Agenda - Council - May 18, 2005

Report - Standing Policy Committee on Property and Development - May 3, 2005

Item No. 3 Street and Lane Closings - part of Weatherdon Avenue, parts of Grant Avenue/Pembina Highway and part of the public lane north of Weatherdon Avenue
File DAC 2/2005

STANDING COMMITTEE RECOMMENDATION:

On May 11, 2005, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee and submits the following to Council:

1. That the street and lane closings shown on Misc. Plan No. 12489 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. 12489, 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 - Standing Policy Committee on Property and Development - May 3, 2005

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On May 11, 2005, the Executive Policy Committee concurred in the recommendations 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 May 3, 2005, 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 April 5, 2005, the City Centre Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

File:	DAC 2/2005
Before:	City Centre Community Committee Councillor Smith, Chairperson Councillor Benham Councillor Gerbasi
Public Hearing:	April 5, 2005 West Committee Room, Council Building
Applicant:	Bill Thomas Thomas Design Builders
Premises Affected:	part of Weatherdon Avenue, parts of Grant Avenue\Pembina Highway, and part of the public lane north of Weatherdon Avenue
Exhibits Filed:	1. Report from the Real Property Officer dated March 21, 2005 2. Inspection Report

REPRESENTATIONS:

In Support:

Doug Auch
Mike Sapozhnik
Morse Silden

In Opposition:

Nil

For the City:

Mr. G. Halldorson, Real Property Officer, Planning, Property and Development Department
Mr. J. Veitch, Planner, Planning, Property and Development Department

Exhibit "1" referred to in File DAC 2/2005

RE: DAC 2/2005 – PROPOSED CLOSING OF PART OF WEATHERDON AVENUE, PARTS OF GRANT AVENUE\PEMBINA HIGHWAY, AND PART OF THE PUBLIC LANE NORTH OF WEATHERDON AVENUE

For submission to:	**The City Centre Community Committee**
Report date:	**March 21, 2005**
Recommendations:	**1. That the proposed street and lane closing as shown on Misc. Plan No. 12489 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. 12489, 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 Planning, Property and Development Department has received a request from MSL Management, owners of the Quality Inn at 635 Pembina Highway, to purchase portions of the streets and lane. The Applicant intends to use the land for the relocation of the hotel beer vendor and other improvements to the hotel site.

- The proposed closing of Weatherdon in front of No. 711 Weatherdon – which is not owned by the Applicant – is contingent on the approval of the property owner. Leaving this section of Weatherdon open will not adversely affect the Applicant's plans.

Implications of the Recommendation(s):

General implications:

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

Comment(s):

- Closing Weatherdon may inconvenience residents on the street west of Arbuthnot. The residents may accept this inconvenience if it results in a decrease of traffic, particularly by patrons of the hotel, in the neighbourhood.

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 MSL Management, owners of the Quality Inn at 635 Pembina Highway, to purchase portions of the streets and lane identified as "Proposed Closing" on the attached Misc. Plan 12489.

The Applicant owns all the property on the north side of Weatherdon except for the lot at 711 Weatherdon, which is owned by Active Builders Limited. The Applicant wishes to relocate the hotel beer vendor building to the area proposed to be closed at the intersection of Grant and Pembina. The Applicant is also considering an addition to the hotel. The attached preliminary drawing from Thomas Design Builders illustrates the proposed building locations.

Manitoba liquor laws require that the beer vendor is located on property contiguous with the hotel property. Closing Weatherdon will provide this link. Those portions of the streets and lane not required for buildings or traveled ways will be used for parking areas.

DISCUSSION:

Effect of Closing Weatherdon on the Area Residents

Closing Weatherdon may inconvenience residents of the neighbourhood west of Arbuthnot who presently use the street for vehicular access. The residents may accept this inconvenience if it results in a decrease of traffic, particularly by patrons of the hotel, in the neighbourhood.

Closing Weatherdon Adjacent to No. 711

No. 711 Weatherdon does not appear to use the street for access. Pedestrian access to the property is from Arbuthnot Street and vehicular access is from the public lane. Nevertheless, this portion of the street may not be closed without the consent of the property owner.

