Agenda - Executive Policy Committee - July 15, 2009

Report - Standing Policy Committee on Property and Development - June 30, 2009

Item No. 1 Concrete Sidewalk located behind Paul Martin Drive (Transcona Ward) File DASZ 12/2003

STANDING COMMITTEE RECOMMENDATION:

On June 30, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, as amended, and submits the following to Council:

1. That Condition No. 2 of Development Agreement AG 12/2003 be further amended by deleting the requirement for the Developer to construct a concrete sidewalk within the four (4) metre easement.

2. That the funds required for the construction of the sidewalk referred to in Recommendation 1. be reallocated to assist with the costs of the development / improvements of Hatcher Road North Park.

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

Agenda - Executive Policy Committee - July 15, 2009

Report - Standing Policy Committee on Property and Development - June 30, 2009

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On June 30, 2009, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee with the following amendment, namely:

- Delete Recommendation 2. in its entirety and replace with the following:

  "2. That the funds required for the construction of the sidewalk referred to in Recommendation 1. be reallocated to assist with the costs of the development / improvements of Hatcher Road North Park."

and submitted the matter to the Executive Policy Committee and Council.

STANDING COMMITTEE RECOMMENDATION:

On June 2, 2009, the Standing Policy Committee on Property and Development recommended that the Winnipeg Public Service be requested to report back to the meeting on June 30, 2009, on the recommendation of the East Kildonan-Transcona Community Committee.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 19, 2009, the East Kildonan-Transcona Community Committee recommended to the Standing Policy Committee on Property and Development, as follows:

1. That Condition No. 2 of Development Agreement AG 12/2003 be further amended by deleting the requirement for the Developer to construct a concrete sidewalk within the 4 m easement.

2. That the Developer transfer the funds allocated to construct the sidewalk referred to in Recommendation 1 above to the East Kildonan-Transcona Community Committee Land Dedication Reserve Fund. Said funds are to be used, at the Ward Councillor's discretion, to improve parks in the area.

Report - Standing Policy Committee on Property and Development - June 30, 2009

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

On May 19, 2009, the East Kildonan-Transcona Community Committee received from Patricia Hench a petition purporting to contain the signatures of 54 area residents in opposition to access to Paul Martin Drive from Plessis Road which has been placed on file in the City Clerk's Office.

COUNCIL DECISION:

On September 27, 2006, Council concurred in the recommendations of the Standing Policy Committee on Property and Development and adopted the following:

1. That Development Agreement AG 12/2003 be further amended by deleting Condition No. 2 in its entirety and replacing same with the following new Condition No. 2:

   "2. By deleting the requirement for the Developer to transfer Lots 29 and 30 in Block 2 for development control purposes and replacing same with a clause that the Developer shall transfer to the City for $1.00 the 4m easement across Lot 28 as a pedestrian walkway. The Developer shall be required to construct a concrete sidewalk within the walkway and place sod between the sidewalk and the private property lines, all as determined by and to the satisfaction of the Director of Public Works."

ADMINISTRATIVE REPORT

ISSUE: Minute No. 122 - DASZ 12/2003- Concrete Sidewalk behind Paul Martin Drive

Critical Path: Standing Policy Committee on Property and Development

AUTHORIZATION

Author	Department Head	CFO	CAO
K. Raban Land Development Administrator	D. Joshi	Not Applicable	P. Sheegl, Deputy CAO

RECOMMENDATIONS

1. That Recommendation 1 of the East Kildonan Transcona Community Committee ("EKTCC") dated May 19, 2009 be considered in context of the Winnipeg Public Service comments provided in Appendix "A".

2. That Recommendation 2 of EKTCC not be concurred with.

IMPLICATIONS OF THE RECOMMENDATIONS

Recommendation 1 above refers to Appendix "A" which, as requested by the Standing Committee on Property and Development, provides context to assist the Committee in its consideration of EKTCC Recommendation 1.

Recommendation 2 above recognizes that the Developer has already fully satisfied the Land Dedication requirements of this subdivision.

HISTORY

On September 24, 2003 the Developer, 55555 Ventures Corp. Inc. entered into Development Agreement AG 12/2003 with the City to create Paul Martin Drive east of the extension of Robson Street and west of Plessis Road in the Transcona Ward of the East Kildonan Transcona Community.

Discussion:

The Developer has dedicated the 4m strip to the public as a walkway but has not constructed the sidewalk within it (See Appendix "B" – Map of planned area). The east end of the walkway is currently closed with a fence. To satisfy the existing Development Agreement, a portion of the fence would need to be removed, fully opening the walkway to allow the Developer to construct the sidewalk.

