Agenda - Council – February 24, 2010

Report - Standing Policy Committee on Property and Development – February 2, 2010

Item No. 4 **Closing part of the public lane between Selkirk and Pritchard Avenues, east of Andrews Street for incorporation into DASZ 29/2009 (Mynarski Ward)**
File DAC 8/2009 [c/r DASZ 29/2009]

STANDING COMMITTEE RECOMMENDATION:

On February 17, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submits the following to Council:

1. That the lane closing as shown on Misc. Plan No. 13617 be approved and that the land 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 lane closing in accordance with Misc. Plan No. 13617, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

3. 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 – February 2, 2010

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 17, 2010, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2010, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 12, 2010, the Lord Selkirk –West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, and forwarded the matter to the Standing Policy Committee on Property and Development.

On December 7, 2009, the Lord Selkirk-West Kildonan Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on January 12, 2010 at 5:00 p.m. in the Council Building, 510 Main Street, to allow the applicant to hold a public consultation meeting and respond to any questions or concerns regarding the subject proposal, with an invitation being extended to the Senior Planner for the Lord Selkirk-West Kildonan Community.

PUBLIC HEARING SUMMARY

File:	DAC 8/2009 [c/r DASZ 29/2009]
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Lazarenko, Chairperson Councillor Pagtakhan
Public Hearing:	January 12, 2010 December 7, 2009 West Committee Room Council Building, 510 Main Street
Applicant:	Aikins, MacAuley Thorvaldson LLP (Robert Tyler)
Premises Affected:	part of the public lane between Selkirk and Pritchard Avenues, east of Andrews Street

Exhibits Filed:

1. Report from the Real Property Officer dated November 18, 2009
2. Inspection Report
3. Notice of Adjournment dated December 8, 2009
4. Communication dated December 10, 2008, addressed to the Downtown Point Douglas Manitoba Child Care Program, Family Services and Housing, from S & D Resources Health & Learning in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
5. Communication dated January 6, 2009, addressed to Urban Circle Training Centre from the Mosaic Market Business Improvement Zone in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
6. Communication dated February 3, 2009, addressed to Makoonsag, c/o Urban Circle, from the President, Neechi Foods Co-operative in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
7. Communication dated February 3, 2009, addressed to Urban Circle Training Centre from the Chair, Community Services, Red River College in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
8. Communication dated February 4, 2009, addressed to Urban Circle Training Centre Inc. from the Director and Associate Professor, Inner City Social Work Program, University of Manitoba in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.

9. Communication dated February 6, 2009, addressed to Urban Circle Training Centre Inc. from the Executive Director, North End Community Renewal Corporation (NECRC) in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
10. Communication dated February 6, 2009, addressed to Urban Circle Training Centre, Inc. from the President, Selkirk Avenue Business Improvement Zone in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
11. Communication dated February 18, 2009, addressed to Urban Circle Training Centre Inc. from the Co-chair, William Whyte Residents Association in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
12. Communication dated May 20, 2009, addressed to Urban Circle Inc. from the Co-Director, Community Education Development Association (CEDA) in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
13. Communication dated May 25, 2009, addressed to Urban Circle Training Centre from the Director of the Indian Family Centre in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
14. Communication dated May 25, 2009 from the Executive Director, North End Women's Centre Inc. in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
15. Communication dated October 20, 2009, addressed to Urban Circle Training Centre Inc. from the Executive Director, Partners for Careers in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
16. Communication dated October 23, 2009, addressed to Urban Circle Training Centre Inc. from the Director, Aboriginal Education Directorate, Province of Manitoba, in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
17. Communication dated October 29, 2009, addressed to Urban Circle Training Centre from the Executive Director, Ma Mawi Wi Chi Itata Centre in support of the project, submitted by Eleanor Thompson, Urban Circle Training Centre Inc.
18. Package with respect to the application, including information on an open house held December 16, 2009,

The Times newspaper article entitled "Centre aims to enable families to learn together" dated December 31, 2009, drawings (3), and photographs (3), submitted by Eleanor Thompson, Urban Circle Training Centre Inc.

