Agenda - Council - January 28, 2004

Report - Standing Policy Committee on Property and Development - January 16, 2004

Item No. 4 Subdivision and Rezoning - 1385 Sargent Avenue
File DASZ 32/2003

STANDING COMMITTEE RECOMMENDATION:

On January 21, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 32/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 32/2003, dated December 4, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 5, 2003, with the following amendments:

        i. That clauses 2.a. b. and c. be deleted in their entirety and replaced with the following new clauses:

            "2. a. The Developer shall provide and legally open, at no cost to the City, property required for a widening to the east side of St. James Street measuring 4.283 metres (14.05 feet) from Sargent Avenue northerly for a distance of approximately 100 metres and tapering to meet the existing east limit of St. James Street approximately 50 metres further north.

            b. The Developer shall provide and legally open, at no cost to the City, property required for a 4.283 metre (14.05 foot) widening to the north side of Sargent Avenue abutting the Developer's property.

            c. The Developer shall provide and legally open, at no cost to the City, property required for a right-of-way corner-cut in the north east corner of Sargent Avenue at St. James Street as generally illustrated on Public Works Drawing No. T-3114AAA."

ii. That in clause 3 the "Public Works Drawing No. T-3114AA" be replaced with "Public Works Drawing No. T-3114AAA".

iii. That in clause 5 the words "between Empress and St. James Streets" be deleted and replaced with the words "abutting the Developer's property".

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 32/2003, dated December 4, 2003, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, to include the following conditions:

A. That the use of the land be limited to the following:

i. Department Store/Supermarket
ii. Retail Sales
iii. Restaurants including drive-through
iv. Cocktail lounge
v. Bank/Financial Institution
vi. Garden Centre
vii. Gas Bar
viii. Pharmacy
ix. Outdoor Display/Sales
x. Carwash
xi. Health Club

B. That prior to the issuance of a Development Permit for buildings on the site, plans showing site access, layout, parking, loading, building elevations, landscaping, fencing, and garbage enclosures be submitted for the approval of the Assiniboia Community Committee.

C. That prior to the issuance of an Occupancy Permit, the land required for the widening of St. James Street and Sargent Avenue be transferred to the City and legally opened, and that the required road works be completed to the satisfaction of the Director of Public Works.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of the report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

9. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

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

Agenda - Council - January 28, 2004

Report - Standing Policy Committee on Property and Development - January 16, 2004

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2004, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 16, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On December 16, 2003, the Assiniboia Community Committee concurred in the administrative recommendation, as amended, namely:

- Delete clauses 2.a. b. and c. in their entirety and replace with the following new clauses:

    2. a. The Developer shall provide and legally open, at no cost to the City, property required for a widening to the east side of St. James Street measuring 4.283m (14.05 ft) from Sargent Avenue northerly for a distance of approximately 100m and tapering to meet the existing east limit of St. James Street approximately 50m further north.

    b. The Developer shall provide and legally open, at no cost to the City, property required for a 4.283m (14.05 ft) widening to the north side of Sargent Avenue abutting the Developer's property.

    c. The Developer shall provide and legally open, at no cost to the City, property required for a right-of-way corner-cut in the northeast corner of Sargent Avenue at St. James Street as generally illustrated on Public Works Drawing No. T-3114AAA.

- Replace the "Public Works Drawing No. T-3114AA" with "Public Works Drawing No. T-3114AAA" in clause 3.

DECISION MAKING HISTORY (Continued):

- Delete the words “between Empress and St. James Streets” and replace with the words “abutting the Developer’s property” in clause 5.

- Add the following land uses to clause 3 A.:
  - Bank/Financial Institution
  - Garden Centre
  - Gas Bar
  - Pharmacy
  - Outdoor Display/Sales
  - Carwash
  - Health Club

and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: Subdivision and Rezoning - 1385 Sargent Avenue
File DASZ 32/2003

For submission to: The Standing Policy Committee on Property and Development

Prepared by: Diane Timmins, Clerk,
Assiniboia Community Committee

Report date: January 5, 2004

COMMUNITY COMMITTEE RECOMMENDATION:

On December 16, 2003, the Assiniboia Community Committee concurred in the administrative recommendation, as amended, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 32/2003 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 32/2003, dated December 4, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 5, 2003 ***with the following amendments:***

      i. That clauses 2.a), b) and c) be deleted in their entirety and replaced with the following new clauses:

         2. a) The Developer shall provide and legally open, at no cost to the City, property required for a widening to the east side of St. James Street measuring 4.283m (14.05 ft) from Sargent Avenue northerly for a distance of approximately 100m and tapering to meet the existing east limit of St. James Street approximately 50m further north.

         b) The Developer shall provide and legally open, at no cost to the City, property required for a 4.283m (14.05 ft) widening to the north side of Sargent Avenue abutting the Developer's property.

         d) The Developer shall provide and legally open, at no cost to the City, property required for a right-of-way corner-cut in the northeast corner of Sargent Avenue at St. James Street as generally illustrated on Public Works Drawing No. T-3114AAA.

ii. That in clause 3 the "Public Works Drawing No. T-3114AA" be replaced with "Public Works Drawing No. T-3114AAA".

iii. That in clause 5 the words "between Empress and St. James Streets" be deleted and replaced with the words "abutting the Developer's property".

