Agenda – Council – February 23, 2023

Report – Standing Policy Committee on Property and Development – February 2, 2023

Item No. 15 Closing – Part of the North/South Public Lane East of 755 Henderson Highway and West of 220 Helmsdale Avenue (Elmwood-East Kildonan Ward) File DAC 2/2022 [c/r DASZ 44/2022 and DAV 189016/2022D]

STANDING COMMITTEE RECOMMENDATION:

On February 14, 2023, 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 closing of that of the north/south public lane east of 755 Henderson Highway and west of 220 Helmsdale Avenue proposed under DAC 2/2022, be rejected.

2. 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 – February 2, 2023

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 14, 2023, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 2, 2023, the Standing Policy Committee on Property and Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE:

On January 25, 2023, due to a tie vote, the East Kildonan-Transcona Community Committee submitted the matter to the Standing Policy Committee on Property and Development without recommendation.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 3, 2023, the East Kildonan-Transcona Community Committee adjourned the public hearing to its meeting on January 25, 2023 at 10:30 a.m. in the Council Building at 510 Main Street.

HEARING SUMMARY

File:	DAC 2/2022
Before:	East Kildonan-Transcona Community Committee Councillor Schreyer, Chairperson Councillor Wyatt
Public Hearing:	January 25, 2023 January 3, 2023 Council Building, 510 Main Street
Applicant:	Landmark Planning & Design Inc. (Brennan Johnson)
Premises Affected:	Part of the North/South Public Lane East of 755 Henderson Highway and West of 220 Helmsdale Avenue
For submission to:	The Standing Policy Committee on Property and Development
Prepared by:	T. Pomanski, Committee Clerk East Kildonan-Transcona Community Committee
Report date:	January 25, 2023

Community Committee Recommendation:

On January 25, 2023, the East Kildonan-Transcona Community Committee submitted the matter to the Standing Policy Committee on Property and Development without recommendation.

Exhibits Filed:

1. Report from the Real Property Officer dated November 18, 2022
2. Inspection Report
3. Presentation/Photos/Documentation dated January 3, 2023, in support of the application submitted by Jeff Pratte
4. Communication dated December 29, 2022, from Gordon Sumka in opposition to the application
5. Communication dated December 30, 2022, from John Fryatt in opposition to the application
6. Communication dated December 30, 2022, from Evar Balodis in opposition to the application
7. Communication dated December 31, 2022, from Gail James in opposition to the application
8. Communication dated January 1, 2023, from Matthew Parkinson in opposition to the application
9. Petition in opposition to the application purporting to contain 38 signatures, submitted by Matthew Parkinson
10. Communication dated January 2, 2023, from Murray Botterill in opposition to the application
11. Communication dated January 2, 2023, from Don Murray in opposition to the application
12. Presentation and Photos in opposition to the application submitted by Robert James at the hearing
13. Recording of Representations of public hearing held on January 3, 2023
14. Notice of Adjournment dated January 10, 2023
15. Communication dated January 18, 2023, from Gilbert Ludwig in support of the application
16. Communication dated January 21, 2023, from Carol Parkinson in opposition to the application
17. Communication dated January 23, 2023, from Hannah Parkinson in opposition to the application
18. Communication dated January 23, 2023, from Gordon Sumka in opposition to the application
19. Presentation dated January 24, 2023, in support of the application submitted by Jeff Pratte
20. Presentation dated January 24, 2023, in opposition to the application submitted by Matthew Parkinson
21. Communication dated January 25, 2023, from Brenda and Jack Kwiatkowski in opposition to the application
22. Presentation in opposition to the application submitted by Robert James at the public hearing
23. Presentation in opposition to the application submitted by Matthew Parkinson at the public hearing
24. Recording of Representations

REPRESENTATIONS:

In Support:

Brennan Johnson
Gilbert Ludwig
Jeff Pratte
Rubin Spletzer

In Opposition:

Raegan Ahlbaum
Colleen Aramnchuk
Chris Ausborn
Tricia Ball
Evar Balodis
Wayne Barbeau
Rosalyn Borcha
Murray Botterill
Denise Brown
Sara Carey
Mike Cwiak
Julie Doan
Tessany Evenson
John Fryatt
Ardyn Gray
Clifford Hardy
Eric Hazlehurst
Gail James
Robert James
Kelly Knight
Kirstin Knight
Kevin Komula
Chris Kostynyk
Kevin Kruse
Kim Kruse
Kevin Lotecki
Chris Mapes
Donna Mattern
Matthew Mattern
Julia Melo
Megan Melo
Don Murray
Andrea Myshkowsky
Alice Niskala
Melissa Normand
Ezekwem Obiefuna
Jeff Okrainec
Carol Parkinson
Hannah Parkinson
Matthew Parkinson
Audrey Pinette
Michael Romanow
Brian Scott
Gordon Sumka
Brett Torwart
Riley Webster
Jeff Zink
Nancy Zink
Brenda Kwiatkowski
Jack Kwiatkowski

For Information:

Nil

For the City:

C. Gagnon, Real Property Officer, Planning, Property and Development Department
D. Harris, Planner, Planning, Property and Development, Department
D. Trenchard, Land Development Engineer, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 2/2022

ADMINISTRATIVE REPORT

Title: Proposed Closing of part of the north/south public lane east of 755 Henderson Highway and west of 220 Helmsdale Avenue, for incorporation into DASZ 44/2022

Critical Path: East Kildonan-Transcona Community Committee - Standing Policy Committee on Property and Development, Heritage and Downtown Development - Executive Policy Committee - Council

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Robinson			

EXECUTIVE SUMMARY

Landmark Planning & Design, on behalf of Henderson Business Centre (the "Purchaser"), has submitted an application to close for purchase, that portion of the north/south public lane east of 755 Henderson Highway and west of 220 Helmsdale Avenue shown illustrated and identified on Misc. Plan No. 15831 attached as Appendix A, and on the aerial snapshot attached as Appendix B to this report. The purchaser proposes to incorporate the land into the planned area under development application DASZ 44/2022 intended to establish a "C2" Commercial Community District to facilitate the development of four residential building lots and an accessory parking area.

The proposed closing is inconsistent with provisions of the Complete Communities 2.0 direction strategy as it will reduce rear lane vehicle movement required by Urban Mixed Use Corridor policies, and will pose a negative impact to established residential uses on Helmsdale Avenue under the Mature Community policy, details of which are included in the Administrative Comments attached as Appendix C to this report. Because of this, the Public Services does not support the closing.

RECOMMENDATIONS

That the closing of that of the north/south public lane east of 755 Henderson Highway and west of 220 Helmsdale Avenue proposed under DAC 2/2022 be rejected.

REASON FOR THE REPORT

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

Council approval is required for all closings of public right-of-way.

Pursuant to section 12(1)(b) of Development Procedures By-law No. 104/2020, the relevant Community Committee is the hearing body for a combined hearing where a matter relates to a

site located entirely within the geographical boundaries of one community and no part of the site is within the area to which the Downtown Winnipeg Zoning By-law applies.

Pursuant to section 12(2) of Development Procedures By-law No. 104/2020, a designated employee is authorized to determine that a public hearing in respect of a development application be combined with a development application for the legal closing of a street.

In accordance with the provisions of the City Organization By-law No. 7100/1997 before the lane may be conveyed, it must be legally closed and declared surplus to the City's needs.

IMPLICATIONS OF THE RECOMMENDATIONS

All costs associated with the closing are the responsibility of the Purchaser(s) or assignee(s). There are no financial implications for the City of Winnipeg.

HISTORY/DISCUSSION

Landmark Planning & Design, on behalf of Henderson Business Centre (the "Purchaser"), has submitted an application to close for purchase, that portion of the north/south public lane east of 755 Henderson Highway and west of 220 Helmsdale Avenue shown illustrated and identified on Misc. Plan No. 15831 attached as Appendix A, and on the aerial snapshot attached as Appendix B to this report. The purchaser proposes to incorporate the land into the planned area under development application DASZ 44/2022 intended to establish a "C2" Commercial Community District to facilitate the development of four residential building lots and an accessory parking area.

The proposed closing is inconsistent with provisions of the Complete Communities 2.0 direction strategy as it will reduce rear lane vehicle movement required by Urban Mixed Use Corridor policies, and will pose a negative impact to established residential uses on Helmsdale Avenue under the Mature Community policy, details of which are included in the Administrative Comments attached as Appendix C to this report. Because of this, the Public Services does not support the closing.