REPRESENTATIONS:

In Support:

Stephen Britton
Louise Champagne, Neechi Foods Co-operative
Kim Clare, Inner City Social Work Program, University of Manitoba
Levette Demchuk, William Whyte Residents Association
Roberta Hewson, Partners for Careers
Josie Hill, Ma Mawi Wi Chi Itata Centre
Janet Jamieson, Community Services, Red River College
Astrid Lichti, Mosaic Market Business Improvement Zone
Stanley McKay, S & D Resources Health & Learning
Robert Neufeld, North End Community Renewal Corporation
Anthony Niiganii and Diane Scribe Niiganii
Patty Parsons, North End Women's Centre
Helene Robinson-Settee, Aboriginal Education Directorate, Province of Manitoba
Karen Schlichting for Jeanet Sybenga, Indian Family Centre
Tom Simms, Community Education Development Association
Greg and Sharon Slater
Dudley and Eleanor Thompson
Sylvia Todaschuk, Selkirk Avenue Business Improvement Zone
Robert L. Tyler, Aikins, MacAulay and Thorvaldson LLP

In Opposition

Nil

For Information:

Nil

For the City:

Mr. B. Boyachuk, 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 8/2009

ADMINISTRATIVE REPORT

ISSUE: DAC 8/2009 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE BETWEEN SELKIRK AND PRITCHARD AVENUES, EAST OF ANDREWS STREET FOR INCORPORATION INTO DASZ 29/2009

CRITCAL PATH: LORD SELKIRK – WEST KILDONAN COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT – EXECUTIVE POLICY COMMITTEE - COUNCIL

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Buyachok	N/A	N/A	N/A

RECOMMENDATIONS

1. That the proposed lane closing as shown on Misc. Plan No. 13617 be approved and that the land 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 lane closing in accordance with Misc. Plan No. 13617, subject to the approval of the terms and conditions of the conveyance of the land by the Director of the Planning, Property and Development Department.

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 lane 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. Robert Tyler of Aikins, MacAulay Thorvaldson LLP, representing Urban Circle Training Centre Inc. to close and purchase the portion of the public lane so identified on the attached copy of Misc. Plan No. 13617. The lane, once closed, will be incorporated into DASZ 29/2009, an application to subdivide and rezone the adjoining property.

Urban Circle has recently purchased the commercial properties fronting on Selkirk Avenue and the vacant lots fronting on Pritchard Avenue identified as “Applicant’s Property” on the sketch. The development of this property under the banner “Project Makoonsag” is being partnered by Urban Circle Training Centre Inc., the University of Manitoba’s Inner City Campus, Red River College and North End Community Renewal Corporation. Project Makoonsag will transform the existing retail space fronting Selkirk Avenue into a childcare and intergenerational learning centre for Aboriginal children, youth and adults. The vacant lots fronting Pritchard Avenue are to be developed into a natural playground and community green space for the use of the children in the daycare as well as for intergenerational events for the people of the community. Closing the subject lane will establish a buffer to vehicular traffic from the Merchant’s Hotel located across the street and provide safe passage for the children of the daycare to and from the playground/green space.

Urban Circle also proposes to dedicate a portion of its holding for a lane diversion as shown on the sketch. The new lane opening will be processed via the subdivision/rezoning application.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic departments.

External Consultation With:

Manitoba Hydro, Centra Gas and Shaw Cablesystems
MTS Allstream did not respond to the request for comments on this proposal.

SUBMITTED BY

Department:	Planning, Property and Development
Division:	Development and Inspections
Prepared by:	Bohdan Buyachok, Real Property Officer
Date:	November 18, 2009
File No.	

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APPENDIX "A"

Reason for the Recommendations

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

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 Transportation Engineering Branch of the Public Works Department advises that as part of subdivision/rezoning application DASZ 19/09, the applicant will be required to open the proposed new 6.25m public lane to Pritchard Avenue and enter into a Servicing Agreement to construct in Portland cement concrete pavement, a standard 5.0m residential lane and all related works, including, but not necessarily limited to land drainage sewer, if required, in the proposed lane, as well as removal of the existing lane turn-out at Andrews Street and the restoration of the curb, boulevard and sidewalk in that location, all as determined by and to the satisfaction of the Director of Public Works. The new public lane will require the removal of a large tree located on the south boulevard of Pritchard Avenue which will require the approval of the area Councilor.

The Planning and Land Use Division of the Planning, Property and Development Department recommends measures be taken to mitigate headlight glare onto properties along the north side of Pritchard Avenue (Nos. 519, 523, 525 and 527) affected by the new lane diversion, such as landscaping buffers or limiting the public lane to a one-way southbound right-of-way, providing that the functionality of the lane isn't compromised.

