

**Minutes – Standing Policy Committee on Infrastructure Renewal and Public Works –
April 2, 2019**

REPORTS

**Item No. 25 Access to a Proposed Residential Development Located at
255 Bell Avenue
(Fort Rouge-East Fort Garry Ward)**

STANDING COMMITTEE DECISION:

The Standing Policy Committee on Infrastructure Renewal and Public Works concurred in the recommendation of the Winnipeg Public Service and approved the following:

1. That the Private Access By-law No. 49/2008 be varied to authorize the construction of 6.1 metre private approach on the east side of Clarke Street, as shown on Drawing No. A-19008.

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

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April 2, 2019**

DECISION MAKING HISTORY:

Moved by Councillor Santos,

That the recommendation of the Winnipeg Public Service be concurred in.

Carried

ADMINISTRATIVE REPORT

Title: Access to a Proposed Residential Development Located at 255 Bell Avenue

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

AUTHORIZATION

Author	Department Head	CFO	CAO
D. Patman, P. Eng	J. Berezowsky	N/A	D. McNeil

EXECUTIVE SUMMARY

The Public Works Department has received an application for the construction of a 6.1 metre non-conforming private approach on the east side of the Clark Street, serving a proposed condominium development located at 255 Bell Avenue.

On September 7, 2018, the Standing Policy Committee on Infrastructure Renewal and Public Works rejected a non-conforming private approach application for a 14% slope. The applicant revised the design and has submitted an application with an 8.2% slope.

Although still non-conforming, the Public Service recommends that the Standing Policy Committee on Infrastructure Renewal and Public Works approve this non-conforming private approach application.

RECOMMENDATIONS

1. That the Private Access By-law No. 49/2008 be varied to authorize the construction of 6.1 metre private approach on the east side of Clarke Street, as shown on Drawing No. A-19008.
2. That the Proper Officers of the City of Winnipeg be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

The proposed private approach on the east side of Clarke Street is non-conforming under The City of Winnipeg Private Access By-Law No. 49/2008, Section 19, Subsection (d) namely:

19 (d) "a private approach must not be located so that a building from which vehicles could enter the approach contains a vehicular ramp of more than 6% grade within 6 metres of the property line.

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 recommendations in this report.

HISTORY/DISCUSSION

On April 12, 2016, the Public Works Department received an application for a 6.1 metre wide non-conforming private approach on the east side of Clarke Street to serve a proposed condominium development. The private approach was non-conforming as the slope into the underground parking garage was 14%. The Private Access By-law states that the maximum slope for the first 6.0 metres inside private property is 6.0%. A report for the non-conforming private approach application was submitted to the Standing Policy Committee on Infrastructure Renewal and Public Works.

On June 28, 2016, the Standing Policy Committee on Infrastructure Renewal and Public Works approved this non-conforming private approach; and on July 6, 2016, the non-conforming private approach approval was formally issued for construction by the Public Works Department.

On July 6, 2018, the approach approval expired, as the Private Access By-law states that all private approach approvals expire 24 months after the date they were approved.

As a result of the expired approval, on July 27, 2018, the Public Works Department received an application for an identical 6.1 metre wide private approach on the east side of Clarke Street.

On September 7, 2018, the Standing Policy Committee on Infrastructure Renewal and Public Works rejected this non-conforming private approach application.

On February 12, 2019, the Public Works Department received another application to construct the 6.1 metre wide private approach, except the applicant modified the original application, so that the slope into the underground parking area is now 8.2%, as opposed to the original application of a 14% slope.

This section of Clarke Street contains a 7.6 metre wide roadway within a 20.6 metre right-of-way.

The subject land is currently vacant; however, the applicant wishes to construct a 3 storey, 36-unit residential development on the site, with 15 parking spaces adjoining the public lane to the north of the property, and 20 parking spaces located under the proposed building.

The proposed non-conforming 6.1 metre wide private approach on the east side of Clarke Street will serve as the only entrance/exit for the 20 underground parking spaces.

The proposed 6.1 metre wide private approach is non-conforming under the Private Access By-law, as the ramp to the underground parking will contain a 8.2% slope within the first 6.0 metres within private property.

The Private Access By-law requires that the slope of the ramp to the underground parking area must be a maximum of 6% in the first 6.0 metres within private property. However, the applicant has also proposed modifications to the public sidewalk within the east boulevard of Clarke Street, therefore, even though the slope is designed at 8.2%, the driver of an exiting vehicle will be able to see oncoming pedestrians.

As a result, the Public Service recommends that the Standing Policy Committee on Infrastructure Renewal and Public Works approve this non-conforming private approach application.

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

FINANCIAL IMPACT

COMMENTS:

There is no financial impact associated with the recommendations of this report.