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 32/2003, dated December 4, 2003, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, to include the following conditions:

   A. That the use of the land be limited to the following:

      - Department Store/Supermarket
      - Retail Sales
      - Restaurants including drive-through
      - Cocktail lounge
      - ***Bank/Financial Institution***
      - ***Garden Centre***
      - ***Gas Bar***
      - ***Pharmacy***
      - ***Outdoor Display/Sales***
      - ***Carwash***
      - ***Health Club***

   B. That, prior to the issuance of a Development Permit for buildings on the site, plans showing site access, layout, parking, loading, building elevations, landscaping, fencing, and garbage enclosures be submitted for the approval of the Assiniboia Community Committee.

   C. That, prior to the issuance of an Occupancy Permit, the land required for the widening of St. James Street and Sargent Avenue be transferred to the City and legally opened, and that the required road works be completed to the satisfaction of the Director of Public Works.

4. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

5. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an

extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

9. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

10. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Assiniboia Community Committee provided the following supporting reason for its recommendation:

1. The amendments to the administrative recommendations proposed by the Assiniboia Community Committee represent a compromise reached between the applicant and the Administration.

PUBLIC HEARING SUMMARY

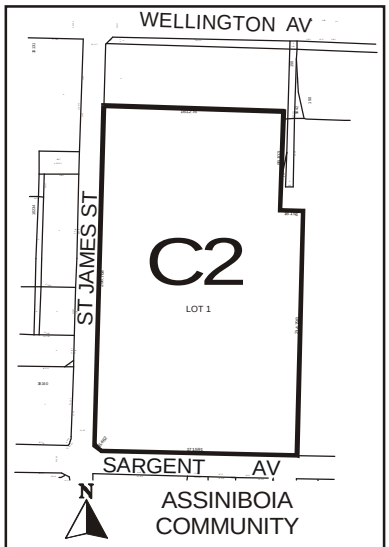
File: DASZ 32/2003

Before: Assiniboia Community Committee
Councillor Clement, Chairperson
Councillor De Smedt
Councillor Eadie

Public Hearing: December 16, 2003
West Committee Room,
Council Building, 510 Main Street

Applicant: Shindico Realty Inc. (John Pearson)

Subject:



APPLICANT : SHINDICO REALTY INC.
FILE : DASZ 32/03
PROPOSAL : An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 6400/94 by rezoning the land shown outlined above from an "M2" INDUSTRIAL DISTRICT and an "M3" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT to allow for commercial development including a supermarket. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 1385 Sargent Avenue

Exhibits Filed:

1. Application dated October 30, 2003
2. Notification of Public Hearing to Applicant dated November 4, 2003
3. Manitoba Status of Titles 1442199, 1894497 and 1897995
4. Letter of authorization dated July 11, 2003, from Lewis Rosenberg, Apjana Inc. to John Pearson, Shindico Realty Inc., IC&I Properties and/or Bruce Andrews of Loblaw Properties West Inc.
5. Letter of authorization dated September 26, 2003, from Biplab Bhattacharyya, 4084659 Canada Inc., to Bruce Andrews of Loblaw Properties West Inc.
6. Letter of authorization dated September 30, 2003, from Ann Mingledorff, Georgia-Pacific Canada Inc., to Loblaw Properties West Inc.
7. Extract of Atlas Sheet Z20
8. Plans (2) showing Proposed Plan of Subdivision dated respectively October 3, 2003, and October 27, 2003
9. Report from the Manager of Planning and Land Use dated December 4, 2003
10. Administrative Co-ordinating Group report dated December 5, 2003
11. Supplementary Report from the Manager of Planning and Land Use dated December 16, 2003
12. Inspection Report

REPRESENTATIONS:

In Support:

Bruce Andrews, on behalf of Loblaw Properties West Inc.
Pedro A. Chagas
Brad Cook, Earth Tech (Canada) Inc.
T. Jason Guest
John Pearson, on behalf of Shindico Realty Inc.

In Opposition:

Nil

For the City:

Ernest Carriere, Land Development Engineer, Planning, Property and Development Department
Roy Hartmann, Traffic Assessment Engineer, Public Works Department
Ross Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Bruce Andrews, on behalf of Loblaw Properties West Inc., accompanied by Pedro A. Chagas, Brad Cook, and John Pearson, on behalf of the applicant, Shindico Realty Inc., appeared in support of the application. Mr. Andrews advised Committee that ongoing discussions have been taking place with the Administration, including a meeting held this day (on December 16, 2003) where a fair resolution of some of the differences have been arrived at. However, at this time, Mr. Andrews stated there were still some impossibilities they would like to work their way around. Mr. Andrews provided Committee with an overview of the proposed development of the first state of the art Superstore in Canada, which will have a footprint of over 145,000 square feet with a mezzanine level of 100,000 square feet.

