Agenda - Executive Policy Committee - May 12, 2004

Report - Standing Policy Committee on Property and Development - April 27, 2004

Item No. 5 **Closing - public lane south of Portage Avenue, east of Woodlands Crescent**
File DAC 7/96

STANDING COMMITTEE RECOMMENDATION:

On April 27, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submits the following to Council:

1. That the proposed lane closing as shown on Misc. Plan No. 9692 be approved and that the land be declared surplus to the City's needs, subject to:

   A. That the land be subdivided and sold to the adjoining owners.

   B. That the applicant (Dr. G. R. Maharaj) erect a six (6) foot fence at the rear of his property.

   C. That the by-law to effect the closing be subject to the repeal of Conditions 5 and 6 of Variance Order DAV 51/74, as amended by Committee on Environment Order V 19/74.

2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with Misc. Plan No. 9692, subject to the approval by the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Agenda - Executive Policy Committee - May 12, 2004

Report - Standing Policy Committee on Property and Development - April 27, 2004

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On April 27, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 6, 2004, the Assiniboia Community Committee concurred in the revised administrative recommendation dated March 26, 2004, as amended, namely:

- Recommendation 1, add the following words:

  "subject to:

  A. That the land be subdivided and sold to the adjoining owners.

  B. That the applicant (Dr. G. R. Maharaj) erect a six (6) foot fence at the rear of his property."

and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 7/96
Before:	Assiniboia Community Committee Councillor De Smedt, Chairperson Councillor Clement Councillor Eadie
Public Hearing:	May 6, 2004 January 13, 2004 October 14, 2003 September 9, 2003 July 15, 2003 June 17, 2003 Council Building, 510 Main Street
Applicant:	A. A. I. M. Inc., (G. R. Maharaj)
Premises Affected:	public lane south of Portage Avenue, east of Woodlands Crescent
Exhibits Filed:	1. Report of the Real Property Officer dated June 6, 2003 2. Letter in opposition to the application dated June 2, 2003 3. Inspection Report 4. Presentation in opposition to application submitted by Louis and Beverley Campbell 5. Supplementary report of the Real Property Officer dated August 29, 2003 6. Supplementary report of the Real Estate Officer dated March 25, 2004 7. Revised report of the Real Property Officer dated March 26, 2004

REPRESENTATIONS:

In Support:

G. R. Maharaj, A. A. I. M. Inc.

In Opposition:

6024

Nil

For Information:

Louis, Beverley and Rodney Kyle Campbell

For the City:

Marsha Christiuk, Planner, Planning, Property and Development Department
Jacqueline East, Coordinator Urban & Neighbourhood Planning, Planning, Property and Development Department

Glenn Halldorson, Real Property Officer, Planning, Property and Development Department
Ross Mitchell, Senior Planner, Planning, Property and Development

Exhibit “1” referred to in File DAC 7/96

Winnipeg

June 6, 2003

TO THE CHAIRPERSON AND MEMBERS
OF THE ASSINIBOIA COMMUNITY COMMITTEE

RE: FILE NO. DAC 7/96 - PROPOSED CLOSING OF THE PUBLIC LANE SOUTH OF PORTAGE AVENUE, EAST OF WOODLANDS CRESCENT
SAINT CHARLES WARD

RECOMMENDATION:

That the Community Committee approve the proposed closing and recommend:

I. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with the attached **Schedule “A”** , Misc. Plan No. 9692, subject to the repeal of Conditions 5. and 6. of Order DAV 51/74, as amended by Order V 19/74.

II. That the proper officers of the City be authorized to do all things necessary to effect the intent of the foregoing.

REASON:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

In 1996, The Planning, Property and Development Department received a request from AIIM Inc. to purchase the lane identified as “Proposed Closing” on Schedule “A”. This lane is not paved, contains no utility plants, and serves no apparent public purpose. The applicant proposed to use the land to expand the existing parking/loading area (approximately 20 feet wide) at the rear of 3004-3012 Portage Avenue.

The request was circulated to all interested City Departments and public utilities. No objections were received. The Community Planning Division advised that north half of the lane, once closed, would be designated as “C2” Commercial District and the south half would be designated

as “R1-5.5” Single-Family District. Loading areas are not permitted in a rear yard or side yard of a commercial site abutting a residential district, and the applicant was advised to consult with the Zoning and Permits Branch before proceeding any further.

