Minutes – Executive Policy Committee – April 23, 2014

Minute No. 311
Report – Standing Policy Committee on Infrastructure Renewal and Public Works – April 17, 2014

Item No. 2 Access to a Commercial Development Located on the West Side of Kenaston Boulevard

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

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

1. That an Access to a Commercial Development Located on the West Side of Kenaston Boulevard be approved subject to the following conditions:

    A. That the applicant submits written confirmation to the Public Works Department from the adjacent property owner to the north located at 1191-1195-1197 Kenaston Boulevard (Inland Cement) that they are in concurrence with the removal of the existing private approach and related northbound left turn storage lane and median opening(serving Inland Cement), as illustrated on Drawing A-14006.

    B. That the applicant shall enter into a Cross-Access Agreement or submit documentation illustrating such an agreement is in place with the adjacent property owner to the north (1191-1195-1197 Kenaston Boulevard).

    C. That under the Private Access Bylaw 49/2008, the applicant shall be responsible for all costs associated with the proposed private access and associated works. The Private Access Bylaw states:

        "22. Subject to section 24, where construction, modification, relocation or removal of a private access is approved under this By-law, all the costs thereof, including the costs of removing or relocating structures or trees within the street, must be paid by the owner of the property benefitted by the private access."

    D. That the applicant shall, at no expense to the City, remove the existing northbound left turn storage lane and median opening, and restore with sod and construct a monolithic concrete splash strip.

    E. That the applicant shall, at no expense to the City, construct a 165.4 metre southbound activity lane, as illustrated on Drawing A-14006.

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F. That the applicant shall, at no expense to the City, construct an 80.0 metre northbound left turn storage lane and related transitions as illustrated on Drawing A-14006.

G. That changes approved by the Standing Policy Committee on Infrastructure Renewal and Public Works as a result of this application be reflected in the Subdivision Agreement and Service Agreement (AG 539/99) associated with this development through an amendment to said agreements.

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

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DECISION MAKING HISTORY:

Moved by Deputy Mayor Swandel,

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

Carried

STANDING COMMITTEE RECOMMENDATION:

On April 17, 2014, the Standing Policy Committee on Infrastructure Renewal and Public Work did not concur in the recommendation of the Winnipeg Public Service, and submitted the following to the Executive Policy Committee and Council:

1. That an Access to a Commercial Development Located on the West Side of Kenaston Boulevard be approved subject to the following conditions:

    A. That the applicant submits written confirmation to the Public Works Department from the adjacent property owner to the north located at 1191-1195-1197 Kenaston Boulevard (Inland Cement) that they are in concurrence with the removal of the existing private approach and related northbound left turn storage lane and median opening(serving Inland Cement), as illustrated on Drawing A-14006.

    B. That the applicant shall enter into a Cross-Access Agreement or submit documentation illustrating such an agreement is in place with the adjacent property owner to the north (1191-1195-1197 Kenaston Boulevard).

    C. That under the Private Access Bylaw 49/2008, the applicant shall be responsible for all costs associated with the proposed private access and associated works. The Private Access Bylaw states:

        "22. Subject to section 24, where construction, modification, relocation or removal of a private access is approved under this By-law, all the costs thereof, including the costs of removing or relocating structures or trees within the street, must be paid by the owner of the property benefitted by the private access."

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DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

D. That the applicant shall, at no expense to the City, remove the existing northbound left turn storage lane and median opening, and restore with sod and construct a monolithic concrete splash strip.

E. That the applicant shall, at no expense to the City, construct a 165.4 metre southbound activity lane, as illustrated on Drawing A-14006.

F. That the applicant shall, at no expense to the City, construct an 80.0 metre northbound left turn storage lane and related transitions as illustrated on Drawing A-14006.

G. That changes approved by the Standing Policy Committee on Infrastructure Renewal and Public Works as a result of this application be reflected in the Subdivision Agreement and Service Agreement (AG 539/99) associated with this development through an amendment to said agreements.

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

ADMINISTRATIVE REPORT

Title: Access to a Proposed Commercial Development Located on the West Side of Kenaston Boulevard

Critical Path: Standing Policy Committee on Infrastructure Renewal and Public Works

AUTHORIZATION

Author	Department Head	CFO	CAO
L. Escobar, P.Eng., P.T.O.E.	L. Deane, P.Eng.	n/a	D. Joshi, A-CAO

RECOMMENDATIONS

1. That the Standing Policy Committee on Infrastructure Renewal and Public Works order that the Private Access By-law No. 49/2008 *not* be varied to authorize the construction of a 13.5 metre wide private approach on the west side of Kenaston Boulevard, approximately 343.0 metres south of Lowson Crescent (as shown on Drawing No. A-14006).

