Report - Standing Policy Committee on Property and Development - March 4, 2003

Item No. 12 Proposed Rezoning - north side of Adsum Drive, west of Jefferson Avenue
File DAZ 232/2002

STANDING COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and recommends to Council that the proposed rezoning under File DAZ 232/2002 not be proceeded with.

Report - Standing Policy Committee on Property and Development - March 4, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 18, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 4, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted its recommendation to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On February 4, 2003, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation that the proposed rezoning under File DAZ 232/2002 not be proceeded with, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE:	**Proposed Rezoning - North side Adsum Drive, West of Jefferson Avenue - File DAZ 232/2002**
For submission to:	**Standing Policy Committee on Property and Development**
Prepared by:	**Diane Timmins, Clerk, Lord Selkirk-West Kildonan Community Committee**
Report date:	**February 14, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation and recommends that the proposed rezoning under File DAZ 232/2002 not be proceeded with.

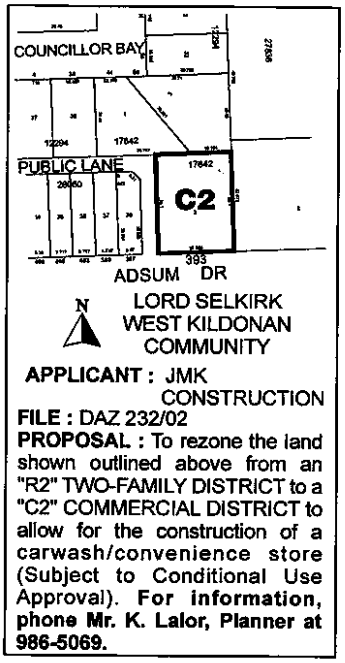
The Lord Selkirk-West Kildonan Community Committee provided the following supporting reason(s) for its recommendations:

1. The Lord Selkirk-West Kildonan Community Committee agrees with the administrative comments contained in the report of the Manager of Planning and Land Use which contains a negative recommendation.

PUBLIC HEARING SUMMARY

File:	DAZ 232/2002 (c/r DCU 258/2002D & DAV 1019/2002D)
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Lazarenko, Chairperson Councillor O'Shaughnessy Councillor Pagtakhan
Hearing:	January 9, 2003
Adjourned to:	February 4, 2003 Community Committee Chamber, 1760 Main Street
Applicant:	JMK Construction (Tim Klassen) 1019 Springfield Road Winnipeg, MB R2G 3T2

Subject:



Premises Affected: North side Adsum Drive, West of Jefferson Avenue

Exhibits Filed:
1. Application dated November 20, 2002
2. Advertising Notice dated November 29, 2002
3. Manitoba Status of Title 1899055
4. Letter of authorization dated September, 2002
5. Site, elevation and garbage enclosure detail plans (comprising 4 pages)
6. Report from the Manager of Planning and Land Use dated January 2, 2003
7. Photograph(s) of the site and Inspection Notice

REPRESENTATIONS:

In Support:

Tim Klassen, JMK Construction, 1019 Springfield Road, Winnipeg, R2G 3T2
Apee Panchhi, 228 Isabel Street, Winnipeg, R3A 1G9
Jaspal Suri, 76 Nicholson Crescent, Winnipeg, R2P 0P9

In Opposition:

Chacuntra Sankar-Boysie, 50 Councillor Bay, Winnipeg, R2P 0X3
Catherine Tschernow, 156 Manila Road, Winnipeg, R2P 0S9
Ewhenia Gnutel and David Gnutel, 48 Councillor Bay, Winnipeg, R2P 0X3

For the City:

Kevin Lalor, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS MADE AT THE PUBLIC HEARING:

Tim Klassen, JMK Construction, appeared in support of the application, accompanied by A. Panchni. Mr. Klassen gave an overview of the proposed development and emphasized the fact the application is not for a gas station, but rather for a propane fuel dispenser for filling barbecue tanks and the like. Mr. Panchi drew Committee's attention to the fact that the proposed car wash would be located underground and therefore no noise from the operation of the car wash and vacuum machines would be experienced by the surrounding residential community. Mr. Panchi also noted he was proposed to install a six (6) ft. high concrete fence to act as a buffer between the proposed development and the adjacent properties. Mr. Klassen indicated he did not agree with the comments contained in the report of the Manager of Planning and Land Use relative to the proposed development being a much higher intensity use on a parcel of land and state the opinion that this would merely be fair competition given the fact there is a similar business located across the street. In response to Committee's question as to the height of the proposed facility, Mr. Klassen commented the proposed building will be fifteen (15) feet high.

Boysie Sankar, Private Citizen, appearing on behalf of his family, in opposition to the application, expressed the following concerns regarding the proposed development:

1. The flammability of the proposed propane fuel dispenser;
2. The fumes that would be emitted from the operation of the propane fuel dispenser;
3. The close proximity of the proposed business to residential housing;
4. The reduction in the amount of sunlight in his back yard from the proposed building and six (6) foot high concrete fence; and
5. The smell from chicken that would be cooked on the premises.

Ewhenia Gnutel, Private Citizen, also appeared in opposition to the application and advised Committee that she lives across from the proposed site and expressed concern relative to the proposed development for the following reasons:

1. If the application is approved and the business fails, the residential neighbourhood would be left with a building on property zoned "C2";
2. Additional traffic that would be generated by the carwash and convenience store, as well as the access to the property;

3. Not pleased about the prospects of having a concrete structure directly behind her property.

David Gnutel, Private Citizen, also appeared in opposition to the application and added the following points of concern:

1. Safety concerns regarding the proposed location of a tank containing 2000 litres of propane so close to the residential community and the potential for a gas leak and explosion that could occur,
2. The location of signage in the middle of the block that would obstruct the visibility for safe ingress and egress to the site;
3. The proposed development is incompatible with the surrounding residential community and feels there are better alternatives to commercial zoning for the subject property.

With respect to the concern outlined in numbered 3 above, Mr. Gnutel advised Committee of the fact that he has endeavoured to speak to the property owners about residential possibilities for the subject property, but they would not entertain any such idea.

In rebuttal, Mr. Klassen advised Committee that the property owners do not want to do anything that would be against the wishes of the adjacent property owners and would be happy to work with them to address their concerns. He also commented the property owners would be willing to come up with a different fence that would b acceptable to the neighbours. With respect to any fumes that would from the propane fuel dispenser, Mr. Klassen expressed the opinion this would not present a problem inasmuch as a very small propane tank is being proposed for the subject property. With respect to the concern expressed about chicken being cooked and the smell emanating therefrom , Mr. Klassen was of the view this should not present a problem as there would be ventless hoods utilized which would not allow any smell (of chickens cooking) to permeate the air. He also indicated his client would be willing to relocate any signage in an effort to remove any perceived obstructions in visibility, and relocate the proposed propane fuel dispenser to the other side of the site, away from the residential properties.

Councillor O'Shaughnessy, Old Kildonan Ward, stated his intention to adjourn the public hearing with respect to this application to the next meeting on February 4, 2003, to allow the applicant and the property owner(s) to meet with the residents registered in opposition, and ascertain whether any compromise could be reached.

At the adjourned public hearing on February 4, 2003, Tim Klassen, appearing on behalf of the applicant in support of the application, advised Committee that pursuant to Committee's directive of January 9, 2003, attempts were made to get together with the adjacent neighbours to discuss their concerns and see whether a compromise could be reached. Mr. Klassen stated that as it was felt the major basis of the residential opposition to the application related to the proposed propane fuel dispenser, his client had new drawings prepared with the propane dispenser deleted from the site. However, as the adjacent residents were unwilling to meet with him and his client, Mr. Klassen noted the residents were unaware of this change. In summation, Mr. Klassen stated he had nothing further to report back on.