Manitoba Hydro, Centra Gas, BellMTS, Bell Canada, Shaw Cablesystems, Rogers Communications, TC Energy, Imperial Oil, Fibre.Ca Inc., and Crown Pipeline Ltd., have all indicated that they have no concerns or objections. Telus Communications, and Teraspan Networks did not respond to the request for comment on this application.

The public lane was opened by Plan No. 1173 registered in the Winnipeg Land Titles Office on December 11, 1906.

CONSULTATION

This Report has been prepared in consultation with:

Fire Paramedic Services
Legal Services Department (as to legal issues)
Police Services
Public Works Department
Transit Department
Water and Waste Department
Ward Councillor

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.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

The proposed closing does not contravene the Winnipeg Climate Action Plan.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

N/A

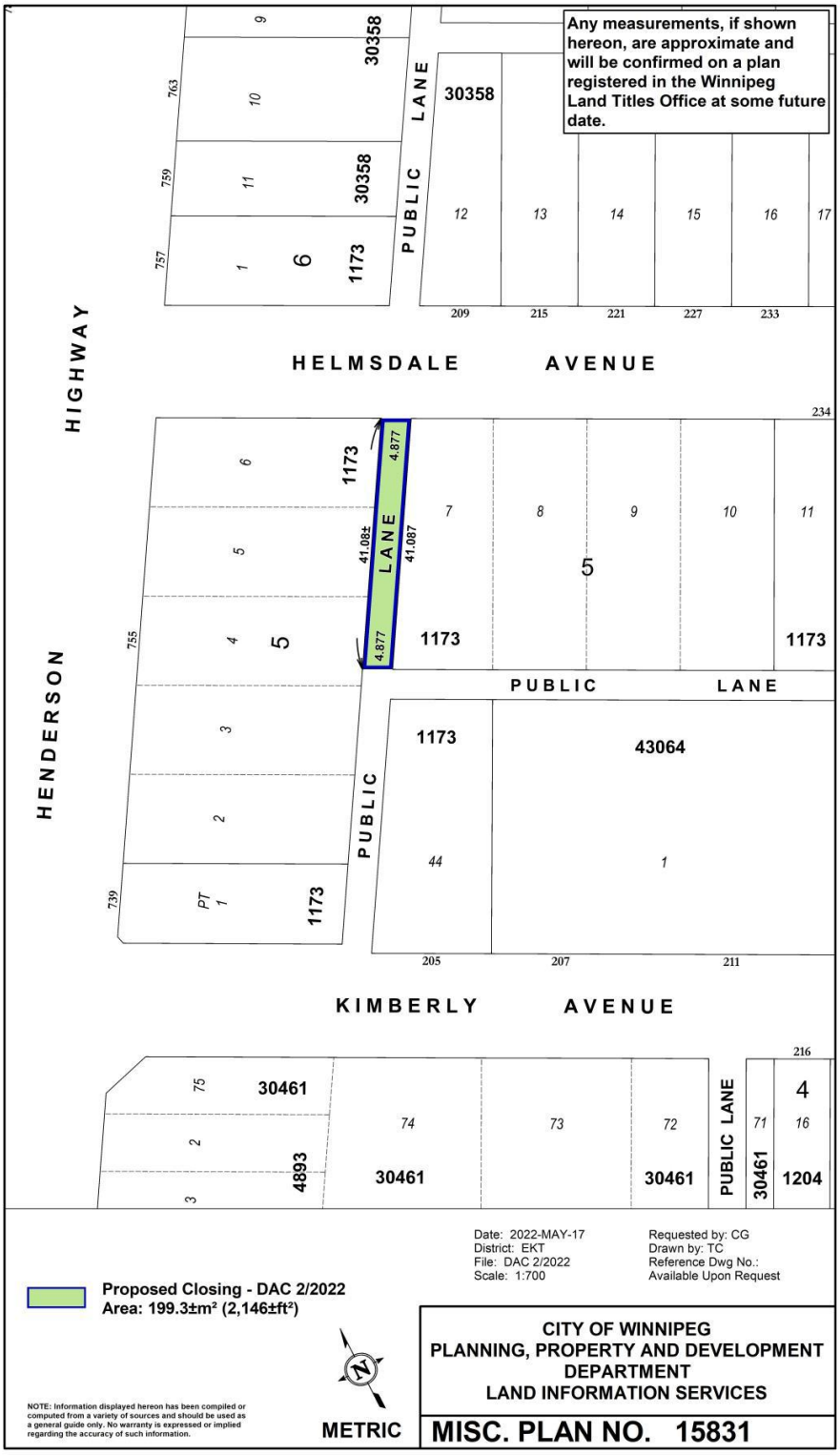
SUBMITTED BY

Department: Planning, Property and Development Department
Division: Real Estate and Land Development
Prepared by: Catherine P. Gagnon
Date: November 18, 2022
File No: DAC 2/2022

