Agenda – Council – October 28, 2015

Report – Standing Policy Committee on Property and Development – October 13, 2015

Item No. 3 Closing – 761 North Drive
(Fort Rouge-East Fort Garry Ward)
File DAC 2/2015 [c/r DASZ 13/2015, DAV 125089/2015D]

STANDING COMMITTEE RECOMMENDATION:

On October 21, 2015, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the proposed street and lane closings as shown on Misc. Plan No. 14881 be approved and that Parcels "A" and "B" 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. 14881, 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.

Agenda – Council – October 28, 2015

Report – Standing Policy Committee on Property and Development – October 13, 2015

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 21, 2015, 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 October 13, 2015, 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 September 16, 2015, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development.

HEARING SUMMARY

File:	DAC 2/2015
Before:	City Centre Community Committee Councillor Orlikow, Chairperson Councillor Gerbasi Councillor Gilroy
Public Hearing:	September 16, 2015 Council Building, 510 Main Street
Applicant:	McGowan Russell Group Inc.
Premises Affected:	761 North Drive
Exhibits Filed:	1. Report from the Real Property Officer dated August 17, 2015 2. Inspection Report 3. Communication dated September 8, 2015, from Kathy Bentley, Wildewood Golf (6959297 Manitoba Inc.) in support of the application 4. Communication dated September 11, 2015, from Peter Somers, President, Winnipeg Lawn Tennis Club Inc., in support of the application 5. Communication dated September 16, 2015, from Denise English in opposition to the application

REPRESENTATIONS:

In Support:

Jackie Wilkie, McGowan Russell Group Inc.
Ross McGowan, McGowan Russell Group Inc.
Kathy Bentley, Wildewood Golf (6959297 Manitoba Inc.)
Iris Callis
Jana-Lea Callis
Alan Crocker
Bob Dyment
Robert Fabro
Maria Funston
Donna Hasinoff
Lorne Hasinoff
James Roy
Peter Somers, President, Winnipeg Lawn Tennis Club Inc.

Ray Wan
Rick Wiebe
Carol Yamron

In Opposition:

Jennifer Altemeyer
Anna Bosica
Dorothea Crocker
John Crocker
Denise English
Brian Friesen
Jacqueline Lambert
Francis Neaman, on behalf of Hamish Barrit

For Information:

Laurie Alexiuk
Steve Demmings
Erin Fast
Mallory Fast
Liz Hutchings
Richard Hutchings
Darryl Labiuk
Kathryn Labiuk
Jo-Anne Peltz
Judi Valentine

For the City:

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

Exhibit "1" referred to in File DAC 2/2015

ADMINISTRATIVE REPORT

Title: **DAC 2/2015: PROPOSED CLOSING OF NORTH DRIVE, HOWTH ROAD AND ADJOINING PUBLIC LANES SOUTH OF SOMERSET AVENUE, EAST OF RIVERSIDE DRIVE FOR INCORPORATION INTO DASZ 13/2015**

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

AUTHORIZATION

Author	Department Head	CFO	CAO/COO
K. Raban	M. Pittet	N/A	N/A

RECOMMENDATIONS

1. That the proposed street and lane closings as shown on Misc. Plan No. 14881 be approved and that Parcels "A" and "B" 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. 14881, 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 openings and closings require Council approval.

EXECUTIVE SUMMARY

Parts of the subject rights of way (Parcels "A" and "B") are to be incorporated into the redevelopment of the applicant's adjoining property concurrently being considered under subdivision and rezoning application DASZ 13/2015. In order for this to occur, they must be legally closed and declared surplus to the City's needs. Additional portions of public streets and lanes (Parcel "C") included in the closing are to be retained by the City under the jurisdiction of Parks and Open Spaces.

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 McGowan Russell Group, representing 6981420 Manitoba Ltd. (operating as Wildewood Village), to close and purchase the portions of North Drive, Howth Road and the Public Lane identified as Parcels "A" and "B" on the attached copy of Misc. Plan No. 14881.

