Agenda – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – April 10, 2015

PUBLIC HEARINGS

Item No. 1 Subdivision – 191, 211 and 219 Main Street (Fort Rouge-East Fort Garry Ward) File DAS 29/ 2014

WINNIPEG PUBLIC SERVICE RECOMMENDATION:

1. That the plan of subdivision proposed under File DAS 29/2014 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DAS 29/2014 dated March 6, 2015 with such minor changes as may be required, and for registration in the Winnipeg Land Titles Office.

2. That the Developer and all successors in title to the lots in the subdivision shall enter into, and register and maintain in perpetuity by way of instrument (right of way agreement, easement agreement, or declaration) against the titles to the lots, a private cross-access agreement with the owners of the other lots so as to ensure vehicular access to every lot at all times, via streets or internal roads. The instrument must contain the substance of the following terms:

    A. "User" means and includes any Owner and the tenants of any Owner and, with the permission or consent (expressed or implied) of any Owner, each and all of their respective agents, employees, customers, licensees, invitees, suppliers, contractors, servants or workmen, and any other occupier for the time being on the land of any Owner; and the term "Users" shall have the same meaning as the context permits or requires, mutatis mutandis.

    B. Declarant, for itself and its successors and assigns, hereby irrevocably agrees and declares that from and after the date of registration of this Declaration in the Winnipeg Land Titles Office an easement and right of way is hereby created over the Lands for the purposes of ingress and egress that shall permit common usage of driveways, vehicular passageways, entrances and exits leading to one or more private approaches on and from 191-225 Main Street as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Lands at all times by Users and vehicles.

C. The rights, liberties and easements herein granted shall be construed as running with the Lands and shall attach to and run with each and every part to which the Lands or any part thereof as may hereafter be subdivided, but no part of the Lands shall pass to or be vested in any other Owner simply by virtue of these presents.

D. As it is the intent that the burden of all rights, liberties and easements declared herein shall run with the Lands, it is declared that the rights, liberties and easements hereby declared shall enure to the benefit of every Owner and, without limiting the generality of the foregoing, shall enure to the benefit of the successors and/or assigns of any part or parts of the Lands and shall bind the successors in title of Declarant, and each of their respective successors in title, and the owners or occupiers for the time being of the Lands or any part or parts thereof.

3. In lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of the one-year period and Council approves the extension.

9. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of time is applied for prior to the expiry of this twelve (12) month period and the extension is subsequently approved by Council.

10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

Agenda – Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – April 10, 2015

File: DAS 29/ 2014

Applicant: Arccadd Architecture Inc. (Melody Stewart)

Subject:



Premises Affected: 191, 211 and 219 Main Street

Exhibits Filed:

1. Application dated September 24, 2014
2. Notification of Public Hearing dated February 26, 2015
3. Manitoba Status of Titles 1232196/1, 1232200/1, 1232201/1, 1232202/1, 2696311/1, 2696313/1, 2696314/1, 2696315/1, 2696316/1, 2696317/1, 2696319/1, 2696320/1, 2696322/1, 2696323/1, 2710476/1, 2704922/1

4a. Letter of authorization dated September 12, 2014 from the Director of Planning, Property and Development, City of Winnipeg to Just for the Halibut Holdings Ltd.

4b. Letter of authorization dated September 8, 2014 from Stan Fuller, Just for the Halibut Holdings Ltd. to McKinley Burkart Design Group and Aikins, MacAulay & Thorvaldson LLP

4c. Letter of authorization dated September 10, 2014 from 6752731 Manitoba Ltd. to Just for the Halibut Holdings Ltd., McKinley Burkart Design Group, Arccadd Architecture Inc. and Aikins, MacAulay & Thorvaldson LLP

4d. Letter of authorization dated September 9, 2014 from Stan Fuller, Just for the Halibut Holdings Ltd. to Arccadd Architecture Inc., McKinley Burkart Design Group, and Aikins, MacAulay & Thorvaldson LLP

5. Surveyor's Building Location Certificate and sketch dated December 21, 2012
6. Caveats 1530624/1 and 1833193/1
7. Plans (5 pages)
8. Report from the Urban Planning Division dated March 16, 2015
9. Inspection Report
10. Revised Report from the Urban Planning Division dated March 16, 2015

The Winnipeg Public Service to advise that all statutory requirements with respect to this application have been complied with.