AIIM Inc. did not consult with Zoning, and the matter did not proceed.

The Zoning and Permits Branch recently contacted AIIM Inc. concerning the replacement of a fence at the south of the property. This fence has been removed at some time in the past, and the property owner is obliged under zoning regulations to have a fence in this location. The applicant wishes to exercise his right to appear before the Community Committee to state his case for the expanded parking/loading area before he undertakes the construction of the fence. The applicant is aware that a zoning variance will be required for his intended use of the land.
G. R. Maharaj, the President of AIIM Inc., has advised that AIIM Inc., intends to use the lane as follows:

To afford access to the rear doors of the commercial units for daily entry and exit as well as for improved emergency entry and exit
To allow a parking area for the employee vehicles and still allow for emergency entry and exit
To provide a turning space for vehicles within the property so that they are not compelled to back out onto Woodlands Crescent when exiting the property
To allow for snow removal equipment to clear the snow from the rear of the building
To allow for garbage pickup

Mr. Maharaj has further advised that the 6-foot high fence that is required by zoning regulations creates a narrow, tunnel-like space that encourages loitering and vandalism. He notes that there were 10 burglaries prior to the removal of the old fence and that there have been no burglaries since.

DISCUSSION:

<u>Repeal of Conditions 5. and 6. of Order DAV 51/74, as amended by Order V 19/74</u>

On March 19, 1974, the St. James-Assiniboa Community Committee approved DAV 51/74, a copy of which is attached as Schedule “B”, subject to six conditions. Condition 5. was that the applicant erect a 6 foot fence at the rear of his property. If the closure and sale of all or a part of the lane to AIIM Inc. is approved, this condition will have to be repealed to allow for the construction of the fence at the new definition of the rear of the applicant’s property.

Condition 6. on Schedule “B” was changed at the March 19, 1974 meeting to read that the lane be sold in whole or in part to the applicant. This change was appealed, and on April 15, 1974, the Committee on Environment approved Order V 19/74, changing Condition 6. back to its original wording. If the closure and sale of all or a part of the lane to AIIM Inc. is approved, this condition will have to be repealed.

Administrative Approval

All affected City departments and public utilities have considered the proposal. There are no administrative objections to the closing.

The Zoning and Permits Branch has provided the following comments, based on the assumption that the City approves the application and sells the lane to AIIM Inc., resulting in an increase of the rear area of 3004-3012 Portage Avenue from approximately 20 feet to approximately 40 feet:

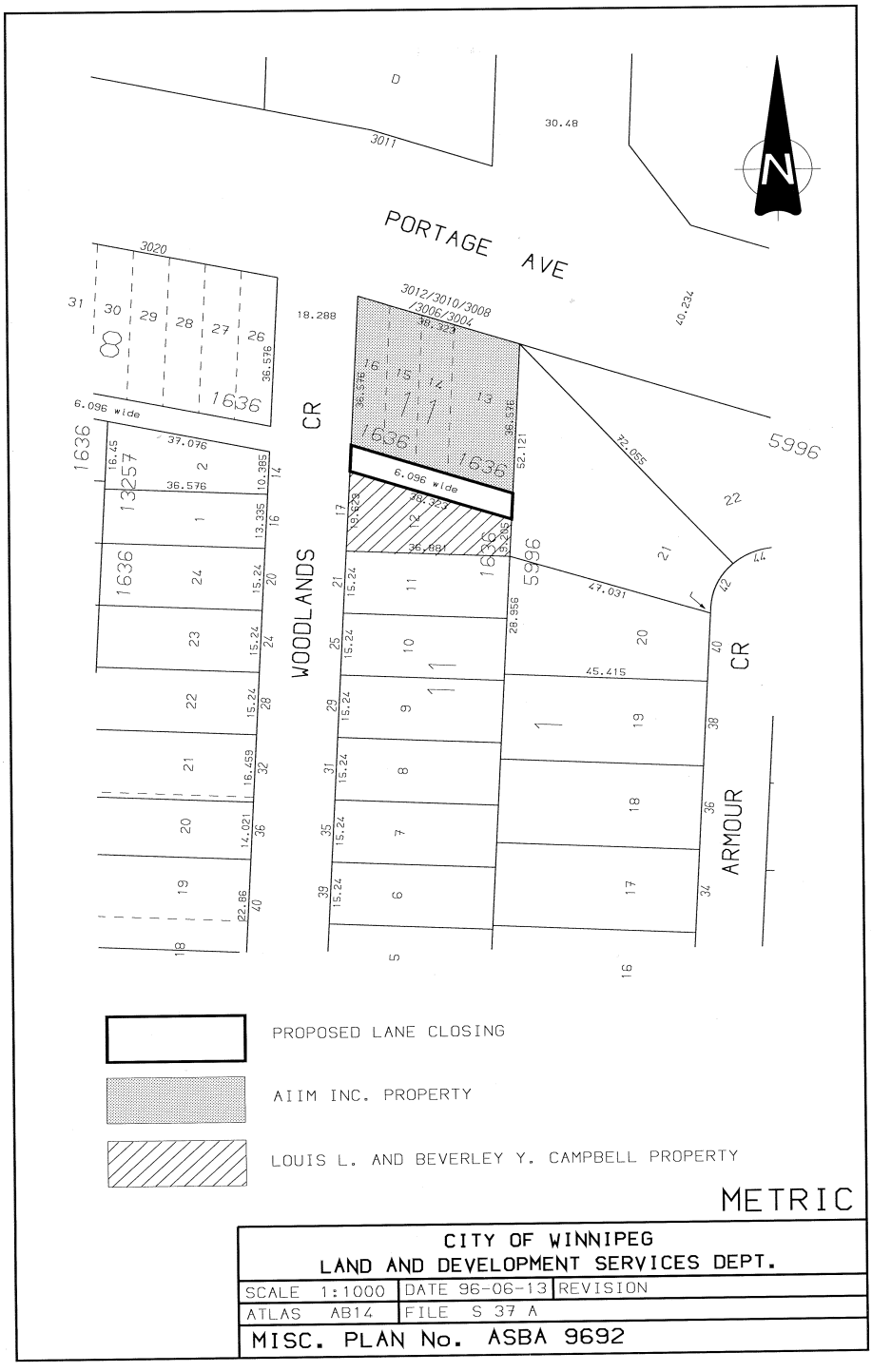
Loading is not permitted in the required 25-foot rear and a zoning variance would be required for this purpose.

If the applicant uses the area as a parking lot open parking would be permitted in the rear 25 feet. A development permit for the parking area will be required. With 40 feet at the rear the applicant would have the required space for 20-foot stalls and a 20-foot aisle. This would still allow for a loading space at one end of the property.

Transfer of Jurisdiction Over Public Rights-of-Way

The 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.

This report submitted by:
Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. S-37-A


PORTAGE AVE
WOODLANDS CR
ARMOUR CR
3012/3010/3008
/3006/3004
6.096 wide
PROPOSED LANE CLOSING
AIIM INC. PROPERTY
LOUIS L. AND BEVERLEY Y. CAMPBELL PROPERTY
METRIC
CITY OF WINNIPEG
LAND AND DEVELOPMENT SERVICES DEPT.
SCALE 1:1000
DATE 96-06-13
REVISION
ATLAS AB14
FILE S 37 A
MISC. PLAN No. ASBA 9692

File No. DAV 51-74 St. J-A. Hearing February 19th, 1974

THE CITY OF WINNIPEG

ST. JAMES-ASSINIBOIA COMMUNITY COMMITTEE

BEFORE: Councillor E. Ross, Chairman
Councillor D. Stanes
Councillor J. A. Ernst
Councillor D. McEwen
Councillor P. K. McGonigal

APPLICANT: John A. Flanders Limited on behalf of Arthur Dyck.

SUBJECT: To permit the construction of a multiple-unit commercial building, the said building to have no side yard on the east side, 10 feet being the width required and a rear yard 20 feet in depth instead of 25 feet as required, as indicated on plan submitted.

PREMISES AND AREA: 3004 Portage Avenue.

DESCRIPTION AND ZONING: Lots Thirteen to Sixteen both inclusive in Block Eleven, which lots are shewn on a plan of survey of Part of Lots One Hundred and Nineteen and One Hundred and Twenty-One of the Parish of Saint Charles, in Manitoba, Registered in the Winnipeg Land Titles Office as No. 1636.

Zoned "C-2"

HEARING:

Appearances for Applicant: Mr. A. McLaughlin of John A Flanders Limited.
Mr. L. Campbell, 17 Woodlands Cresc.

