Minute No. 480
Report - Standing Policy Committee on Property and Development - June 8, 2004

Item No. 10 **Closing - part of Public Lane west of Osborne Street between River Avenue and Roslyn Road for incorporation into DASZ 1/2004 File DAC 5/2004 [c/r DASZ 1/2004]**

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. 12176/1 be approved and the land declared surplus to the City's needs.

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. 12176/1, 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 Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

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DECISION MAKING HISTORY:

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

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On June 16, 2004, 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 June 8, 2004, 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 May 4, 2004, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

On April 13, 2004, the City Centre Community Committee did not hear any public representations and adjourned the public hearing to its meeting on May 4, 2004, inasmuch as the Administration advised that all statutory requirements with respect to the accompanying subdivision and rezoning application had not been complied with.

PUBLIC HEARING SUMMARY

File:	DAC 5/2004 [c/r DASZ 1/2004, DAV 110113/2004D, DCU 100472/2004D]
Before:	City Centre Community Committee Councillor Smith, Chairperson Councillor Gerbasi Councillor Steek
Public Hearing:	May 4, 2004, Council Chamber April 13, 2004, North Committee Room Council Building, 510 Main Street
Applicant:	Kasian Kennedy Architecture Inc.
Premises Affected:	part of public lane west of Osborne Street between River Avenue and Roslyn Road
Exhibits Filed:	1. Report from the Real Property Officer dated April 1, 2004 2. Communication dated April 13, 2004, from Carolyn Levesque, Director, Astra Non Profit Housing Corporation in opposition to the application 3. Inspection Report 4. Communication dated May 4, 2004, from Ken Toland, in support of the application.

REPRESENTATIONS:

In Support:

June E. Anderson
David Andreychuk
Irene Argyle
Violet Bell
Anthony Bishop
Earl Brown, Safeway Canada Ltd.
Patricia Brown
Lucie Daoust
Ed Clarke, Safeway Canada Ltd.
Scott Douglas,
Kasian Kennedy Architecture Inc.
Susan Feldman
Amanda Fitzsimmons
Pat Flower
Jim Haier
Hazel Harvey
Frances Hillman Fryza
James Galtfuler
Bernice Gnitecki
Y.M. Gold
Lisa Hardess
Gordon A. Harding
Grant Henderson
Paul Jackson
Betty Jenkins
F. Johnston
Margaret Jones
Don Kasian,
Kasian Kennedy Architecture Inc.
Genevieve Kemp
Joan Koeppel
Michelle Kuly
Anne Lariviere
David Leibl
Carolyn Levesque
Karen Loscerbo
B. Phyllis McDougall
Ross McGowan, McGowan Design Group Inc.
Eileen McKinnon
Audrey E. Moran
Mr. and Mrs. Irwine L. Permut
Nancy Perrin
Chris Phillips,
Safeway Canada Ltd.
Marilyn and Bob Robbie
Barb Roth
Leonore Saunders
Sophie Schwark
Annie C. Short
Bissoondaie Singh
Bea Stewart
Ken Toland
Lionel Tougas
Glenrose Turner
Aviva Tynchyshyn
Linda Van Weeghei
Connie Watkins,
Safeway Canada Ltd.
Asher Webb
Shelagh Welter
Verna Wright
Annette Young

In Opposition:

Rita Kurtz
Barry Yanchyshyn

For Information:

Don Bailey
Chanelle Birks
Lesley Brown
Shannon Stundeu Bower
Jaclyn Friesen
Molly Johnson
Cyrus Hemmat
Tim Hoover
Annette Hercus
B. Hopkins
Pat Kendall
Delphine Kinvig
Monica Koeppel
Kathleen Leathers
Donna Leeies
Laurie Marcella
M. Renard
S. Renard
David Ringer
Martin Ringer
Constance J. Sarchuk
Matthew Wiebe
Angela Scerbo
Blair Short
Judith Templeman

For the City: Ms C. Knoll, Manager of Planning and Land Use, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 5/2004 [c/r DASZ 1/2004, DAV 110113/2004D, DCU 100472/2004D]

Re: DAC 5/2004 – PROPOSED CLOSING OF PART OF THE PUBLIC LANE WEST OF OSBORNE STREET BETWEEN RIVER AVENUE AND ROSLYN ROAD FOR INCORPORATION INTO DASZ 1/2004

For submission to: The City Centre Community Committee

Report date: April 1, 2004

Recommendations:

1. That the proposed lane closing as shown on Misc. Plan No. 12176/1 be approved and that the land be declared surplus to the City's needs.