REPRESENTATIONS:

In Support:

In Opposition:

For Information:

For the City:

Moved by Councillor

That the report of the Winnipeg Public Service be taken as read.

Moved by Councillor

That the receipt of public representations be concluded.

Moved by Councillor

That the recommendation of the Winnipeg Public Service be concurred in / not be concurred in and forwarded to the Executive Policy Committee via the Priority Rezoning Process / Standing Policy Committee on Property and Development.

Moved by Councillor

That the following supporting reasons be provided, namely:

Moved by Councillor

That the public hearing with respect to this application be concluded.

Exhibit " 10 " referred to in File DAS 29/2014

ADMINISTRATIVE REPORT

Title: DAS 29/2014 – 191 Main Street Public Hearing

Issue: An application for consideration at the public hearing for a subdivision to consolidate lots to create a total of two new lots and road right-of-way opening (widening of Main Street).

Critical Path: Standing Policy Committee on Downtown Development, Heritage and Riverbank Management – Executive Policy Committee – Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	M. Pittet	M. Ruta	M. Jack, Acting

RECOMMENDATIONS

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private approaches on and from 191-225 Main Street as they may exist from time to time to ensure access (but for no other purpose whatsoever) to every such lot on the Lands at all times by Users and vehicles.

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10. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant has assembled land for the development of a new restaurant and accessory parking. That land includes a former rear lane owned by the City of Winnipeg. In exchange, the City is acquiring 5.3 metres (17 feet) of frontage to widen the Main Street right-of-way.
- Subdivisions that include public road openings require a public hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee's consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

- If the recommendations of the Public Service are concurred in, the subject site will be subdivided as illustrated in Schedule "A".

HISTORY

- July 9, 2012, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and approved the sale of 219 Main Street. The purchase and sale agreement provided that the purchaser must substantially complete its development of the site by October 15, 2015, or the City could buy the land back from the purchaser at the purchase price minus 10%.
- September 8, 2014, the Standing Policy Committee on Downtown Development, Heritage and Riverbank Management concurred in the recommendation of the Winnipeg Public Service and approved the exchange of City-owned property located behind 211 Main Street for the privately-owned frontage property to enable the widening of the Main Street right-of-way.

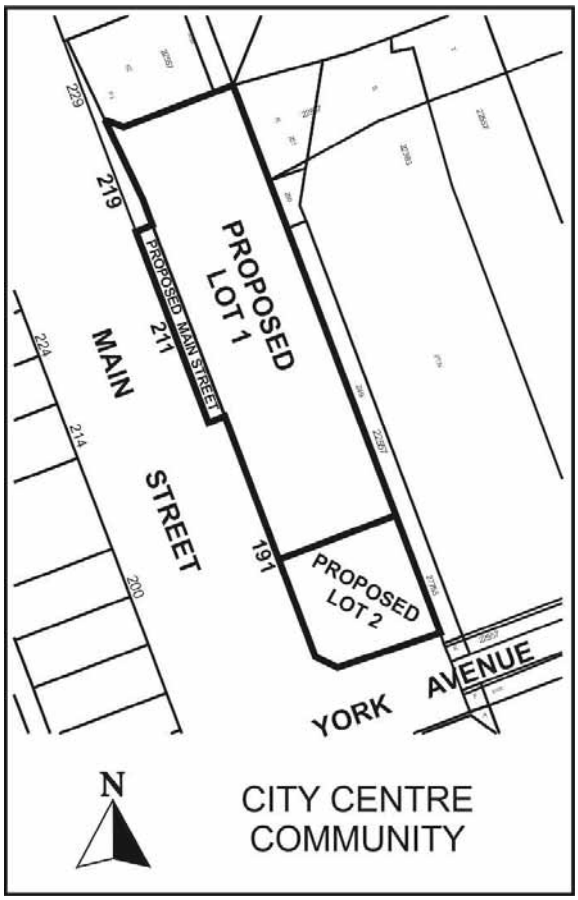
DISCUSSION

File: DAS 29/2014
Related Files: DCU 15-107697/B; DAV 15-108045/B

Community: City Centre
Neighbourhood #: 1.161

Subject: An application for the approval of the plan of subdivision shown outlined below to allow the creation of two lots and the opening/widening of Main Street right-of-way.

