Minute No. 434
Report – Standing Policy Committee on Property and Development – April 15, 2014

Item No. 1 **Closing – Carpenter Street and the Public Lane between Wilkes Avenue and Stovel Street, East of Borebank Street (River Heights-Fort Garry Ward)**
File DAC 1/2014 [c/r DASZ 59/2013, DAV 101186/2014D]

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 closing as shown on Misc. Plan No. 14621 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 closing in accordance with Misc. Plan No. 14621, 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.

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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 April 23, 2014, the Executive Policy Committee concurred in the recommendation 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 April 15, 2014, 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 March 11, 2014, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 1/2014
Before:	City Centre Community Committee Councillor Smith, Chairperson Councillor Gerbasi Councillor Orlikow
Public Hearing:	March 11, 2014 Council Building, 510 Main Street
Applicant:	Donovan Toews (Landmark Planning & Design Inc.)
Premises Affected:	1044 Wilkes Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated February 11, 2014 2. Inspection Report

REPRESENTATIONS:

In Support:

Donovan Toews, Landmark Planning and Design Inc.
Anupam Kothari
Eugene Heirichs
Brian Anseeuw
Doug Anseeuw
Azim Kabani
Rennie Zegalski

In Opposition:

James Guttanecht
Cherie Reid

For Information:

Nil

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department
Mr. B. Buyachok, Real Property Officer, Planning, Property and Development Department
Mr. G. Jasper, Land Development Engineer, Planning, Property and Development Department
Mr. D. Clark, Planner, Urban Planning Division, Property and Development Department

Exhibit "1" referred to in File DAC 1/2014

ADMINISTRATIVE REPORT

Title: **DAC 1/2014: TO SEEK COUNCIL APPROVAL FOR THE PROPOSED CLOSING OF CARPENTER STREET AND THE PUBLIC LANE BETWEEN WILKES AVENUE AND STOVEL STREET, EAST OF BOREBANK STREET FOR INCORPORATION INTO DASZ 59/2013**

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

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	B. Thorgrimson	N/A	N/A

RECOMMENDATIONS

1. That the proposed street and lane closing as shown on Misc. Plan No. 14621 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 closing in accordance with Misc. Plan No. 14621, 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 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 Landmark Planning & Design Inc., representing East Regina Holdings Inc., to close and purchase Carpenter Street and the Public Lane so identified on the attached copy of Misc. Plan No. 14621. The rights of way, once closed, are to be incorporated into DASZ 59/2013, an application to subdivide and rezoned the applicant's adjoining property to accommodate the development of a multi-family residential condominium complex.

Regina Holdings Inc. has conditionally purchased the land identified on the sketch. Landmark Planning has contacted the adjoining property owners to determine their concerns or possible interest in acquiring portions of the rights of way once closed. To date, some land owners east of Carpenter have expressed possible interest in purchasing half of the street. Landmark has indicated that the applicant would be amenable to this arrangement, if required. The administration does not favour this option. Administrative comments appear in Appendix "A" of this report.

The rights of way were opened by Plan No. 1252 and registered in the Winnipeg Land Titles Office in July of 1907. The subject street was originally designated as "Campbell Street". In March of 1959, the then Town of Tuxedo passed By-law No. 762/1959 changing the name of the street to its current designation of "Carpenter Street".

Carpenter Street is partially developed at its northern terminus and provides access to the applicant's property at No. 1044 Wilkes Avenue. The balance of the street along with the entire public lane is undeveloped land and appears to serve no public transportation purpose.

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 Inc., Bell Canada, and Telus.

Shaw Cablesystems, Imperial Oil, Fiber, Norscan, Rogers Communications and TeraSpan did not respond to the request for comments on this proposal.

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Services
Prepared by: Bohdan Buyachok, Real Property Officer
Date: February 11, 2014
File No.

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 closing.

Administrative Comments

Zoning and Permits Branch

Zoning and Permits strongly recommends that the applicant (1044 Wilkes Avenue – Lots 1, 2 and 3, Block 4, Plan 34440 WLTO) acquires the entire Carpenter Street closing area. This will prevent the adjoining property owners at Nos. 1236, 1246 and 1258 Brockville Street from expanding their current non-conforming uses of their land. If and when the applicant (1044 Wilkes Avenue) acquires all of the west Public Lane and all of Carpenter Street closing, the proposed RMF-M zoning should apply to the collective lot area.

Urban Planning Division

The Urban Planning Division also recommends that the entire Carpenter Street closing area be sold to the developer of the multiple family development in order to avoid the possibility of the adjacent property owners expanding non-conforming uses. In addition, selling all of the land to the developer will ensure that a saw tooth property line does not emerge, which would negatively impact the development of the multi-family site and future orderly development of the area. Since the vision for the area is to transition to multi-family residential, we should not be encouraging the survival and expansion of any uses that are incompatible with this. Urban Planning further recommends that the entire Public Lane closing area be sold to the same developer, also to avoid the possibility of a saw tooth property line.

