Minutes - Executive Policy Committee – March 14, 2007

Minute No. 223
Report - Standing Policy Committee on Infrastructure Renewal and Public Works – March 6, 2007

Item No. 1 **Access to a proposed commercial development located on the west side of Kenaston Boulevard**
File SC-1(31)

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works and submits the following to Council:

1. That Schedule 1 of the Private Approaches By-law No. 6546/95 be amended to permit construction of 1-10.0 metre private approach on the west side of Kenaston Boulevard approximately 376.8 metres south of Lowson Crescent (as shown on Drawing No. A-07003), subject to the applicant paying all costs for the approved bi-directional approach and associated work, including a deceleration lane with transition, and with the understanding that no median opening within Kenaston Boulevard be approved.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the foregoing and submit same directly to Council.

3. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Minutes - Executive Policy Committee – March 14, 2007

Report - Standing Policy Committee on Infrastructure Renewal and Public Works – March 6, 2007

DECISION MAKING HISTORY:

Moved by Councillor Clement,

That the recommendation of the Standing Policy Committee on Infrastructure Renewal and Public Works be concurred in and forwarded to Council.

Carried

Jeff Doerkesen, Lehigh Inland Cement, submitted a presentation dated March 14, 2007, in opposition to the access to a proposed commercial development located on the west side of Kenaston Boulevard.

STANDING COMMITTEE RECOMMENDATION:

On March 6, 2007, the Standing Policy Committee on Infrastructure Renewal and Public Works recommended that the administrative recommendation No. 1 not be concurred in and that administrative recommendation No. 2 be concurred in and forwarded to Executive Policy Committee and Council.

STANDING COMMITTEE DECISION:

On January 9, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee, namely:

1. That Paragraph 3 of the Subdivision Agreement under DASSF 539/99 be approved by adding the following:

   "iv) off the public right-of-way, known as Kenaston Boulevard onto Lot 2, Plan 39119, as a right in and a right out."

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 2006, the Assiniboia Community Committee did not concur in the administrative recommendation and recommended as follows:

1. That Paragraph 3 of the Subdivision Agreement under DASSF 539/99 be approved, as amended, by adding the following;

Report - Standing Policy Committee on Infrastructure Renewal and Public Works – March 6, 2007

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION:

"iv) off the public right-of-way, known as Kenaston Boulevard onto Lot 2, Plan 39119, as a right in and a right out."

and forwarded to the Standing Policy Committee on Property and Development.

2. That the Private Approaches By-law No. 6546/95 be amended to permit a private approach off the public right-of-way, known as Kenaston Boulevard onto Lot 2, Plan 39119, as a right in and a right out" in accordance with the plan submitted by Terracon Development Ltd. and identified as Sheet D1,

and forwarded to the Standing Policy Committee on Infrastructure Renewal and Public Works.

RE: ACCESS TO A PROPOSED COMMERCIAL DEVELOPMENT LOCATED ON THE WEST SIDE OF KENASTON BOULEVARD (c/o TUXEDO BUSINESS PARK INC., 1 TERRACON PLACE, WINNPEG, MANITOBA R2J 4B3, ATTENTION: MR. MICHAEL FALK)

FOR SUBMISSION TO: Standing Policy Committee on Infrastructure Renewal and Public Works

ORIGINAL REPORT SIGNED BY: L.S.W. Larkin, P. Eng.
Director of Public Works

REPORT DATE: February 13, 2007

RECOMMENDATION:

1. That the construction of 1-10.0 metre private approach on the west side of Kenaston Boulevard approximately 376.8 metres south of Lowson Crescent (as shown on Drawing No. A-07003) *not* be approved.

2. If it is the Committee's decision to approve access to Kenaston Boulevard, the Public Works Department recommends that it be approved as shown on Drawing No. A-07003, subject to the applicant paying all costs for the approved bi-directional approach and associated work, including a deceleration lane with transition; and with the understanding that no median opening within Kenaston Boulevard be approved.

Report Summary

Key Issues:

The proposed private approach (as shown on Drawing No. A-07003) is not permitted by the Private Approaches by-law No. 6546/95. This Department does not recommend approval for this proposed approach from Kenaston Boulevard, and recommends that all access to the proposed development to be from the adjoining property to the north.