Location: 191-225 Main Street



Applicant: Melody Steward, ARCADD
109-340 Waterfront Drive

Owners: Just for the Halibut Holdings, Ltd.;

6752731 Manitoba Ltd.;

Site Description:

- The subject property is comprised of a restaurant, accessory parking and vacant land originally owned by the City. The site is approximately 70,000 square feet at the northeast corner of Main Street and York Avenue in the Fort Rouge – East Fort Garry Ward.

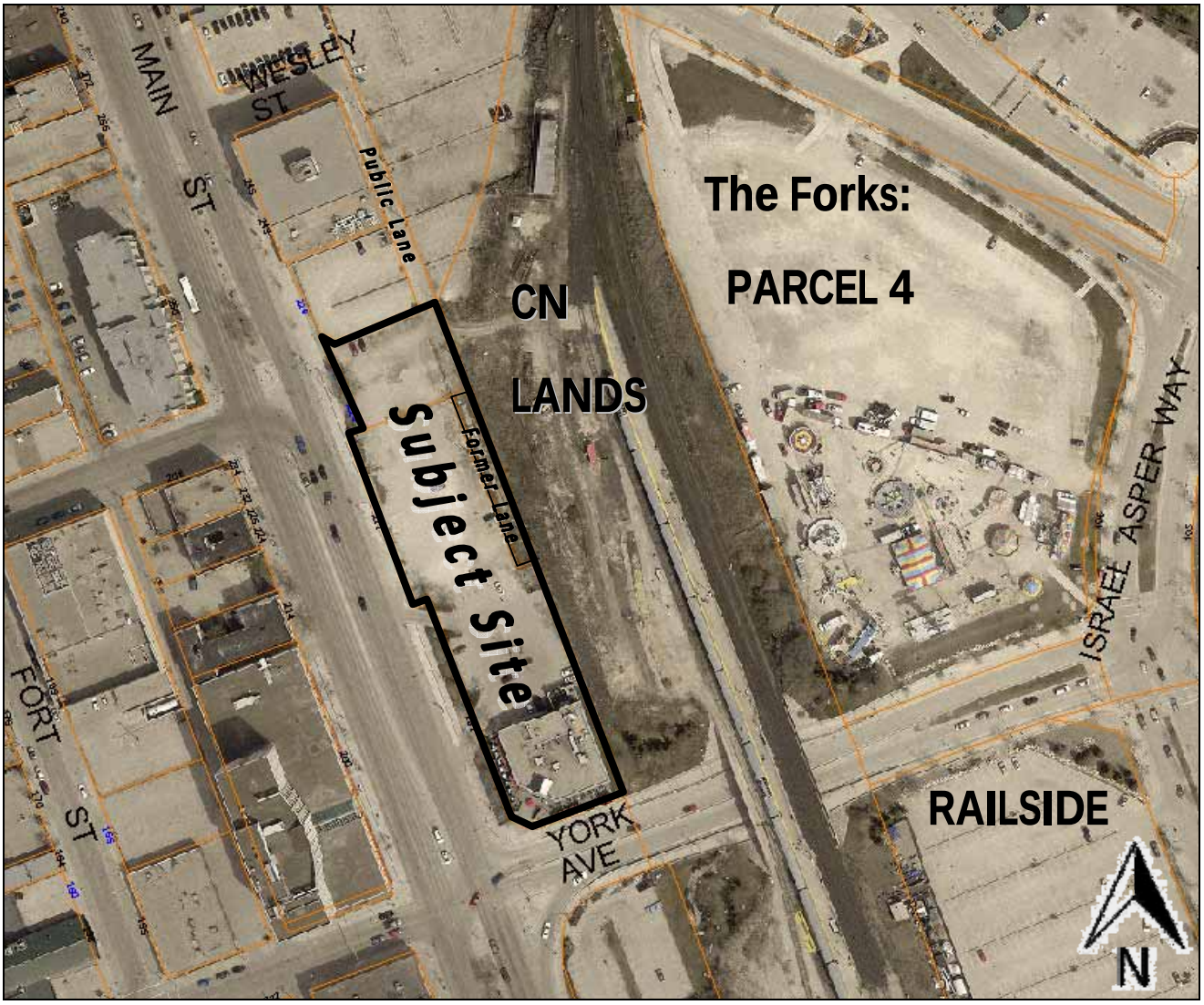


Figure 1: Air photo of the subject property and surrounding area (2014)

Project Description:

The proposed subdivision includes the consolidation of a remnant former lane and widening of the Main Street right-of-way. Two lots will be created, one occupied by the existing Earls restaurant building at 191 Main at York, and the other slated for a new restaurant with accessory parking at 219 Main Street. The existing Earls restaurant building is expected to remain and be re-tenanted or redeveloped.

