Agenda - Council - March 26, 2003

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

Item No. 15 Proposed Zoning Agreement Amendment - northeast corner of Allan Blye Drive and Leila Avenue
File ZAA 15/2002

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 zoning agreement amendment under File ZAA 15/2002 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, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Proposed Zoning Agreement Amendment - Northeast corner of Allan Blye Drive and Leila Avenue**
File ZAA 15/2002 [c/r DCU 241/2002D and DAV 978/2002D]

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 zoning agreement amendment under File ZAA 15/2002 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, particularly that which states "[the proposed development] will constitute a major overdevelopment of the site".

2. There is overwhelming residential opposition to this application.

PUBLIC HEARING SUMMARY

File: ZAA 15/2002
(c/r DCU 241/2002D & DAV 978/2002D)

Applicant: JMK Construction (Tim Klassen)
1019 Springfield Road
Winnipeg, Manitoba
R2G 3T2

Subject:



Premises Affected: Northeast corner of Allan Blye Drive and Leila Avenue

Exhibits Filed:

1. Application dated November 1, 2002
2. Advertising notice dated January 9, 2003
3. Manitoba Status of Title 1883995
4. Letter of authorization dated June 19, 2002
5. Zoning Agreement DAZ 338/76 and Caveat 258514
6. Site, Elevation and Garbage Enclosure plans (comprising 2 pages)
7. Report from the Manager of Planning and Land Use dated January 29, 2003
8. Communication dated January 23, 2003 from Jeffrey Dovyak, 39 Allan Blye Drive, in opposition to the application
9. Communication dated January 27, 2003 from Tom Marostica, 40 Verona Drive, in opposition to the application
10. Communication dated January 27, 2003 from Valerie Jones, 1496 Leila Avenue, in opposition to the application
11. Communication dated January 27, 2003, submitted by Mayor Murray, which he received from Todd Panas, Co-

Chair, École Leila North School, in opposition to the application

12. Communication dated January 28, 2003 from B. and B. Verreault, 19 Allan Blye Drive, in opposition to the application
13. Communication dated January 28, 2003 from Hazel Wiebe, 32 Verona Drive, in opposition to the application
14. Communication dated January 29, 2003 from Sylvie Arruda, 1467 Leila Avenue, in opposition to the application
15. Communication dated January 29, 2003 from John and Patti Cherney, 31 Nyree Cove, in opposition to the application
16. Communication dated January 30, 2003, submitted by Councillor Lazarenko, Mynarski Ward, which he received from Greg and Nina Wasilewski, 55 Verona Drive, in opposition to the application
17. Communication dated January 30, 2003 from Cristina Dias-Acquisto, 27 Novara Drive, in opposition to the application
18. Communication dated January 31, 2003 from Lorraine and Ray Jast, 24 Ritchie Street, in opposition to the application
19. Communication dated January 30, 2003, submitted by Councillor O'Shaughnessy, Old Kildonan Ward, which he received from Marian Young, 46 Mariner Crescent, in opposition to the application
20. Communication dated January 31, 2003 from Mel Kowpak, 79 Verona Drive, in opposition to the application
21. Communication dated February 1, 2003 from Rand A. Shipman, 4 Brenner Bay, in opposition to the application
22. Communication dated February 1, 2003 from Robert and Cristina Quon, 190 Cartwright Road, in opposition to the application, submitted by Tom Marostica, 40 Verona Drive
23. Communication dated February 1, 2003 from Don Minty, 27 Nyree Cove, in opposition to the application, submitted by Tom Marostica, 40 Verona Drive
24. Communication dated February 3, 2003 from Karen and Rick Walker, 67 Verona Drive, in opposition to the application
25. Communication dated February 3, 2003 from Stan and Grace Yerlitz, 1448 Leila Avenue, in opposition to the application
26. Communication dated February 3, 2003 from Chris and Marilyn Wansbutter, 67 Novara Drive, in opposition to the application

27. Communication dated February 3, 2003 from Charles and Susan Hunter, 140 James Carleton Drive, in opposition to the application
28. Communication dated February 3, 2003 from Mark Townsley, 48 Verona Drive, in opposition to the application
29. Communication dated February 4, 2003 from Kevin and Melanie Cremer, 1427 Leila Avenue, in opposition to the application
30. Photograph(s) of the site and Inspection Notice
31. Presentation made by Hardeep Brar, 59 Dunham Street, in support of the application, submitted at the public hearing
32. File folder containing letters of support from individuals, businesses, schools and area residents, submitted at the public hearing by Hardeep Brar, 59 Dunham Street
33. Presentation made by Tess Marcelino, 1483 Leila Avenue, in opposition to the application, submitted at the public hearing
34. Presentation made by Jeff Dovyak, 39 Allan Blye Drive, in opposition to the application, submitted at the public hearing
35. Presentation made by Tom Marostica, 40 Verona Drive, in opposition to the application, submitted at the public hearing
36. Petition purporting to contain the signatures of six hundred and twenty-one (621) area residents in opposition to the application, submitted at the public hearing by Todd Panas, 1488 Leila Avenue
37. Presentation made by Vic Schertow, 1512 Leila Avenue, in opposition to the application, submitted at the public hearing