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
Involves a multi-year contract

Comment(s):

Policy Implications

X No
Yes

Comment(s):

Regulatory Implications

X None
Eliminates or reduces regulatory impact
Proposes regulatory impact

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):

REASON FOR THE REPORT:

This application is non-conforming under The City of Winnipeg Private Approaches By-Law No. 6546/95 Section 3, Subsection (2) namely:

> "(2) No approach shall be constructed, erected or installed in any street or section of street set forth in Schedule 1 hereto, provided that on those streets or sections of street which have service roads adjacent to the main roadways, this Schedule shall apply only to the main roadways and not to the service roads.

This section of Kenaston Boulevard is contained within Schedule 1.

DISCUSSION:

This section of Kenaston Boulevard contains 7.8 metre wide southbound roadway and a 7.9 metre wide northbound roadway, separated by a 5.0 metre wide median. The speed limit on this section of Kenaston Boulevard is 80 km/h.

The site is currently vacant, and there are no existing private approaches to this land.

The applicant is proposing to construct a 45,000 square foot commercial building with parking for approximately 92 vehicles on the site. Proposed access to this development will be from Kenaston Boulevard.

This Department recommends that no access on the west side of Kenaston Boulevard be approved for the following reasons:

1. This section of Kenaston Boulevard is contained within Schedule 1 of the Private Approaches By-law for reasons of traffic operations, capacity and safety. Vehicle collisions and capacity of a street are directly related to the number of approaches to private property from a street; as the number of approaches increase the number of potential vehicle conflicts also increase thereby reducing the capacity of the street and increasing the potential for vehicle collisions. Major arterial streets such as Kenaston Boulevard are intended for the transportation of large volumes of through traffic at relatively high speeds; private approaches diminish the capacity of and level of motorist safety on those streets.

2. The proposed development can be safely and conveniently accommodated with all access from the adjoining property to the north.

3. This Department has restricted access to other developers with property on Kenaston Boulevard for the same reasons. If the Committee approves access for this development, a precedent will be set.

For the above reasons the Public Works Department strongly recommends against permitting any access to the proposed development from Kenaston Boulevard, and recommends that all access to the proposed development to be from the adjoining property to the north.

There is no financial impact or immediate cost to the City if this non-conforming private approach is approved.

Financial Impact Statement Date: January 22, 2007

Project Name:

ACCESS TO A PROPOSED COMMERCIAL DEVELOPMENT LOCATED ON THE WEST SIDE OF KENASTON BOULEVARD

COMMENTS:

There is no financial impact as the recommendation is opposed to the construction of a private approach. The cost of a private approach would be the responsibility of the developer.

"Original Signed by Darcy Stewart, CA"

