Agenda - Council - July 22, 2009

Report - Standing Policy Committee on Property and Development - June 30, 2009

Item No. 4 Closing - part of Golspie Street, north of Neil Avenue, and Opening - cul-de-sac at the terminus of Golspie Street, south of Chelsea Avenue (Elmwood-East Kildonan Ward) File DAOC 1/2009

STANDING COMMITTEE RECOMMENDATION:

On July 15, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submits the following to Council:

1. That the street opening and closing as shown on Misc. Plan No. 13519 be approved and that the portion of the street to be closed be declared surplus to the City's needs.

2. That the Acting City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the street opening and closing in accordance with Misc. Plan No. 13519, 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 site plans shall be submitted to the East Kildonan-Transcona Community Committee for consideration.

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

Agenda - Council - July 22, 2009

Report - Standing Policy Committee on Property and Development - June 30, 2009

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 15, 2009, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On June 30, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 15, 2009, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendment, namely:

- Add a new recommendation 3, namely:
  "3. That the site plans shall be submitted to the East Kildonan-Transcona Community Committee for consideration";
- Renumber the remaining recommendation;

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

On April 20, 2009, the East Kildonan-Transcona Community Committee did not hear any representation on the matter and adjourned the public hearing to its meeting on June 15, 2009, to afford the applicant, E.H. Price Limited, an opportunity to complete an analysis and prepare a response to the comments provided by the Winnipeg Public Service in its report dated April 1, 2009.

PUBLIC HEARING SUMMARY

File:	DAOC 1/2009
Before:	East Kildonan-Transcona Community Committee Councillor Wyatt, Chairperson Councillor Browaty Councillor Thomas
Public Hearing:	June 15, 2009 Theatre Chief Peguis Junior High School 1400 Rothesay Street
Applicant:	E.H. Price Limited (Joe Cyr, President)
Premises Affected:	part of Golspie Street, north of Neil Avenue

Exhibits Filed:

1. Report from the Real Property Officer dated April 1, 2009
2. Request for Adjournment from Joe Cyr, President E.H. Price Limited dated April 14, 2009
3. Inspection Report
4. Communication dated April 13, 2009, from AutoLine Products Ltd. in opposition to the application
5. Notice of Adjournment dated April 21, 2009
6. Revised Notice of Adjournment dated May 7, 2009
7. Revised report from the Real Property Officer dated June 9, 2009
8. Presentation submitted by the applicant at the public hearing, in support of the application.

REPRESENTATIONS:

In Support:

Ashleigh and Janet Bell
Joe Cyr, President, E.H. Price Limited
Lorraine Klein
Brian Nemeth, E.H. Price Limited
Gerry Price

In Opposition:

Chris Mayer, Bavarian Meat & Sausage
Mark Thiessen

For Information:

Orien Brown
Gaëtanne Morais, L.V. Control Manufacturing Ltd.
Brent Murray
Cyril Russell, AutoLine Products Ltd.

For the City:

Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department

Exhibit "7" referred to in File DAOC 1/2009

ADMINISTRATIVE REPORT

ISSUE: DAOC 1/2009 – PROPOSED CLOSING OF PART OF GOLSPIE STREET, NORTH OF NEIL AVENUE AND PROPOSED OPENING OF A CUL-DE-SAC AT THE TERMINUS OF GOLSPIE STREET, SOUTH OF CHELSEA AVENUE

CRITCAL PATH: FOR SUBMISSION TO THE EAST KILDONAN - TRANSCONA COMMUNITY COMMITTEE

AUTHORIZATION

Author	Department Head	CFO	CAO
Bohdan Buyachok	N/A	N/A	N/A

RECOMMENDATIONS

1. That the proposed street opening and closing as shown on Misc. Plan No. 13519 be approved and that the portion of the street proposed to be closed be 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 street opening and closing in accordance with Misc. Plan No. 13519, 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 effect the intent of the foregoing.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the recommendations.

All costs associated with the street opening and closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.

HISTORY

The Planning, Property and Development Department has received a request from Mr. Joe Cyr, President of E. H. Price Limited, to close and purchase the portion of Golspie Street so identified on the attached copy of Misc. Plan No. 13519. As part of the application, a portion of E. H. Price property is to be provided for a cul-de-sac and opened as public street as shown on the sketch.