In reply please refer to / Référence à rappeler :

Kevin Lalor
(204) 986-5069
Fax / Téléc. : (204) 986-3684

File No. DAZ 232/2002 January 2, 2003
Our c/f CP 500 (. 317)

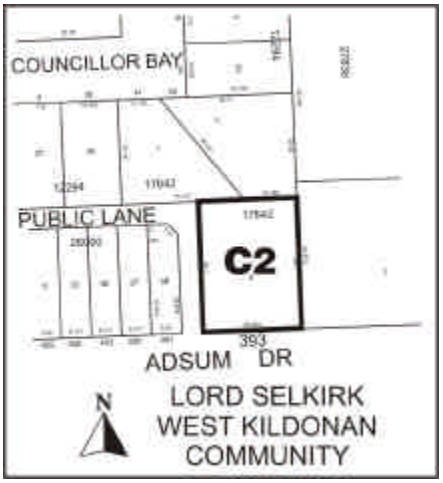
Mrs. Diane Timmins, Clerk
Lord Selkirk-West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear : Mrs. Timmins:

REZONING
Location:
Lord Selkirk-West Kildonan Community Committee
File No. DAZ 232/2002

An application has been received from JMK Construction , to amend By-Law No. 6400/94 by rezoning the land shown below from an " R2" Residential District to a "C2" Commercial District to allow for a convenience store and underground carwash.

RELATED FILES: DCU 258/2002D, DAV 1019/2002D



SITE DESCRIPTION:

Site Area:

Overall lot area is approximately 11,812 sq. ft. with a frontage width of 94.5 ft . along Adsum Drive.

Existing Land Use and Zoning:

The subject property is currently vacant and zoned "R2" Residential .

Surrounding Land Use and Zoning:

North: Immediately to the north are established single family dwellings zoned R1-4 Residential.
South: To the south is Seven Oaks Collegiate zoned PR-1 Parks and Recreational.
East: Immediately to the east is vacant C2 Commercial land and at the corner of Jefferson /Adsum is an existing convenience store & carwash zoned C2 Commercial.
West: Immediately west across a public lane are residential duplexes zoned R2 Residential.

DEVELOPMENT DESCRIPTION:

The plans call for a food store (3200 sq.ft.) to be established at the rear of the property, access to be provided off of Adsum Drive. Fourteen parking and one loading stall are to be located in front of the store. As you enter the site there is an entrance ramp to the right which descends to an underground, enclosed six(6) stall carwash. The exit ramp is on the west side(the public lane) side of the property. It will be a Bunty's Bubble Bath Carwash and there is at this time no information available as to hours of operation.

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg which allows for commercial applications to be processed.

ADMINISTRATIVE COMMENTS:

Several years ago, under DCU 161A/2000C, an application for a cultural and worship centre was made on the subject property. It was a well designed facility with a small congregation and with services to be limited to Sundays. The Planning and Land Use Division endorsed the proposal (subject to a long list of conditions) on the basis that the intensity of use proposed was a reasonable transition between existing commercial and existing residential uses. It was subsequently turned down by the Appeal Committee. A similar application (DCU 229/01) was similarly endorsed by this Division and the Board of Adjustment but did not proceed. The current application proposes to change the zoning to permit, what is in our opinion, a much higher intensity use on a parcel of land which immediately abuts existing residential homes. In our view there is an abundance of existing vacant "C2" Commercial land lying adjacent to the east and north along Jefferson Avenue which could be developed in such a

way as to minimize the impact on adjacent residential properties. The establishment of a high intensity commercial development on the subject property will immediately impact on adjacent properties to the north and west; the site is simply to small to adequate buffer any kind of intensive commercial use from immediately adjacent residential properties. It should be further noted that a similar use already exists a mere 200 feet away to the east at the corner of Jefferson and Adsum. The Planning and Land Use Division therefore recommends that your Committee not endorse the subject application to rezone the property to commercial. Neither do we support the accompanying conditional use and variance applications.

RECOMMENDATION:

I. That By-law No. 6400/94 not be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 232/2002, attached hereto and dated January 2, 2003, to a "C2" Commercial District.