On May 19, 2009 EKTCC recommended to the Standing Policy Committee on Property and Development as follows:

1. That Condition No. 2 of Development Agreement AG 12/2003 be further amended by deleting the requirement for the Developer to construct a concrete sidewalk within the 4 m easement.

2. That the Developer transfer the funds allocated to construct the sidewalk referred to in Recommendation 1 above to the East Kildonan-Transcona Community Committee Land Dedication Reserve Fund. Said funds are to be used, at the Ward Councillor's discretion, to improve parks in the area,

   Patricia Kentch submitted a petition purporting to contain the signatures of 54 area residents in opposition to access to Paul Martin Drive from Plessis Road which has been placed on file in the City Clerk's Office.

If Council approves EKTCC Recommendation 1, the City would leave the fence in place, effectively keeping the walkway closed.

On June 2, 2009 The Standing Policy Committee on Property and Development requested the Winnipeg Public Service to report back to the meeting on June 30, 2009, on the recommendations of the EKTCC, namely:

1. That Condition No. 2 of Development Agreement AG 12/2003 be further amended by deleting the requirement for the Developer to construct a concrete sidewalk within the 4 m easement.

2. That the Developer transfer the funds allocated to construct the sidewalk referred to in Recommendation 1 above to the East Kildonan-Transcona Community Committee Land

Dedication Reserve Fund. Said funds are to be used, at the Ward Councillor's discretion, to improve parks in the area.

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

The Winnipeg Public Service has solicited comments from various City Departments to assist Committee with their decision on Recommendation 1. See Appendix "A".

The Winnipeg Public Service recommends that Recommendation 2 not be concurred with. Pursuant to Development Agreement AG 12/2003, the Developer has already fully satisfied his Open Space Dedication requirements by paying cash in lieu of dedication in the amount of $43,151.02 based on a subdivision area of 9.36 acres including the proposed walkway lands. Additionally, he has given up land for the proposed walkway. The recommended transfer of funds in lieu of sidewalk construction to the Land Dedication Reserve Fund would represent an overpayment of approximately $7,600 for Land Dedication fees in this subdivision.

It is further noted that any amendment of Development Agreement AG 12/2003 will require assent of the developer who is a party to the agreement, 55555 Ventures Corp. Inc.

On June 10, 2009 the Developer confirmed that he concurs with EKTCC Recommendation 1 and that he would sign a Development Agreement amendment thereto. However he has not stated his position with respect to EKTCC Recommendation 2.

FINANCIAL IMPACT

Financial Impact Statement **Date:** June 11, 2009

Project Name:

Minute No. 122 - DASZ 12/2003- Concrete Sidewalk behind Paul Martin Drive

COMMENTS:

The recommendations contained in ths report are that Recommendation 1 of the East Kildonan Transcona Community Committee ("EKTCC") dated May 19, 2009 be considered in context of the Winnipeg Public Service comments provided in Appendix "A" and that Recommendation 2 of EKTCC not be concurred with.

There are no financial implications associated with these recommendations.

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

CONSULTATION

In preparing this Report there was consultation with:

Public Works, Transit, Water & Waste, Fire Paramedic Service, Winnipeg Police Service

SUBMITTED BY

Department	Planning, Property and Development
Division	Development and Inspections
Prepared by	Kim Raban
Date:	June 11, 2009
File No.	AG 12/2003

Filename: O:\Reports Directive\Development and Inspections\Land Development\Report - Minute No. 122 DASZ 12_2003 Sidewalk.doc

Attach.

APPENDIX 'A' – Winnipeg Public Service Comments on EKTCC Recommendation 1 dated May 19, 2009 (deletion of requirement to construct sidewalk in walkway).

OPPOSED:

PUBLIC WORKS

From: Emerson, Diana
Sent: Thursday, October 09, 2008 10:45 AM
To: Raban, Kim; Matile, Shirley
Cc: Hartmann, Roy; Nixon, Kevin; Mazur, Frank
Subject: RE: Public Right-of-Way (Walkway) between Lot 1 and Lot 29 Paul Martin Drive

Hi Kim and Shirley,

Public Works would object to the deletion of the requirement for the pedestrian walkway noted below as it provides the only second means of access to this area and it provides pedestrian access to the sidewalk along Plessis Road and active transportation linkages. Perhaps Transit should also comment as this pedestrian walkway would provide more convenient access for Transit patrons who board and alight on Plessis Road.

