CARROLL LAW PROFESSIONALS

PRACTICE OF
CARROLL LAW CORPORATION

K.R. (Ken) Carroll
carroll@carrolllaw.ca

November 24, 2017

His Worship, Mayor Bowman
Executive Policy Committee Members
Councillors
510 Main Street
Winnipeg, MB R3B 1B9

RE: William R Clement Parkway and The Sterling Lyon Parkway extension

The writer represents a group of property owners who live on the south side of Wilkes Avenue and who are opposed to the motion by Councillor Morantz, which motion endorses the expansion of Wilkes Avenue as the only option in connection with the proposed extension of Sterling Lyon Parkway as it joins with William R Clement Parkway. The motion also prohibits further consideration of all other options.

I am given the opportunity to speak against this motion at the Executive Policy Committee meeting on November 29, 2017, but I would like to briefly share some of my clients' issues and concerns regarding this motion.

Clients:

My clients own property south of Wilkes and West of Liberty Street and they or their families have lived there for up to 49 years. Among them they own about 80 acres of land and whatever the ultimate decision is by council, they will be affected by it! In some cases they have been aware from their parents who built their homes there in 1968 that at that time the City of Winnipeg advised them that it was planning to extend Sterling Lyon Parkway along a corridor south of Wilkes Avenue, and until about 1 month ago it was publicly being discussed that the extension would run south of Wilkes Avenue and only such options were being considered.

My clients are: Ms. Lezlie Parker and Mr. Andrew Fast of 3766 Wilkes Avenue, Mr. and Mrs. Doug and Phyllis Cook of 3894 Wilkes Avenue, Mr. Jonathan Scott of 3824 Wilkes Avenue, Mr. Bill Sommers of 3744 Wilkes Avenue and Mr. George Thiessen of 3818 Wilkes Avenue.

The History:

Since 1968 The City of Winnipeg has always made public its plans for the Sterling Lyon Parkway, which was confirmed, with The City of Winnipeg By-Law No. 6391/94 which referenced the project as "Wilkes South Secondary Plan". The proposed route at that time ran about 1,000 feet south of Wilkes Avenue and joined Wilkes Avenue west of Charleswood Road. For your convenience I am attaching extracts from that By-Law.

The Charleswood Area Transportation Study dated October 10, 2012 included as a "Study Purpose" the "Widening of Wilkes Avenue from Shaftsbury Boulevard to Charleswood Road" (which is almost the same re-connection point as contemplated in By-Law 6391/94) and

concluded that not only would "substantial" additional land along the south side of Wilkes be required, but that report also cited as a significant consideration the impact that plan would have on intersections related to the proximity of the CN mainline. For your convenience I am also attaching extracts from that study.

In March 2015, public information display sessions introduced the William R Clement Parkway extension study. In January 2016, an open house was held to share the phase 1 design options in which 3 options were presented, none of which included the widening of Wilkes Avenue.

On October 5, 2017, an information meeting was held with residents from, in and around the proposed affected area, at which an additional option was presented (Option 4). This option was not a radical departure from earlier options as it was a variation between previous options 1 and 2.

On October31, 2017, Councillor Morantz introduced the subject motion to the committee on Infrastructure and Public Works to terminate any further pursuit of these options and pursue as the only option the widening of Wilkes. This motion came as a complete surprise to my clients as they were not aware of it even being considered as an option and they have never been approached to offer any input into this plan.

The Process:

The Sterling Lyon Parkway extension has been anticipated and studied by the City of Winnipeg, councillors and experts for decades at a cost of millions of dollars. Through those decades and exercises not only has the widening of Wilkes Avenue as a viable plan not been accepted, but has been strongly advised against.

In the face of such a history of consideration of the various options, public awareness and consultation, Councillor Morantz's motion comes as a complete shock to my clients and flies absolutely in the face of all previous investigations, consultations, recommendations and public information sharing. It strikes as a knee jerk reaction to pressures from a very boisterous group of property owners living south of Wilkes Avenue. The issue created by this reaction should be rejected in favour of calm second thought before going the avenue required by his motion. We believe the motion and the information submitted, fail to take into consideration the red flags raised in the earlier research and that the complexity of the issues related to other intersections and the amount of land that will actually be required. The EPC should make everyone step back from this proposal and allow for proper reflection and gathering of information.

