Minute No. 411
Report – Standing Policy Committee on Property and Development – May 7, 2013

Item No. 2 **Closing – Parts of Sparling Avenue and the Public Lane West of Harrow Street**
(River Heights-Fort Garry Ward)
File DAC 4/2013 [c/r DASZ 4/2013, DAV 107004/2013D and SP 1/2013]

COUNCIL DECISION:

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

1. That the street and lane closings as shown on Misc. Plan No. 14432/1 be approved and that the land be declared surplus to the City's needs.

2. That the proceeds generated from the sale of the subject land be allocated to the City's portion of the costs associated with the construction of an eastbound right turn storage lane at the intersection of Taylor Avenue and Stafford Street, and the construction of a northbound left turn storage lane at the intersection of Taylor Avenue and Pembina Highway, and other intersection improvements in the area.

3. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street and lane closings in accordance with Misc. Plan No. 14432/1, 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.

4. 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 – May 7, 2013

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 15, 2013, 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 May 7, 2013, 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 April 16, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Add the following new recommendation, and renumber the remaining recommendations accordingly:

    "2. That the proceeds generated from the sale of the subject land be allocated to the City's portion of the costs associated with the construction of an eastbound right turn storage lane at the intersection of Taylor Avenue and Stafford Street, and the construction of a northbound left turn storage lane at the intersection of Taylor Avenue and Pembina Highway, and other intersection improvements in the area."

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

PUBLIC HEARING SUMMARY

File: DAC 4/2013

Before: City Centre Community Committee
Councillor Gerbasi, Chairperson
Councillor Orlikow
Councillor Smith

Public Hearing: April 16, 2013
Council Building, 510 Main Street

Applicant: Shindico Realty Inc. (Justin Zarnowski)

Premises Affected: Parts of Sparling Avenue and the Public Lane West of Harrow Street

Exhibits Filed:

1. Report from the Real Property Officer dated March 20, 2013
2. Inspection Report
3. Communication dated February 28, 2013, from Allan Smakula in opposition to the application
4. Communication dated April 13, 2013, from Erik Thomson in opposition to the application
5. Communication dated April 12, 2013, from Arch Honigman, Winpark Dorchester Properties, in support of the application
6. Communication dated April 12, 2013, from Jeff Rabb, Winpark Dorchester Properties, in support of the application
7. Communication dated April 15, 2013, from Paul Panchyshyn, in opposition to the application
8. Communication dated April 16, 2013, from Bob Peters, 3177786 Manitoba Ltd., in support of the application
9. Communication dated April 13, 2013, from Tanja Nonkovic, Tutti Fruitti Frozen Yogurt, in support of the applications
10. Presentation in support with caveats of the application submitted by Judy Plotkin, River Heights Residents Association, at the public hearing
11. Audio Recording of representations

REPRESENTATIONS:

In Support:

Kaleigh Baimgart
S. Brad Cook
Ron O. Donovan
Robert Downs
Barbara Findlay
Adriana Fritsch
Arch Honigman, Winpark Dorchester Properties
Ruth Laveman, River Heights Residents Association
Rob Ludlow
Tanja Nonkovic-Toljusic, Tutti Frutti Frozen Yogurt
Brennan Pearson
Bob Peters, 3177786 Manitoba Ltd.
Judy Plotkin, River Heights Residents Association
Jeff Rabb, Winpark Dorchester Properties
Robert Scaletta
Mike Scatliff
Michael Stronger
Justin Zarnowski

In Opposition:

Cheryl Hobbs
Ron Morrison
Paul Panchyshyn
Allan Smakula
Erik Thomson

For Information:

Edmund Bacon
Shirley Forsyth
Rhonda Hjorleifson
Ed Seidel
Paul Zaidman

For the City:

Mr. J. Veitch, Senior Planner, Planning, Property and Development Department
Mr. K. Raban, Land Development Administrator, Planning, Property and Development Department
Mr. L. Escobar, Manager of Transportation, Public Works Department

Exhibit "1" referred to in File DAC 4/2013

ADMINISTRATIVE REPORT

Title: **DAC 4/2013: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF PARTS OF SPARLING AVENUE AND THE PUBLIC LANE WEST OF HARROW STREET FOR INCORPORATION INTO DASZ 4/2013**

Critical Path: **CITY CENTRE COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT – EXECUTIVE POLICY COMMITTEE – COUNCIL**

AUTHORIZATION

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

RECOMMENDATIONS

1. That the proposed street and lane closings as shown on Misc. Plan No. 14432/1 be approved and that the land be declared surplus to the City's needs.