Final

Yours truly,

V. Buckley
Manager of Planning and Land Use

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Per: Kevin Lalor, Senior Planner
(Lord Selkirk-West Kildonan Community)
986-5069

/jc

By-Law No. .....

File No. **DAZ 232/02**

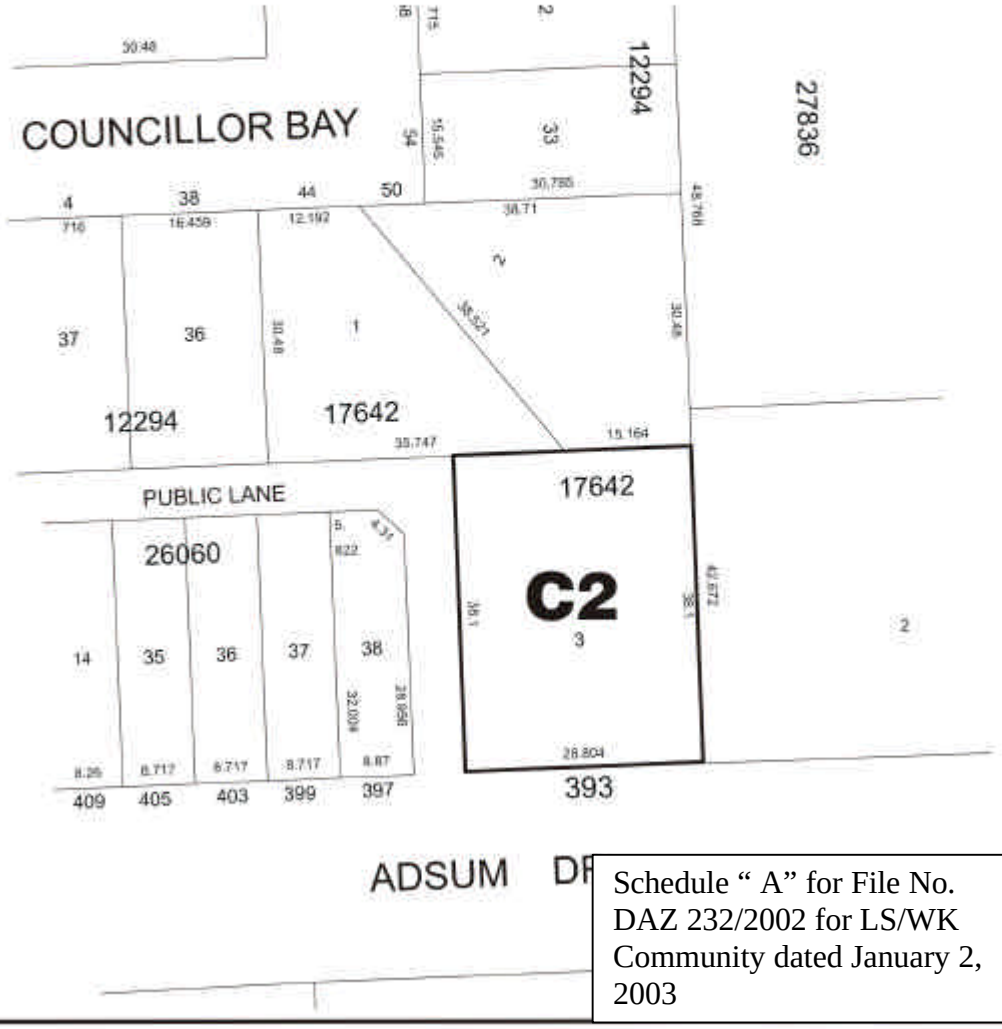
Atlas Sheet No. **S22**

N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land on the north side of Adsum Drive west of Jefferson Avenue from an "R2" TWO-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT as shown outlined below.



Schedule " A" for File No. DAZ 232/2002 for LS/WK Community dated January 2, 2003

THIRD READING : ..... EFFECTIVE DATE : .....

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. .....