The entire process has become tainted. There have been inadequate public consultations; there was a surprise introduction of Option 4 which has never been published except as the display at the invitation only event on October 5, 2017. And there has been no public consultation on the widening of Wilkes! The only consultation appears to have been with the special interest groups, which as we understood it, has had their own plans for widening Wilkes drawn up. If there are such plans, we do not know who authorized them, who prepared them for what purpose and who they have been shown to. Any plans for expansion of Wilkes should take careful research and consideration in independent professionals.

It may well be that the process leading up to consideration of Option 4 was tainted or flawed. But this current motion being considered is far more flawed. In order to address what some perceive as a flawed process is a course of process which is egregiously flawed and wrong.

Options:

The prudent and thoughtful approach would be to refer the Wilkes Avenue widening back for examination and research. The course to doing that would be to amend, adjourn or defeat Councillor Morantz's motion, but followed with a motion to refer the Wilkes Avenue option back for reconsideration along with the 4 existing options. This process then would seek further details on a cost/benefit analysis of each option with full public disclosure.

My clients argue that the best option is that the motion be defeated and the City make a decision based upon one of the existing options, but if serious consideration is to be given to the widening of Wilkes, that such consideration should only be made after gathering all of the facts and recommendations and comparing it to the other options. And the decision process cannot be based upon the information; plans and studies initiated and paid for by special interest groups as they may be inadvertently or intentionally biased in favour of that group and ignore goals and objectives of the greater community as a whole.

Whatever option is ultimately chosen after due consideration, some property owners are going to be affected. My clients will be affected by any of the options and by some more than others. But before these decisions are made, council must be informed regarding all the costs and complications associated with widening Wilkes. Part of that consideration should include how each of the options best services the future development of the lands south of Wilkes Avenue and traffic demands and safety in future.

Submissions by South Wilkes Community Association:

When members of EPC and other councillors review submissions made by or in support of South Wilkes Community Association, other than those stock submissions someone else clearly circulated to them, there are a number of common threads surfacing from those people who gave some thought to their submission.

The obvious common thread is that the expansion of Wilkes Avenue be the selected plan in moving forward. But the more subtle threads include:

a) reliance upon a desire to preserve the rural ambiance of their "community" as a grounds for supporting the Wilkes expansion option;

b) by contrast, a recognition that further development of that part of the city is inevitable;

c) a failure to recognize that this inevitable growth will change the ambiance of their "community" anyway;

d) recognition that an improved traffic route with that growth in mind is essential;

e) there is something flawed about this process to date; and

f) they want City of Winnipeg to make the best decision, or as one member said, "we are for a proposal that makes sense from a cost and convenience standpoint" and another said, "Please ensure in future, that proper consultations of a much higher standard are used for this type of decision". These comments are supportive of the views of my clients.

Responsibility of Council:

Council has a duty to act responsibly and make well informed decisions for the benefit of the residents of the City. Some decisions have only a local impact and therefore the voices of the people in that area are persuasive. But even in those situations it is necessary to give everyone affected equal opportunity to offer input.

But sometimes the decisions affect much larger areas of the City and sometimes the whole City. And as in this case the decision makers have to take a long view of development and not just the current status. In those situations councillors must make decisions based upon the greater good, and this is one of those decisions. In these situations council cannot put too much weight on neighbourhood petitions, because those affected are much more than them. Councillors know that in a major development some people whose property will be affected will be unhappy, but there are avenues to determine appropriate compensation for these people. In this situation council can also factor into their consideration that it has been public knowledge since 1968 or at least 1994 that the thinking was for the Sterling Lyon Parkway extension to run south of Wilkes.

This decision is to further the City of Winnipeg`s plan for the future and including the development of the lands south of Wilkes Avenue and for the safest, most efficient and cost effective transportation routes, and my clients do not believe that is the expansion of Wilkes Avenue.

It is also a responsibility of council to ensure a fair and open process. Most of the emails submitted are standard content prepared by a third party and many people find it easier to sign a petition rather than offend the canvasser or risk a debate on their doorstep. The parties the writer represents believes that many of these supports of Councillor Morantz's motion would not support it in public if all of the facts were first presented to them in that forum.

We thank you for taking the time to read this. I am sure that this contains little new information to Mr. Mayor and council members. Just the same, we did want to focus your attention on these observations and give them some thought prior to the EPC meeting on November 29, 2017.

We hope that it generates the opportunity to reflect upon why Councillor Morantz`s motion should not be passed. We do respect Councillor Morantz and hope that he also reconsiders his current position. In the meantime, other councillors are not under the same pressures as Councillor Morantz and you can support a course that is in the best interests of all of the City of Winnipeg.