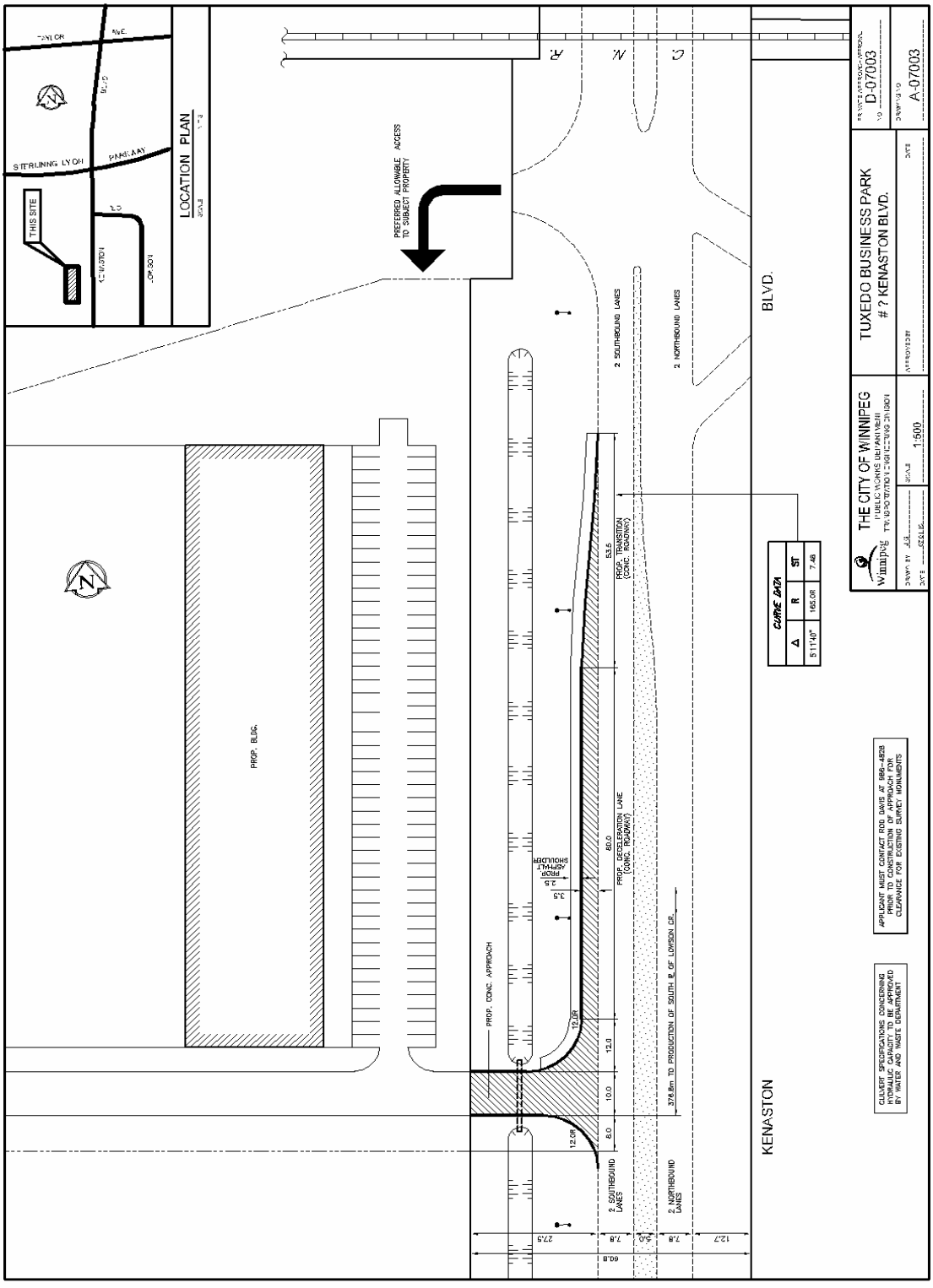
IN PREPARING THIS REPORT THERE WAS:

Internal Consultation With and Concurrence By:
Planning, Property and Development.

External Consultation With:
Tuxedo Business Park Inc.

THIS REPORT SUBMITTED BY:

Department:	Public Works
Division:	Transportation Engineering
Prepared by:	Doug Binda, Commercial Approach Technician……986-5239
Processed by:	Carol Kawaza, Transportation Clerk……986-5288
File No.	A/J
File Name:	L:\Admin\Reports 2007\D Binda\January\WestSideofKenastonReportRevised (2).doc


LOCATION PLAN
THIS SITE
STERLINING LYON
PARKWAY
PREFERRED ALLOWABLE ACCESS TO SUBJECT PROPERTY
PROP. BLDG.
PROP. CONC. APPROACH
PROP. ASPHALT SHOULDER
PROP. DECELERATION LANE (CONC. ROADWAY)
PROP. TRANSITION (CONC. ROADWAY)
2 SOUTHBOUND LANES
2 NORTHBOUND LANES
KENASTON
BLVD.
CURVE DATA
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ST
5°11'40"
165.0R
7.4B
THE CITY OF WINNIPEG
PUBLIC WORKS DEPARTMENT
TUXEDO BUSINESS PARK
? KENASTON BLVD.
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D-07003
A-07003
APPLICANT MUST CONTACT ROD DAVIS AT 986-4828 PRIOR TO CONSTRUCTION OF APPROACH FOR CLEARANCE FOR EXISTING SURVEY MONUMENTS
CULVERT SPECIFICATIONS CONCERNING HYDRAULIC CAPACITY TO BE APPROVED BY WATER AND WASTE DEPARTMENT

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Planning, Property and Development Department Report

To the Assiniboia Community Committee

Date:	November 23, 2006
File:	**SAA 9/06**
Related Files:	N/A
Subject:	To amend the subdivision agreement under **DASSF 539/99** to amend paragraph 3 by adding; ***"iv) off the public right-of-way onto Lot 2, Plan 39119."***
Location:	1303 Kenaston Boulevard
Legal Description:	Lot 2, Plan 39113
Applicant:	Tuxedo Business Park Inc. (Mr. Michael Falk)
Owner:	Terracon Development Ltd.
Recommendation:	**Denial**

Site Description

Existing Land Use and Zoning

The 6.1 acre subject site is zoned 'M3' Industrial and currently vacant. The property forms a part of the 90-acre Tuxedo Business Park owned by Terracon Development Ltd. The owner's intend to develop the site as part of the overall Business Park.