Mr. Andrews stated concurrence in the recommendations contained in the reports of the Manager of Planning and Land Use with the exception of the proposed uses of the land outlined in recommendation 3 of the report dated December 4, 2003, and requested that more expanded commercial uses be included to which the Senior Planner agreed. With respect to recommendation 4, Mr. Pearson requested that consideration be given to waiving the 10% dedication inasmuch as the developer will be dedicating land and paying for improvements. In response thereto, Mr. Pearson was advised the 10% dedication was in lieu of land dedication for park purposes.

Mr. Andrews expressed concern with respect to the following recommendations outlined in the report of the Administrative Co-ordinating Group, and requested the following amendments, namely:

1. With respect to recommendation 2.a), Mr. Andrews stated the developer was willing to provide the property required for a 4.283m (14.05ft.) widening to the east side of the St. James Street right-of-way but requested that the widening be allowed to taper off after 100m. In response thereto, the Land Development Engineer indicated the Administration would be supportive of this request.

2. With respect to recommendation 2.b), Mr. Andrews stated the developer was willing to provide the property required for a 4.283m (14.05ft.) widening to the north side of the Sargent Avenue right-of-way, but only for the length of the developer's property and requested that this requirement be limited to the length of Sargent Avenue between Arena Road and St. James Street.

3. With respect to recommendation 2.c), Mr. Andrews requested that the Developer not be required to acquire the property required for a right-of-way corner-cut in the northwest corner of Sargent Avenue at Empress Street inasmuch as Rona/Revy owns the subject land. In response thereto, the Land Development Engineer indicated that if the Community Committee supported this request, the Administration would ensure a revised Public Works Drawing No. T-3112AA was submitted to reflect this change.

4. With respect to recommendation 5, Mr. Andrews requested that the developer's requirement to install a sidewalk on the north side of Sargent Avenue be limited only to the developer's property on Sargent Avenue between Arena Road and St. James Street inasmuch as Rona/Revy owns the property from Empress Street to Arena Road.

Brad Cook, appearing on behalf of the applicant's traffic consultant, Earth Tech (Canada) Inc., advised Committee that according to their analysis of the St. James Street/Sargent Avenue intersection, the level of service, as a result of the Superstore development, will remain virtually unchanged.

In summation, Mr. Andrews reminded Committee that, among other requirements, the developer will be dedicating land for the 14 ft. strip widening of the St. James Street right-of-way, paying for left turn storage lanes for northbound and southbound traffic at the intersection of St. James Street and Sargent Avenue, and paying for the cost of installing traffic control signals at the intersection of Arena Road and Sargent Avenue, and requested that favourable consideration be given to their requested amendments.

Exhibit "9" referred to in File DASZ 32/2003

In reply please refer to / Référence à rappeler : **Ross Mitchell**
(204) 986-5017
Fax / Téléc. : (204) 986-3684

File No. DASZ 32/03 December 4, 2003
Our c/f CP 500 (.221)

Ms. Josie Marques, Clerk
Assiniboia Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
1385 Sargent at the northeast corner of St. James Street and Sargent Avenue
Assiniboia Community
File No. DASZ 32/03

An application has been received from Shindico (John Pearson) for approval of a plan of subdivision and related zoning change to Zoning By-Law No. 6400/94 by rezoning the subject lands from a "M2" Industrial District and a "M3" Industrial District to a "C2" Commercial District to allow for construction of a Supermarket and Gas Bar.



SITE DESCRIPTION:

Site Area: 565,011 Square Feet; 12.8 acres

Existing Land Use and Zoning: Vacant land zoned for industrial use.

Surrounding Land Use and Zoning:

North: Industrial land zoned "M3".
South: Across Sargent, industrial and commercial development zoned "M2".
East: Commercial development (RONA) zoned "M3".
West: Across St. James Street, industrial and commercial development zoned "M2"

DEVELOPMENT DESCRIPTION:

The proposal is to construct a supermarket and gas bar on the site. The site is being rezoned to "C2" because Supermarkets are not permitted in industrial zoning districts. The Division is recommending that the rezoining be approved.

Floor Area: The supermarket will have a total floor area, including mezzanine, of about 170,000 square feet. The gas bar will have a footprint of about 320 square feet. This represents a lot coverage, for zoning purposes, of about 30%.

Parking: Surface parking is to be provided for upwards of 865 parking stalls, in excess of the by-law requirement of 682 stalls (1 stall per 250 square feet of retail floor space). The number of parking stalls will likely be reduced on account of administration requests for additional landscaping and land for future road widenings and intersection improvements, as discussed under Administrative Comments.

Access: Access to the property will be provided from St. James Street (3 bi-directional approaches) and Sargent Avenue (2 bi-directional approaches). It is proposed to signalize the Sargent Avenue approach that aligns with Arena Road, to serve both the supermarket and the RONA, this approach is non-conforming under the Private Approaches By-Law and will henceforth require the approval of the Standing Policy Committee on Public Works. The southerly St. James approach is intended to serve the RONA home improvement store to the east, replacing the access that RONA currently has to St. James Street. The Public Works Department has reviewed the proposed site plan and has requested several changes aimed at improving site traffic management. Their comments are included under the Traffic section of this report.