Yours truly,

CARROLL LAW PROFESSIONALS
Per:

K.R. Carroll

K.R. (KEN) CARROLL
Lawyer
KRC/ce

A prominent land use bordering the southeastern corner of the planning area is the Fort Whyte Nature Centre, a private, non-profit bird sanctuary and outdoor education centre. The nature centre provides an opportunity for Winnipeggers to observe the City's wildlife in and around lakes and woodlands reclaimed from the operations of an adjacent cement plant. While the Planning Department regards rural residential development as a compatible land use, encroaching urbanization is a concern expressed by representatives of the Fort Whyte Nature Centre.

Roadways

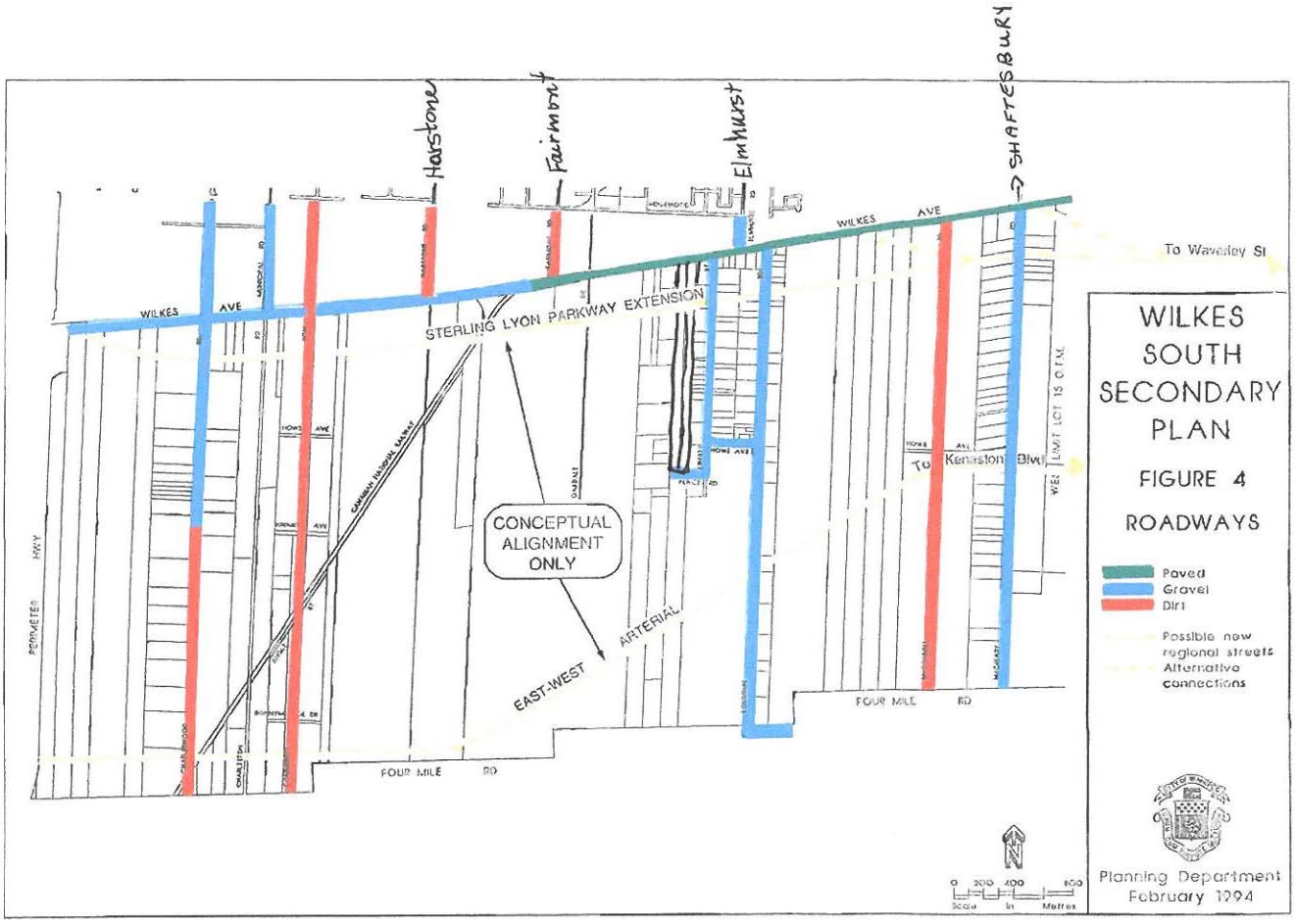
Existing and proposed roads are shown in Figure 4. Existing roads are shown according to their level of improvement.