The proposed closing area presently divides the applicant's existing holding at 638 Raleigh Street with their newly acquired property at 600 Golspie Street. E. H. Price has advised that it is not their intention to connect the buildings on either side of the street into one large facility. Rather, they wish to optimize the use of their property by utilizing the proposed closing area as a roadway for purposes of safe truck access between existing buildings and shipping docks. Purchasing the closed street would allow the applicant to fence their holding, avoid potential accident by restricting public access and provide safe employee movement between plants. Mr. Cyr has also provided the following statement in support of his request:

> "CTPAT (Customs and Trades Partners Against Terrorism) regulation. With E. H. Price's North American market, a large volume of product is shipped into the United States. Due to new border requirements, E. H. Price must become CTPAT accredited. Along with a number of other regulations, the factory must have restricted and controlled access, therefore requiring a fence to be erected around the properties. With both plants sharing work and products, the fenced compound would be better served to encompass both plants."

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation With and Concurrence By:

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

External Consultation With:

Manitoba Hydro, Centra Gas, MTS Allstream and Shaw Cablesystems

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	June 9, 2009
File No.	

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APPENDIX "A"

Reason for the Report

All street and lane closings require the consideration of the Community Committee, as do all street and lane openings which have not previously received approval by Council or a Standing Committee of Council.

Administrative Approval

The proposal has been considered by all affected City departments and public utilities. There are no administrative objections to the closing.

Administrative Comments

The Plan Examination Branch of the Planning, Property and Development Department has provided the following comments:

The applicant has recently submitted an application to demolish the building west of the proposed closing, being No. 600 Golspie Street. The Plan Examination Branch has no objections to the closing provided that the building is demolished. Should the building not be demolished, Plan Examination will not support this proposal because of potential building code contraventions. The Manitoba Building Code contains specific requirements that determine a building's code classification in relation to open streets. Building classifications respecting fire protection as determined by Subsection 3.2.2 and spatial separation requirements as determined by Subsection 3.2.3 have code requirements based on a structure's location in proximity to open rights of way. If the demolition is not proceeded with, the approval of the subject street closing may bring the applicant's building in direct contravention of the Manitoba Building Code with respect to both these subsections.

The Transportation Engineering Division of the Public Works Department has provided the following comments:

1) All truck traffic north of the closure would have to go through a residential area instead of coming off a truck route (Munroe Avenue) as it currently does.

2) Neil Avenue from Golspie Street to Raleigh Street is granular with very poor drainage which would not withstand the extra traffic from the closure of Golspie Street at Neil Avenue. The street would have to be upgraded to at least the same standard as Golspie Street west of Neil Avenue, complete with land drainage sewer.

3) The north side of Neil Avenue drains around the corner north on Golspie Street to the first set of catchbasins. Additional catchbasins would be required to be installed on Neil Avenue at the proposed street closure.

4) It appears that the location identified for the proposed cul-de-sac has a fire hydrant that would have to be relocated. The proposed cul-de-sac would have to be to an industrial standard, right-of-way, geometrics and construction standards.

The approval of this application by the Transportation Engineering Division is subject to the following: the applicant will be required to enter into a Servicing Agreement to carry out the works identified in 2), 3) and 4) above, as determined by and to the satisfaction of the Director of Public Works.

Easements

Manitoba Hydro, Centra Gas and MTS Allstream have identified services within the closing area.
The Water and Waste Department has identified a 900mm sewer main and a 250mm water main within the subject closing which requires accessibility 24/7 in the event of servicing.

All utilities will require easements over the entire closing. No permanent structures of any kind will be allowed within these easement areas.

Transfer of Jurisdiction Over Public Rights-of-Way

The street 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.