Loading and Garbage: Two loading docks are located at the rear (north side) of the store. Trucks will enter the site via the main Sargent approach, proceed along the east and north sides of the store, back into the loading docks, and exit the site onto St. James Street. Two garbage

compactors are located immediately east of the loading zones. The loading zones and garbage compactors are to be screened from view.

Exterior Elevations: The store is being provided with 2 customer entrances on the south elevation. Exterior material will include a four-foot band of textured concrete block veneer (dark chocolate) around the base of the store with metal cladding (silver aluminum) above. The entry portals and gas bar canopy will be green in colour.

PLAN WINNIPEG:

Plan Winnipeg is currently being amended to identify a Polo Park Area of Regional Commercial Concentration, and to redesignate this area from Industrial Policy Area to Neighbourhood Policy Area. The subject site falls within the designated area.

ADMINISTRATIVE COMMENTS:

SITE LANDSCAPING: The Planning and Land Use Division reviewed the proposed site plan in the following context:

1. The official designation of St. James Street as an Urban Image Route.
2. The need to adequately screen a large expanse of parking.
3. The need to provide for safe pedestrian access to the store from bordering streets and transit stops.

Based on the size and profile of the site, the Division is requesting an increased standard of site landscaping and pedestrian access. For example, the applicant is being asked to treat major interior circulation roadways as private "streets", with appropriate landscaping and pedestrian accommodation. The following improvements are suggested over the current design.

St. James Street:

- Increase the density of plantings along the west building elevation and include shrubs/ground cover as well as trees;
- Widen the landscaped strip along the west side of the parking lot to provide for the construction of a low, intermittent berm, planted with shrubs/ground cover, to screen the parking area from St. James.
- Increase the number of trees along the west limit of the parking lot.

On-site:

- Examine options for a tree-lined pedestrian linkage along the east limit of the site leading from Sargent to the store front.
- Install landscaping across the front of the store. For instance, the curbed islands marking the ends of the parking rows could be increased in size for use as planting beds. Plantings could include ornamental trees, shrubs and ground cover.

- Increase the size of the planting islands bordering the east-west drive aisle leading to connecting RONA to St. James and along the north side of the gas bar site, and include shrubs or ground cover as well as trees.

TRANSIT ACCOMMODATION: The Transit Department reviewed the proposed site plan and provided the following comments and recommendations. The site is well-served by existing transit service. Daily, east-west service is provided by Route 15 between downtown and the airport via Sargent Avenue. Daily, north-south service is provided by Route 77 between Polo Park and the northwest part of the city via St. James Street. The bus stops for these routes are located at the corner of Sargent Avenue and St. James Street. The Transit Department points out that transit use in the west end is quite high and it is likely that there will be a significant portion of Superstore customers that will access the site by bus. Consequently, the Department would prefer that the store be located at the corner of Sargent and St. James. However, this orientation would place the back of the store, the least attractive building façade, against Sargent Avenue, and would dislocate the gas bar. Therefore the Transit Department supports the Planning and Land Use Division's recommendation that the site plan provide for safe pedestrian access along the east limit of the site adjacent to RONA.

TRAFFIC ANALYSIS: The Public Works Department, Transportation Division, reviewed the proposed site plan and the accompanying Transportation Impact Study prepared by Earth Tech (Canada) Inc. The Public Works report is attached as Schedule "B" to this report. Their comments are paraphrased below.

According to Earth Tech's report dated October 2003, the traffic generated by the proposed Superstore development will further overload the St. James/Sargent intersection during the PM peak hour, the heaviest daily traffic period. The traffic impact is measured in terms of the intersection Level of Service" (LOS), ranging from LOS "A" (i.e. free-flowing) to LOS "F" (i.e. grid lock). With the proposed development, the estimated P.M. peak hour traffic decreases the St. James/Sargent intersection LOS from the current LOS "E" to LOS "F".

The capacity problems at the St. James/Sargent intersection have been verified through on-site observations. Traffic flow is severely hindered on account of the lack of left-turn storage lanes at the intersection. The developer-proposed traffic signal on Sargent Avenue at Arena Road will benefit the development but will not appreciably improve the LOS of the St. James/Sargent intersection. In fact, the proposed traffic lights at Sargent Avenue and Arena Road will actually impede traffic flow along Sargent given the close intersection spacing (Empress/Arena/St. James) and the absence of turning lanes.

The dramatic increase in overall traffic volume in the Polo Park area is also contributing to street capacity problems and intersection failures on St. James Street. Based on traffic counts, shoppers using the major intersections at Ellice and Sargent are essentially experiencing "rush hour" traffic throughout the entire week, especially during the afternoon.

In order to accommodate the increased traffic volumes from the proposed development, the street improvements being recommended by the Public Works Department include the following:

- Provision of land for, and construction of, a four-lane roadway, with centre median and turning lanes, from the east side of Arena Road to the west side of St. James Street, including signals at Arena Road;
- a 14-foot strip of land along the entire west limit of the site to accommodate the future widening of St. James Street, plus related corner-cuts;
- a pedestrian sidewalk along the north side of Sargent between Empress and Ellice.