REPRESENTATIONS:

In Support:

Harsharan Brar, 39 Brenner Bay, Winnipeg, R2P 2S3
Hardeep Brar and Gurmit Singh Brar, 59 Dunham Street, Winnipeg, R2P 2A3
Sid Brar, 144 Glencairn Road, Winnipeg, R2V 4V2
Harbant, Bhagwant. & Jaswant Dhillon, 82 Novara Drive, Winnipeg, R2P 2S3
Guemail Gill, 540 Adsum Drive, Winnipeg, R2P 1B5
Tim Hughes, 171 Blechner Drive, Winnipeg, R2P 0R1
Tim Klassen, 1019 Sprinfield Road, Winnipeg, R2G 3T2
Ed Kolodziej, 44 Courland Bay, Winnipeg, R2P 2X1

Darlene Roy, 1182 Chamberlain Avenue, Winnipeg, R2X 1E7
Vernon Rybuck, 393 Belmont Avenue, Winnipeg, R2V 0Y9
Gurmit Sandhu, 35 Nikki Lane, Winnipeg, R2V 4M3
Rex and Umesh Sharma, 43 Idlewild Bay, Winnipeg, R2P 1H3
Rupinder Sidhu, 22 Caslon Place, Winnipeg, R2P 0X1
Roger Singh, 309 Adsum Drive, Winnipeg, R2P 0V9
Kaler J. Singh, 403-1452 Jefferson Avenue, Winnipeg R2P 0Z2
Cheryl Wondrasek, 11 Ambergate Drive, Winnipeg, R2P 2S4

In Opposition:

Jose Ablao, 73 Amber Trail, Winnipeg, R2P 2W8
Cyril Armas & Gizelle Gerra, 1352 Leila Avenue, Winnipeg, R2P 1J7
Prudencio & Lilia Armas, 1552 Leila Avenue, Winnipeg, R2P 2J7
Ed Scribner, 26 Manila Road, Winnipeg, R2P 0Y1
Sylvie & Luis Arruda, 1467 Leila Avenue, Winnipeg, R2P 2J9
Larry & Sylvia Barthelette, 76 Courland Bay, Winnipeg, R2P 2X1
Tracey & Stewart Benzing, 89 Amber Trail, Winnipeg, R2P 2S5
Dave Bernier, 77 Amber Trail, Winnipeg, R2P 2W8
Joe Bobko, 32 Novara Drive, Winnipeg, R2P 2W8
Ronald Borger, 36 Verona Drive, Winnipeg, R2P 2S1
Arnold & Jenith Calambacan, 31 Allan Blye Drive, Winnipeg, R2P 2S5
A. Caporusso, 1411 Leila Avenue, Winnipeg, R2P 1J8
Harpreet, Jaswinder, Narinder & Simvan Chahal, 11 Allan Blye Drive, Winnipeg, R2P 2S5
Colleen Chubenko, 101 Amber Trail, Winnipeg, R2P 2S5
John & Patti Cherney, 31 Nyree Cove, Winnipeg, R2P 2R8
Arthur Cordeiro, 1463 Leila Avenue, Winnipeg, R2P 2J9
Carmen Court, 151 James Carleton Drive, Winnipeg, R2P 0W6
Kevin & Melanie Cremer, 1427 Leila Avenue, Winnipeg, R2P 2J9
Benedictor De Guzman, 1460 Leila Avenue, Winnipeg, R3P 1L2
Noel De Juan, 1484 Leila Avenue, Winnipeg, R2P 1L2
Lucy DeSousa, 1382 Leila Avenue, Winnipeg, R2P 1J8
Antonio M. Dias, 64 Courland Bay, Winnipeg, R2P 2X1
Cristina Dias-Acquisto & Frank Acquisto, 79 Novara Drive, Winnipeg, R2P 2S3
Jeffrey, Ronda & Luke Dovyak, 39 Allan Blye Drive, Winnipeg, R2P 2S5
Evelyn & Jim Evanchuk, 15 Brenner Bay, Winnipeg, R2P 2S2
Clarisse Evertoski, 1298 Leila Avenue, Winnipeg, R2P 1J7
Elmer F. Faderon, 1516 Leila Avenue, Winnipeg, R2P 1L2
Linde Feakes, 124 Manila Road, Winnipeg, R2P 0S9
Bridget Flynn & Don Anderson, 146 James Carleton Drive, Winnipeg, R2P 0T4
Grant Fraser, 3 Brenner Bay, Winnipeg, R2P 2S2
Marilyn Froment, 1520 Jefferson Avenue, Winnipeg, R2P 1K1
Luis Gameiro, 115 Verona Drive, Winnipeg, R2P 2R9
A. Henenriques, 1459 Leila Avenue, Winnipeg, R2P 2J9