MELBOURNE AV
CHELSEA AV
SYDNEY AV
PROPOSED CLOSING
GOLSPIE ST
PROPOSED OPENING
GOLSPIE ST
NEIL AV
RALEIGH ST
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W
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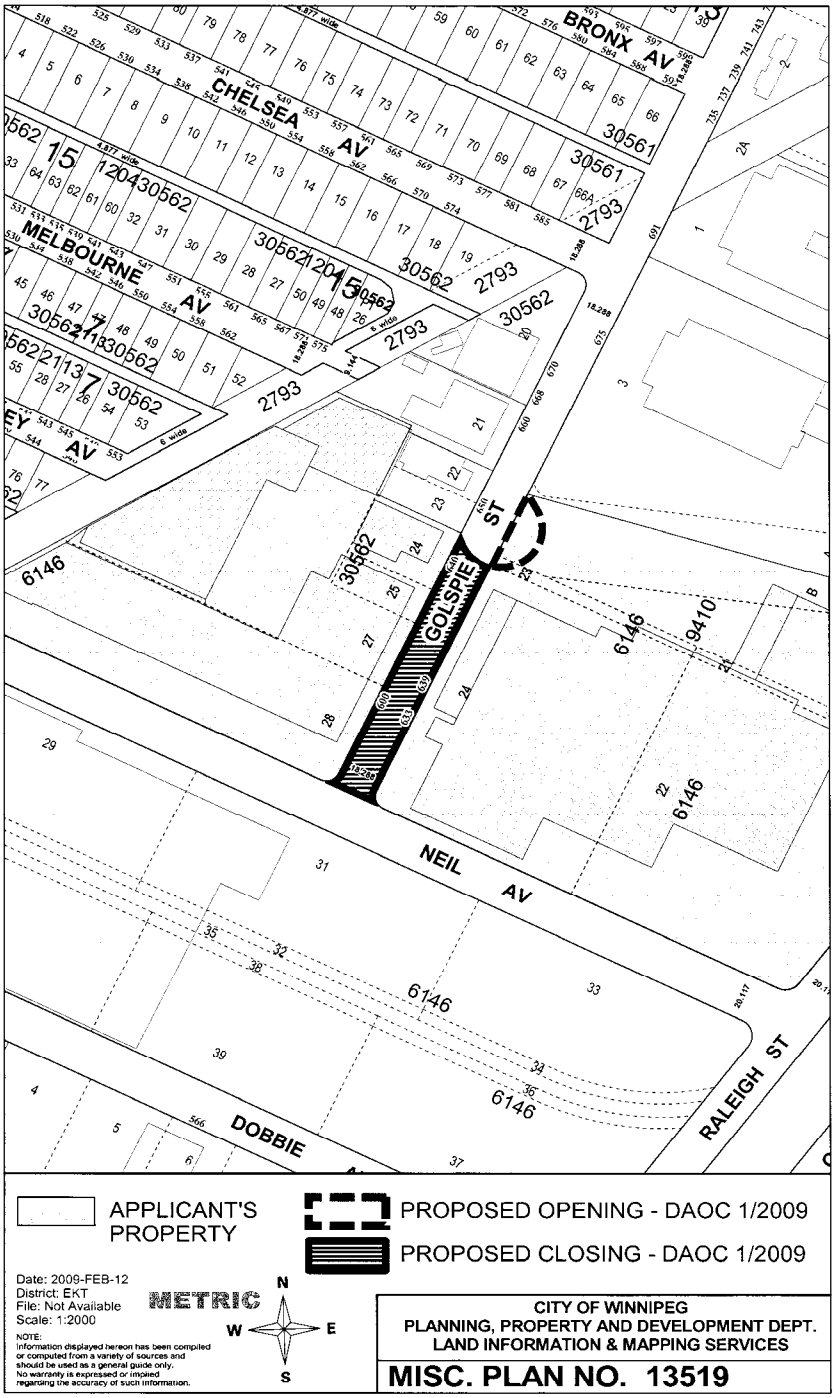
BRONX AV
CHELSEA AV
MELBOURNE AV
NEIL AV
DOBBIE
RALEIGH ST
GOLSPIE ST
30561
30562
2793
6146
9410
APPLICANT'S PROPERTY
PROPOSED OPENING - DAOC 1/2009
PROPOSED CLOSING - DAOC 1/2009
Date: 2009-FEB-12
District: EKT
File: Not Available
Scale: 1:2000
METRIC
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NOTE:
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. 13519

Exhibit "1" referred to in File DAOC 1/2009

ADMINISTRATIVE REPORT

RE: DAOC 1/2009 – PROPOSED CLOSING OF PART OF GOLSPIE STREET, NORTH OF NEIL AVENUE AND PROPOSED OPENING OF A CUL-DE-SAC AT THE TERMINUS OF GOLSPIE STREET, SOUTH OF CHELSEA AVENUE

FOR SUBMISSION TO THE EAST KILDONAN – TRANSCONA COMMUNITY COMMITTEE

REPORT DATE: APRIL 1, 2009

AUTHORIZATION

Author	Department Head	CAO
Bohdan Buyachok		

RECOMMENDATION

1. That the street opening and closing under File DAOC 1/2009 not be proceeded with.

REASON FOR THE REPORT

All street and lane closings require the consideration of the Community Committee, as do all street and lane openings which have not previously received approval by Council or a Standing Committee of Council.