The rights of way, once closed, are to be incorporated into the redevelopment of the applicant's adjoining property currently being considered under subdivision and rezoning application DASZ 13/2015. A residential infill project comprising 15 town homes and a 5 story, 40 unit apartment style condominium residence is proposed. A portion of the applicant's property will also be opened as Public Lane as identified on the sketch. The opening will be processed under DASZ 13/2015.

The Parks and Open Spaces Division has requested that additional portions of North Drive, Howth Road and Public Lanes identified as Parcel C be included in the subject closing. This is essentially a "housekeeping" matter where the legal status of this land as public right of way will be removed. Under the jurisdiction of Parks and Open Spaces, the City will retain ownership of this land once closed, and the present use of the property will remain unchanged. The adjoining golf course and tennis courts are also unaffected and not part of the subdivision application.

The Public Lane within Parcel "A" is undeveloped, consisting of grass and trees and appears to serve no public transportation purpose. North Drive and Howth Road within Parcel B comprise part of a paved parking lot servicing the Wildewood Club. The north/south portion of the Public Lane within Parcel C adjoining the subdivision boundary is green space. A portion of Howth Road and the east/west Public Lane within Parcel C comprise a paved parking area and entrance to the Wildewood Club. The balance of Howth Road comprises part of the Wildewood Golf Course. Its usage will remain unchanged.

The proposed lane closing identified as Parcel "A" on the sketch was opened by Plan Nos. 1696 and 3659 and registered in the Winnipeg Land Titles Office in November of 1911 and March of 1933 respectively.

The balance of the streets and lanes identified as Parcels "B" and "C" on the sketch were opened by Plan Nos. 1324, 1696 and 2002 and registered in the Winnipeg Land Titles Office in December of 1907, November of 1911 and January of 1913 respectively. North Drive was originally named Dresden Avenue on these opening plans. City of Winnipeg By-law No. 5510/90 and unregistered R.M. of Fort Garry By-law No. 483 changed the name to its present designation of "North Drive."

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, Shaw Cablesystems, Bell Canada and Rogers Communications.

MTS Inc., Imperial Oil, Fiber, Norscan, Pembina Trails School Division, TeraSpan and Telus did not respond to the request for comment on this application.

OURWINNIPEG POLICY ALIGNMENT

Section 235 of *The City of Winnipeg Charter* states that *"…public works, undertakings and development in the city must be consistent with Plan Winnipeg or any secondary plan."*

The subject closing does not contravene *OurWinnipeg* or the *Complete Communities Direction Strategy* and generally aligns with their overall vision and key directions.

SUBMITTED BY

Department: Planning, Property and Development
Division: Land Development, Geomatics and Land Information Services
Prepared by: Bohdan Buyachok, Real Property Officer
Date: August 17, 2015
File No. DAC 2/2015

Attachments

Appendix "A" – Administrative Approval/Comments

Appendix "B" – Miscellaneous Plan and Aerial View

O:\Reports Directive\Land Development, Geomatics and Land Information Services\Geomatics\DAC 2.15 RPT_Howth

V:\development applications\daoc\dev application2015\dac2_2015\final_report\dac2.15rpt

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

Water and Waste Department

Part or all of the subject land appears to be on the river side of the Primary Line of Defense (PLD). This property may be subject to the Flood Fringe requirements such as building to the Flood Protection Level (FPL) and/or Flood Fringe Committee review.

There is also an existing watermain within proximity to the subject property along the Netley Street right of way. However, there is no fronting sewer main along the Netley Street right of way. The nearest sewer main ends along North Drive where it intersects with Netley Street. Installation on any new sewer/water services will be subject to the review and approval of the Water and Waste Department.

Easements

Manitoba Hydro has identified services within the closing areas and 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 streets and lane must be legally closed before they may be sold and incorporated into the subdivision of the adjoining property. 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.

APPENDIX "B"

Aerial View of Subject Closing



Miscellaneous Plan