Diana

Diana Emerson, P. Eng., MCIP
Acting Traffic Assessment Engineer
Transportation Division - Public Works Department - City

TRANSIT

From: Menzies, Bill
Sent: Friday, October 10, 2008 11:25 AM
To: Raban, Kim
Cc: Radstrom, Bjorn
Subject: RE: Public Right-of-Way (Walkway) between Lot 1 and Lot 29 Paul Martin Drive

Hi Kim,

The Transit Department concurs that the pedestrian walkway is required to accommodate passengers walking to/from bus stops on Plessis.

Thanks,

Bill

NOT OPPOSED:

WATER AND WASTE

From: Mazur, Frank
Sent: Wednesday, October 08, 2008 12:03 PM
To: Raban, Kim
Cc: Matile, Shirley
Subject: RE: Public Right-of-Way (Walkway) between Lot 1 and Lot 29 Paul Martin Drive

Kim/Shirley:

I guess my only comment is if the walkway is closed and sold to the adjacent owner(s), then we would require an easement for the full width of the closed walkway ROW.

Frank

FIRE PARAMEDIC SERVICE

From: Franchuk, Don
Sent: Thursday, May 28, 2009 12:42 PM
To: Raban, Kim
Subject: RE: AG 12/03 - Public Walkway between 59 & 63 Paul Martin Drive

Hi Kim,

In looking at the plan of the area I don't really see a need to retain this walkway as emergency secondary access. Because of the full loop I would not consider it a dead end type of situation.

Don

WINNIPEG POLICE SERVICE

From: McIntyre, Garnie
Sent: Tuesday, June 02, 2009 8:18 AM
To: Raban, Kim
Subject: FW: Sidewalk at Paul Martin Drive

Cst Garnie McIntyre 2419
Community Relations Div 50
803-0391

Report-RE sidewalk/walkway. Paul Martin Dr Pless rd.

To Whom It May Concern:

As a member of the Winnipeg Police Service and a CPTED (Crime Prevention Though Environmental Design) qualified officer I was requested to attend to 63 Paul Martin Dr. This request was directed from the Director of Planning and Director of Transit for the City of Winnipeg.

The circumstances surrounding the request of Police presence was to ascertain if a sidewalk/ walkway from 63 Paul Martin Drive to Plessis Rd would affect the safety of the citizens in this area.

On 09-05-29 this writer attended to 63 Paul Martin Dr.

It is the suggestion of this writer that adding the sidewalk/walkway in question would not affect the citizens, anymore than any other sidewalk would affect any other citizen in another area of the City.