History

The Planning, Property and Development Department has received a request from Mr. Joe Cyr, President of E. H. Price Limited, to close and purchase the portion of Golspie Street so identified on the attached copy of Misc. Plan No. 13519. As part of the application, a portion of E. H. Price property is to be provided for a cul-de-sac and opened as public street as shown on the sketch.

The proposed closing area presently divides the applicant's existing holding at 638 Raleigh Street with their newly acquired property at 600 Golspie Street. E. H. Price has advised that it is not their intention to connect the buildings on either side of the street into one large facility. Rather, they wish to optimize the use of their property by utilizing the proposed closing area as a roadway for purposes of safe truck access between existing buildings and shipping docks. Purchasing the closed street would allow the applicant to fence their holding, avoid potential accident by restricting public access and provide safe employee movement between plants. Mr. Cyr has also provided the following statement in support of his request:

"CTPAT (Customs and Trades Partners Against Terrorism) regulation. With E. H. Price's North American market, a large volume of product is shipped into the United States. Due to new border requirements, E. H. Price must become CTPAT accredited. Along with a number of other regulations, the factory must have restricted and controlled access, therefore requiring a fence to be erected around the properties. With both plants sharing work and products, the fenced compound would be better served to encompass both plants."

KEY ISSUES

Administrative Objections

The proposal has been considered by all affected City departments and public utilities.

Fire and Paramedic Services does not support this proposal. Fire Station No. 8 is located at the corner of Kimerley Avenue and Golspie Street. Emergency vehicles require Golspie as an access route to areas south of the fire hall.

Administrative Comments

The Plan Examination Branch of the Planning, Property and Development Department has provided the following comments:

The applicant has recently submitted an application to demolish the building west of the proposed closing, being No. 600 Golspie Street. The Plan Examination Branch has no objections to the closing provided that the building is demolished. Should the building not be demolished, Plan Examination will not support this proposal because of potential building code contraventions. The Manitoba Building Code contains specific requirements that determine a building's code classification in relation to open streets. Building classifications respecting fire protection as determined by Subsection 3.2.2 and spatial separation requirements as determined by Subsection 3.2.3 have code requirements based on a structure's location in proximity to open rights of way. If the demolition is not proceeded with, the approval of the subject street closing may bring the applicant's building in direct contravention of the Manitoba Building Code with respect to both these subsections.

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street would have to be upgraded to at least the same standard as Golspie Street west of Neil Avenue, complete with land drainage sewer.

3) The north side of Neil Avenue drains around the corner north on Golspie Street to the first set of catchbasins. Additional catchbasins would be required to be installed on Neil Avenue at the proposed street closure.

4) It appears that the location identified for the proposed cul-de-sac has a fire hydrant that would have to be relocated. The proposed cul-de-sac would have to be to an industrial standard, right-of-way, geometrics and construction standards.

Should it be the decision of Council to approve the proposed opening and closing, the applicant would be required to enter into a Servicing Agreement to carry out the works identified in 2), 3) and 4) above, as determined by and to the satisfaction of the Director of Public Works.

Easements

Manitoba Hydro, Centra Gas and MTS Allstream have identified services within the closing area.
The Water and Waste Department has identified a 900mm sewer main and a 250mm water main within the subject closing which requires accessibility 24/7 in the event of servicing.

Should this application be approved, all utilities require easements over the entire closing. No permanent structures of any kind would be allowed within these easement areas.

IMPACT OF THE RECOMMENDATIONS

IMPACT	YES	NO	COMMENTS
Policy		**x**	
Regulatory		**x**	
Environmental		**x**	
Human Resources		**x**	
Financial		**x**	All costs associated with the street opening and closing are the responsibility of the applicant. There are no financial implications for the City of Winnipeg.
Legal (Contracts)		**x**	
Communications		**x**	
Council Priorities Direction		**x**	
Other, e.g. Organizational, community, etc. (Specify)		**x**	

CONSULTATION

In preparing this Report there was:

Internal Consultation With and Concurrence By:

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

External Consultation With:

