Minutes - Standing Policy Committee on Downtown Development - April 4, 2005

PUBLIC HEARINGS

Minute No. 33. Street Closing - Parts of Bannatyne Avenue and Waterfront Drive
File DAC 6/2005 (c/r DAC 27/2004)

STANDING COMMITTEE RECOMMENDATION:

The Standing Policy Committee on Downtown Development concurred in the administrative recommendation and recommends to Council:

1. That the proposed street closings as shown on Misc. Plan No. 12467/2 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 closings in accordance with Misc. Plan No. 12467/2, 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.

DECISION MAKING HISTORY:

The Administration advised that all statutory requirements with respect to this application have been complied with.

Moved by Councillor Gerbasi,
That the administrative report be taken as read.

Carried

Moved by Councillor Gerbasi,
That the receipt of public representations be concluded.

Carried

Moved by Councillor Gerbasi,
That the administrative recommendation be concurred in, and forwarded to the Executive Policy Committee and Council.

Carried

Moved by Councillor Gerbasi,
That the public hearing with respect to this application be concluded.

Carried

COUNCIL:

On February 23, 2005, Council adopted the Street Closing of parts of Bannatyne Avenue and Waterfront Drive (DAC 27/2004) and concurred in the recommendation of the Standing Policy Committee on Downtown Development and adopted the following:

1. That the street closings (parts of Bannatyne Avenue and Waterfront Drive) shown on Misc. Plan No. 12467 be approved and the land declared surplus to the City's needs.

DECISION MAKING HISTORY: (con't)

COUNCIL:

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.

PUBLIC HEARING SUMMARY

File:	DAC 6/2005 [c/r DAC 27/2004]
Before:	Standing Policy Committee on Downtown Development Councillor De Smedt, Chairperson Councillor Eadie Councillor Gerbasi Councillor Steeves
Public Hearing:	April 4, 2005 West Committee Room, Council Building 510 Main Street
Applicant:	McGowan Russell Architects (Mr. Ross McGowan) 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 March 22, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:

Nil

In Opposition:

Nil

For the City:

Mr. I. McKay, Acting Director of Planning, Property and Development

Exhibit "1 referred to in File DAC 6/2005

RE: DAC 6/2005 – PROPOSED CLOSING 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: **March 22, 2005**

Recommendations:

1. That the proposed street closings as shown on Misc. Plan No. 12467/2 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 closings in accordance with Misc. Plan No. 12467/2, 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 SUMMARY

Key Issues:

- In February of 2005, the Standing Policy on Downtown Development and Council approved the closing of parts of Waterfront Drive and Bannatyne Avenue for inclusion into a proposed condominium development. The applicant wishes to acquire some additional portions of the streets.

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

Policy implications:

X	**No**
	Yes

Comment(s):

-

Environmental implications:

X	**No**
	Yes

Comment(s):

-

Human resources implications:

X	**No**
	Yes

Comment(s):

-

Financial implications:

X	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:

Ship Street Development Ltd. has 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 company intends to develop the property as a residential condominium site, with light commercial use at street level.

The building planned for the site does not fit on the property. In November of 2004, an application was received from Mr. Ross McGowan of McGowan Russell Architects, on behalf of Ship Street Development Ltd., to acquire portions of the adjacent streets to increase the area of the holding to accommodate the planned building.

On February 7, 2005, the Standing Policy Committee on Downtown Development considered DAC 27/2004, an application to close the portions of Bannatyne Avenue and Waterfront Drive shown as "Proposed Closings" on the attached Misc. Plan No. 12467/2 and recommended that Council approve the street closings. Council, on February 23, 2005, concurred in the recommendation.

Upon further review, the applicant has advised that the lands shown, as "Additional Closings", on Misc. Plan No. 12467/2 are also required. The additional portion of Waterfront Drive is critical to the project, as the southwest corner of the condominium building will occupy it. The additional closing of Bannatyne Avenue is required for a cabinet containing electrical services for the condominium.

