

Bylaw 17936

Access Closure to a Titled Parcel at 15860 - 41 Avenue SW on 41 Avenue SW

Recommendation:
That Urban Planning Committee recommend to City Council:
That Bylaw 17936 be given the appropriate readings.

Purpose

To close an existing vehicular access to 41 Avenue SW from a titled parcel located at 15860 - 41 Avenue SW. The property has two accesses to 41 Avenue SW. The closure of the east access is required to facilitate the construction of Chappelle Way SW and 41 Avenue SW, flanking the south and east property lines of the subject parcel.

Readings

Bylaw 17936 is ready for three readings.

This Bylaw 17936 is authorized under the *Highways Development and Protection Act*. A majority vote of City Council on all three readings is required for passage.

If Council wishes to give three readings during a single meeting, then prior to moving third reading, Council must unanimously agree “That Bylaw 17936 be considered for third reading.”

Advertising and Signing

Advertising is not required for this Bylaw.

Position of Administration

Administration supports this Bylaw.

Report Summary

This report requests City Council’s approval of Bylaw 17936.

Report

Bylaw 17936 proposes to remove one of two existing accesses to the parcel municipally addressed 15860 - 41 Avenue SW.

Chappelle subdivision LDA14-0156 was approved with the condition to construct Chappelle Way SW and 41 Avenue SW, adjacent to the subject parcel, to support further development of the neighbourhood. Through the review and approval of the subdivision, Transportation Planning and Engineering advised the developer that the removal of the easterly access to the subject parcel would be required in conjunction with the construction of the adjacent portion of 41 Avenue SW.

The access in question is located on the north side of 41 Avenue SW, less than five metres from the face of curb of the future Chappelle Way SW, as illustrated in Attachment 2. The City of Edmonton Access Management Guidelines provide direction on the location of vehicular access to ensure that a number of factors, including safety, have been considered. This access does not meet the minimum separation distance as required by the Access Management Guidelines.

The parcel has two accesses to 41 Avenue SW. At the time of writing, the subject access is currently open, but not in use. At the request of the property owner, the contractor is installing a fence across the southern property line by the end of July 2017. The subject parcel is accessed via the western access to 41 Avenue SW, as illustrated in Attachment 2. In the longer term, with redevelopment of the parcel, all access to 41 Avenue SW will be removed and rerouted internally to the neighbourhood.

At the time of writing this report, Administration has not been in contact with the property owner. The closure of the access is development-driven and, therefore, all communication and negotiation regarding the access closure has been initiated by the developer. Administration has been advised that the property owner is agreeable to the closure.

Policy

This Bylaw is supported by policies and objectives outlined in the Municipal Development Plan and the Transportation Master Plan, as follows:

The Way We Grow; Municipal Development Plan:

Section 4.1.1: Design new neighbourhoods to support the health and livability of our citizens.

- Policy 4.1.1.1 - The City will develop and implement design guidelines for new neighbourhoods, which will include:
 - the design of all streets to maximize connectivity, amenity space and safety for pedestrians and cyclists, private vehicles, public transportation and emergency response services
 - traffic safety measures.
- Section 5.7.1: Ensure that streets, sidewalks and boulevards are designed to perform their diverse roles and to enable safe access for all users.

- Policy 5.7.1.1 - Design streets, sidewalks and boulevards to provide safe, accessible, attractive, interesting and comfortable spaces for pedestrians, cyclists, automobiles and transit, and to accommodate utilities, landscaping and access requirements for emergency response services.

The Way We Move; Transportation Master Plan:

- Strategic Objective 7.5: The City will promote and undertake the safe planning, design and operation of the Transportation system.

Corporate Outcomes

This bylaw supports the Corporate Outcomes “Edmonton is attractive and compact” and “Edmonton is a safe city”, by ensuring/promoting a well-designed and constructed intersection and roadway network that will improve safety by reducing vehicular conflicts.

Risk Assessment

Risk Element	Risk Description	Likelihood	Impact	Risk Score	Current Mitigations	Potential Future Mitigations
Public Perception	Not removing the access will be perceived as uncoordinated construction practice.	2 - Unlikely	2 - Moderate	4 - Low	Current design includes closure of access.	Remove access in the future. Redevelopment of the parcel will trigger the removal of access from the arterial roadway and relocate it internally to the neighbourhood.
Public Liability - closure not approved	Increased conflicts and reduced safety at intersection; Does not meet Access Management Guidelines.	1 - Rare	2 - Moderate	2 - Low	Current design identifies removal of access, eliminating conflict.	Remove access in the future. Ultimately, all access to 41 Avenue SW from the subject parcel will be removed and relocated internally to the neighbourhood.

Public Engagement

- The developer met with the landowners several times to discuss the impacts that the surrounding development will have on the subject parcel. The most

recent meeting occurred on April 1, 2017.

- In the April 1, 2017, meeting with the landowner, the developer communicated that the east access to 41 Avenue SW, from the subject parcel, would be permanently closed with construction of the adjacent roadways. The developer would be responsible for the installation of fencing along the southern property line to prevent access.
- On June 30, 2017, Administration prepared a letter advising the property owner that the Access Closure Bylaw was scheduled to be heard at Urban Planning Committee. On July 5, 2017, the letter was both emailed and land mailed to the property owner, and included supplemental information regarding the access closure.

Legal Implications

1. The proposed access closure must be carried out in accordance with the *Alberta Highways Development and Protection Act*.
2. Section 28(3) of the *Highways Development and Protection Act* provides that City Council may close a physical means of access to or from a controlled street by passing a bylaw.
3. The City must ensure, in accordance with the City Streets Access Bylaw, Bylaw 13521, that each titled parcel of land has at least one means of access to a controlled street, however indirect or circuitous that access may be.
4. Provided that alternate access to the titled parcel exists or is provided, no compensation is payable pursuant to section 29(4) of the *Highways Development and Protection Act*.

Metrics, Targets and Outcomes

Metrics	Targets	Outcomes
Distance between an access and a future signalized arterial/ collector roadway intersection (as per the Access Management Guidelines) = five metre.	Eliminate access located within 50 metres of the collector/arterial intersection.	Conflicts are reduced and safety is increased.
Number of “accesses” to a controlled street: two.	Eliminate one access.	One access is maintained to the titled parcel.
Number of conflict points: two.	Reduce vehicle conflicts from two to one.	Safety is improved.

Justification of Recommendation:

Bylaw 17936 will advance the development of the approved subdivisions within the Chappelle neighbourhood. The access closure will provide a safe intersection design by eliminating conflicts with vehicles. The access in question is located less than five metres west of the future intersection of Chappelle Way SW and 41 Avenue SW. The City of Edmonton Access Management Guidelines state that an access to an arterial roadway must maintain a minimum distance of 50 metres from a future signalized intersection.

Attachments

1. Bylaw 17936 - Access Closure to titled Parcel at 15860 - 41 Avenue SW on 41 Avenue SW
2. Location Plan and Street View Image

Others Reviewing this Report

- T. Burge, Chief Financial Officer and Deputy City Manager, Financial and Corporate Services
- R. Smyth, Deputy City Manager, Citizen Services
- C. Campbell, Deputy City Manager, Communications and Engagement