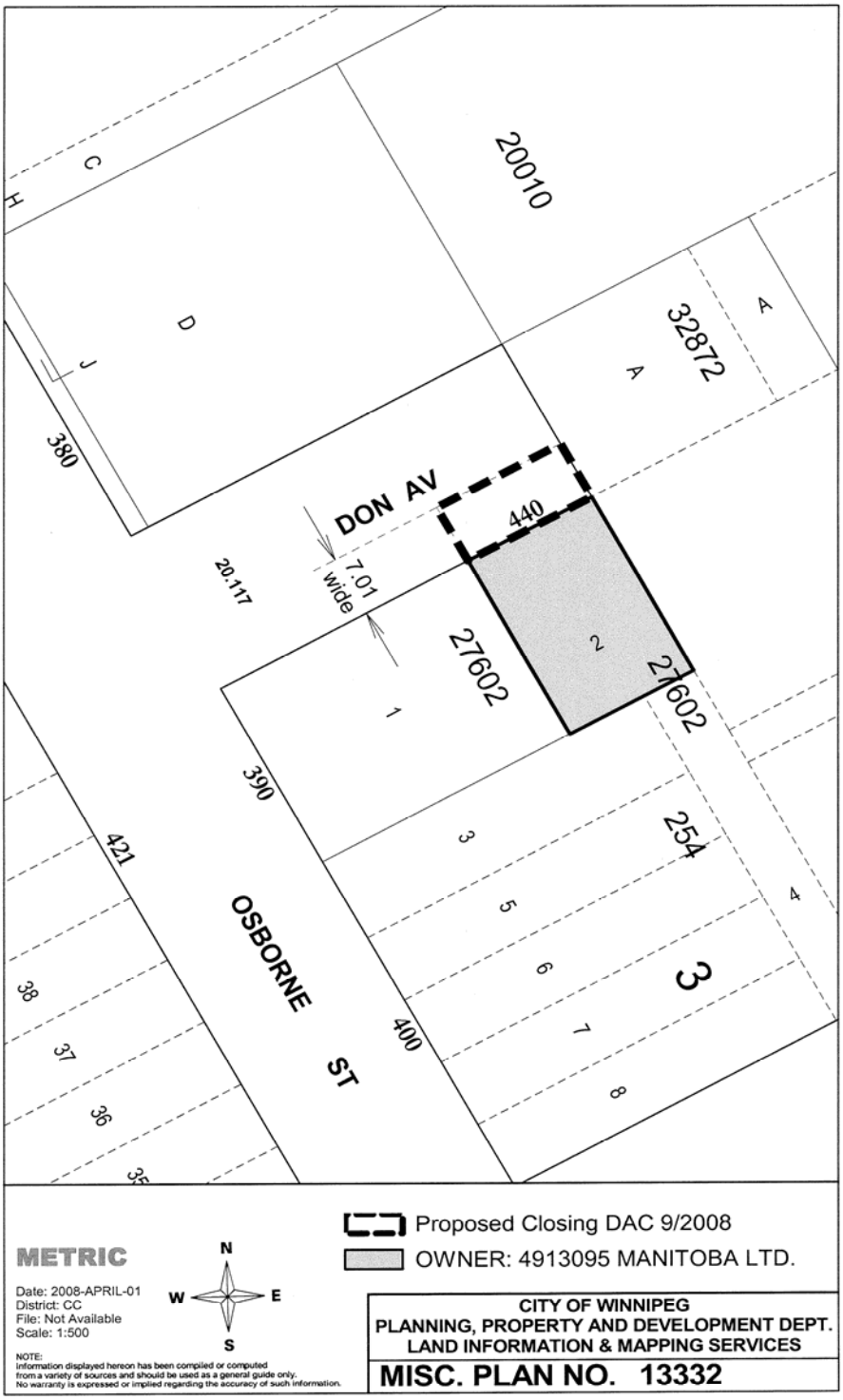
There was no internal consultation involved in the preparation of this report.

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: Bohdan Buyachok, Real Property Officer
File No. 4296/6


20010
32872
A
A
C
H
D
J
380
DON AV
440
20.117
7.01
wide
27602
2
27602
1
390
3
254
421
5
4
OSBORNE
6
3
38
7
400
ST
37
8
36
Proposed Closing DAC 9/2008
OWNER: 4913095 MANITOBA LTD.
METRIC
N
W
E
S
Date: 2008-APRIL-01
District: CC
File: Not Available
Scale: 1:500
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. 13332