**Minute No. 215**
**Report - Standing Policy Committee on Downtown Development - February 7, 2005**

**Item No. 1** **Street Closing - Parts of Bannatyne Avenue and Waterfront Drive**
**File DAC 27/2004**

COUNCIL DECISION:

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

1. That the street closings shown on Misc. Plan No. 12467 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 closings in accordance with Misc. Plan No. 12467, subject to the approval of the Standing Policy Committee on Downtown 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 - Standing Policy Committee on Downtown Development - February 7, 2005**

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Downtown Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 16, 2005, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 7, 2005, the Standing Policy Committee on Downtown Development concurred in the administrative recommendation and submitted the matter to the Executive Policy Committee and Council.

## PUBLIC HEARING SUMMARY

| | |
|---|---|
| File: | DAC 27/2004 |
| Before: | Standing Policy Committee on Downtown Development<br>Councillor De Smedt, Chairperson<br>Councillor Eadie<br>Councillor Gerbasi |
| Public Hearing: | February 7, 2005<br>West Committee Room, Council Building<br>510 Main Street |
| Applicant: | McGowan Russell Architects (Mr. Ross McGowan)<br>on behalf of Ship Street Development Ltd. |
| Premises Affected: | Parts of Bannatyne Avenue and Waterfront Drive |
| Exhibits Filed: | 1. Report from the Real Property Officer dated December 22, 2004<br>2. Inspection Report |

REPRESENTATIONS:

In Support:
Nil

In Opposition:
Nil

For the City:
Mr. H. Finnigan, Director of Planning, Property and Development

Exhibit "1" referred to in File DAC 27/2004

**RE: DAC 27/2004 – PROPOSED CLOSINGS OF PARTS OF BANNATYNE AVENUE AND WATERFRONT DRIVE**

| | |
|---|---|
| **For submission to:** | **The Standing Policy Committee on Downtown Development** |
| **Original report signed by:** | **Director of Planning, Property and Development** |
| **Report date:** | **December 22, 2004** |
| **Recommendations:** | **1. That the proposed street closings as shown on Misc. Plan No. 12467 be approved and that the land be declared surplus to the City's needs.**<br><br>**2. That the City Solicitor/Manager of Legal Services be instructed to prepare the necessary by-law for submission to Council to effect the closings in accordance with Misc. Plan No. 12467, subject to the approval of the Standing Policy Committee on Downtown Development of the terms and conditions of the conveyance of the land.**<br><br>**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 owners of the land adjacent to the proposed closings intend to develop the property as a residential condominium site with light commercial use at street level. The property is not large enough to contain the proposed development. The acquisition of the closed portions of the streets will allow the condominium project to proceed.

**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 project 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 within the boundaries of the Downtown Winnipeg area, as defined by By-Law 4800/88, require the consideration of the Standing Policy Committee on Downtown Development.

**HISTORY:**

An application has been received from Mr. Ross McGowan of McGowan Russell Architects, on behalf of Ship Street Development Ltd., to acquire the lands shown as "Proposed Closings" on the attached Misc. Plan No. 12467.

Ship Street Development Ltd. acquired the lands on the west side of Waterfront Drive between Bannatyne and McDermont Avenues as part of CentreVentre's initiative to develop Waterfront Drive. The acquisition of the streets will allow Ship Street Development Ltd. to develop the property as a residential condominium site, with light commercial use at street level.

**DISCUSSION:**

Administrative Approval

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

Due to the requirements of the Water and Waste and Public Works Departments, there are stringent limits on the portions of the streets available for the development of this property.

The Water and Waste Department maintains a gate chamber and a 300mm watermain in Bannatyne Avenue and has advised that the maximum amount of the street that may be closed will be 2.4 metres in width.

The Public Works Department has advised that the portion of Waterfront Drive that may be closed must meet the following criteria:

- The east limit of the northern most proposed closure is to be coincident with the northerly projection of the west property line of Waterfront Drive.

- The southern most proposed closure is to be such that a minimum of 3.0m is retained for boulevard/sidewalk space between the back of curb of the roadway in McDermot Avenue along the south side of the proposed closure and a minimum of 4.0m is retained for

boulevard/sidewalk space between the back of curb of the roadway and the proposed closure along the radius between McDermot Avenue and Waterfront Drive.

The Public Works Department further advises that the drawing submitted by McGowan Russell in conjunction with the closing application illustrates a door opening into the sidewalk right-of-way along McDermot Avenue. This door should be recessed into the building so as not to interfere with pedestrian traffic along McDermot Avenue. As presently shown the door could potentially block up to half the width of the sidewalk when opened.

Easements

Manitoba Hydro and MTS Allstream Inc. have indicated that they will require easements for existing plants within the closing areas. It is likely that the nature of the project will require the applicant to relocate any utility plants.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they 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.

