Minute No. 679
Report – Standing Policy Committee on Property and Development – October 13, 2015

Item No. 5 **Closing – Part of the Public Lane at the Rear of 176 Roslyn Road (Fort Rouge-East Fort Garry Ward)**
File DAC 3/2015 [c/r DAS 16/2015 and DAV 127821/2015D]

COUNCIL DECISION:

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

1. That the proposed lane closing as shown on Misc. Plan No. 14898 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 lane closing in accordance with Misc. Plan No. 14898, 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 – October 13, 2015

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

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.

PUBLIC HEARING SUMMARY

File: DAC 3/2015

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

Public Hearing: September 16, 2015
Council Building, 510 Main Street

Applicant: Sunstone Resort Communities

Premises Affected: 176 Roslyn Road

Exhibits Filed:

1. Report from the Real Property Officer dated August 17, 2015
2. Communication dated August 26, 2015, from Gerry Cairns in opposition to the application
3. Communication dated September 1, 2015, from Kay and Gary Lally in opposition to the application
4. Communication dated September 1, 2015, from Jocelyn and Herman O. Thorvaldson in opposition to the application
5. Communication dated September 6, 2015, from Michael L. Phillips in opposition to the application
6. Communication dated September 9, 2015, from J. Hird in opposition to the application
7. Inspection Report
8. Photographs submitted by Gary Lally in opposition to the application
9. Communication dated September 13, 2015, from Joan Hodgson in opposition to the application
10. Communication dated September 3, 2015, from Jean Hird in opposition to the application
11. Communication dated September 15, 2015, from David Wilken, President, Winnipeg Condominium Corporation No. 136, in opposition to the application
12. Communication dated September 15, 2015, from Lisa Fraser in opposition to the application

13. Communication and petition in opposition to the application purporting to contain the signatures of 29 area residents, submitted by Gerald Cairns and Judy Lehn
14. Communication dated September 16, 2015, from Judy Lehn in opposition to the application

REPRESENTATIONS:

In Support:

Christine Wilson-MacLeod, Sunstone Resort Communities
Bill Coady
Robert Eastwood
Susan Feldman

In Opposition:

Jennifer Altemeyer
Sharon Buckley
Gerald Cairns
Bruce Cook
Lauren Cox
Carl Graham Evans
Lisa Fraser
Maxine Fromkin
Jim Glen
Jacquie Glen
Frank Hechter
Elaine Henderson
Monique Henderson
Michele Henderson
Jean Hird
Joan Hodgson
Heather Hogarth
Betje Jacobs
Brigitte Jeanson
Patricia Kendall
Gary Lally
Kay Lally
Judith Lehn
Richard Lemmon
Annette Lowe
Robert Lowe

Terena Mabon
Tara Mamchuk
Debbie Marantz
K. Mida Massey
Lynda Metcalfe
J. Palamartchuk
Jeremy Pierce
Michael L. Phillips
Laird Rankin
Stephanie Rurak
Sally Stephens
Jocelyn Thorvaldson
Herman Thorvaldson
Elizabeth (Betty) Turnbull
David Wilken, President, Winnipeg Condominium Corporation No. 136

For Information:

Cindy Tugwell

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 3/2015

ADMINISTRATIVE REPORT

Title: **DAC 3/2015: PROPOSED CLOSING OF PART OF THE PUBLIC LANE AT THE REAR OF NO. 176 ROSLYN ROAD FOR INCORPORATION INTO DAS 16/2015**

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 lane closing as shown on Misc. Plan No. 14898 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 lane closing in accordance with Misc. Plan No. 14898, 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

The subject lane is to be incorporated into the redevelopment of the applicant's adjoining property concurrently being considered under subdivision application DAS 16/2015. In order for

this to occur, it must be legally closed and declared surplus to the City's needs. A portion of the development site will be opened as "Public Lane", essentially shifting the present hammerhead turnaround configuration 3.048m west. The opening will be accommodated under the subdivision application.

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 Sunstone Resort Communities LP, to close and purchase the portion of the public lane so identified on the attached copy of Misc. Plan No. 14898.

The public lane, once closed, is to be incorporated into the redevelopment of the adjoining property currently being considered under subdivision application DAS 16/2015. A seven story residential rental apartment building containing 78 units comprising approximately 32,000 square feet is proposed. A portion of the development site will also be opened as "Public Lane" and "Roslyn Road" as identified on the sketch. The openings will be processed under DAS 16/2015.

The subject lane closing and opening will essentially shift the existing hammerhead 3.048m west of its present location in order to facilitate the building footprint and site plan objectives. In its relocated position, the hammerhead will function as part of the project parking lot entrance and provide for a public use and vehicle circulation loop into the site. The proponent is to maintain the hammerhead.

The subject hammerhead was opened by Plan No. 11857 and registered in the Winnipeg Land Titles Office in February of 1974. It was originally opened in order to accommodate a turnaround area in conjunction with the closing of part of Public Lane Plan 849 WLTO which is presently part of the Canada Safeway site. In its present capacity, the hammerhead is comprised of a gravel surface used only for vehicle parking. It appears to serve no public transportation purpose. The opening of "Roslyn Road" will facilitate the establishment of a public sidewalk adjoining the development at the location shown.