Manitoba Hydro, Centra Gas, MTS Allstream and Shaw Cablesystems

SUBMITTED BY

Department: Planning, Property and Development
Division: Development and Inspections
Prepared by: Bohdan Buyachok, Real Property Officer
File No.:

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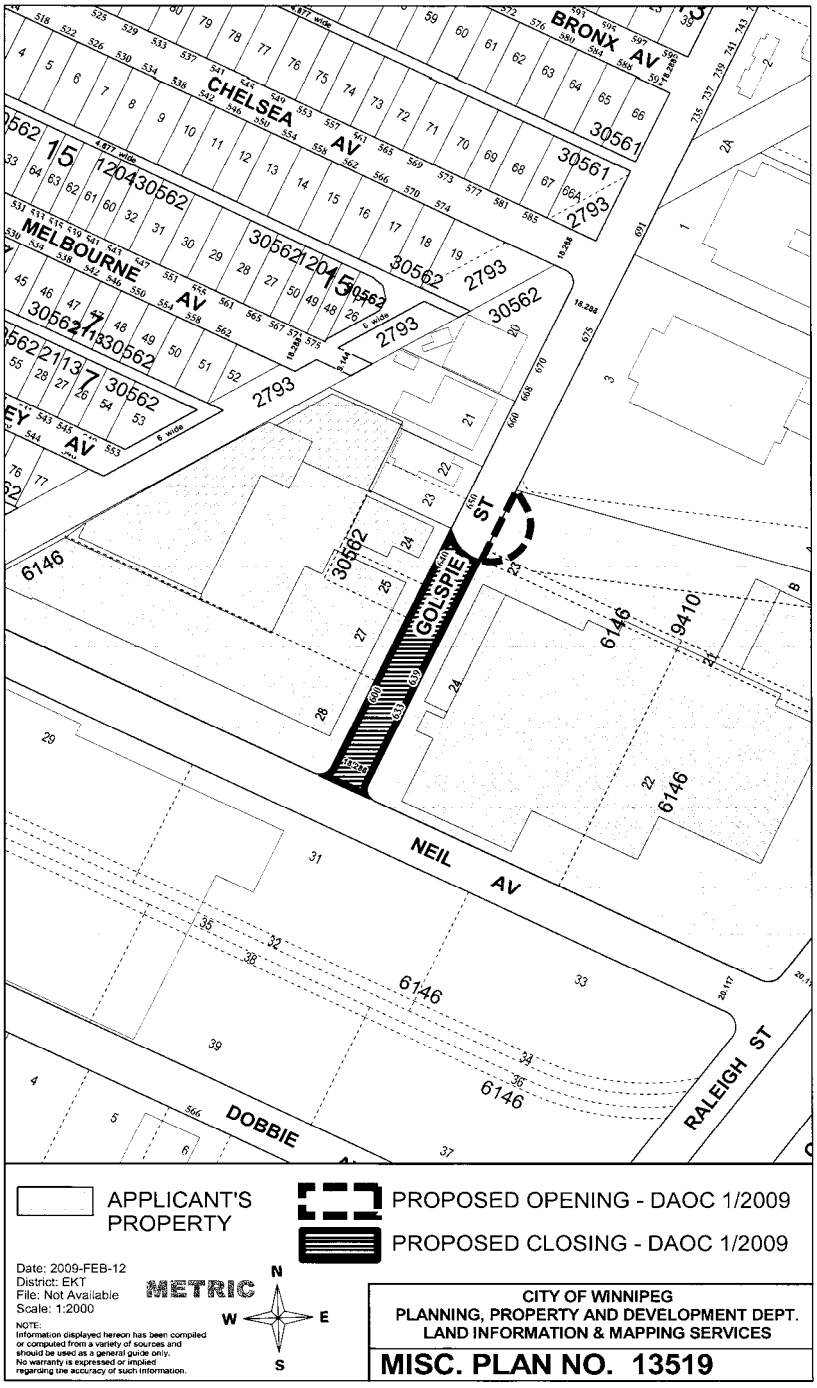
BRONX AV
CHELSEA AV
MELBOURNE AV
NEIL AV
DOBBIE
RALEIGH ST
GOLSPIE ST
30561
30562
2793
6146
9410
APPLICANT'S PROPERTY
PROPOSED OPENING - DAOC 1/2009
PROPOSED CLOSING - DAOC 1/2009
Date: 2009-FEB-12
District: EKT
File: Not Available
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METRIC
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13519