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. 12176/1, 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 Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REPORT SUMMARY

Key Issues:

The closed lane is to be incorporated into the subdivision of the adjoining property addressed under DASZ 1/2004. The public access to and from the existing Safeway site will be relocated through the new parking lot when the development of the new site is completed.

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:

The Planning, Property and Development Department has received a request from Canada Safeway to purchase the public lane so identified on the attached drawing. Safeway intends to incorporate the lane into an application to subdivide and rezone the property under File No. DASZ 1/2004.
The lane provides pedestrian and vehicular access to and from the existing Safeway site. This access will be maintained immediately south of the existing lane when the development of the new site addressed under DASZ 1/2004 is completed.

DISCUSSION:

Administrative Approval

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

The Transportation Division of the Public Works Department advises that it has no objection to the closing, subject to the Developer providing an easement to permit City vehicles, particularly snow removal equipment, street sweeping equipment and refuse vehicles to travel over the Safeway parking lot to the private approaches to River Avenue to exit onto River Avenue. The pavement along the agreed upon route is to be constructed to a standard that will support these heavier vehicles.

The Water and Waste Department advises that there is an existing catch basin and lead located within the proposed closing. The Department has no objection to the closing based on the assumption that Safeway will assume responsibility for the catch basin and lead as part of the development agreement.

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 #: DAC 5/2004

Document name: V:\word\DAOC\dac5_04RPT.doc

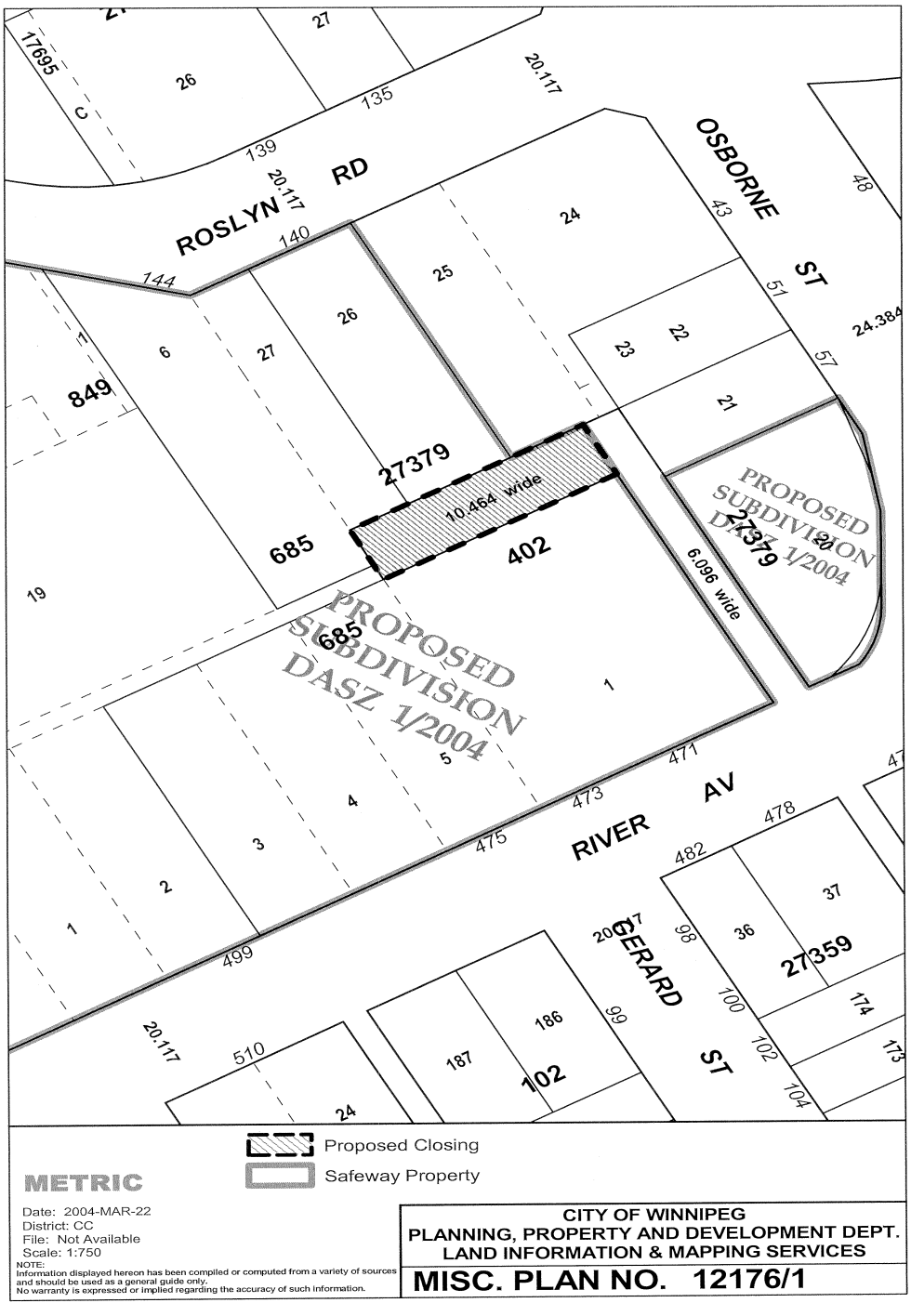
ROSLYN RD
OSBORNE ST
RIVER AV
GERARD ST
PROPOSED SUBDIVISION DASZ 1/2004
PROPOSED SUBDIVISION DASZ 1/2004
27379
10.464 wide
6.096 wide
685
402
849
27359
102
Proposed Closing
Safeway Property
METRIC
Date: 2004-MAR-22
District: CC
File: Not Available
Scale: 1:750
NOTE:
Information displayed hereon has 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. 12176/1