Wilkes Avenue is classed as a Regional Arterial and provides primary access to the area. Wilkes is paved from Kenaston west to Fairmont Road, and is gravel surfaced from there to the Perimeter Highway. Wilkes carries traffic volumes in the order of 6,700 vehicles per day at the Shaftesbury/McCreary intersection. Traffic will increase as development in south Charleswood proceeds.

Gravel surfaced local roads include McCreary Road, Loudoun Road, Howe Avenue, Peace Road, Liberty Street, Finkelstein Road, the northerly portion of Charleswood Road and easterly portion of Four Mile Road which combines with Finkelstein to bound the neighbourhood on the south. The remaining rights-of-way in Wilkes South are unimproved.

Figure 4 shows two, long range streets in Wilkes South, Sterling Lyon Parkway and an unnamed east-west regional street. Sterling Lyon has no official status west of Kenaston Boulevard. The easterly section from Kenaston to Waverley is included in Plan Winnipeg. The east-west arterial has no official status and only a portion of the required right-of-way is established. The right-of-way runs west from Kenaston, just north of the CPR LaRiviere Subdivision rail crossing, to the west limit of River Lot 11, a distance of almost 1 kilometre.

Sterling Lyon Parkway is shown running west about 300 metres/1,000 feet south of Wilkes Avenue, connecting to the Perimeter at the existing Wilkes interchange. Sterling Lyon is intended to replace Wilkes Avenue at some point in the future depending on the pace of development in Charleswood and availability of capital funding. Among its shortcomings, Wilkes Avenue is considered too close to the CN main line, raising safety issues at the level crossings of north-south streets.


Harstone
Fairmont
Elmhurst
SHAFTESBURY
WILKES AVE
To Waverley St
STERLING LYON PARKWAY EXTENSION
CONCEPTUAL ALIGNMENT ONLY
EAST-WEST ARTERIAL
FOUR MILE RD
To Kenaston Blvd
WILKES SOUTH SECONDARY PLAN
FIGURE 4
ROADWAYS
Paved
Gravel
Dirt
Possible new regional streets
Alternative connections
Planning Department
February 1994

East of McCreary, Sterling Lyon is required at such time as Kenaston Boulevard and the CN mainline are grade separated. Wilkes will be discontinued at Kenaston when this occurs, requiring Sterling Lyon for the traffic link between Wilkes (west of Kenaston) and Waverley Street.

Two options for connecting Sterling Lyon to Wilkes are depicted in Figure 4. Both options cross Kenaston and proceed westward on an alignment which borders the south limit of the CN Winnipeg Intermodal Terminal (WIT). Option "A" swings Sterling Lyon northward along the WIT property line connecting to Wilkes just east of the McCreary/Shaftesbury intersection. Option "B" continues Sterling Lyon across McCreary before swinging it northward to Wilkes.

Selection of the preferred option for connecting Sterling Lyon to Wilkes depends largely von the City's long range plan for Shaftesbury Boulevard and its grade level crossing of the CN main line. If the crossing is abandoned, Option "A" will likely be selected. If the crossing is maintained, including the possibility of future grade separation, Option "B" will likely be selected.

It is noted that all street proposals discussed above will be subject to review under "TransPlan...2010", the City's long-range transportation study currently being initiated under Council authority.

Existing Sewer and Water Services

Development in Wilkes South is privately serviced with cisterns for drinking water (ground water is not potable), and septic fields or pump-out tanks for sewage disposal.

Piped sewer and water services extending to the north limit of the neighbourhood from suburban Charleswood are shown in Figure 5. Local watermains at Charleswood Road and Wilkes and Elmhurst and Wilkes supply the Charleswood Place Recreation Area (southwest corner Charleswood Road and Wilkes) and the Assiniboine South School Division's bus barns on the south side of Wilkes between Loudoun and Liberty.

The Charleswood Interceptor Sewer runs west in the Wilkes right-of-way from Charleswood Road to the West End Pollution Control Centre.

Open ditches provide land drainage, and are graded to flow generally in a southeasterly direction to discharge points which include the lakes at the Fort Whyte Nature Centre and the Lot 16 Drain leading to the Red River.

