Minute No. 214
Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 2, 2018

Item No. 1 **Closing of the Public Lane Adjoining Nos. 17 and 25 Cromwell Street (St. Boniface Ward)**
File DAC 4/2015

COUNCIL DECISION:

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

1. That the proposed public lane closing under File No. DAC 4/2015 not be proceeded with.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – February 2, 2018

DECISION MAKING HISTORY:

Moved by Councillor Orlikow,

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 13, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 15, 2018, the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded the matter to the Standing Policy Committee on Property and Development, Heritage and Downtown Development.

PUBLIC HEARING SUMMARY

File:	DAC 4/2015
Before:	Riel Community Committee Councillor Lukes, Chairperson Councillor Allard Councillor Mayes
Public Hearing:	January 15, 2018 Council Building, 510 Main Street
Applicant:	Santa Lucia Pizza
Premises Affected:	Public Lane Adjoining Nos. 17 And 25 Cromwell Street
Exhibits Filed:	1. Report from the Real Property Officer dated December 19, 2017 2. Inspection Report 3. Petition in support of the application purporting to contain the signatures of 549 area residents, submitted by Natasa and Greg Simeonidis

REPRESENTATIONS:
In Support:
Greg Simeonidis
Natasa Simeonidis
Michelle Richard
John Wintrup

In Opposition:
Nil

For Information:
Nil

For the City:
B. Buyachok, Real Property Officer, Planning, Property and Development Department
R. Mahe, Planner, Planning, Property and Development Department
S. Jerez, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 4/2015

ADMINISTRATIVE REPORT

Title: PROPOSED CLOSING OF THE PUBLIC LANE ADJOINING NOS. 17 AND 25 CROMWELL STREET – FILE DAC 4/2015

Critical Path: RIEL COMMUNITY COMMITTEE – STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE AND DOWNTOWN DEVELOPMENT – EXECUTIVE POLICY COMMITTEE – COUNCIL

AUTHORIZATION

Author	Department Head	CFO	CAO
M. Pittet	J. Kiernan	N/A	N/A

EXECUTIVE SUMMARY

The proposed closing and acquisition of the portion of the public lane identified as Parcel "A" on the attached copy of Misc. Plan No. 14909 is to form an addition to the property holding at No. 17 Cromwell Street, owned by Santa Lucia Pizza. Their intention is to use both properties for surface parking purposes. The balance of the closing identified as Parcel "B" is to form an addition to the property holding at No. 25 Cromwell Street, providing a buffer between the apartment building at that location and the proposed parking lot.

In order for any public right of way to be sold, it must first be legally closed and declared surplus to the City's needs.

The Urban Planning Division does not support the subject lane closing for the creation of surface parking.

RECOMMENDATIONS

1. That the proposed public lane closing under File No. DAC 4/2015 not be proceeded with.

REASON FOR THE REPORT

All street and lane closings must be considered by the Community Committee.

As per Section 3.1(i) of the City Organization By-law, only Council can declare City-owned property as surplus.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no policy, regulatory, environmental, human resource or general implications associated with the report's recommendation. Consequently, there are no financial implications for The City of Winnipeg.

HISTORY/DISCUSSION

The City of Winnipeg's Planning, Property and Development Department has received a request from Santa Lucia Pizza to close the public lane so identified on the attached copy of Misc. Plan No. 14909. Once closed, it is the intention of Santa Lucia to purchase the portion of the public lane identified as Parcel "A". The owner of the adjoining property at No. 25 Cromwell Street is to purchase the balance of the public lane identified as Parcel "B".

Santa Lucia is the owner of the land outlined in dashed line on the sketch. In 2014, they purchased the property at No. 17 Cromwell Street and subsequently demolished the house on site. They have indicated that it is their intention to turn the vacant property into an additional parking lot for their restaurant's customers. The lot is 51 feet wide. Santa Lucia's consultants have advised that in order to provide 2 proper rows of parking, the lot's width needs to be 60 feet minimum. Their proposed acquisition of 3.25m (10.66 feet) of the subject lane is to accommodate the planned parking configuration.

The acquisition of the remaining 1.63m (5.35 feet) of the lane by the adjoining property owner is intended to provide a buffer between the proposed parking lot and the existing apartment building at this address. It will also afford the property owner with additional space for building maintenance purposes.