Exhibit "4" referred to in File DAC 5/2004 [c/r DASZ 1/2004, DAV 110113/2004D, DCU 100472/2004D]

-----Original Message-----
From: ken toland [mailto:tolands@ilos.net]
Sent: Tuesday, May 04, 2004 3:47 PM
To: jmarques@winnipeg.ca
Subject: New Safeway Store--Osborne Village

Josie:

I want to go on record that The Osborne Community Coalition does not represent me or my family as far as the public hearing tonight about the proposed new Safeway Store in Osborne Village. Nor should they suggest that to the press as they have done. I for one, and my family, Three of us, have no objection to a new safeway store being built along with a gas bar on that property. There is room for it, a need for it for competitive reasons and it will not add much at all to the traffic flow along River avenue. It will likely be many of the same people who shop at Safeway, and in the area, or those that use River Avenue on their way homethat use the gas bar. The traffic problem being suggested is overdone.

The area around the Shell Station at Osborne & Roslyn is quite small and, at busy times, it does take a few minutes to get back onto Osborne or Roslyn. It is not a big problem.

The parking lot at Shoppers Drugs is a zoo at times. However we all get out back onto Roslyn Rd or over to River Avenue. It is not a big problem.

A new Condominium project is going up on River Avenue, opposite the proposed new Safeway building site. This will bring more cars into the area that will go out of it onto River Ave, on Nassau St. N. and then onto Roslyn Rd to Osborne St--north and south. What should have been done here? Object to it being built to stop more cars comming into the area? No way. This is progress and if there is some slowness on River Avenue because of this then we will just have to live with it. It is a good addition to the area.

My understanding is that the Osborne Village Business Improvement Zone and, some of its supporters, are against this gas bar. There is, in my opinion, no basis for this objection. A new Safeway Store, along with its gas bar plus two or three other businesses there will bring more people into the area which will be good for their businesses. They will benefit from this development.

There could be many more examples of why this store and gas bar should go ahead immediately without any more wrangling. Please convey this to the three councillors who will be at the meeting tonight. I cannot be there in person due to other commitments. Thank You.

Yours Truly, Ken Toland, #706-21 Roslyn Rd, Wpg. Mb R3L 2S8