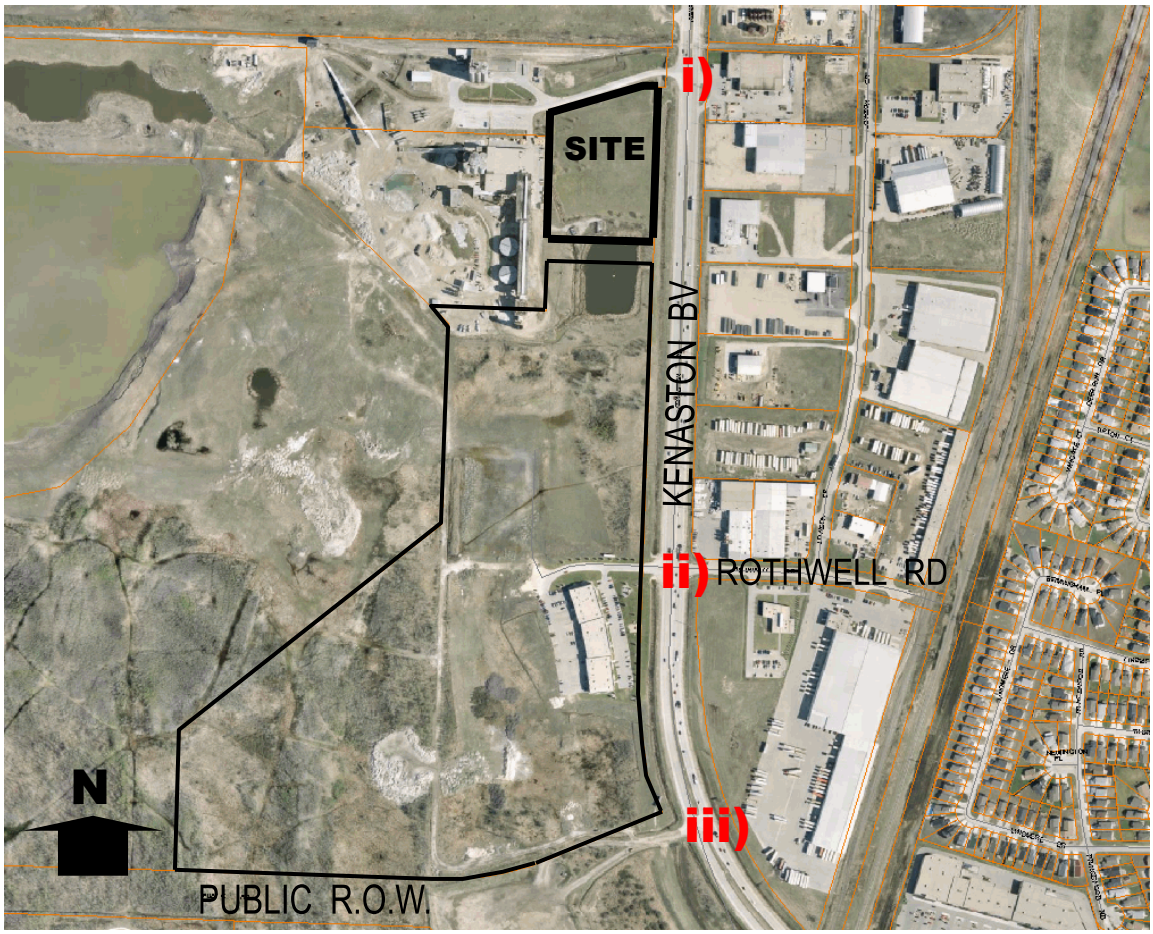


Figure 1: Subject Site; i), ii) & iii) indicate the approved approaches in the existing Subdivision Agreement (Aerial Flown 2005)

Surrounding Land Use and Zoning

North: 'M3' Industrial
South: 'M2' & 'M3" Industrial (Tuxedo Business Park)
East: Kenaston Boulevard then 'M3' Industrial
West: 'M3' Industrial (Lehigh Cement)

Background

DASSF 539/99 – subdivision application for the entire lands that comprise the 90-acre Tuxedo Business Park, (the subject site and the site to the south), Subdivision Agreement entered into.