Verland Hicks, 110 Keating Avenue, Winnipeg, R3J 2P7
Kent Holden, 52 Courland Bay, Winnipeg, R2P 2X1
Charles & Susan Hunter, 140 James Carleton Drive, Winnipeg, R2P 0T4
Bill Hrabi, 143 Cartwright Road, Winnipeg, R2P 0T2
Lorraine & Ray Jast, 24 Ritchie Street, Winnipeg, R2P 2R5
Valerie Jones, 1496 Leila Avenue, Winnipeg, R2P 1L2
Sofia Kolodziej, 44 Courland Bay, Winnipeg, R2P 2X1
Mel Kowpak, 79 Verona Drive, Winnipeg, R2P 2S1
Chel Laggo, 1290 Leila Avenue, Winnipeg, R2P 1J7
Chris Leskiw & Deb Dyck, 180 Verona Drive, Winnipeg, R2P 2R8
Kaz & Lucy Lutrzykowski, 20 Ambergate Drive, Winnipeg, R2P 2S4
Bonnie & L. Mactavish, 144 Vernona Drive, Winnipeg, R2P 2R8
Ken & Brenda Macaulay, 24 Courland Bay, Winnipeg, R2P 2X2
Terrance R. Machalek, 12 Vistula Way, Winnipeg, R2P 2R7
Vijay Mahadeo, 47 Allan Blye Drive, Winnipeg, R2P 2S5
Richard Makowski, 60 Verona Drive, Winnipeg, R2P 2S1
Theresa Marcelino, 1483 Leila Avenue, Winnipeg, R2P 2J9
Tom & Marilyn Marostica, 40 Verona Drive, Winnipeg, R2P 2S1
Kathleen McGill, 31 Courland Bay, Winnipeg, R2P 2X2
David & Barbara McLean, 1540 Leila Avenue, Winnipeg, R2P 2J7
Donna McMillan, 20 Verona Drive, Winnipeg, R2P 2S1
Dawn & Tim McPetrie, 8 Vistula Way, Winnipeg, R2P 2R7
Don Minty, 27 Nyree Cove, Winnipeg, R2P 2R8
Jeff & Harriet Minuk, 23 Verona Drive, Winnipeg, R2P 2S1
Christine Murphy, 66 Greenhoven Crescent, Winnipeg, R2R 2E4
Elizabeth Oborne, 144 Manila Road, Winnipeg, R2P 0S9
James Panas & Ollie Parker, 1524 Leila Avenue, Winnipeg, R2P 1L2
Todd Panas, 1488 Leila Avenue, Winnipeg, R2P 1L2
Meighan & Glenn Pesclovitch, 109 Amber Trail, Winnipeg, R2P 4S5
Cristina Quon, 190 Cartwright Road, Winnipeg, R2P 0R8
Maria Rajbar, 23 Courland Bay, Winnipeg, R2P 2X2
J. Ramos, 73 Amber Trail, Winnipeg, R2P 2W8
Dionisio P. Ramos Jr. & Hazel D. Ramos, 1587 Leila Avenue, Winnipeg, R2P 2X7
Henry R. Raquel, 159 Cartwright Road, Winnipeg, R2P 0T2
James Russell, 111 Verona Drive, Winnipeg, R2P 2R9
Michael Sargent, 387 Leila Avenue, Winnipeg, R2P 2E2
Vic Scherton, 1512 Leila Avenue, Winnipeg, R2P 1L2
Rand A. Shipman, 4Brenner bay, Winnipeg, R2P 2S2
Sharon Skwarek, 95 Cartwright Road, Winnipeg, R2P 0T2
Edward Siatecki, 71 Maddin Crescent, Winnipeg, R2P 0S8
Gaeyano Signorino, 80 Verona Drive, Winnipeg, R2P 2S1
Ed Stepnuk, 124 Verona Drive, Winnipeg, R2P 2R9
Martin Sysa, 35 Courland Bay, Winnipeg, R2P 2X1
Isabelle Tiwari, 865 William Avenue, Winnipeg, R3E 0Z5
Bruce Toland & Janet Koss, 72 Verona Drive, Winnipeg, R2P 2S1