DISCUSSION:

Administrative Approval

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

Relocation of Manitoba Hydro Duct Line

Manitoba Hydro has a duct line within the portion of Bannatyne Avenue proposed to be closed. The applicant will be required to relocate this line.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets must be legally closed before they may be transferred to the applicant. 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: March 21, 2005

COMMENTS:

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

"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 – Geomatics Branch, Downtown Planning Branch, Parks, Riverbanks & Community Initiatives Branch, Zoning & Permits Branch

Corporate Finance Department – Local Improvements

Public Works Department – Transportation Division

Water and Waste Department – Engineering Division

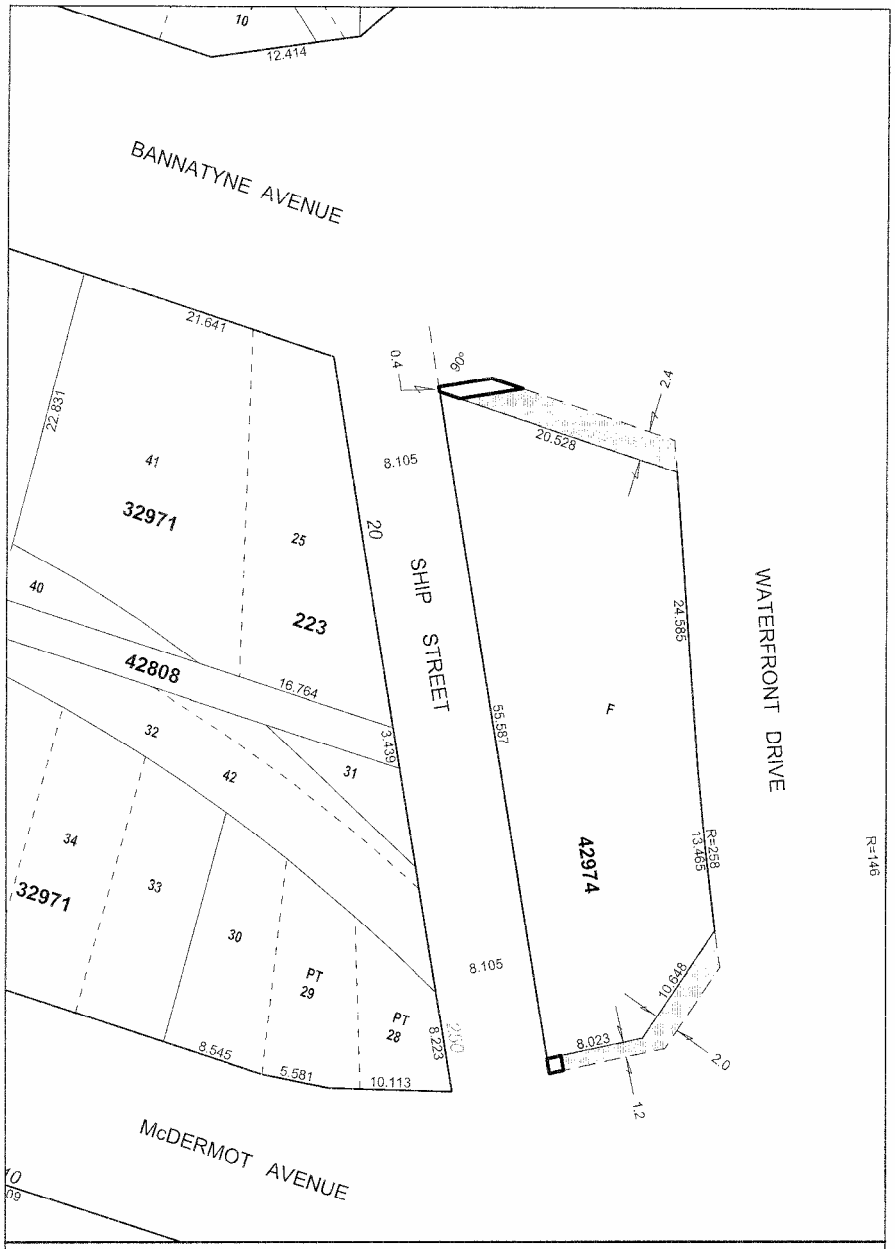
Manitoba Hydro

Centra Gas, MTS Communications and Shaw Cable did not respond to the request for easement requirements.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #:8237

Document name: o:\reports directive\development and inspections\geomatics\dac6_05.doc



Proposed Closings DAC 27 / 2004

Additional Closings DAC 6 / 2005

METRIC

Date: 2005-MAR-3
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 / 2