The subject lane was opened by Plan No. 4709 and registered in the Winnipeg Land Titles Office in September of 1947. It consists of an undeveloped grass surface with no vehicular approach from Cromwell Street. It appears to serve no transportation purpose other than pedestrian access to Santa Lucia's existing parking lot at No. 4 St. Mary's Road.

CONSULTATION

This Report has been prepared in consultation with:

Internal Consultation:

Legal Services (as to legal issues)
Corporate Finance
Public Works
Water and Waste
Transit

External Consultation:

Manitoba Hydro, Centra Gas, MTS Inc., Shaw Cablesystems, Bell Canada, Rogers Communications and Telus

Imperial Oil, Fiber, Norscan, Louis Riel School Division and TeraSpan did not respond to the request for comment on this application.

OURWINNIPEG POLICY ALIGNMENT

Within the Complete Communities Direction Strategy, the property in question falls within the St. Mary's Road Regional Mixed Use Corridor. The properties within this immediate area support the overlapping Community Mixed Use Centre, which includes the Dominion Centre lands. Winnipeg is entering a projected period of significant long-term population growth. Centres and Corridors will serve to accommodate a portion of this growth both by promoting intensification and by providing high-quality urban environments with cohesive community development. The key policy direction within the Complete Communities Direction Strategy for our Centre and Corridors is to focus growth and development to these areas in a manner that:

- provides compact, mixed-use, high-quality urban development;
- concentrates people and jobs in areas well served by the primary transit service, located close to transit stops;
- concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities; and
- encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.

While Centres & Corridors vary in form and size, they share a common set of characteristics, including their connection to the city's street network, opportunities for

mixed use, a high level of transit service and ready access to goods and services. Consequently, closing this right-of-way to support the creation of a surface parking lot is counter to the policy direction for development within our Mixed Use Corridors and Centres within our Complete Communities Direction Strategy.

SUBMITTED BY

Department: Planning, Property and Development
Division: Real Estate and Land Development
Prepared by: Bohdan Buyachok, Real Property Officer
Date: December 19, 2017
File No: DAC 4/2015

Attachments:

Appendix “A” – Administrative Objection/Comments

Appendix “B” – Miscellaneous Plan and Aerial View

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V:\development applications\daoc\dev application2015\dac4_2015\final_report\dac4.15rpt

APPENDIX "A"

Administrative Objection

The proposal has been considered by all affected City departments and public utilities.

Urban Planning Division

The Urban Planning Division does not support the subject application. Closing this right of way to support the creation of a surface parking lot is counter to the policy direction for development within our *Mixed Use Corridors and Centres* within our *Complete Communities Direction Strategy.*

Administrative Comments

Geomatics Branch

Should the recommendation of the Public Service not be concurred in and the closing is approved by Council, the Public Service recommends the following:

1. That the proposed lane closing as shown on Misc. Plan 14909 be approved and the land resultant from the said lane closing be declared surplus to the City's needs.

2. That the Director of Legal Services and the City Solicitor be instructed to prepare and bring directly to Council for enactment a by-law to effect the lane closing in accordance with Misc. Plan No. 14909, subject to:

   (a) approval of the conveyance of the land resultant from the said lane closing by Council or its delegated authority; and

   (b) the adjoining property owners entering into a Purchase and Sale Agreement with the City.

3. That the applicant submit a development application for subdivision and rezoning (DASZ) to facilitate the consolidation of each of the current adjoining property holdings with the closed portions of the public lane into single lots on a plan of subdivision.

4. That the street closing plan mylars, street closing by-law and land transfer(s) be released in conjunction with the plan of subdivision mylars and subsequently

registered in series with and prior to the plan of subdivision and any other associated documents.

5. That the applicant bear responsibility for all costs associated with the registration and preparation of the necessary closing plan and any associated documents; and

6. In the event the subject closing is not proceeded with expeditiously and the by-law:

   (a) is not enacted within two (2) years following the date the subject report is approved by Council; and

   (b) is not registered in the Winnipeg Land Titles Office within one (1) year following the date it is enacted 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 referred to above and Council approves the extension.

Local Improvements

The following are local improvement implications for the adjoining properties:

25 Cromwell – Local Improvement Project 1420211914 (Asphalt Lane Pavement), Authorization By-Law No. 123/2014 is still an "open" project. The *estimated* cash cost is $2,580.00.

17 Cromwell – no local improvement implications regarding this property.

4 St. Mary's Rd - Local Improvement Project 1420211914 (Asphalt Lane Pavement), Authorization By-Law No. 123/2014 is still an "open" project. The *estimated* cash cost is $8,574.00.