Administrative Approval

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

The Planning and Land Use Division of the Planning, Property and Development Department recommends that the following conditions may be appropriate in order to mitigate the impact on the adjacent residents:

1) Provide a solid wood fence along the east property line of No. 711 Weatherdon and extending across the public lane to prevent to prevent the public from using the lane to access the parking area from Arbuthnot Street
2) Provide solid wood fencing and landscaping along the south property line of No. 711 Weatherdon
3) Provide light proof fencing and minimum 10-foot landscape buffer along the western limit of the proposed parking area at the proposed closing of Weatherdon
4) Construct a new curb complete with boulevard along the east side of Arbuthnot to align with existing. (Pending Public Works, Real Estate, etc. concurrence and approvals) [This recommendation assumes that the owner of 711 Weatherdon has no objections to the closing of the portion of the street adjacent to his property.]

The Division further recommends that these points be part of a Plan Approval clause, i.e. *'Prior to the issuance of a development permit, detailed plans of the parking lot layout, lighting, landscaping, fencing, garbage enclosures and signage be submitted for approval to the Manager of the Planning and Land Use Division.'* This would give the Division the opportunity to review and comment on the proposed site design.

The Transportation Division of the Public Works Department advises that from a Public Works perspective it would be desirable for the applicant to come to an agreement with the adjoining property owners, Gimli Fish Market Limited and Active Builders Limited to permit the legal closing of the entire length of Weatherdon Avenue between Pembina Highway and Arbuthnot Street as well as the remnant of the public lane west of Pembina Highway immediately south of 625 Pembina Highway.

Should the above not be achievable the Public Works Department has the following comments and recommendations on the application as applied for:

1) The westerly limit of the proposed closing of Weatherdon Avenue should be coincident with the east property line of the property addressed as 711 Weatherdon Avenue to maintain the existing street frontage for that property. The applicant shall construct curb and boulevard, and adjust land drainage facilities as necessary to accommodate the closure at the terminus of Weatherdon Avenue, as determined by and to the satisfaction of the Director of Public Works. This requirement is to be included in the Servicing Agreement identified in clause 4.) below.

2.) Should the westerly limit of the closure of Weatherdon Avenue be at the east limit of Arbuthnot Street, as illustrated, the applicant shall be responsible for the removal of the existing Weatherdon Avenue street turnout and the restoration of the curb and boulevard; and the removal of the existing street light on the south side of Weatherdon Avenue approximately 2.0m east of the east limit of Arbuthnot Street as determined by and to the satisfaction of the Director of Public Works. This requirement is to be included in the Servicing Agreement identified in clause 4.) below.

3.) The applicant shall provide and legally open, at no expense to the City, property required for a standard residential type cul-de-sac turnaround at the proposed westerly terminus of Weatherdon Avenue, to the satisfaction of the Director of Public Works.

4.) The applicant shall enter into a Servicing Agreement for the construction of a standard residential type cul-de-sac turnaround at the westerly terminus of Weatherdon Avenue and all related works, all as determined by and to the satisfaction of the Director of Public Works.

The Water and Waste Department advises that there is an existing 150mm water main and an existing 375mm combined sewer located within the portion of the Weatherdon right-of-way that is proposed to be closed. Both of these existing facilities are old and renewals will be required sooner than later. Also, there is an existing fire hydrant assembly located within the subject area and the property located at 711 Weatherdon is serviced from the water main and sewer main located within the subject area.

As a condition to the closure and sale of the Weatherdon right-of-way the Department requires a full width easement for access and maintenance of the existing water main and sewer. The Department also requires that the existing fire hydrant assembly be abandoned and a new hydrant assembly be installed in the Arbuthnot right-of-way, in close proximity to the existing location, and at no cost to the City. Service to 711 Weatherdon cannot be disrupted.

The conceptual building layout provided by Thomas Design shows part of the proposed building encroaching into the proposed Weatherdon easement. This would not be acceptable and their design would have to be revised accordingly.

There is an existing 300 combined sewer located within the proposed closing west of Pembina Highway and north of Weatherdon. The responsibility for this sewer will revert from the City to MSL Management once they purchase the property.

Zoning

The street, once closed, will assume the zoning of the adjacent property. The north half of the street will assume an R1-3.5 zoning designation and the south half of the street will assume a C1.5 zoning designation. This would be inconsistent with the Applicant's plans, and a rezoning application would be required.

Easements

In addition to the easements required by the Water and Waste Department, Centra Gas, Manitoba Hydro and MTS Allstream Inc. will either require relocation of their facilities or easements for the maintenance of their plants in the streets and lane. No permanent structures will be allowed in the easement areas. Manitoba Hydro maintains underground services in Weatherdon and in both sides of the lane proposed to be closed. The services in the closed lane would have to be relocated before Hydro agreed to the location of the new beer vendor.