For Opposition: Mr. P. J. Wiebe, 42 Armour Cres.
Mr. F. Taylor, 29 Woodlands Cres.

For the City of Winnipeg: Mr. E. G. Lysak

AFTER HEARING THE SUBMISSION OF ALL PARTIES, THE ST.JAMES-ASSINIBOIA COMMUNITY COMMITTEE HEREBY ORDERS that the application for a Variance of the St. James-Assiniboia Zoning By-Law 1558 and amendments thereto to permit the construction of a multiple-unit commercial building, the said building to have no side yard on the east side, 10 feet being the width required and a rear yard 20 feet in depth instead of 25 feet as required, as indicated on plan submitted, designated as Exhibit 2, dated February 19th, 1974 on File No. DAV 51-74 St. J-A. BE TABLED and the Hearing adjourned, to be reconvened at Hearing to be held March 5th, at which time the applicant is to submit revised plans and confirm the following conditions:

1. That there be a 10 foot sideyard at the east of the proposed building.
2. That the dimension of the building be extended four feet to the north.
3. That the driveway be 20 feet in width instead of 24 feet.
4. That the first parking stall at the entrance of the driveway be deleted and the area landscaped.
5. That a six foot fence be erected along the entire south boundary of the property.
6. The developer to agree that the lane abutting his property to the south will not be required by him and that he will not request at anytime to have it improved.

MARCH 5th, 1974: Reconvened Hearing - adjourned to hearing March 19th, 1974.

MARCH 19th, 1974:

BEFORE: Councillor E. Ross, Chairman
Councillor D. Stanes
Councillor J. A. Ernst
Councillor W. A. Hallonquist
Councillor D. McEwen
Councillor P. McGonigal

HEARING: Appearances for Applicant: Mr. A. McLaughlin of John A. Flanders Limited

For Opposition: Nil

For City of Winnipeg: E. G. Lysak

Moved by Councillor W. A. Hallonquist
Seconded by Councillor D. McEwen.

"That this conclude this portion of the Public Hearing and the application of John A. Flanders Ltd. on behalf of Arthur Dyck, to permit the construction of a multiple-unit commercial building at 3004 Portage Avenue, upon the conditions as set out at the Public Meeting of February 19, 1974 and the revised plans as submitted, be accepted with the exception of provision No. 6 with regard to the lane abutting the property to the south, and instead the St. James-Assiniboia Community Committee recommend that the lane immediately south of the property be sold in whole or in part to the Developer of this proposed complex.

Further, that a masonary enclosure be provided for the garbage container on the south-eastern corner of the building."

Carried Unanimously.

This order is subject to all building, health or other regulations pertaining to the land herein referred to and shall automatically expire one year from the date hereof unless a Building Permit covering the Variance herein granted shall have been obtained from the City of Winnipeg or an extension of time granted by the Community Committee.

In the event of a request for an extension of the time limit on the said Order No. DAV 51-74 St. J-A., the said request shall be submitted in writing prior to the expiry date of the Order and upon notification to all parties having made representations at the original hearing, representations both for and against the said request shall be heard by the Community Committee.

Dated this 21st day of March A.D. 1974.

A. J. Reid, Area Administrator,
St. James-Assiniboia Community

Section 621 (9) The Applicant or any person who made representation at the meeting referred to in Subsection (5) may appeal to the Committee on Environment against an Order made by the Community Committee by sending a notice of appeal by registered mail to the Committee on Environment within fourteen days after the sending of the copies of the Order referred to in Subsection (8).

COMMITTEE ON ENVIRONMENT

MANITOBA)
)
THE CITY OF WINNIPEG ACT)

Order No. V 19/74.
Hearing - April 15th, 1974.

East Committee Room,
Council Building,
Civic Centre,
Winnipeg.

BEFORE: Councillor Yanofsky, Chairman,
Councillor Coopman,
Councillor Gee,
Councillor Kaufman,
Councillor Rizzuto,
Councillor Stanes,
Councillor R. Steen,
Councillor Wade.

IN THE MATTER OF Section 621
of The City of Winnipeg Act

- and -

IN THE MATTER OF an appeal
from the decision of the
St. James-Assiniboia Community
Committee, Order No. DAV 51-74 St. J.A.
by Mr. L. Campbell, 17 Woodlands
Crescent, Winnipeg

APPEARANCES: For the Appellant - Mr. Alan Goddard,
Chapman, Chapman & Chapman,
1864 Portage Avenue,
On Behalf of Mr. L. Campbell,
17 Woodlands Crescent,
Winnipeg, Manitoba,
R3K 1A3.