J. De Torres, 1439 Leila Avenue, Winnipeg, R2P 2J9
Carolyn & Mark Townsley, 48 Verona Drive, Winnipeg, R2P 2S1
Angela & Frank Tozzi, 28 Novara Drive, Winnipeg, R2P 2W8
Catherine Tschernow, 156 Manila Road, Winnipeg, R2P 0S9
Christine & Tim van der Hoek, 52 Verona Drive, Winnipeg, R2P 2S1
Brenda & Bernie Verreault, 19 Allan Blye Drive, Winnipeg, R2P 2S8
Tom Wackerman, 99 Courland Bay, Winnipeg, R2P 2S3
Karen & Rick Walker, 67 Verona Drive, Winnipeg, R2P 2S1
Larry Wandowich, 11 Vistula Way, Winnipeg, R2P 2R7
Chris & Marilyn Wansbutter, 67 Novara Drive, Winnipeg, R2P 2S3
Greg & Nina Wasilewski, 55 Verona Drive, Winnipeg, R2P 2S1
Diane & Bruce Watt, 7 Vistula Way, Winnipeg, R2P 2R7
Hazel Wiebe, 32 Verona Drive, Winnipeg, R2P 2S1
Connie Willman, 34 Cartwright Road, Winnipeg, R2P 0R9
Nancy Winkler, 1408 Leila Avenue, Winnipeg, R2P 1J8
Diane Wolfman, 40 Daffodil Street, Winnipeg, R2V 2Z1
Al Woznik, 103 Verona Drive, Winnipeg, R2P 2R9
Stan & Grace Yerlitz, 1448 Leila Avenue, Winnipeg, R2P 1L2
Marian Young, 46 Mariner Crescent, Winnipeg, R2P 0V4

For Information:

Giri Sharne, 86 Agnes Arnold, Winnipeg, R2P 0Z5

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, accompanied by Sid Brar, property owner, appeared in support of the application. Mr. Brar read aloud from a prepared presentation which he submitted, filed as Exhibit 31, providing an overview of the proposed development and the benefits that will result with approval of this application. Mr. Brar submitted a file folder containing letters of support from individuals, businesses, schools and area residents, filed as Exhibit 32, and cited statements from various letters. In accordance with Committee's request, the Clerk read aloud the communications from John Prystanski, the former councillor of the Point Douglas Ward, and Nijimahkwa School included in said file folder.

Ed Kolodziej, Private Citizen, also appeared in support of the application and stated there is a severe lack of commercial enterprise in the area, and put forward the opinion that the area is underserviced in terms of convenience stores. Mr. Kolodziej commented that although the applicant's proposal may not be perfect, the site is a perfect location for a convenience store.

Elizabeth Oborne, Private Citizen, appeared in opposition to the application and stated she does not feel a convenience store is necessary, nor will it serve to decrease property taxes for the residential community.

Tess Marcelino, Private Citizen, also appearing in opposition, stated she is one house away from the subject property and expressed concern regarding the traffic and noise from the proposed development. Ms Marcelino submitted a copy of her presentation, filed as Exhibit 33.

Lilia Armas, Private Citizen, also appearing in opposition, stated there is no need for another car wash or convenient store in the area and did not agree that the property owner would maintain or keep the subject property clean.

Larry Barthelette, Private Citizen, also appearing in opposition, agreed that approval of the proposed development would not result in a reduction in residential property taxes.

Tracy Benzing, Private Citizen, also appearing in opposition, stated there is no need for an additional car wash in the area.

Colleen Chubenko, Private Citizen, also appearing in opposition, expressed concern that the convenience store would be an eyesore and would result in more crime in the area.

Christine Dias, Private Citizen, also appearing in opposition, stated concern with respect to students from nearby schools frequenting the convenience store, and put forward the opinion, that approval of same would not decrease residential property values.

Jeff Dovyak, Private Citizen, also appearing in opposition, read aloud from a prepared brief which he submitted, filed as Exhibit 34. Mr. Dovyak expressed the view the subject property should not have been zoned "C2" originally and that a "C1" zoning classification would be more appropriate.

Linde Feakes, Private Citizen, also appearing in opposition, expressed concern that students from the middle school located nearby, would be going past and hanging around the convenience store.

Harpreet Chahal, Private Citizen, also appearing in opposition on behalf of his family, stated the following reasons for opposing the application:

a) approval of this application would result in a decrease in the value of the residential properties;
b) the convenience store will be a hangout.

Verland Hicks, Private Citizen, also appearing in opposition, advised Committee that she is an administrator at Ecole Leila North, which is a middle school for grades 5 to 8. She expressed concern that approval of this application would:

a) increase traffic in the area and the potential for a student to get hurt in a traffic accident;
b) encourage truancy and more conflicts in the area.

Tom Marostica, Private Citizen, also appearing in opposition, read aloud from a prepared brief which he submitted, filed as Exhibit 35.

David McLean, Private Citizen, also appearing in opposition, expressed concern regarding what would happen with the subject property if the application receives approval and subsequently fails.

Ollie Parker, Private Citizen, also appearing in opposition, stated there was no need for a fast-food outlet in the area, which in her opinion, will not be an asset to the community.

Todd Panas, Private Citizen, also appearing in opposition, as a concerned resident and Co-Chair of the Parent Council of Ecole Leila North, submitted a petition purporting to contain the signatures of six hundred and twenty-one (621) names of area residents opposed to the application, filed as Exhibit 36. Mr. Panas stated the subject property should not have been zoned commercial in the first instance and would prefer that it be downzoned to a residential classification. Mr. Panas cited the following reasons for opposing the application:

a) the proposed development will bring increased traffic to the area;
b) the convenience store will be a hangout for students and teenagers;
c) there will be more garbage and litter in the area with the convenience store;
d) the value of the residential properties will be reduced if this application receives approval.