Transfer of Jurisdiction Over Public Rights-of-Way

The streets and lane 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.

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

Winnipeg Transit

Centra Gas, Manitoba Hydro, MTS Communications,

Shaw Cable did not respond to the circulation of this proposal.

THIS REPORT SUBMITTED BY:

Planning, Property and Development Department
Division: Development and Inspections
Prepared by: Glenn Halldorson, Real Property Officer
PPD File #: DAC 2/05

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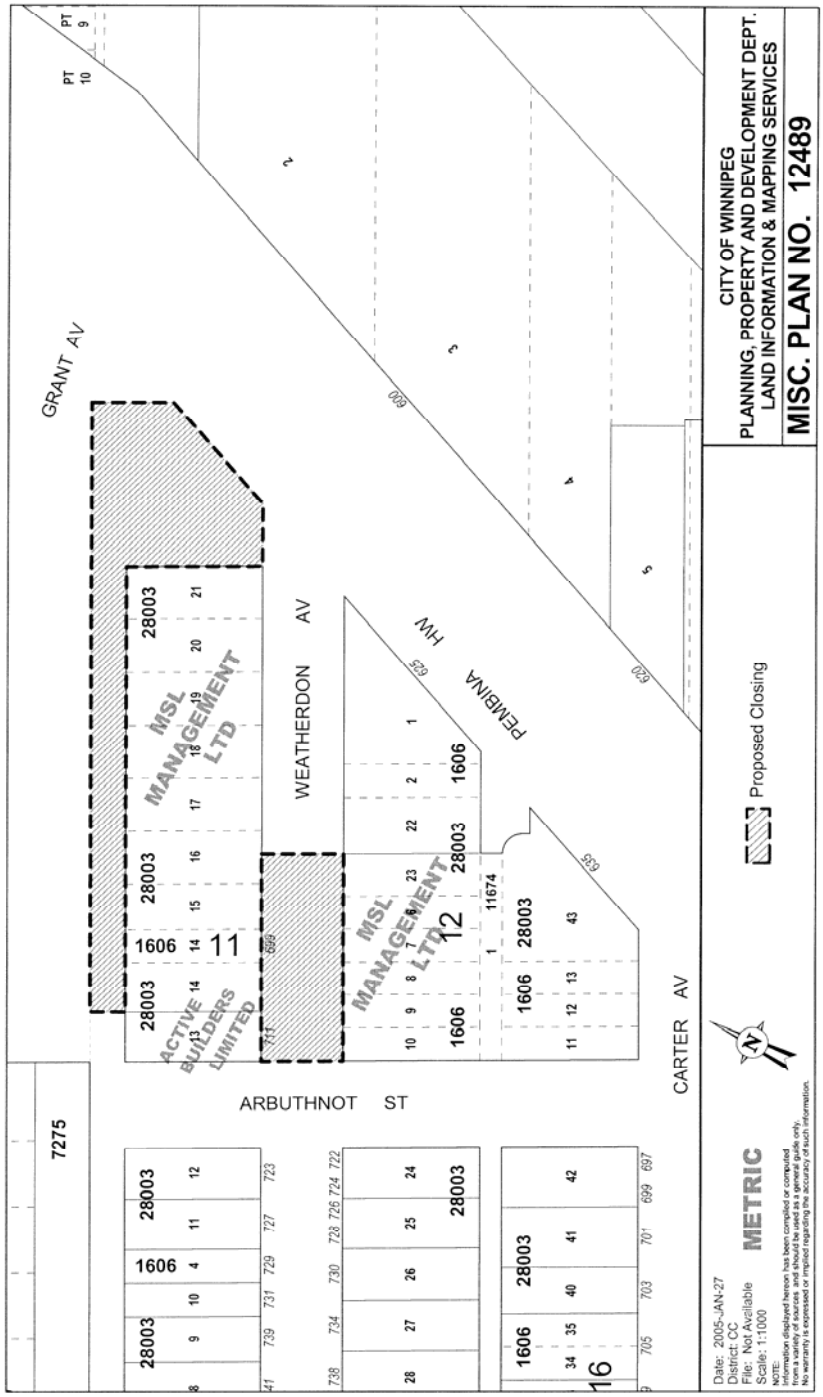