2. That the Director of Legal Services and City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the street and lane closings in accordance with Misc. Plan No. 14432/1, 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.

REASON FOR THE REPORT

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

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 and lane closings 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. Justin Zarnowski of Shindico to close the portions of Sparling Avenue and the Public Lane so identified on the attached copy of Misc. Plan No. 14432/1. The portions of the street and lane, once closed, are to be incorporated into DASZ 4/2013, an application to subdivide and rezone the adjoining property in order to accommodate a Community Mixed-Use Centre. Shindico's original request for the lane closing referenced the eastern limit of the closing boundary as coincident with the western limit of Harrow Street. At the request of the Public Works Department, the boundary has been shifted 25m west, as shown on the sketch. This requirement appears in the "Administrative Comments" section of Appendix "A".

Shindico is the owner of the property immediately south of the proposed lane closing. They are in the process of acquiring the balance of the land on either side of the Sparling Avenue closing situated within the subdivision boundary from Manitoba Hydro and the City of Winnipeg.

Sparling Avenue (formerly Roseberry Street) and the east/west portion of the public lane were opened by Plan No. 1171 and registered in the Winnipeg Land Titles Office in December of 1906. The north/south portion of the public lane adjoining Sparling Avenue was opened by Plan No. 5307 and registered in the Winnipeg Land Titles Office in October of 1951. Plan No. 5307 also closed the portions of Sparling Avenue and the public lane immediately west of the subject closings as part of a larger street and lane opening/closing plan prepared for Canadian National Railways.

Sparling Avenue east of the subject closing provides access to Manitoba Hydro's parking area at 820 Taylor Avenue and will remain open as pubic right of way. The portion of Sparling Avenue proposed to be closed consists in part of a granular surface roadway and dead-ends onto an open field, serving no apparent public transportation purpose. The public lane is not an improved roadway and exists as a legally opened outlet from Sparling Avenue to Harrow Street. Its closure will also have no apparent impact on public transportation usage. It runs alongside a Hydro parking compound currently fenced on all sides. Manitoba Hydro will be able to access its parking area north of this lane via the portion of Sparling Avenue remaining open.

CONSULTATION

In preparing this Report there was consultation with:

Internal Consultation:

There was consultation with the affected Civic departments.

External Consultation:

Manitoba Hydro, Centra Gas, MTS Allstream, Bell Canada, Louis Riel School Division, Pembina Trails School Division, Rogers Communications, TeraSpan and Norscan.

Shaw Cablesystems, Imperial Oil and Fiber did not respond to the request for comment on this application.

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Services
Prepared by: Bohdan Buyachok, Real Property Officer
Date: March 20, 2013
File No.

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APPENDIX "A"

Administrative Approval

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

Administrative Comments

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

1) Public Works requires an access and easement agreement for the construction of a retaining wall (final location yet to be determined) south of the proposed lane closing in proximity of Harrow Street.

2) Public Works also requires to maintain open as public right of way the portion of the public lane 25m west of the western limit of Harrow Street. Once the final design of the retaining wall has been constructed, the City will be open for negotiating with the interested parties the need, or lack thereof, for the City to retain these lands.

Fire Paramedic Services has no comments regarding the subject closings, but cites concerns regarding potential traffic bottlenecks within the Sparling Avenue/Harrow Street rights of way resulting from the future use of the adjoining land within the subdivision development.

Easements

The Engineering Division of the Water and Waste Department has identified an existing 300mm combined sewer and a 150mm water main within the Sparling Avenue closing area.

Manitoba Hydro has also identified existing services within the closing areas.

Both utilities will require easements for these existing facilities. No permanent structures will be allowed within the easement areas.

Any removal or relocation of existing facilities as a result of the proposed street and lane closings will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The street and lane must be legally closed before they 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