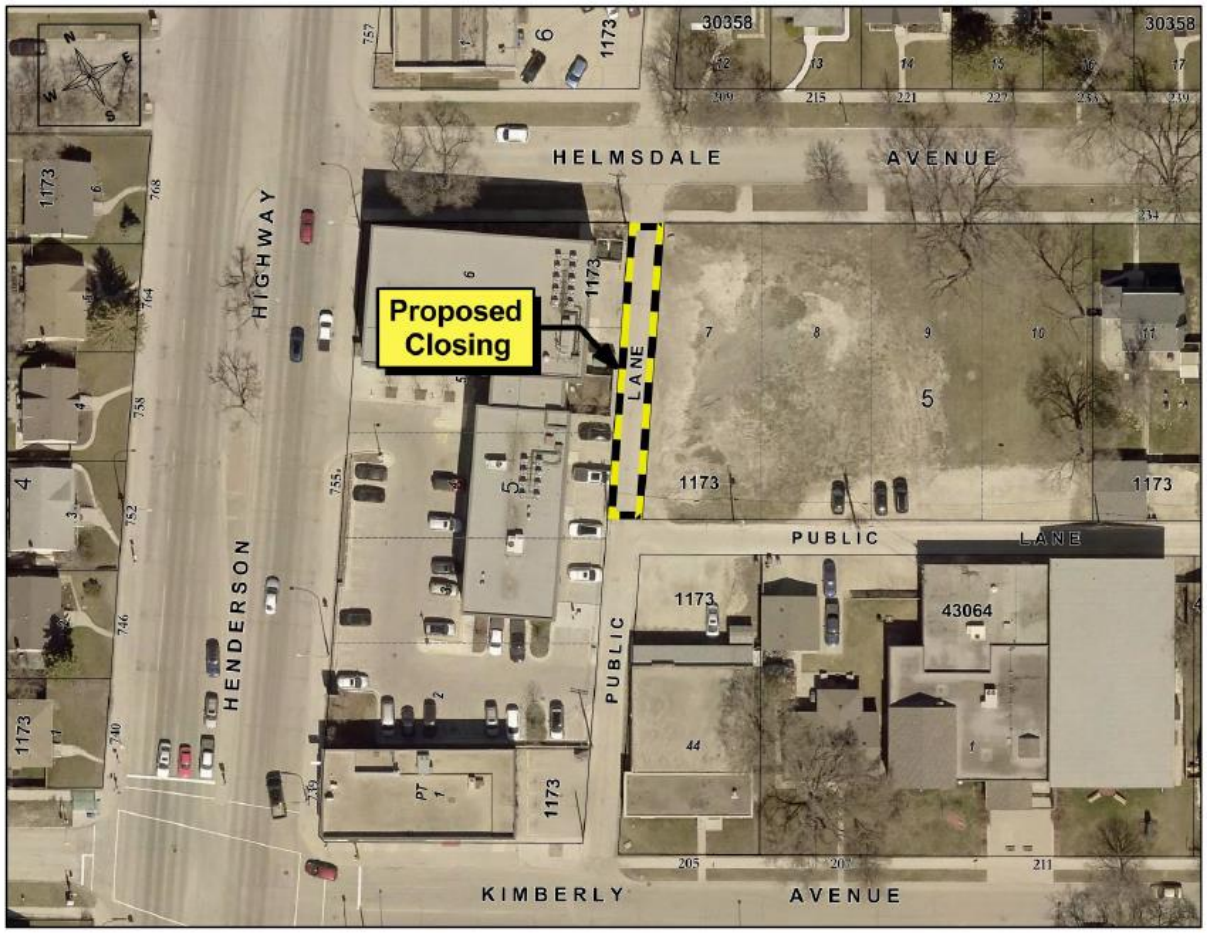
Attachments:

APPENDIX A - Miscellaneous Plan 15831
APPENDIX B - Aerial Diagram showing the proposed closing
APPENDIX C - Administrative Comments

APPENDIX A – MISC. PLAN NO. 15831



APPENDIX B – AERIAL VIEW OF SUBJECT CLOSING



APPENDIX C – ADMINISTRATIVE COMMENTS

Should the closing be approved and the land sold:

Geomatics and Land Information Services

- The proposed closing is subject to approval of associated subdivision and rezoning application DASZ 44/2022.