"Original Signed by J. Ruby, CPA, CA"
J. Ruby CPA, CA
Manager of Finance & Administration

CONSULTATION

This Report has been prepared in consultation with: N/A

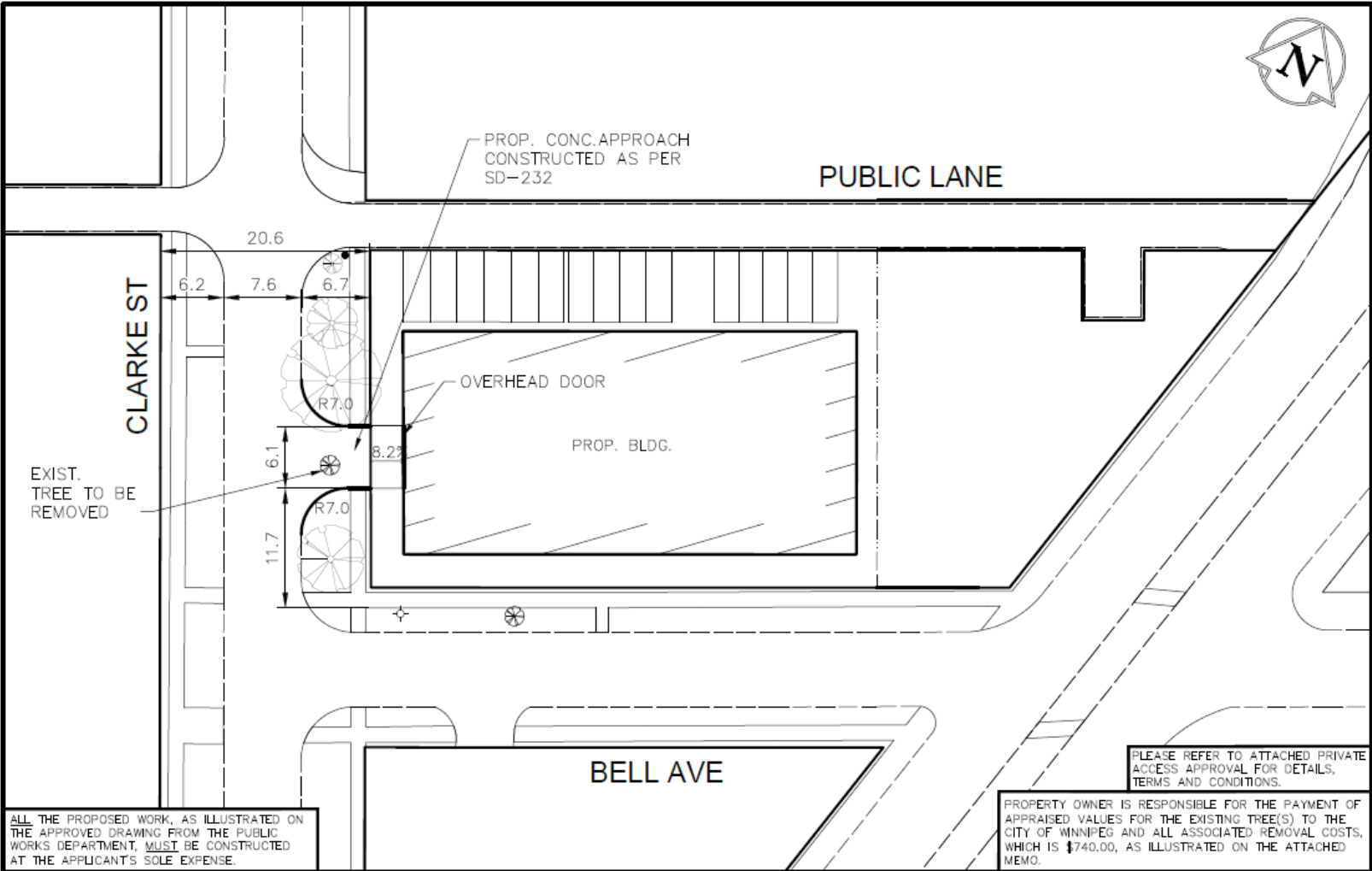
OURWINNIPEG POLICY ALIGNMENT

The recommendation of this report is aligned with the Transportation Master Plan key strategic goal Number 3: To provide a safe, efficient and equitable transportation system for people, goods and services.

SUBMITTED BY

Department: Public Works
Division: Transportation
Prepared by: Doug Binda, Private Approach Technician
Date: February 21, 2019


Attachments: Drawing No. A-19008



ALL THE PROPOSED WORK, AS ILLUSTRATED ON THE APPROVED DRAWING FROM THE PUBLIC WORKS DEPARTMENT, MUST BE CONSTRUCTED AT THE APPLICANT'S SOLE EXPENSE.

PLEASE REFER TO ATTACHED PRIVATE ACCESS APPROVAL FOR DETAILS, TERMS AND CONDITIONS.

PROPERTY OWNER IS RESPONSIBLE FOR THE PAYMENT OF APPRAISED VALUES FOR THE EXISTING TREE(S) TO THE CITY OF WINNIPEG AND ALL ASSOCIATED REMOVAL COSTS, WHICH IS \$740.00, AS ILLUSTRATED ON THE ATTACHED MEMO.

 <p>THE CITY OF WINNIPEG PUBLIC WORKS DEPARTMENT TRANSPORTATION DIVISION</p>		<p>BELL CONDOMINIUMS 255 BELL AVE.</p>		<p>PRIVATE ACCESS PERMIT NO.</p> <p>-----</p>
<p>DRAWN BY: <u> EBS </u></p> <p>DATE: <u> 16.05.19 </u></p>	<p>SCALE: 1:500</p>	<p>APPROVED BY: _____</p> <p>DATE _____</p>	<p>DRAWING NO.</p> <p>A-19008</p>	