Welcome

1

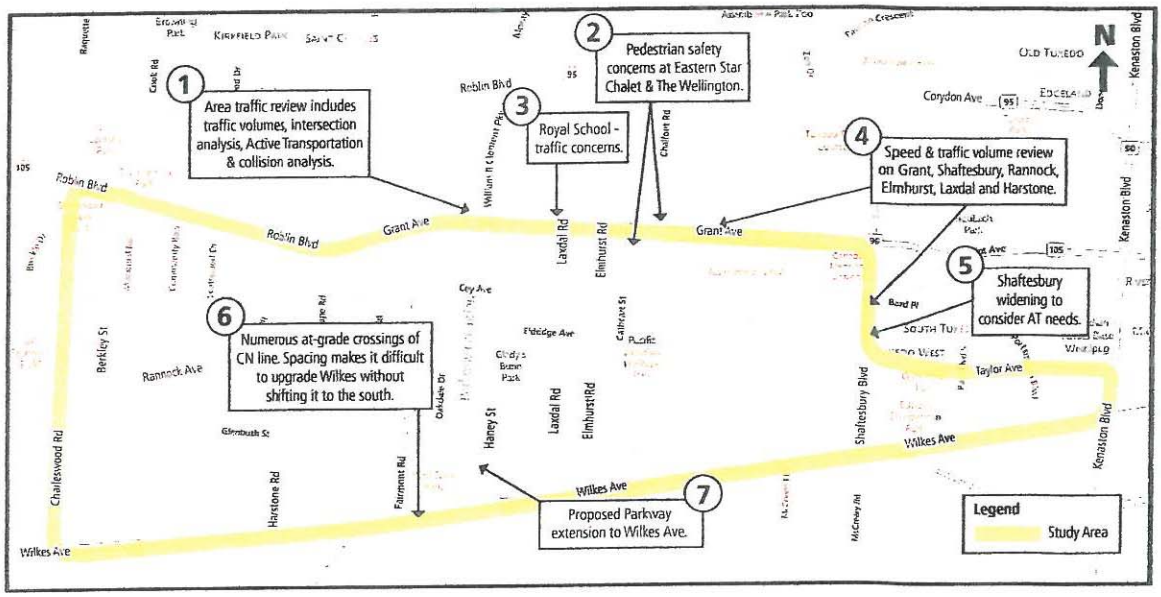
Charleswood Area Transportation Study

Public Interactive Display Session

October 10, 2012

MMM GROUP Winnipeg

Study Area


1
Area traffic review includes traffic volumes, intersection analysis, Active Transportation & collision analysis.
2
Pedestrian safety concerns at Eastern Star Chalet & The Wellington.
3
Royal School - traffic concerns.
4
Speed & traffic volume review on Grant, Shaftesbury, Rannock, Elmhurst, Laxdal and Harstone.
5
Shaftesbury widening to consider AT needs.
6
Numerous at-grade crossings of CN line. Spacing makes it difficult to upgrade Wilkes without shifting it to the south.
7
Proposed Parkway extension to Wilkes Ave.
N
Robin Blvd
Grant Ave
Laxdal Rd
Elmhurst Rd
Chalfont Rd
Kenaston Blvd
Corydon Ave
Old Tuxedo
Edgeland
Berkley St
Rannock Ave
Haney St
Shaftesbury Blvd
Taylor Ave
Wilkes Ave
Charleswood Rd
Harstone Rd
Fairmont Rd
Legend
Study Area

Study Purpose

4

Conduct a series of sub-studies to deal with specific transportation issues within the Charleswood area.

- Study area traffic review.
- School transportation safety analysis around Royal School.
- Pedestrian safety around the Eastern Star Chalet and The Wellington seniors care facilities on Grant Avenue.
- Speed and traffic volume review on Grant Avenue, Shaftesbury Boulevard, Rannock Avenue, Elmhurst Road, Laxdal Road, and Harstone Road.
- Widening of Shaftesbury Boulevard from Wilkes Avenue to Grant Avenue.
- Widening of Wilkes Avenue from Shaftesbury Boulevard to Charleswood Road.

Wilkes Avenue

23

Issues

- Forecast traffic volumes indicate that widening of Wilkes Avenue will be required, especially when lands to the south develop.
- A major issue is the close proximity of the CN Mainline, which impacts traffic operations at Wilkes Avenue intersections and means all widening must occur to the south of the existing roadway.
- As a result, the proposed widening would result in a requirement for substantial additional land from properties along the south side of Wilkes.

Wilkes Avenue

24

Recommendation

- The impacts on adjacent properties and intersection operations related to the proximity of the CN mainline were determined to be very significant.

  It is therefore recommended that Wilkes Avenue not be widened along its existing alignment.

- An alternate east-west arterial south of Wilkes Avenue is recommended to service the Charleswood area.
- The exact location of the future east-west arterial route is not known at this time.