Vic Schertow, Private Citizen, also appearing in opposition, read aloud from a prepared brief which he submitted, filed as Exhibit 37. Mr. Schertow expressed concern for the safety of the children of the area with the proposed development, particularly with the accompanying increased in traffic.

Mark Townsley, Private Citizen, also appearing in opposition, spoke on the impact of commercial development on a residential neighbourhood and the fact that the quality of life would be adversely affected.

In rebuttal, Mr. Klassen indicated the property owner(s) are prepared to work with the residents of the area and that he did not agree there was no need for a car wash or convenience store in the area.

In reply please refer to / Référence à rappeler :

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

File No. ZAA 15/02 March 25, 2003
Our c/f CP 500 (.337)

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

Dear Ms. Timmins:

ZONING AGREEMENT AMENDMENT
Location: North East corner Allan Blye Dr. & Leila Ave.
Lord Selkirk – West Kildonan Community
File No. ZAA 15/02

An application has been received from JMK Construction, to amend the Zoning Agreement affecting the property shown below by amending condition # 7 of DAZ 338/76 (By-Law 1833/77) to add a carwash and convience store to list of permitted uses (subject to a conditional use approval).

RELATED FILES: DAV978/02D, DCU241/02D



SITE DESCRIPTION:

Dimensions:

Approximately 364.7 feet wide by 120 feet deep.

Site Area:

Approximately 1 acre in total area.

Existing Land Use and Zoning:

Undeveloped; zoned " C2" Commercial District.

DEVELOPMENT DESCRIPTION:

The applicant proposes to amend the existing zoning agreement in order to construct a 3650 sq. ft. convenience store which includes a sit down area and donut shop with drive -through component. An additional amendment is to provide for a 6750 sq. ft. car wash(8 bay wand wash) on the north side of the building. The remaining floor space is to be divided into four small retail areas, tenants unknown at this time.

ADMINISTRATIVE COMMENTS:

The subject site is located at the north east corner of Leila Avenue and Allan Blye Drive, adjoining the Amber Trails residential housing area. The property is bounded by single family housing on three sides; north , east and south. The homes most impacted are those that back onto the north side of the subject property and whose rear property lines are a mere 5 feet from the wall of the proposed carwash. On the north west corner of Leila and Allan Blye is a fire hall and immediately north of it is the Ecole Leila North, which serves kindergarten through to grade nine.

In 1997, a somewhat similar but less intensive use was proposed for the site. Under ZAA 17/97, a previous applicant proposed a carwash and a coffee shop. The Planning and Land Use Division opposed the application on the grounds that the traffic and noise generated by the proposed use at the subject intersection so close to a school and adjacent homes would have a significant adverse impact on the surrounding area . Most of the neighbouring residents concurred with the position of the Administration and at the Public Hearing held on February 10/98, the LS/WK Community Community recommended rejection of the application.

The subject application will, in our view, generate much more in the way of traffic and activity that the previous application given that a drive through component for the restaurant and a larger convenience store and sit down area have been added to the equation. In addition, four small independent retail areas are also listed as part of the application. When the commercial zoning was created for this corner back in the late 1970's, restrictive zoning agreements were put in place which would limit use of the sites to neighbourhood commercial uses such as corner grocery stores, banks, bookstores etc. It was never intended that they be utilized for much more intensive uses such convenience storeswith accompanying gas kiosks and carwashes and drive though donut shops. They are simply to small to accommodate all of those aforementioned uses (with large levels of traffic) and be properly buffered from adjoining residences. Uses such as carwashs, in conjunction with drive through restaurants etc. should be

relegated to sites on or near to major arterial streets and in most instances, that is what occurs. In reality and in retrospect, a C2 commercial site (particularly one so small) should probably not have been established at this intersection. And while we recognize that it is difficult for the owners to attract uses to the site that are permitted under the existing agreement, that does not justify amendments (such as that which is proposed) which 1) constitute a major overdevelopment of the site and 2) are deemed to be incompatible with existing adjoining uses. The Planning and Land Use Division therefore reiterates the postion that we took in 1998 and recommends that your Committee not endorse the proposed amendment.

RECOMMENDATION:

I. That the subject application (ZAA 17/02) to amend Zoning Agreement DAZ 338/76 (By-Law #1833/77), to add a carwash and convenient store to the list of permitted uses under Condition 7 NOT BE PROCEEDED WITH.