Easements

There are no services within the closing area. Should this application be approved, no easements will be required.

Zoning

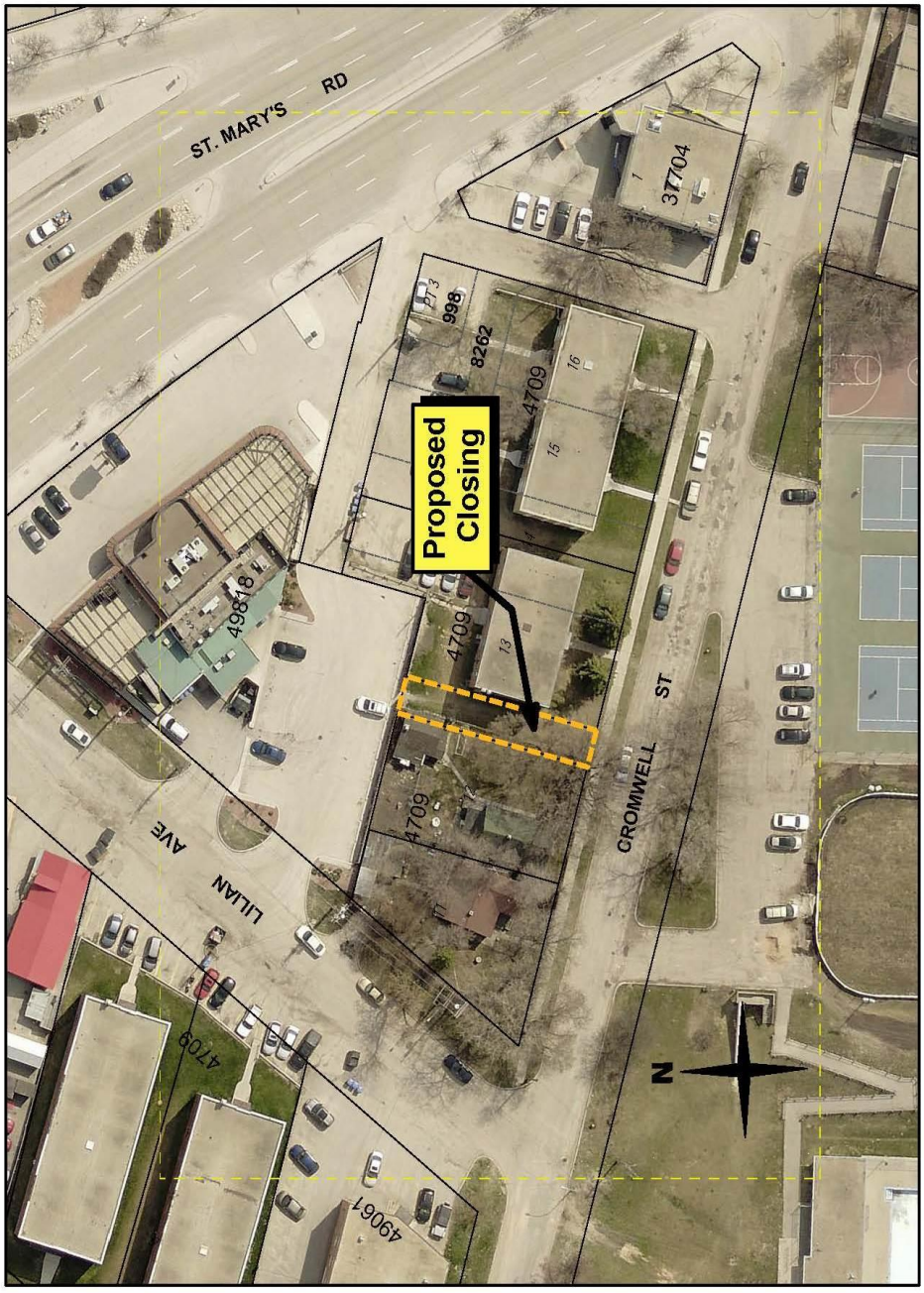
A closed street or lane assumes the zoning designation of the adjoining properties. Nos. 17 and 25 Cromwell Street are zoned R2 Residential – Two Family. Should this application be approved, any development of the closed lane will require an application to rezone.

Transfer of Jurisdiction Over Public Rights-of-Way

Should this application be approved, the public lane must be legally closed before it 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.

APPENDIX "B"

Aerial View of Subject Closing



Miscellaneous Plan