Mr. W.G. Toothill,
John A. Flanders Limited,
900-305 Broadway,
Winnipeg, Manitoba,
On Behalf of Mr. Arthur Dyck.

For the Opposition - Nil

For the City of Winnipeg - Mr. A.J. Worster,
Zoning Officer,

Mr. J.G. Thomas,
Deputy Director of Environmental
Planning.

WHEREAS by its Order No. DAV 51-74 St. J-A. dated February 19th, 1974, the St. James-Assiniboia Community Committee granted the application of John A. Flanders Limited on behalf of Arthur Dyck, to permit the construction of a multiple-unit commercial building, the said building to have no side yard on the east side, 10 feet being the width required, as indicated on revised plans as submitted and upon the conditions as set out at the Public Meeting of the Community Committee held on February 19th, 1974, with the exception of provision No. 6 with regard to the lane abutting the property to the south, and subject recommendation of the St. James-Assiniboia Community Committee that the lane immediately south of the property be sold in whole or in part to the developer of this proposed complex and further that a masonry enclosure be provided for the garbage container on the south-eastern corner of the building.

. . . /2

AND WHEREAS pursuant to the provisions of The City of Winnipeg Act, Mr. L. Campbell, 17 Woodlands Crescent, Winnipeg, appealed to the Committee on Environment of the City of Winnipeg against Order No. DAV 51-74 St. J-A and after notice the appeal was heard on April 15th, 1974.

AND WHEREAS Mr. Alan Goddard, Chapman, Chapman & Chapman, 1864 Portage Avenue, on behalf of Mr. L. Campbell, 17 Woodlands Crescent, Winnipeg, the owner of the property adjacent to the subject lane referred to in DAV 51-74 St. J-A. abutting 3004 Portage Avenue to the south, indicated that the appeal of Mr. L. Campbell, was in opposition to the recommendation of the St. James-Assiniboia Community Committee that the lane immediately south of the property be sold in whole or in part to the developer (Arthur Dyck) of the proposed complex and requested consideration to re-insert condition No. 6 as originally outlined to the Community Committee at the Public Meeting held on February 19th, 1974, namely:

> "The developer to agree that the lane abutting his property to the south will not be required by him and that he will not request at any time to have it improved."

AND WHEREAS Mr. W.G. Toothill, John A. Flanders Limited, 900-305 Broadway, Winnipeg, on behalf of Mr. Arthur Dyck indicated that Mr. Dyck, the developer and applicant had no intention nor desire to purchase the subject lane in whole or in part as directed by the St. James Community Committee, thereby supporting the appeal of Mr. Campbell.

Upon consideration of the evidence adduced and submissions made, the Committee on Environment is of the opinion that the appellant should succeed.

IT IS THEREFORE ORDERED:

1. That Order No. DAV 51-74 St. J-A of the St. James-Assiniboia Community Committee be amended to the extent that the recommendation of the said Community Committee namely:

> "That the lane immediately south of the property be sold in whole or in part to the developer of this proposed complex",

be deleted in its entirety and that the following condition be inserted theretofore:

> "The Developer to agree that the lane abutting his property to the south will not be required by him and that he will not request at any time to have it improved."

2. Subject to the afore-mentioned amendment that Order No. DAV 51-74 St. J-A of the St. James-Assiniboia Community Committee be and the same is hereby confirmed.

Dated at Winnipeg this 23rd day of April, A.D. 1974.

THE COMMITTEE ON ENVIRONMENT OF
THE CITY OF WINNIPEG

Mary H. McCullough
Clerk.

Chairman.

Exhibit "5" referred to in File DAC 7/96

August 29, 2003

TO THE CHAIRPERSON AND MEMBERS
OF THE ASSINIBOIA COMMUNITY COMMITTEE

RE: FILE NO. DAC 7/96 - PROPOSED CLOSING OF THE PUBLIC LANE SOUTH OF PORTAGE AVENUE, EAST OF WOODLANDS CRESCENT
SAINT CHARLES WARD

RECOMMENDATION:

That this report be received as information.

REASON:

The Assiniboia Community Committee has directed the administration to consult with the parties having an interest in this matter and report back to it.