Final

Yours truly,

V. Buckley
Manager of Planning and Land Use

_____

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

KL/jc

From: Jeff Dovyak [ve4mbq@mts.net]
Sent: Thursday, January 23, 2003 7:44 PM
To: dtimmins@city.winnipeg.mb.ca; hlazaren@city.winnipeg.mb.ca; moshaugh@city.winnipeg.mb.ca; mpagtakhan@city.winnipeg.mb.ca
Subject: Proposed Leila & Allan Blye Development

Importance: High

----- Original Message -----
From: Jeff Dovyak
To: dtimmins@winnipeg.ca ; moshaugh@winnipeg.ca ; mpagtakhan@winnipeg.ca ; hlazaren@winnipeg.ca
Sent: Thursday, January 23, 2003 7:16 PM
Subject: Proposed Leila & Allan Blye Development

Members of the Lord Selkirk - West Kildonan Community Committee

My family and I live in Amber Trails at 39 Allan Blye Drive. We are deeply concerned about the zoning application for the parcel of land at Leila and Allan Blye zoned "C2" for the proposed establishment of a restaurant with drive through, carwash, and convenience store (ZAA 15/02).

To begin with I believe that the parcel in question should probably be zoned as "C1" so that any enterprise established there would have more of a neighborhood orientation instead of the current "C2" designation.

I am concerned that the application as proposed is an overdevelopment of the site. Currently both Leila and Allan Blye at that intersection are of a residential character. The likely increase in traffic patronizing three businesses on that one lot is too much. I believe that the idea of the drive through is to allow 24/7 operation (per telephone conversation with Kevin Lalor) - we don't need the nuisance that comes with a 24/7 business here (increased traffic, noise, litter, attraction of potential unsavory/nefarious persons attracted by criminal opportunity to 24/7 operations with few staff members on duty) or the presence of lingering stale food odours.

I am also concerned that the application as proposed would be hazardous to many students attending Leila North Community School. My main concern here again is increased vehicular traffic that many of the students would have to contend with at least twice a day.

It is my hope that the Lord Selkirk West Kildonan Community Committee denies the current proposal. If the Committee decides that the application has merit and gives approval please consider restricting business operation to something like 0700-2300h weekdays and 0800-2359h on weekends and requiring the proprietors of the businesses to institute and maintain some sort of litter collection routine in the neighborhood, and some kind of odor prevention/foltration systems.

I am planning to attend the Public Hearing 04FEB and welcome the opportunity to speak to the application.

Sincerely,

Jeffrey J. Dovyak RTNM

From: Tom Marostica [tomca@shaw.ca]
Sent: Monday, January 27, 2003 6:26 AM
To: Timmins, Diane
Subject: Fw: rezoning leila & allan blye drive file zaa 15/02
diane can you please forward to councillors, thanks
----- Original Message -----
From: Tom Marostica
To: mpagtakhan@winnipeg.ca ; moshaugh@winnipeg.ca ; hlazaren@winnipeg.ca
Cc: dtimmins@winnipeg.ca
Sent: Sunday, January 26, 2003 4:15 PM
Subject: rezoning leila & allan blye drive file zaa 15/02

There is an application to rezone the property at leila and allan blye drive
to allow a car wash, convenience store and drive thru restaurant.
This was applied for and denied in 1998, why is this application even being
heard?
it doe not fit into the community and nobody wants it. Why are we being
bothered with this again?
I tom marostica of 40 Verona Drive, 633-2775, whose property backs onto the subject property do not want
the rezoning to be approved. Everyone I have talked to in the community do not want this on this property.
It is to much development for that property.

We do not need another car wash in the area, we already have to many.

The drive through restaurant and "food store" is nothing but a cheap fast food joint and convience store. Choices in shopping and fast food establishments are numerous in the area and convenient. We do not need more.

This proposed development is tacky at the least and does not fit into the community. I do not want the subdivision of amber trails
or the maples blemished forever with such a cheap attempt to put in a car wash.
we have to much traffic in an area that has two dead end streets just a block from this property.
I invested in this area due to its peace and quite, do not wreck it.

From: Jones, Valerie (IAF) [VJones@gov.mb.ca]
Sent: Monday, January 27, 2003 3:27 PM
To: 'moshaugh@city.winnipeg.mb.ca'
Cc: 'dtimmins@city.winnipeg.mb.ca'
Subject: FW: Proposed Zoning Amendment - Leila Avenue and Allan Blye Drive Fi le No. ZAA 1502

> -----Original Message-----
> From: Jones, Valerie (IAF)
> Sent: Monday, January 27, 2003 12:57 PM
> Subject: Proposed Zoning Amendment - Leila Avenue and Allan Blye
> Drive Fi le No. ZAA 1502
>
>
> Please consider this my notice of opposition to the above stated proposed
> zoning amendment.
>
> Please confirm receipt of this notice so I have verification that it is
> part
> of the official record for this file.
>
> Thank you.
>
>
> Valerie Jones
1496 Leila Avenue
> Phone: (204) 633-3109
> e-mail: vjones@gov.mb.ca
>

From: McKenzie, Ken
Sent: Tuesday, January 28, 2003 9:41 AM
To: 'toddpa@shaw.ca'
Cc: Lussier, Dan; Timmins, Diane
Subject: RE: Regarding Comment

Dear Mr. Panas,

On behalf of Mayor Glen Murray, thank you for your communication regarding the proposed zoning amendment regarding the corner of Leila Avenue and Allan Blye Drive. The Mayor has asked me to thank you for your communication.