The Public Works Department recommendations are incorporated into the report of the Administrative Co-ordinating Group, dated December 5, 2003, delivered to your committee under separate cover.

RECOMMENDATION:

I. That the plan of subdivision proposed under File No. DASZ 32/03 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 32/03, attached hereto and dated December 4, 2003, for registration in the Winnipeg Land Titles Office, subject to the following:

   A. That the Developer be required to enter into a Development Agreement with the City containing all the conditions outlined in the report of the Administrative Coordinating Group dated December 5, 2003.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III. That Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 32/03, attached hereto and dated December 4, 2003, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter, to include the following conditions:

   D. That the use of the land be limited to the following:

      - Department Store/Supermarket
      - Retail Sales
      - Restaurants including drive-through
      - Cocktail lounge

   E. That, prior to the issuance of a Development Permit for buildings on the site, plans showing site access, layout, parking, loading, building elevations, landscaping,

fencing, and garbage enclosures be submitted for the approval of the Assiniboia Community Committee.

F. That, prior to the issuance of an Occupancy Permit, the land required for the widening of St. James Street and Sargent Avenue be transferred to the City and legally opened, and that the required road works be completed to the satisfaction of the Director of Public Works.

i. That a 10 percent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

ii. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

VI. That the City Solicitor be requested to prepare the necessary by-law in accordance with the above.

VII. That the subdivision section of the by-law shall come into force and effect upon execution by the City of Winnipeg of the Development Agreement.

VIII. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office and the Zoning Agreement has been filed by caveat as a first charge in the Winnipeg Land Titles Office against those lands **provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.**

IX. The Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

X. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within 24 months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
(City Centre and Assiniboia Communities)
986-5017

/jc

By-Law No. _____

File No. **DASZ 32/03**

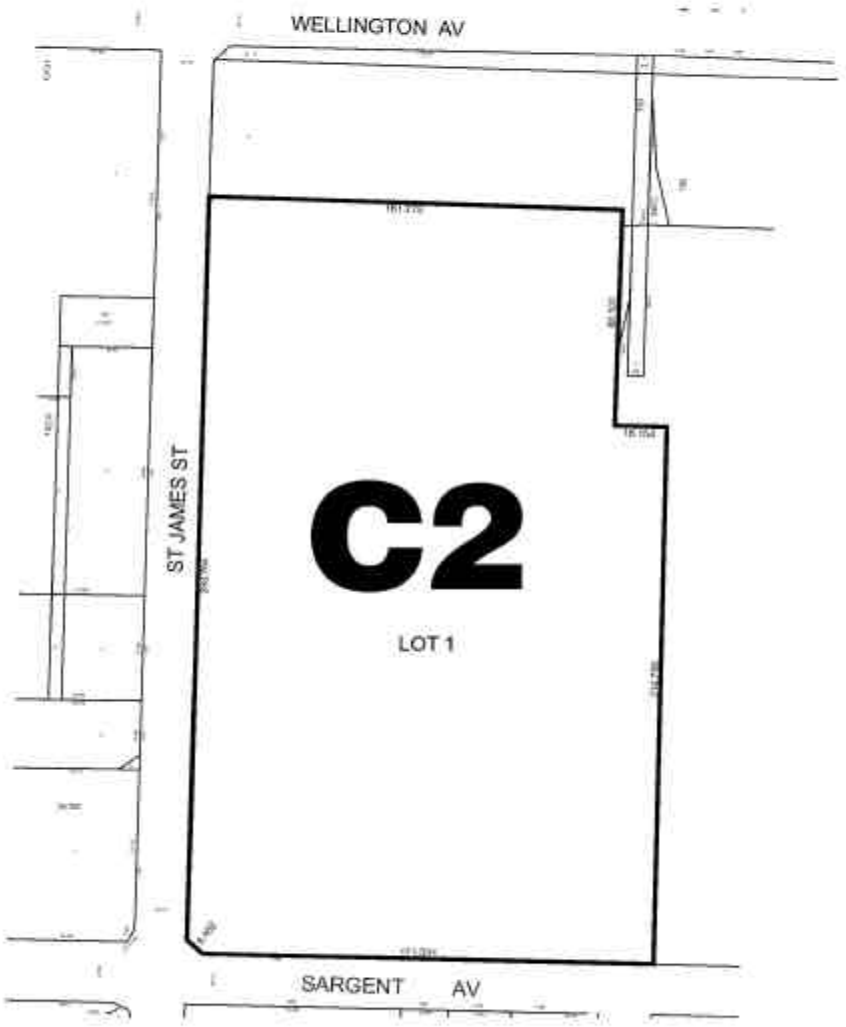
Atlas Sheet No. **Z20**

N

ASSINIBOIA COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 6400/94 by rezoning the land located at 1385 Sargent Avenue from an "M2" INDUSTRIAL DISTRICT and an "M3" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to the Assiniboia Community Committee for file No. DASZ 32/03, dated December 4, 2003.