## Financial Impact Statement Date: December 17, 2004

**COMMENTS:**

All costs associated with this project will be borne by the applicant. There is no financial impact to the City.

"Original Signed By"
Mike McGinn, CA
Manager of Finance

**IN PREPARING THIS REPORT, THERE WAS CONSULTATION WITH AND CONCURRENCE BY:**

Planning, Property and Development Department – Community Planner, Parks, Riverbanks and Community Initiatives Branch, 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 did not respond to requests for their comments on this proposal.

**THIS REPORT SUBMITTED BY:**

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: 2233/H-1

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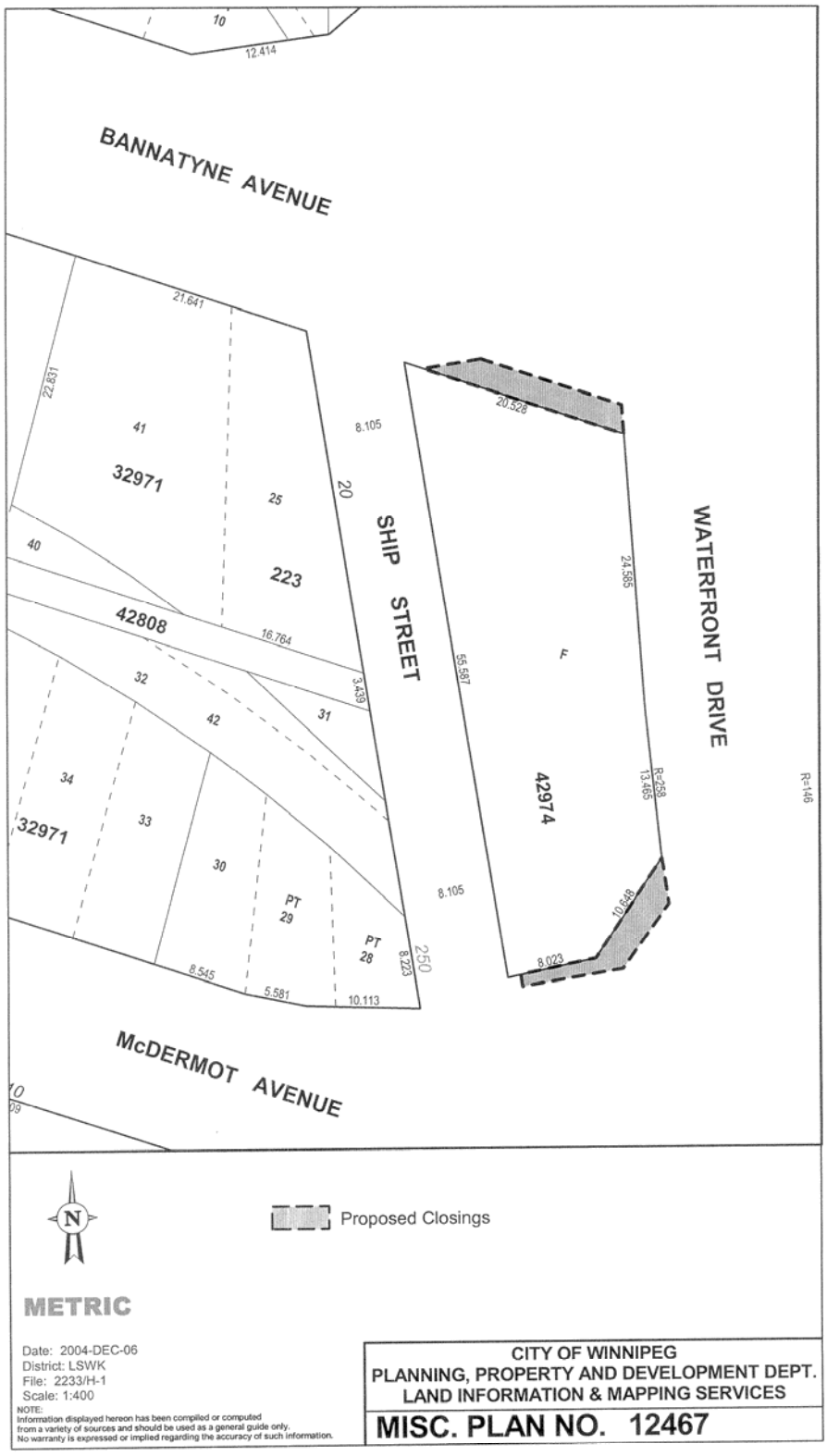
BANNATYNE AVENUE
McDERMOT AVENUE
SHIP STREET
WATERFRONT DRIVE
32971
223
42808
42974
PT 29
PT 28
Proposed Closings
METRIC
Date: 2004-DEC-06
District: LSWK
File: 2233/H-1
Scale: 1:400
NOTE:
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CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12467