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., Shaw Cablesystems, Bell Canada, Rogers Communications and Telus.

Imperial Oil, Fiber, Norscan and TeraSpan 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 3/2015

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 3.15 RPT_Roslyn

V:\development applications\daoc\dev application2015\dac3_2015\final_report\dac3.15rpt

APPENDIX "A"

Administrative Approval

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

Easements

Manitoba Hydro has identified services within the closing area and will require a blanket easement for these existing facilities. No permanent structures will be allowed within the easement area.

Manitoba Hydro has further advised that the blanket easement is being included in their easement requests for accompanying subdivision application DAS 16/2015. Once this easement is secured, Hydro will release its requirement for DAC 3/2015.

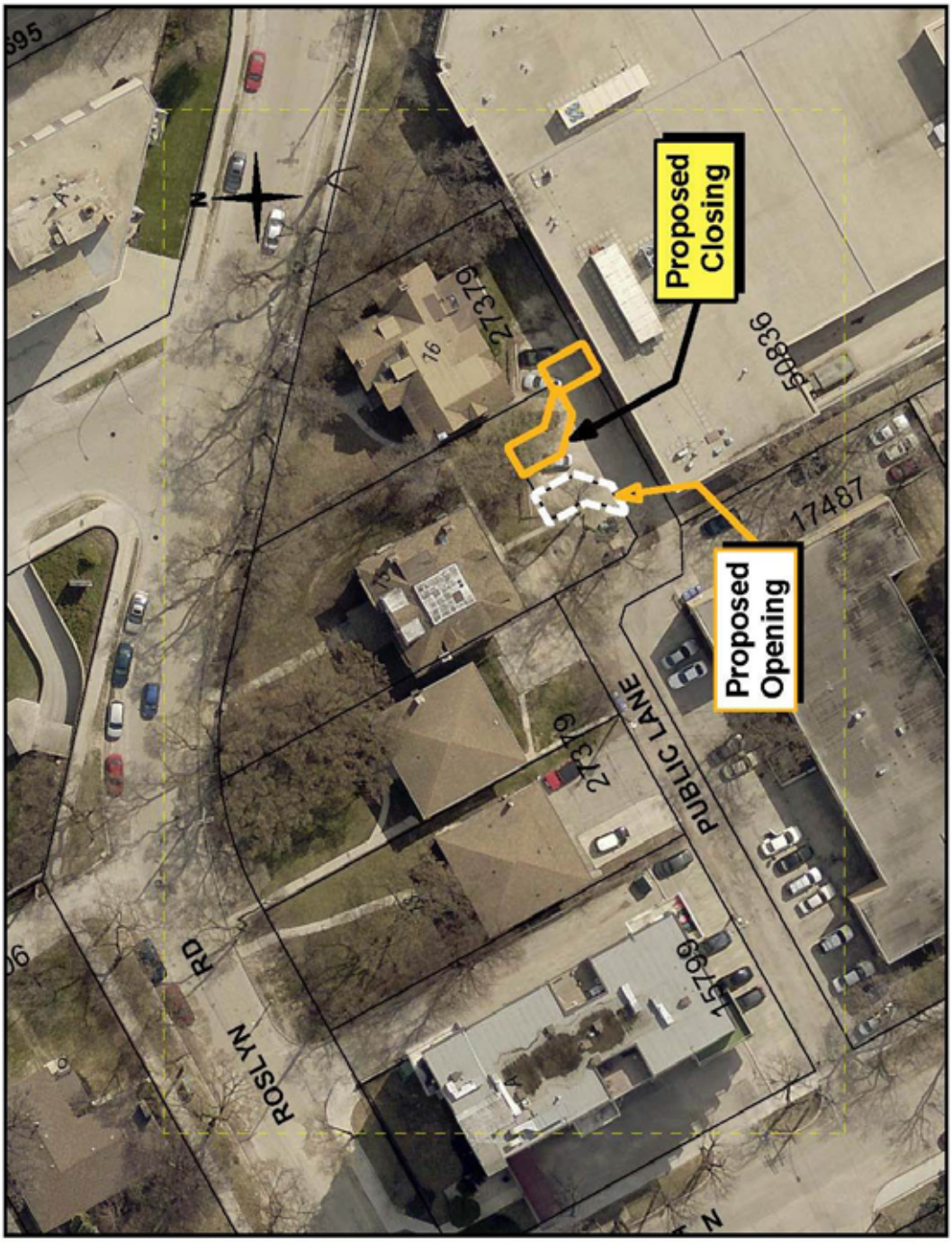
Any removal or relocation of existing facilities as a result of the proposed lane closing will be at the expense of the applicant.

Transfer of Jurisdiction Over Public Rights-of-Way

The lane must be legally closed before it 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