Description of the Proposed Development

The applicant wishes to amend Clause 3 of the existing subdivision agreement, (DASSF 539/99);

3. *Access to the land shall be restricted to the following location:*
    - *i) The existing approach to the Lehigh Cement Plant from Kenaston Boulevard;*
    - *ii) opposite Rothwell Road onto Kenaston Boulevard; and*
    - iii) *off the public right of way located along the south limit of the proposed subdivision.*

The applicant wishes to add a fourth sentence to Clause 3 to read;

iv) off the public right-of-way onto Lot 2, Plan 39119.

The clause was based on one of the recommendations from the Administrative Coordinating Group after their review of the subdivision application for the lands in 1999.

Analysis

The Planning and Land Use Division does not support this application to amend the Subdivision Agreement. The subdivision was intentionally restricted to a maximum of three approaches based on the development review by the Administrative Coordinating Group. Kenaston Boulevard is a major arterial with a by-law restricting private approaches due to concerns regarding public safety and efficiency.

Presently, access to the Tuxedo Business Park is available at the signalized approach opposite Rothwell Road, (number ii) in the agreement). They also had access off of the existing Lehigh Cement approach for which they were required to have a cross access agreement in place with Lehigh Cement. The applicant has indicated that Lehigh Cement has now blocked that access and they are involved in litigation to rectify the situation.

In a pre-application meeting, the Planning and Land Use Division asked the applicant if any other alternatives had been considered such as developing the approved third access off the public right of way to the south of the development and phasing the Tuxedo Park accordingly. Another option raised was providing access to the northern portion of the site by way of an internal roadway that either has an appropriate turn-around or loops back to the Rothwell Road approach. The applicant felt that the only alternative for the development was to create a new approach off Kenaston Boulevard to the subject site.

The applicant indicated that they were willing to consider this proposed fourth approach as a temporary solution and they would agree to its removal at such time as the litigation is resolved with Lehigh Cement and the northern most access is once again available.

The Public Works Department is opposed to the fourth approach as well and submitted the following;

"This section of Kenaston Boulevard is contained within Schedule 1 of the Private Approaches By-Law for reasons of traffic operations, capacity and safety. Vehicle collisions and capacity of a street are directly related to the number of approaches to private property from a street; as the number of approaches increase the number of potential vehicle conflicts also increase thereby reducing the capacity of a street and increasing the potential for vehicle collisions. Major arterial streets such as Kenaston Boulevard are intended for the transportation of large volumes of through traffic travelling at relatively high speeds; private approaches diminish the capacity of and level of motorist safety on those streets. For these reasons the Public Works Department does not support the requested Subdivision Agreement Amendment."