Analysis and Issues:

Complete Communities Direction Strategy

The first three Directions found in Complete Communities are as follows (from Section 03-1):

1. *Further define and enhance the identity and character of Downtown's unique districts, destinations and clusters.*
2. *Promote intensification and high-density mixed use development within Downtown in a way that supports and complements its unique districts, destinations and clusters.*
3. *Establish nodes and corridors that complement Downtown's districts, destinations and clusters by serving as key gateways and meeting places and focusing on pedestrian-oriented, active uses.*

CentreVenture has initiated a South Main Redevelopment Strategy aimed primarily at strengthening the connectivity between the Forks and the rest of downtown to the west. South Main Street is a key gateway to the Forks and the Canadian Museum of Human Rights. Its redevelopment will be expected to complement the development plans for Parcel 4 and Railside at the Forks and forge a stronger pedestrian environment.

Transportation Master Plan

This application is supported by Direction 2, under Section 5.4.1:

Enhance the efficiency and effectiveness of the existing road network.

- *Identify congestion hotspots in the road network that provide an opportunity to support sustainable modes and transportation demand management.*

Public Works has identified the intersection of Main and St. Mary as a congestion hotspot. Due to the two left turn lanes from Main Street northbound to St. Mary Avenue, northbound through traffic is reduced to three lanes only and the median lane becomes a forced left turn lane, which generates undesirable lane changes and the potential for side swipe collision. The acquisition of frontage through this application would address this issue by enabling an additional through lane in the future. It is also noted that pedestrian movement is prohibited across Main Street from the south sidewalk on St. Mary Avenue, which would also need to be addressed through any intersection redesign. There is currently no detailed design for the proposed roadway changes, and the work is not in the five year capital budget.

Sustainability, improved mode choice and integration of land use are the key pillars of the Transportation Master Plan. Any and all changes to our transportation infrastructure must advance these principles.

Access and Servicing

The former rear lane was closed in 1991 due to plans for a St. Mary Avenue extension to the Provencher Bridge that would have made the rear lane inaccessible. The St. Mary extension was subsequently cancelled, but the rear lane remained closed and unimproved. Proposed Lot 1 will still have access via a rear lane (connecting to Wesley Avenue) and approved non-conforming private approaches. Since Proposed Lot 2 does not have lane access or its own private approach, the Planning, Property and Development recommends that a cross-access instrument be used to ensure access for garbage pick-up and loading requirements should the two lots be severed in the future and end up under different ownership.

Compatibility with the Surrounding Neighbourhood

The existing right-of-way width in front of 211 Main Street is 132 feet, or two survey chains. This is the same standard that defines Portage Avenue and Broadway. Like Broadway, the pedestrian crossing distance from one curb to the other side is 96 feet. Winnipeg is unique in Canada in having these wide corridors crossing through the centre of downtown.

City	**Street**	**Width (estimated curb to curb)**
Vancouver	West Georgia Street	80’
Edmonton	Jasper Avenue	60’
Edmonton	109th	68’
Calgary	Memorial Drive	70’
Ottawa	Rideau Street	73’
Winnipeg	Main Street (current)	96’
Winnipeg	Main Street (proposed)	106’

Moving the front property line closer to the rail tracks results in buildings being developed closer to the rail tracks. CN has responded to the City’s circulation of the subdivision application and reiterated the recommended setbacks and design considerations for commercial uses such as restaurants. While CN is not opposed to this development, the Planning, Property and Development Department is cognizant of the implications for future intensification of these lands with respect to meeting railway safety and compatibility standards.

Recommendation:

The Urban Planning Division recommends **approval** for the following reasons:

- Lands have already been acquired for the widening north and south, and this subdivision will provide the last needed piece.
- Once the land has been acquired, the City may consider various design options for advancing the principles in the Transportation Master Plan, considering transit and rapid transit requirements as well as other multi-modal functions and enhancements.