2. If the Committee does not concur with recommendation 1, the Public Works Department recommends that it be approved subject to the following conditions:

a) The applicant submits written confirmation to the Public Works Department from the adjacent property owner to the north located at 1191-1195-1197 Kenaston Boulevard (Inland Cement) that they are in concurrence with the removal of the existing private approach and related northbound left turn storage lane and median opening(serving Inland Cement), as illustrated on Drawing A-14006.

b) The applicant shall enter into a Cross-Access Agreement or submit documentation illustrating such an agreement is in place with the adjacent property owner to the north (1191-1195-1197 Kenaston Boulevard).

c) Under the Private Access Bylaw, the applicant shall be responsible for all costs associated with the proposed private access and associated works. The Private Access Bylaw states:

> *"22. Subject to section 24, where construction, modification, relocation or removal of a private access is approved under this By-law, all the costs thereof, including the costs of removing or relocating structures or trees within the street, must be paid by the owner of the property benefitted by the private access."*

d) The applicant shall, at no expense to the City, remove the existing northbound left turn storage lane and median opening, and restore with sod and construct a monolithic concrete splash strip.

e) The applicant shall, at no expense to the City, construct a 165.4 metre southbound activity lane, as illustrated on Drawing A-14006.

f) The applicant shall, at no expense to the City, construct an 80.0 metre northbound left turn storage lane and related transitions as illustrated on Drawing A-14006.

g) The applicant shall, pay to the City, in cash, on demand the costs of traffic control signals and all related works including, but not necessarily limited to pedestrian and vehicular actuation and interconnection to adjacent traffic control signals and audible pedestrian signals, pedestrian countdown signals (if required) at the proposed private access and Kenaston Boulevard, when and as determined by and to the satisfaction of the Director of Public Works.

h) That changes approved by the Standing Policy Committee on Infrastructure Renewal and Public Works as a result of this application be reflected in the Subdivision Agreement and Service

Agreement (AG 539/99) associated with this development through an amendment to said agreements.

REASON FOR THE REPORT

This application is non-conforming under The City of Winnipeg Private Access By-Law No. 49/2008, Section 21, Subsection (1) namely:

> "(2) Subject to this section, a private access is not in conformity with this By-law where it is located on a roadway or a portion of a roadway identified in Schedules "A" or "B"."

This section of Kenaston Boulevard is contained within Schedule "A".

Section 14 of the Private Access By-law requires that, when an application for a private access cannot be approved because it does not conform with Sections 17 to 21 of the By-law, the Director must forward the application along with a report containing the Director's recommendations to the appropriate Council Committee for consideration. This Report represents the Director's compliance with this provision.

Please note that the Council Committee may only approve the application if:

(a) conformity with the rules set out in Sections 17 to 21 would be unreasonable in the circumstances, including the use to which the property is intended to be put;

(b) the location and size of the proposed private access is reasonably required for the use to which the property is intended to be put; and

(c) the location and size of the proposed private access would not be detrimental to the safe and efficient movement of vehicular and pedestrian traffic on the adjacent street.

IMPLICATIONS OF THE RECOMMENDATIONS

There are no implications to the City as a result of the recommendation.

HISTORY

The applicant subdivided land on the west side of Kenaston Boulevard opposite Rothwell Road, referred to as Tuxedo Business Park. The application required a Subdivision Agreement (AG 539/99). Schedule "B" of AG 539/99 states:

"Access to the Planned Area shall be restricted to the following locations:

i) The existing approach to the Inland Cement plan situated on Lot 1,
ii) One approach opposite Rothwell Road, and
iii) Approaches off the public right-of-way located along the south limit of the Planned Area."

On January 9, 2007 the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee to amend the Subdivision Agreement as follows:

"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.""

If an all-directional private access is approved, an amendment to AG 539/99 is required as the approved access at this location is for a right-in/right-out approach, not an all-directional approach.

On March 6, 2007, the Standing Policy Committee on Infrastructure Renewal and Public Works approved an application to construct a non-conforming right-in/right-out private approach on the west side of Kenaston Boulevard, 366.8 metres south of Lowson Crescent.