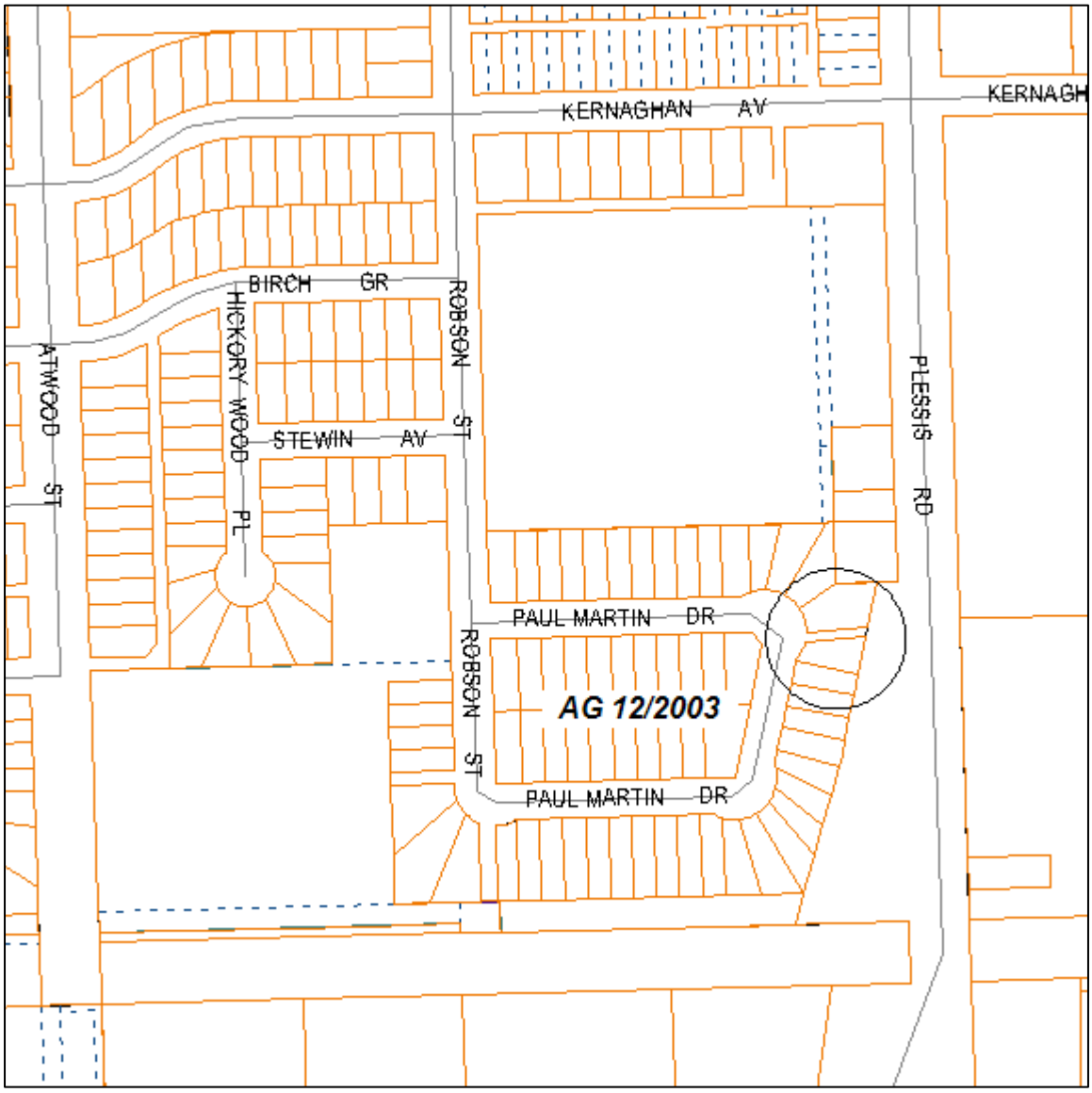
Having not seen the design of the sidewalk/walkway it would be suggested that there be amble lighting for citizens who will be using the sidewalk/walkway.

Any increase or decrease in criminal activity in the area of the sidewalk/walkway would be purely coincidental.

Criminal activity can strike anyone, anywhere at any time. Victims can be anyone of any age, economic status, profession or occupation. If citizens can think safety and incorporate it into their lifestyles it will reduce the opportunity for a citizen to be taken advantage of.

Cst Garnie McIntyre 2419
Community Relations Div 50
803-0391

Appendix “B” – Map of the Planned Area



RECEIVED
CITY CLERKS
WINNIPEG

9 MAY 13 A11:41

Residents that <u>DO NOT</u> want the access to
<u>PAUL MARTIN DRIVE FROM PLESSIS</u>

	Resident of Paul Martin Drive		
House (#)	**Name**	**Phone Number**	**Signature**
3			
4			
7			
8			
11			
12			
15			
16			
19			
20			
23			
24			
27			
28			
31			
32			
35			
36			
39			
40			
43			
44			
47			
51			
55			

~~Es~~ Paul Martin Drive From Plessis
Do not want access

cont'd

	NAME	PH #	
59	Sandy + Al Akre		[illegible]
63	Pat Kentish + Derrick Powell		[illegible]
67	Chris + Jennifer Frost		[illegible]
71	CHRIS & Holly Beaudin		Chris Beaudin + Holly Beaudin
75	Mary + John		C. Mary Shepel
79			
83	Aldo Alfonso		[illegible]
87			
91			
95			
99	ZEDKO CLIPIC		[illegible]
103			
106	LES & MARIAN HUSCAR		[illegible]
107			
110	[illegible]		[illegible]
111			
114	Marty Leefe		[illegible]
115	Mohammed [illegible]		[illegible]
118			
119	Chelsey Turke		[illegible]
122			
123	[illegible]		[illegible]
126	[illegible]		[illegible]
127	[illegible]		[illegible]
130			
131	Carly Arreta Hanslip		[illegible]
134	K. Leonard		[illegible]
135			
138	S Wilson Stubson		[illegible]
139	LINO JOEL CARRETA		[illegible]
142	[illegible]		[illegible]
143	Eileen Strum		[illegible]
147	SHAUNA WILLIAMS		S Williams

2/2

2

6014