HISTORY:

The Assiniboia Community Committee considered the subject lane closing at its public meeting of June 17, 2003 and adjourned the hearing until the public meeting of September 9th so that the administration could consult with the concerned parties regarding the closing and any associated costs.

DISCUSSION:

Costs

The Real Estate Division of the Planning, Property and Development Department has determined the purchase price of the lane adjacent to the residential property to be $2.10 per square foot and the value of the lane adjacent to the commercial property to be $12.00 per square foot.

Based on each property owner acquiring half of the lane, the cost to Mr. Campbell would be approximately $2,600 and the cost to Dr. Maharaj would be approximately $12,500. The administration understands that Mr. Campbell may not wish to purchase half the lane. In the event that he wishes to purchase a lesser portion of the lane, Dr. Maharaj has indicated that he will purchase the balance. Any lands purchased by Dr. Maharaj will be valued at $12.00 per square foot.

In addition to the purchase price of the land, the property owners will be required to obtain the services of a Manitoba Land Surveyor to provide the plan of survey necessary to define the parcels they are acquiring. These costs are estimated to be approximately $3,000.

Zoning Issues

Dr. Maharaj has not consulted with the Zoning Branch on how he intends to use whatever additional lands he acquires. Any use of the land that differs from its present use must be approved by Zoning.

This report submitted by:
Planning, Property and Development Department
Development and Inspections Division
Prepared by: Glenn Halldorson, Real Property Officer
File No. S-37-A

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INTER-OFFICE MEMORANDUM

Planning, Property and Development Department

Real Estate Division
2nd floor, 65 Garry Street

Winnipeg

Date:	March 25, 2004
To:	
	Ms. J. Marques
	Assiniboine Community Committee Clerk
From:	Pat Henry, Real Estate Division
Re:	Proposed closing and Sale of public lane south of portage avenue, east of woodlands crescent
	File S-37-A (Please quote when replying)

The subject proposed closing is shown outlined on Misc. Plan No.9692/1.

The Real Estate Division has been in contact with both adjoining owners, Dr. Maharaj to the north and Mr. Campbell to the south. Both are aware of the costs involved and each of them has verbally agreed to purchase the property, when closed.

Would you please place this matter before your Community Committee and advise if there are any comments or objections to this proposal.

_____

DPH

Enc.

6036


PORTAGE AV
WOODLANDS CR
ARMOUR CR
3020
3012
3010
3008
3004
3011
1636
5996
Aiim Inc. Property
Louis L. and Beverley Y. Campbell Property
Proposed Lane Closing, Parcel A: ±116.9 m² (±1258.4 ft²)
Proposed Lane Closing, Parcel B: ±116.9 m² (±1258.4 ft²)
Date: 2003-AUG-22
District: ASBA
File: S 37 A
Scale: 1:800
METRIC
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 9692/1

Exhibit “7” referred to in File DAC 7/96

Re: FILE NO. DAC 7/96 - PROPOSED CLOSING OF THE PUBLIC LANE SOUTH OF PORTAGE AVENUE, EAST OF WOODLANDS CRESCENT

For submission to: The Assiniboia Community Committee

Report date: March 26, 2004

Recommendations:

1. That the proposed lane closing as shown on Misc. Plan No. 9692 be approved and that the land be declared surplus to the City’s needs.
2. That the City Solicitor be instructed to prepare the necessary by-law for submission to Council to effect the closing in accordance with the attached Misc. Plan No. 9692, subject to the approval of the Standing Policy Committee on Property and Development of the terms and conditions of the conveyance of the land.
3. That the by-law to effect the closing be subject to the repeal of Conditions 5. and 6. of Order DAV 51/74, as amended by Order V 19/74.
4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REPORT SUMMARY

Key Issues:
The applicant and the property owner adjoining the lane to the south have agreed to each purchase half of the lane, subject to the successful completion of negotiations with the City of Winnipeg regarding the terms of sale.

Implications of the Recommendation(s):

General implications:

X	None
	For the organization overall and/or for other departments
	For the community and/or organizations external to the City of Winnipeg
	Involves a multi-year contract

Comment(s):

Policy implications:

X	**No**
	Yes

Comment(s):

Environmental implications:

X	**No**
	Yes

Comment(s):

Human resources implications:

X	**No**
	Yes

Comment(s):

Financial implications:

	Within approved current and/or capital budget
	Current and/or capital budget adjustment required

Comment(s):

All costs associated with this proposal will be borne by the Applicant. There are no financial implications for the City of Winnipeg.