Please know that this issue will appear before the Lord Selkirk - West Kildonan Community Committee meeting scheduled for Tuesday, February 4, 2003, with the public meeting commencing at 6:00 p.m. at 1760 Main Street. You are most welcome to attend this meeting.

While the Mayor does not usually attend these meetings, the three members of Council from the area (Pagtakhan, O'Shaughnessy and Lazarenko) should be in attendance and will make a recommendation that evening regarding this issue as well as others on the Minutes.

I have taken the liberty of sharing your opposition with Diane Timmins, Clerk of the LS-WK Community Committee for the information of the Committee. Please feel free to contact her at 986-5414 should you have any further questions regarding this issue.

Once again, on behalf of the Mayor, thank you for your communication.

Ken McKenzie
Communications Assistant
City of Winnipeg Mayor's Office

-----Original Message-----
From: toddpa@shaw.ca [mailto:toddpa@shaw.ca]
Sent: January 27, 2003 8:23 PM
To: CLK-MayorWebMail@city.winnipeg.mb.ca
Subject: Regarding Comment

http://www.city.winnipeg.mb.ca/interhom/council/
Todd Panas
Hello and Happy New Year Mayor Glen Murray:

Congratulations on your Re-election as you are a great leader and visionary!!!!

My name is Todd Panas and I know your personal assistant Dan Lussier. We have met on a number occasions. I am the Co-chair for Ecole Leila North School and President of the Winnipeg North - St. Paul Liberal Riding Association.

As a Leila Area Resident and proud Winnipeger I have a major concern with the Zoning Amendment slated for Leila and Allan Blye for a proposed Car Wash/Convenience Store or Fast Food Restaurant with Drive through.

Glenn, this is in the heart of a residential area with a school and Fire hall next store which is already dangerous with area with the fire engines, school buses and traffic as many residents use this a feeder route to Garden City and the McPhillips area.

This partial of land should of been zoned residential or at the very most a strip mall, not the above.

We the Leila Area residents seek your action and full support on stopping this development that will affect our quality of life in many ways as are self evident...

Reaching out..

Todd Panas
Proud Winnipegger

From: B & B Verreault [verreault@shaw.ca]
Sent: Tuesday, January 28, 2003 11:52 AM
To: moshaugh@city.winnipeg.mb.ca
Cc: mpagtakhan@city.winnipeg.mb.ca; hlazaren@city.winnipeg.mb.ca; dtimmins@city.winnipeg.mb.ca; tomca@shaw.ca; Brenda Verreault; pagtakhan.r@parl.gc.ca
Subject: Concerns about Proposed Request for Zoning Amendment Corner of Leila and Allan Blye Drive

Mr. O'Shaughnessy

I have recently been informed of a Request for Zoning Amendment for the lot located at the corner of Leila and Allan Blye Drive. Last night, 27 Jan 03, the prospective developers (owners of the businesses) approached both my wife and I and attempted to demonstrate to us that once built, the complex would enhance our neighbourhood. They were very quick to show us that the area would be landscaped and would not in any way depreciate the current value of our property.

While these gentlemen, who were very polite I might add, were quick to point out the positive aspects of this development, they were unable to provide both my wife and I with satisfactory answers to our concerns. The current value of our property and its possible depreciation put aside, my entire family (son 20, daughter 16) feel most concerned about the following:

a. Personal safety of the neighbourhood – Convenience stores have a very bad reputation for becoming hangouts. As a retired police officer I can assure you that statistics show a sharp increase in crime against property and crime against the person in the areas near convenience stores. They become parking lot hangouts for gangs and encourage criminal activities. Furthermore, it is obvious here that the targeted crowd for this convenience store/fast food restaurant is the students of Ecole Leila North. I hope that 7 Oaks School Division will take a stand on this and offer their opinion. You don't have to be a rocket scientist to figure out that both, absenteeism and gang related problems will rise sharply. Also, the likelihood of drugs and drug related activities will rise. Currently, the parking lot located south of Ecole Leila, is a hangout during the evenings and week-ends, I know as I reside directly across the street (19 Allan Blye Drive). It is likely that this activity will move over to the convenience store;

b. Safety Hazard – Fire Station 7 and Ecole Leila – Having had a look at the plans from the prospective developers/owners, again, you don't have to be a rocket scientist to deduct that the busiest entrance to this development will have to be at the corner of Leila and Allan Blye Drive since it will become the exit for the car wash. The proposal in place for infrastructure enhancement of Leila will create a traffic hazard at the corner of Leila and Allan Blye. Having said that, this area currently has a very high pedestrian traffic at that same corner which is likely to create problems during peak school hours. This combined with the fact that Fire Station 7 is called out on average a couple times a day, could be the recipe for disaster. I don't think that anyone would want to have to carry the burden of the loss of life or a badly hurt child due to a stupid mistake such as this proposal; and