Zoning

A closed right of way takes on the zoning designation of the adjoining property. The applicant's land is zoned A: Agricultural. Property on east side of Carpenter Street adjoining No. 1032 Wilkes Avenue is zoned RMF-M: Residential – Multi-Family, while the balance is zoned A: Agricultural. In order to

provide for a uniform zoning designation, the closing plan will require registration prior to the subdivision and rezoning plan.

Easements

Manitoba Hydro has identified services within the closing area and will require easements for these existing facilities and future development. 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 closing will be at the expense of the applicant.

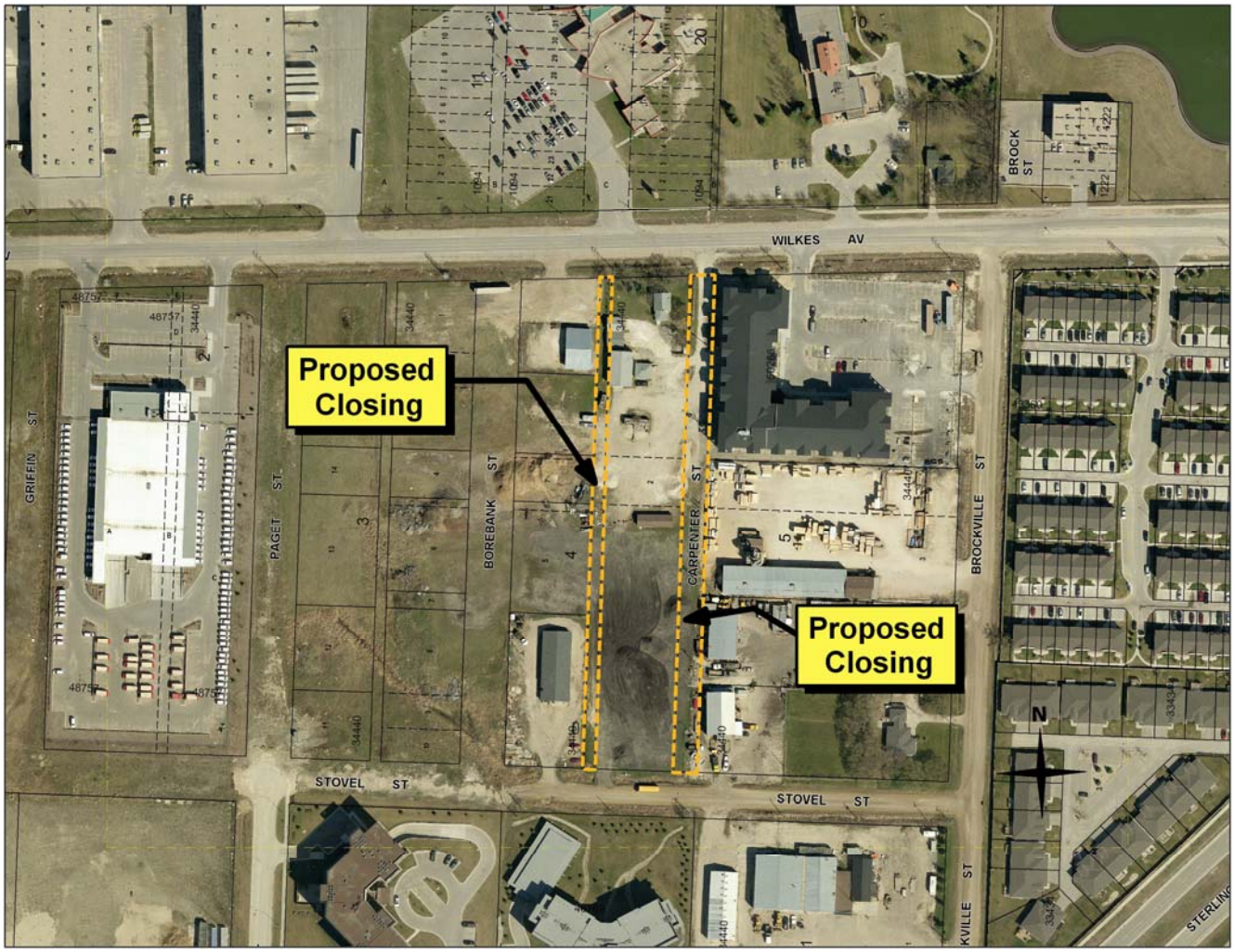
Transfer of Jurisdiction Over Public Rights-of-Way

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.

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Aerial View of Subject Closing



Miscellaneous Plan