- The closing plan mylars, closing By-law and any associated documents are to be released together with the plan of subdivision mylars for DASZ 44/2022 and any associated documents and subsequently registered in series with and prior to the associated plan of subdivision.

- The applicant is responsible for all costs related to preparation of the necessary closing plan and any associated/necessary documents and registration of same at The Winnipeg Land Titles Office.

Real Estate Branch

The purchaser (or assignee(s)) will be required to buy the land comprising the closing area at fair market value.

Public Works Department

- The Developer is required to submit a Private Access application to the Public Works Department to either remove the existing lane turn-out at Helmsdale Avenue and restore the curb, boulevard and sidewalk in that location, or to retain the existing turn-out as a Private Approach, where the Public Lane is proposed to be closed at Helmsdale Avenue.

Urban Planning

The Branch does not support the closing because:

Introduction:

- The applicant wishes to close the public lane east of 755 Henderson Hwy.
- The subject closing application will be considered as part of a combined hearing with an associated subdivision and rezoning application (DASZ 44/22).
- The proposed closing, lot consolidation and rezoning are required to enable the proposed expansion of an accessory surface parking area and to enable establishment of four (4) single family residential lots on Helmsdale Ave.

Policy Context:

- The subject application involves two (2) properties located in different policy areas as identified in the *Complete Communities 2.0* direction strategy.

Complete Communities 2.0

755 Henderson Hwy:

- 755 Henderson Hwy. is located in the Urban Mixed Use Corridor policy area.
- Development on Urban Mixed-Use Corridors is intended to be pedestrian oriented, with buildings oriented to streets.
- Rear lane access is a key feature of corridor fronting properties which enables vehicular movements to be directed to the rear of the property, away from the pedestrian realm.
- This section of Henderson Hwy. is characterized by rear lane access, which enables these properties to be developed in a fashion consistent with Urban Mixed Use Corridor policy in the future.
- The Urban Planning Division believes that maintaining rear lane access at this location will enable continuation of the ideal access conditions for corridor fronting property in the long term.
- It is the Urban Planning Division's opinion the proposal **does not** meet the intent of Urban Mixed Use Corridor policies.

220 Helmsdale:

- 220 Helmsdale Ave. is located in a Mature Community policy area.
- Development in the Mature Community area is intended to accommodate a range of contextually sensitive infill developments, with particular emphasis on residential development.
- New commercial uses can be accommodated in Mature Communities under specific circumstances.
- The proposed closing and associated subdivision and rezoning would expand "C2" Commercial zoning across the public lane, approximately 75 feet into the Mature Community policy area on Helmsdale Ave.
- This expanded commercial area would be used as accessory surface parking for the existing office building at 755 Henderson Hwy.
- The proposed addition of commercial zoning and expansion of surface parking into this Mature Community enabled by the subject closing, is **not consistent** with *Complete Communities 2.0* policy.

Henderson Hwy. Corridor Action Plan Policies

- The subject properties are located in the Henderson Hwy Corridor Action Plan area.
- The intent of this plan is to promote orderly development on Henderson Hwy and to preserve and maintain the stable residential neighbourhoods presently abutting Henderson Hwy.
- Plan objectives include to "endeavor to minimize the impact of commercial development along Henderson Hwy. upon the character of adjacent residential areas."
- It is the opinion of the Urban Planning Division the proposed commercial expansion enabled by the subject closing **would pose an increased negative impact** on established residential uses on Helmsdale Ave.

Easements:

- BellMTS and Shaw Cablesystems have identified services within the closing area. The Purchaser(s) or assignee(s) will need to provide easements and enter into agreements as may be required by the Utilities.

- Manitoba Hydro and Centra Gas Manitoba have indicated that they will secure necessary easements under DASZ 44/2022.

- Permanent structures located within the easement areas will not be allowed. Any removal or relocation of existing facilities required because of the proposed closing will be at the expense of the Purchaser(s) or assignee(s).