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12489
Proposed Closing
METRIC
Date: 2005-JAN-27
District: CC
File: Not Available
Scale: 1:1000
GRANT AV
WEATHERDON AV
PEMBINA HW
CARTER AV
ARBUTHNOT ST
MSL MANAGEMENT LTD
ACTIVE BUILDERS LIMITED
7275
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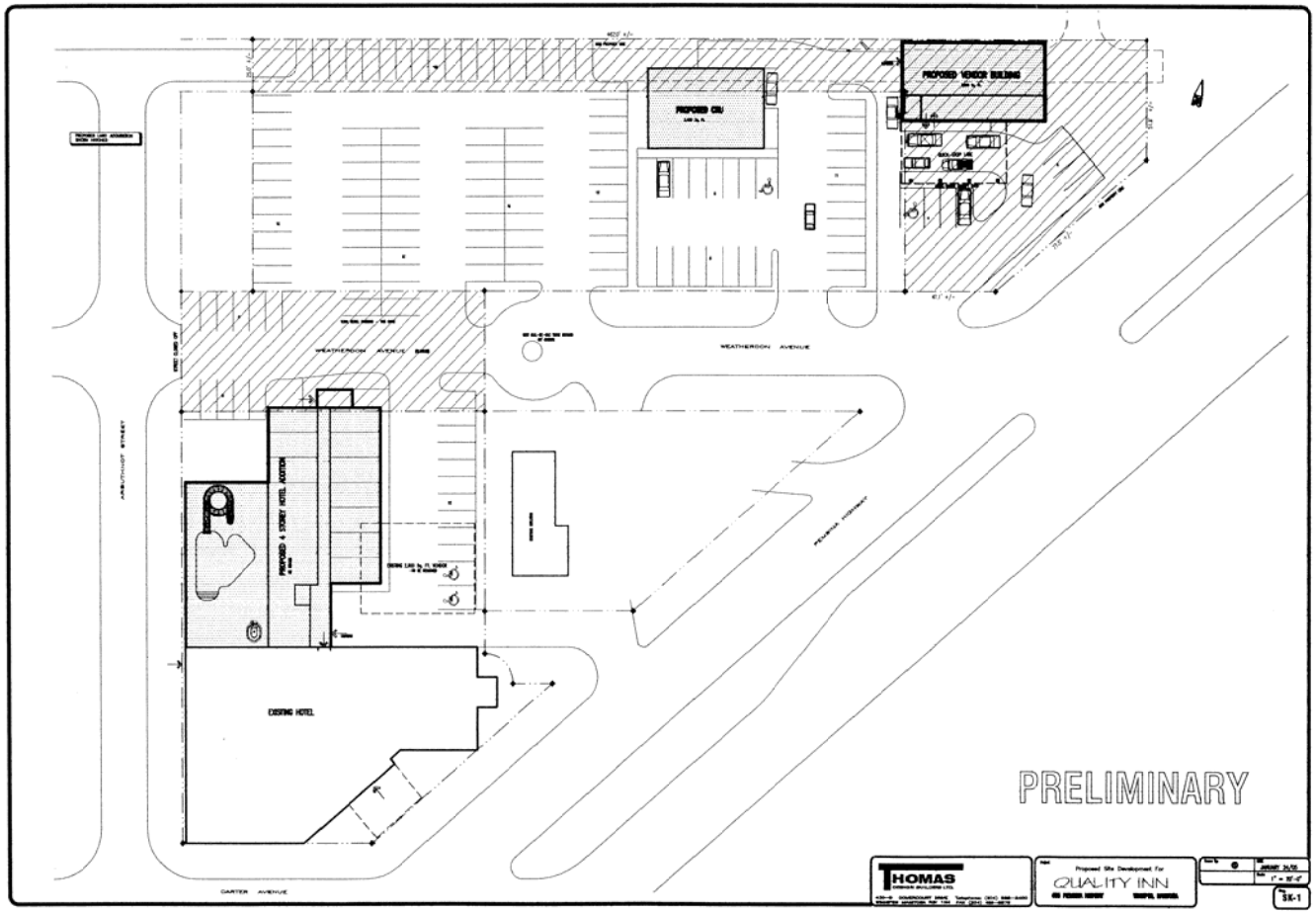
PROPOSED VENDOR BUILDING
PROPOSED CRU
WEATHERDON AVENUE
WEATHERDON AVENUE
ARBUTHNOT STREET
PROPOSED 4 STOREY HOTEL ADDITION
EXISTING HOTEL
CARTER AVENUE
PRELIMINARY
THOMAS
Proposed Site Development For
QUALITY INN
SK-1