REASON FOR THE REPORT:

All street and lane closings require the consideration of the Community Committee.

HISTORY:

In 1996, The Planning, Property and Development Department received a request from AIIM Inc. to purchase the lane identified as “Proposed Closing” on Schedule “A”. This lane is not paved, contains no utility plants, and serves no apparent public purpose. The applicant proposed to use the land to expand the existing parking/loading area (approximately 20 feet wide) at the rear of 3004-3012 Portage Avenue.

The request was circulated to all interested City Departments and public utilities. No objections were received. The Community Planning Division advised that north half of the lane, once closed, would be designated as “C2” Commercial District and the south half would be designated as “R1-5.5” Single-Family District. Loading areas are not permitted in a rear yard or side yard of

a commercial site abutting a residential district, and the applicant was advised to consult with the Zoning and Permits Branch before proceeding any further.

AIIM Inc. did not consult with Zoning, and the matter did not proceed.

The Zoning and Permits Branch recently contacted AIIM Inc. concerning the replacement of a fence at the south of the property. This fence has been removed at some time in the past, and the property owner is obliged under zoning regulations to have a fence in this location. The applicant wishes to exercise his right to appear before the Community Committee to state his case for the expanded parking/loading area before he undertakes the construction of the fence. The applicant is aware that a zoning variance will be required for his intended use of the land.
G. R. Maharaj, the President of AIIM Inc., has advised that AIIM Inc., intends to use the lane as follows:

1. To afford access to the rear doors of the commercial units for daily entry and exit as well as for improved emergency entry and exit
2. To allow a parking area for the employee vehicles and still allow for emergency entry and exit
3. To provide a turning space for vehicles within the property so that they are not compelled to back out onto Woodlands Crescent when exiting the property
4. To allow for snow removal equipment to clear the snow from the rear of the building
5. To allow for garbage pickup

Mr. Maharaj has further advised that the 6-foot high fence that is required by zoning regulations creates a narrow, tunnel-like space that encourages loitering and vandalism. He notes that there were 10 burglaries prior to the removal of the old fence and that there have been no burglaries since.

DISCUSSION:

<u>Repeal of Conditions 5. and 6. of Order DAV 51/74, as amended by Order V 19/74</u>

On March 19, 1974, the St. James-Assiniboa Community Committee approved DAV 51/74, a copy of which is attached as Schedule “B”, subject to six conditions. Condition 5. was that the applicant erect a 6 foot fence at the rear of his property. If the closure and sale of all or a part of the lane to AIIM Inc. is approved, this condition will have to be repealed to allow for the construction of the fence at the new definition of the rear of the applicant’s property.

Condition 6. on Schedule “B” was changed at the March 19, 1974 meeting to read that the lane be sold in whole or in part to the applicant. This change was appealed, and on April 15, 1974, the Committee on Environment approved Order V 19/74, changing Condition 6. back to its original wording. If the closure and sale of all or a part of the lane to AIIM Inc. is approved, this condition will have to be repealed.

Administrative Approval

All affected City departments and public utilities have considered the proposal. There are no administrative objections to the closing.

The Zoning and Permits Branch has provided the following comments, based on the assumption that the City approves the application and sells the lane to AIIM Inc., resulting in an increase of the rear area of 3004-3012 Portage Avenue from approximately 20 feet to approximately 40 feet:

Loading is not permitted in the required 25-foot rear and a zoning variance would be required for this purpose.