Schedule "B" to the report to the Assiniboia Community Committee for DASZ 32/03, dated December 4, 2003.

TO:	**E. AXELROD,** **SUBDIVISION OFFICER** **DEVELOPMENT AND INSPECTIONS DIVISION** **PLANNING, PROPERTY AND DEVELOPMENT DEPARTMENT** **Main Floor – 65 Garry Street**	**FROM:**	**R. J. HARTMANN, P. ENG.** **TRAFFIC ASSESSMENT ENGINEER** **TRANSPORTATION DIVISION** **PUBLIC WORKS DEPARTMENT** **3rd Floor – 100 Main Street**
FILE NO.	**A/C**		
REF:	H:\WORD DOCUMENTS\DASZ2303.DOC	**DATE:**	2003 12 05

RE: Your File No. DASZ 32/03 – Proposed Subdivision and Rezoning of Land Located on the South Side of Sargent Avenue, Between Empress and St. James Streets – 1385 Sargent Avenue

This is in response to your memorandum of November 5, 2003 wherein you have requested comments from the Public Works Department, Transportation Division regarding the above-referenced subdivision and rezoning application.

The Public Works Department, Transportation Division has reviewed the above-referenced subdivision and rezoning proposal as it is illustrated on the untitled and undated sketch plan, a copy of which plans were included in your correspondence and has reviewed Transportation Impact Study for the development proposal carried out on behalf of the developer by Earth Tech (Canada) Inc. and has the following comments.

According to Earth Tech's report dated October 2003, the ICU (Intersection Capacity Utilization) at Sargent Avenue and St. James Street during the P.M. peak hour increases from 91.2% LOS E (a poor level of service) to 102.7% LOS F (an unacceptable level of service) as a result of the Superstore development. The proposed traffic control signal on Sargent Avenue, at Arena Road, to serve the Superstore development and the resulting traffic patterns reduces the ICU at Sargent Avenue and St. James Street to 100.1% also LOS F.

A recent on-site observation confirmed a capacity problem at Sargent Avenue and St. James Street. The shared left-through lanes on all 4 approaches function as defacto left -turn lanes. On practically every cycle, there was a left turn vehicle on each approach. The opposing left turn vehicles obstructed each others' visibility and although the opposing through traffic may have been absent, left-turning drivers were hesitant to proceed. On many occasions, only one left turning vehicle was accommodated in a single direction per signal cycle and nearly all through traffic traveled in the curb lanes.

Based on traffic counts at Ellice Avenue and St. James Street, the P.M. peak hour total approach volume at the intersection were exceeded during the weekday noon hour and on Saturday afternoon from 14:00 to 17:00p.m. A similar pattern may likely occur at the intersection of Sargent Avenue and St. James Street.

The proposed traffic control signal on Sargent Avenue is poorly located with respect to efficient traffic flow and progression along Sargent Avenue and according to Earth Tech's signal system analysis, the arterial greenband width will be reduced from 23 seconds to 17 seconds, a reduction of 26%, as a result of the proposed additional traffic control signal on Sargent Avenue at Arena Road, based upon a 60 second cycle length. The 17-second bandwidth has a capacity of approximately 7 vehicles per cycle or approximately 420 vehicles per hour per lane on Sargent Avenue. During the P.M. peak hour under post-development, the eastbound through volume shown is 760 vehicles per hour and the westbound through volume shown is 470 vehicles per hour. If the left-hand lane on Sargent Avenue is a defacto left-turn lane at the closely spaced signalized intersections, there is essentially one "through" lane along this stretch of Sargent Avenue, the curb lane in each direction. The curb lanes in each direction also serve to provide right-turn ingress and egress from abutting properties resulting in some disruption to the free flow of traffic in this lane between intersections. Therefore, to accommodate the increased traffic volumes as a result of the proposed development and the additional traffic control signal, to serve the Superstore development, a four-lane median divided cross-section is required on Sargent Avenue from west of St James Street to east of Arena Road as illustrated on the attached Public Works Drawing No. 3114AA, providing protected left turn vehicle storage capacity and two through traffic lanes in both directions. With four through lanes, median and left turn storage lanes on Sargent Avenue, the ICU at Sargent Avenue and St. James Street is reduced from 100.1% to 89.6%.

Shared left-through lanes do not meet today's standards on an arterial street. Operational and safety concerns include obstruction of through lanes, frequent lane changes, unequal speeds between lanes, inefficiency (left turn may block lane for entire green interval at signalized intersections), and rear-end/sideswipe collision potential.

Based upon safety and efficiency, our standard practice is to install left turn storage lanes along an arterial street at all signalized intersections and where the left turn volume exceeds 50 vehicles per hour at non-signalized intersections. The projected 174 eastbound left turning vehicles into the Superstore/Rona site on Sargent Avenue at the proposed signalized intersection of Arena Road clearly justifies a separate left turn storage lane.

Traffic improvements are not practical on St. James Street at this time as there is an existing building on the southeast corner of the intersection of St. James Street and Sargent Avenue, which would make the acquisition of the necessary property a problem. The Public Works Department is however, recommending that the developer provide the property necessary for the future improvements on St. James Street as part of this application. This will allow the City and/or others to carry out these improvements in the future.