FINANCIAL IMPACT

Financial Impact Statement Date: March 16, 2015

Project Name:

DAS 29/2014 – 191 Main Street Public Hearing

COMMENTS:

While one of the terms of the subdivision application approval is payment of cash in lieu equivalent to 10% of the appraised value of the development application, the amount, if any, of dedication to be paid is not determinable at this time and/or is likely to be immaterial in nature. As such, there are no financial implications associated with this report.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

CONSULTATION

In preparing this report there was consultation with:

- Public Works Department
- Winnipeg Transit

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Kurtis Kowalke
Date:	March 16, 2015
File No.	DAS 29/2014

List of Schedules and Attachments

1. Schedule “A” for File No. DAS 29/2014, dated March 6, 2015

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Schedule "A" for File No. DAS 29/2014, dated March 6, 2015

By-Law No. _____

File No. **DAS 29/14**

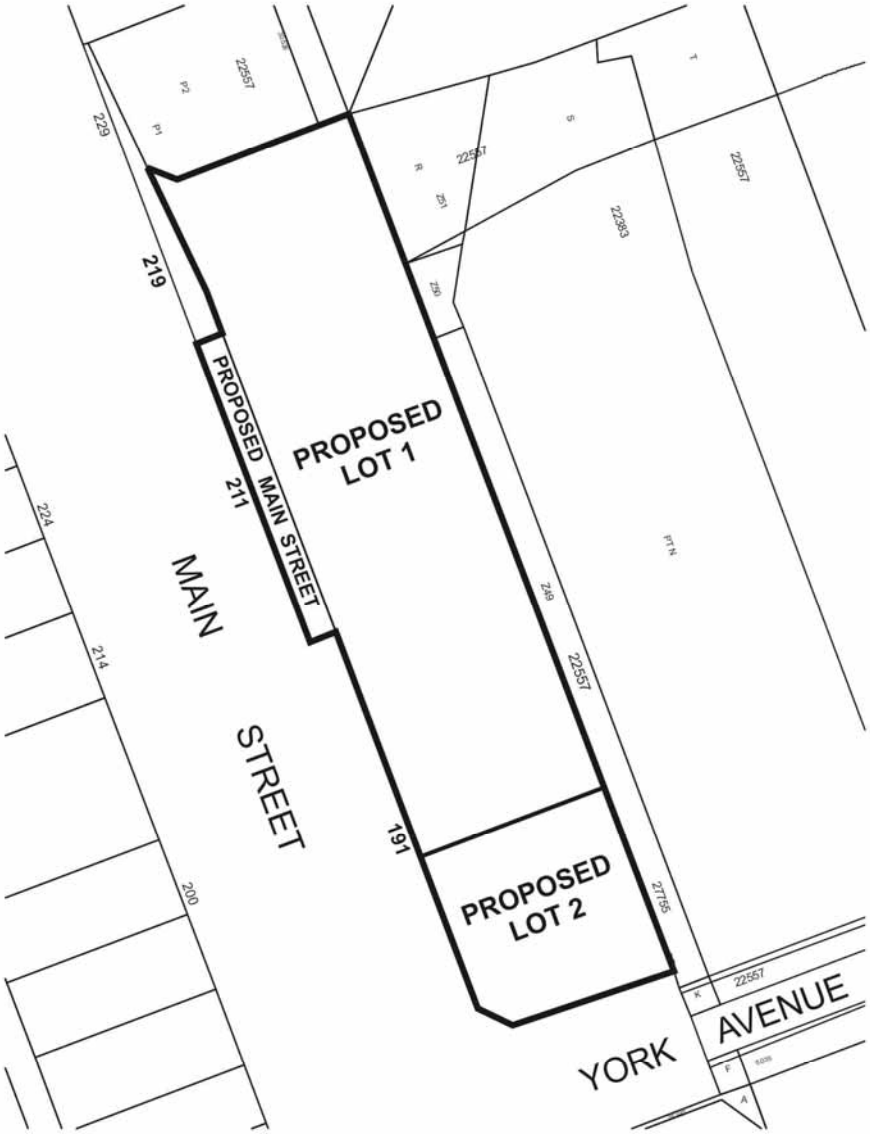
Atlas Sheet No.

N

AA25
CITY CENTRE
COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below on the land located at 191, 211 & 219 Main Street presently zoned MULTIPLE USE SECTOR in order to allow for the creation of two (2) lots which includes the opening/widening of Main Street right-of-way to facilitate the future construction of a restaurant and accessory parking area as shown outlined below..



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____