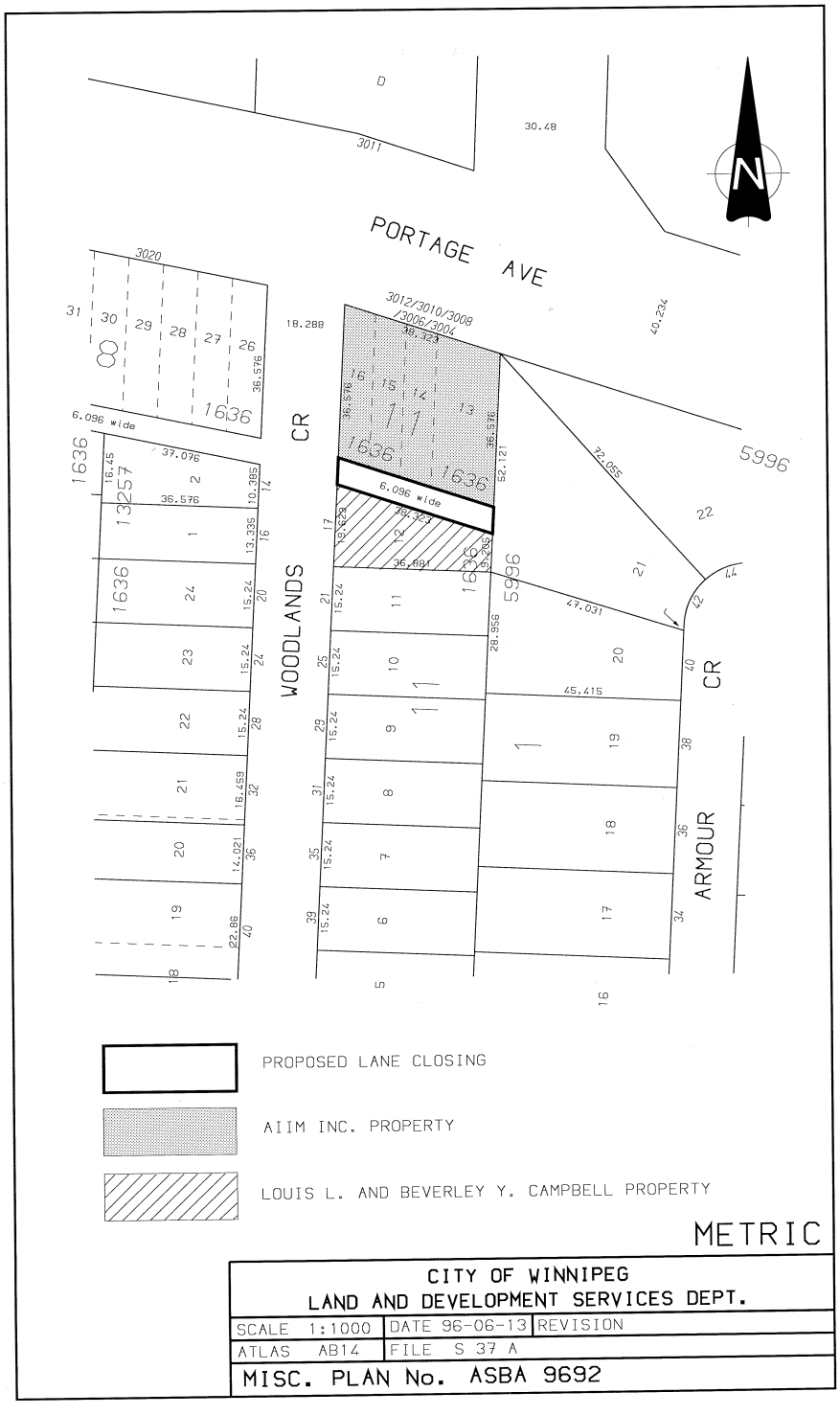
If the applicant uses the area as a parking lot open parking would be permitted in the rear 25 feet. A development permit for the parking area will be required. With 40 feet at the rear the applicant would have the required space for 20-foot stalls and a 20-foot aisle. This would still allow for a loading space at one end of the property.

Transfer of Jurisdiction Over Public Rights-of-Way

The 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.

IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:
Planning, Property and Development Department – Community Planner,
Geomatics and Zoning & Permits Branches
Corporate Finance Department – Local Improvements
Public Works Department – Transportation Division
Water and Waste Department – Engineering Division
Centra Gas, Manitoba Hydro, MTS Communications, Shaw Cable

This report submitted by:
Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: S-37-A
Document name: V:\word\DAOC\dac7_96RPT.doc


PORTAGE AVE
WOODLANDS CR
ARMOUR CR
3011
30.48
3020
3012/3010/3008
/3006/3004
18.288
40.234
5996
72.055
47.031
45.415
6.096 wide
PROPOSED LANE CLOSING
AIIM INC. PROPERTY
LOUIS L. AND BEVERLEY Y. CAMPBELL PROPERTY
METRIC
CITY OF WINNIPEG
LAND AND DEVELOPMENT SERVICES DEPT.
SCALE 1:1000
DATE 96-06-13
REVISION
ATLAS AB14
FILE S 37 A
MISC. PLAN No. ASBA 9692