In order to ameliorate the traffic impacts of the proposed development and the effects that a poorly located traffic control signal would have on traffic progression on Sargent Avenue, the

Public Works Department recommends the following provisions be included in a Development Agreement as conditions of approval:

1.) The Developer shall provide and legally open, at no cost to the City, property required for a 4.283m (14.05ft.) widening to the east side of the St. James Street right-of-way for the full length of the subject property abutting St. James Street. This widening is required to accommodate future roadway improvements in St. James Street by the City, and/or others, in order to provide additional traffic capacity for this development and other future developments.

2.) The Developer shall acquire as necessary, provide and legally open, at no cost to the City, property required for a 4.283m (14.05ft.) widening to the north side of the Sargent Avenue right-of-way for the full length of Sargent Avenue between Empress and St. James Streets. This widening matches the existing right-of-way of Sargent Avenue west of St. James Street and is required to accommodate roadway improvements in Sargent Avenue to provide additional traffic capacity for this development.

3.) The Developer shall acquire as necessary, provide and legally open, at no cost to the City, property required for a right- of-way corner-cuts in the northwest corner of Sargent Avenue at Empress Street and the northeast corner of Sargent Avenue at St. James Street as generally illustrated on Public Works Drawing No. T-3114AA, attached. These corner-cuts are required to accommodate future roadway improvements in St. James Street and Sargent Avenue by the City, and/or others, in order to provide additional traffic capacity for this development and other future developments.

4.) The Developer shall, at no expense to the City, construct, in portland cement concrete pavement, a widening to the roadway in Sargent Avenue and centre median as generally illustrated on Public Works Drawing No. T-3114AA, attached, and all related works, all as determined by and to the satisfaction of the Director of Public Works.

5.) The Developer shall pay the full cost of the installation of traffic control signals, and all related works including, but not necessarily limited pedestrian and vehicular actuation, interconnection to adjacent traffic control signals and rail crossing protection, and audible pedestrian signals at the intersection of Sargent Avenue and Arena Road/proposed private approach when and as determined by the Director of Public Works.

6.) The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk along the north side of Sargent Avenue, between Empress and St. James Streets, as determined by and to the satisfaction of the Director of Public Works.

7.) The Developer shall pay all costs associated with the relocation of private signage, streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

8.) The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off- site, during the installation of services and construction of houses, until completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.

9.) The Developer shall, at no expense to the City, ensure that construction traffic uses routes as determined by the Director of Public works. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

Original signed by R. Hartmann, P.Eng.

/rjh

Attach.

cc: A. Zielonko, P. Eng., Development Projects Engineer
E. L. Carriere, P. Eng., Land Development Engineer
R. Mitchell, Senior Planner
A. T. Chimko, P. Eng., Traffic Management Engineer

Re: Proposed subdivision and rezoning of land located at the northeast corner of St. James Street and Sargent Avenue – DASZ 32/03

An application has been submitted by Shindico Realty Inc. on behalf of Loblaw Properties West Inc. to subdivide and rezone land located at the northeast corner of St. James Street and Sargent Avenue.

The Developer's proposed development and the Transportation Impact Study for that development have been reviewed and the Public Works Department's comments and recommendations are to be included in a servicing agreement.

To provide land drainage service for this property, the Developer shall do one of the following:

a) Collect and convey their land drainage directly to Omand's Creek, including the construction of land drainage sewers and an outfall all at no expense to the City; or
b) Discharge to the 1800mm diameter combined sewer running along the east side of the property, with on-site flow restriction equivalent to a runoff coefficient of c =0.35.

In either event, an engineering report demonstrating that the proposed development conforms to one of the options above would be required prior to enactment of the subdivision/rezoning by-law.

It is therefore recommended that approval of DASZ 32/03 be subject to the Developer entering into a Servicing Agreement containing the following:

1. The Developer shall, at no expense to the City, construct land drainage facilities within City rights-of-way if required by the engineering report submitted by the Developer prior to enactment of the subdivision/rezoning by-law, as determined by and to the satisfaction of the Director of Water and Waste.

2. a) The Developer shall provide and legally open, at no cost to the City, property required for a 4.283m (14.05ft.) widening to the east side of the St. James Street right-of-way for the full length of the subject property abutting St. James Street. (This widening is required to accommodate future roadway improvements in St. James Street by the City and/or others, in order to provide additional traffic capacity for this development and other future developments.)

   b) The Developer shall acquire as necessary, provide and legally open, at no cost to the City, property required for a 4.283m (14.05ft.) widening to the north side of the Sargent Avenue right-of-way for the full length of Sargent Avenue between Empress Street and St. James Street. (This widening matches the existing right-of-way of Sargent Avenue west of St. James Street and is required to accommodate roadway improvements in Sargent Avenue to provide additional traffic capacity for this development.)

c) The Developer shall acquire as necessary, provide and legally open, at no cost to the City, property required for a right-of-way corner-cuts in the northwest corner of Sargent Avenue at Empress Street and the northeast corner of Sargent Avenue at St. James Street as generally illustrated on Public Works Drawing No. T-3114AA, attached. (These corner-cuts are required to accommodate future roadway improvements in St. James Street and Sargent Avenue by the City, and/or others, in order to provide additional traffic capacity for this development and other future developments.)