The Zoning and Permits Branch of the Planning, Property and Development Department recommends that the applicant enters into an access agreement with the property owner of No. 533 Selkirk Avenue over a portion of the public lane proposed to be closed adjoining this property.

Easements

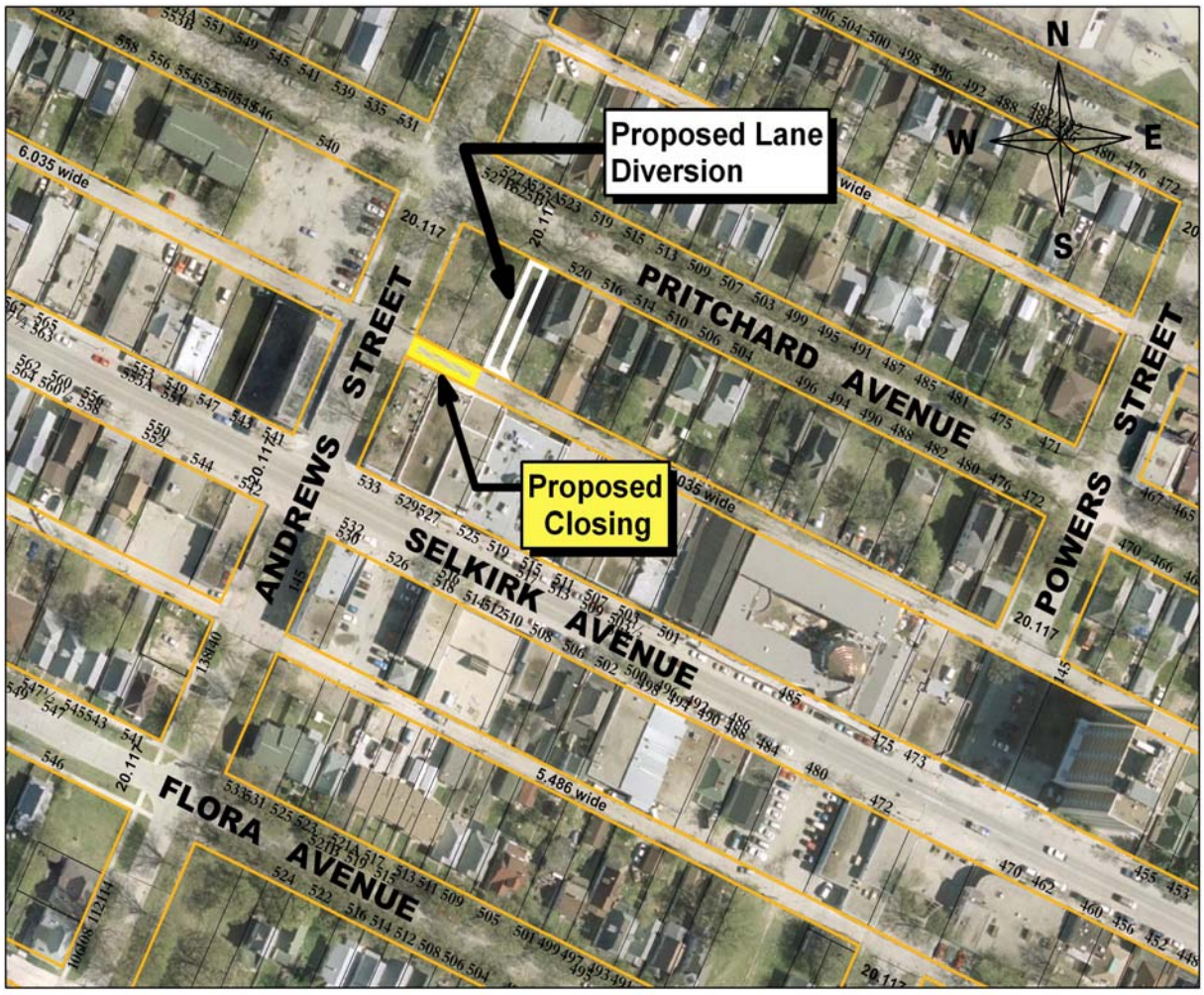
Manitoba Hydro and Shaw Cablesystems have identified services within the closing area.

No permanent structures will be allowed within the easement area.

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.

Aerial View of Subject Closing



Miscellaneous Plan