On March 6, 2009, this approval expired, and the applicant reapplied for the same non-conforming private approach. On September 11, 2012, the Standing Policy Committee on Infrastructure Renewal and Public Works approved the private approach on the west side of Kenaston Boulevard, in the same location as the approval in 2007. The Public Works Department issued an approval for the construction of this approach on September 17, 2012.

This section of Kenaston Boulevard transitions from three traffic lanes to two traffic lanes in the southbound direction, and from two traffic lanes to three traffic lanes in the northbound direction. The speed limit is 80 km/h. There is an existing median opening which serves the Inland Cement property on the west side of Kenaston Boulevard.

The applicant's site is currently vacant, however, the land can be served by the Inland Cement private approach and related median opening, the existing private approach opposite Rothwell Road, and associated interior private roadway and the approved right-in/right-out approach.

The applicant is proposing to develop this subject land; however, the details of the development are not finalized to date. As part of this development, the applicant has proposed to remove both the existing Inland Cement private approach and the associated median opening. If the private approach of 1191-1195-1197 Kenaston Boulevard is removed, this property will not have access to a public street, therefore, an appropriate Cross-Access Agreement is required, so that this property still has access to a legal street.

The applicant also proposes to construct a 13.5 metre private approach approximately 343.0 metres south of Lowson Crescent, and the related northbound left turn storage lane, southbound right turn deceleration lane, and median opening.

The Public Works Department recommends that access is not approved on the west side of Kenaston Boulevard for the following reasons:

1. This section of Kenaston Boulevard is contained within Schedule "A" of the Private Access 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 increases, the number of potential vehicle conflicts also increases, 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 accommodated with the existing accesses, and the approved right-in/right-out approach that was approved in 2012.

3. The applicant has also requested traffic control signals at this proposed all-directional access immediately. This proposed signalized intersection is approximately 400 metres from the signalized intersection at Rothwell Road/private approach to the south and approximately 200 metres from the railway crossing to the north. There are operational and safety concerns with traffic control signals at this location. As well, it should be noted that traffic control signals are not warranted at full development.

For the above reasons the Public Works Department strongly recommends against permitting additional access to this development from Kenaston Boulevard, and recommends the property be served by the existing accesses.

However, if the Standing Policy Committee on Infrastructure Renewal and Public Works approves the proposed all-directional access to this development, the Public Works Department recommends that it be constructed as illustrated on Drawing No. A-14006, with all the conditions as listed in the recommendation section of this report.

This Department requires that a 165.4 metre activity lane, north of the proposed approach, be constructed, instead of the 80.0 metre deceleration lane with a 50.6 metre transition that the applicant requested. The 165.4 metre activity lane is required for traffic operating safety. The 80.0 metre long deceleration lane with a 50.6 metre transition, is not possible and unable to be properly constructed, as it would transition into the existing southbound acceleration lane**.** There are three existing southbound through traffic lanes on Kenaston Blvd at Lowson Crescent. Immediately south of Lowson Crescent, the western-most through traffic lane merges to the left, starting just south of the existing Inland Cement approach, resulting in only two southbound traffic lanes on Kenaston Boulevard. The applicant's proposal to construct an 80.0 metre deceleration lane, with a 50.6 metre transition south of the existing Inland Cement approach, would create a dangerous situation for southbound motorists on Kenaston Boulevard who are travelling in the western-most southbound lane, intending to enter the proposed approach. They would have to merge left into the adjoining southbound traffic lane, then immediately change lanes to the right as they enter the proposed deceleration lane, or would travel on the shoulder.

There are no financial implications to the City as a result of the recommendations.

FINANCIAL IMPACT

Financial Impact Statement Date: April 1, 2014

Project Name:

Access to a Proposed Commercial Development Located on the West Side of Kenaston Boulevard

COMMENTS:

As the recommendation of this report is to not authorize the construction of a private approach, there is no financial impact.

"Original Signed by H. Schoenfeld, CA"
H. Schoenfeld, CA
Acting Manager of Finance & Administration

CONSULTATION

In preparing this report there was consultation with:
Legal Services; Planning, Property, & Development; Terracon Developments

SUBMITTED BY

Department:	Public Works
Division:	Transportation
Prepared by:	Doug Binda, Private Approach Technician
	C. J. Desjardine, P.Eng., M.Sc, Traffic Assessment Engineer
Date:	March 31, 2014
Attachments:	Drawing No.: A-14006

Attachment: Drawing No. A-14006