3. The Developer shall, at no expense to the City, construct, in portland cement concrete pavement, a widening to the roadway in Sargent Avenue and centre median as generally illustrated on Public Works Drawing No. T-3114AA, attached, and all related works, all as determined by and to the satisfaction of the Director of Public Works.
4. The Developer shall pay the full cost of the installation of traffic control signals, and all related works including, but not necessarily limited pedestrian and vehicular actuation, interconnection to adjacent traffic control signals and rail crossing protection, and audible pedestrian signals at the intersection of Sargent Avenue and Arena Road/proposed private approach when and as determined by the Director of Public Works.
5. The Developer shall, at no expense to the City, construct a 1.5m in width by 100mm in thickness portland cement concrete sidewalk along the north side of Sargent Avenue, between Empress and St. James Streets, as determined by and to the satisfaction of the Director of Public Works.
6. The Developer shall pay all costs associated with the relocation of private signage, streetlights and other utilities made necessary as a result of or required to accommodate works, which are to be constructed by the Developer to serve the proposed development, as determined by and to the satisfaction of the Director of Public Works.
7. The Developer shall, at no expense to the City, be responsible to control and to initiate the clean-up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming all costs in remedying the situation to the satisfaction of the Director of Public Works.
8. The Developer shall, at no expense to the City, ensure that construction traffic uses routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean dust free condition, free of dropped and tracked-on mud, and shall undertake regular cleaning of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.
9. The Developer shall pay the full cost of engineering services provided by or on behalf of the City in connection with the construction of land drainage sewers and traffic improvements required to serve the proposed subdivision.
10. The Developer shall pay $15,000.00 to defray the City's administration and related costs associated with the preparation and implementation of the Servicing Agreement.

Attachment

THIS REPORT SUBMITTED BY:
Administrative Coordinating Group
File No. AG 32/03
December 5, 2003

(original signed by E.L. Carrière, P.Eng.)
Land Development Engineer

(original signed by R. J. Hartmann, P.Eng.)
Public Works Department
Transportation Division

(original signed by K. T. Raban, P.Eng.)
Water and Waste Department

Exhibit "11" referred to in File DASZ 32/2003

In reply please refer to / Référence à rappeler : **Ross Mitchell**
(204) 986-5017
Fax / Téléc. : (204) 986-3684

File No. DASZ 32/03 (Supplementary) December 16, 2003
Our c/f CP 500 (.221)

Ms. Josie Marques, Clerk
Assiniboia Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

SUBDIVISION AND REZONING
1385 Sargent at the northeast corner of St. James Street and Sargent Avenue
Assiniboia Community
File No. DASZ 32/03

Further to the Department's report dated December 4, 2003, the Planning and Land Use Division would like to submit the following clarification in relation to the traffic analysis. Paragraph #2 of the Traffic Analysis section of the report reads as follows:

> *According to Earth Tech's report dated October 2003, the traffic generated by the proposed Superstore development will further overload the St. James/Sargent intersection during the PM peak hour, the heaviest daily traffic period. The traffic impact is measured in terms of the intersection Level of Service" (LOS), ranging from LOS "A" (i.e. free-flowing) to LOS "F" (i.e. grid lock). With the proposed development, the estimated P.M. peak hour traffic decreases the St. James/Sargent intersection LOS from the current LOS "E" to LOS "F".*

The applicant's traffic consultant, Earth Tech Canada Inc., has advised the Division that the above paragraph contains misleading information, as described below.

Traffic engineers use two different methods of measuring intersection capacity: the Highway Capacity Manual (HCM) method, and the Intersection Capacity Utilization (ICU) method. While both methods us an alpha-numeric representation of intersection Level of Service (LOS), the methods analyze *different* aspects of intersection operation and traffic movements. Therefore, the first point of clarification is that, as pointed out on page 5-2 of the Earth Tech report, the two methods of analysis "are <u>not</u> equivalent and cannot be compared directly".

In their analysis of the St. James/Sargent intersection, Earth Tech used the HCM method of analysis, the results of which are summarized in Table 5.4, page 5-6. According to their analysis, the St. James/Sargent intersection LOS will remain virtually unchanged from pre- to post-development stages, at HCM LOS "B" (with LOS "A" being free-flowing). Table 5.4, however, also includes a column citing the ICU intersection capacity ratio which, as indicated in the Department's report, translates to LOS "F" in the post-development stage. The second point of clarification is that, using the ICU methodology, LOS "F" is an "unacceptable level of service", *not* "gridlock" as mistakenly described in the Department's report.

Yours truly,

C. Knoll
Manager of Planning and Land Use

_____

Per: Ross Mitchell, Senior Planner
(City Centre and Assiniboia Communities)
986-5017