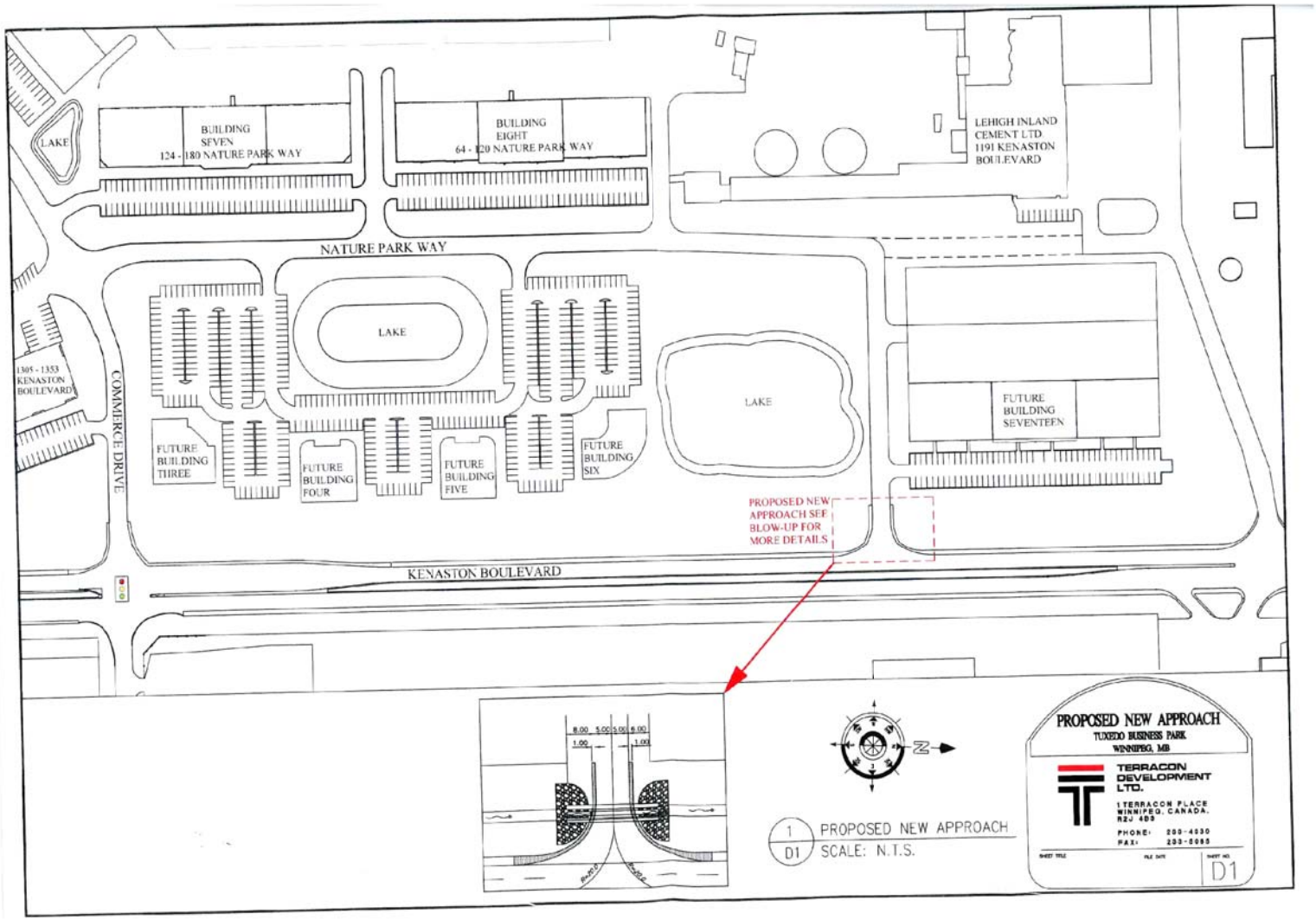
Recommendation

The Planning and Land Use Division recommends denial for the following reasons:

- That it is contrary to the private approaches By-law restricting additional private approaches onto Kenaston Boulevard,
- The development has three approved approaches off Kenaston Boulevard as per previous agreement,
- We believe that there are other alternatives that will allow the planned development to proceed without the potential negative impact a new approach will have on the safety and efficiency of Kenaston Boulevard.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: James Veitch
PPD File # SAA 9/06


LAKE
BUILDING SEVEN
124 - 180 NATURE PARK WAY
BUILDING EIGHT
64 - 120 NATURE PARK WAY
LEHIGH INLAND CEMENT LTD
1191 KENASTON BOULEVARD
NATURE PARK WAY
LAKE
1305 - 1353 KENASTON BOULEVARD
COMMERCE DRIVE
FUTURE BUILDING THREE
FUTURE BUILDING FOUR
FUTURE BUILDING FIVE
FUTURE BUILDING SIX
LAKE
FUTURE BUILDING SEVENTEEN
PROPOSED NEW APPROACH SEE BLOW-UP FOR MORE DETAILS
KENASTON BOULEVARD
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1.00 1.00
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SCALE: N.T.S.
PROPOSED NEW APPROACH
TUXEDO BUSINESS PARK
WINNIPEG, MB
TERRACON DEVELOPMENT LTD.
1 TERRACON PLACE
WINNIPEG, CANADA.
R2J 4B5
PHONE: 233-4030
FAX: 233-8065
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