c. Garbage and Related Problems – One of the worst problems associated with Convenience Stores/Fast Food Restaurants is the amount of garbage that it generates. As well, the stale food odours that emanates from these establishments. I for one can get over the odd candy wrappers flying around or the pop can left out on my lawn. After all I knowingly purchased

this residence directly across from an elementary school and as such I should take my lumps. Now, with this proposal in place, the likelihood of the garbage situation getting out of control is very problematic. The owners/developers can say whatever they want about keeping the place clean, they are obviously not taking into consideration the open field directly to the West of the proposed development and the wind velocity emanating from the area. Also, this undeveloped field West of the proposed development continues to be full of rodents (Jack Rabbits, field mice and whatever else) running rampant, the odours from the restaurant are likely to attract these rodents and create additional problems.

As our Ward Councillor, I believe that it is your responsibility to ensure that this type of development does not disturb the safety of your constituents. Let's face it Mr. O'Shaughnessy, what is the need here? We are located approximately 1 kilometre from the entire Garden City Shopping Area. A quick count tells me that there are currently 5 or 6 car wash within a radius of about 5 kilometres. There are countless convenience stores in the area and we sure as heck don't need anymore. This past summer I witnessed the area directly West (behind) of the Fire Station being developed into much needed housing. These houses sold faster than you can say "for sale", why not consider the Zoning amendment for additional housing instead of money grabbing scheme such as this proposal. Prior to this past election, I had never heard of you, nor did I really care much about civic politics. When I heard that you had been the Councillor for so many years, I felt that you must be the right person since this community of mine is beautiful and the current flaws (such a Leila St.) are being addressed. I don't believe that the Honourable Dr. Ray Pagtakhan, our devoted Member of Parliament had this kind of development in mind for this location when he was able to get some federal government dollars to enhance the infrastructure at the Leila location. This proposal will only hurt the community, please don't let us down. I plan on attending the meeting on 4 Feb 03. Hope to see you there and maybe get to finally meet you.

The Verreault's
verreault@shaw.ca

From: Hazel Wiebe [wiebehl@cc.UManitoba.CA]
Sent: Tuesday, January 28, 2003 2:44 PM
To: moshaugh@city.winnipeg.mb.ca
Cc: dtimmins@city.winnipeg.mb.ca
Subject: proposed zoning amendment

Dear Mr. O'Shaughnessy,

I am writing to indicate to you that I am opposed to the proposed zoning amendment to the property on the north east corner of Allen Blye Drive and Leila Ave. I chose to live in a quiet neighbourhood and enjoy the comfort in the neighbourhood where people walk for exercise and children play together in the streets. As a physician, I think that this is important to promote a healthy lifestyle.

I am concerned that a car wash and convenience store would be disruptive for many people who live in the neighborhood. I am specifically concerned about increased noise, crime, litter, safety issues due to increased traffic, and the area becoming a local hangout.

Aside from the concerns I expressed above, I do not feel that having a car wash or a convenience store right in the neighbourhood would be an asset to the people living here, as grocery stores, restaurants, car washes, etc. are readily available in the geographical vicinity. Ideally, if the property at the northeast corner of Allen Blye Drive and Leila Ave. is not used for a commercial venture that would enhance the safety and quiet atmosphere of the neighbourhood, I would like to see this property become residential.

Thank you for taking the time to read this email and for your anticipated assistance in this matter. I you have any questions please do not hesitate to contact me at:

email: wiebehl@cc.umanitoba.ca
telephone: 633-3435.
mail: 32 Verona Drive, Winnipeg, MB, R2P 2S1

Sincerely yours,
Hazel Wiebe, MD, FRCPC

cc Dianne Timmins

From: Arruda, Sylvie [Sylvie.Arruda@gwl.ca]
Sent: Wednesday, January 29, 2003 7:31 AM
To: 'mpagtakhan@city.winnipeg.mb.ca'; 'moshaugh@city.winnipeg.mb.ca'; 'hlazaren@city.winnipeg.mb.ca'
Cc: 'dtimmins@city.winnipeg.mb.ca'
Subject: FW: Leila proposal

Importance: High

To Whom this may concern:

My husband I received a frightening letter in the mail. It was regarding a possible carwash, convenience store or restaurant going up at Manila and Leila. This concerns us greatly. We do not want this type of development happening that close to our home! The traffic down Leila has grown since we moved into our house last year, putting up anything other then houses increases the traffic flow even more. I also think it will increase the traffic flow down our back lane. This is not a good thing!! There is enough stores, gas-stations, convenience stores, restaurants and other business down Leila at Mc.Phillips. There are also convenience stores down Jefferson...like the strip Mall located at Jefferson and Adsum. My husband and I will be having kids and wouldn't appreciate the noise, traffic, garbage, speeding cars, hang out for local school kids, and ordure that may come from a restaurant. We moved into a residential neighborhood not a commercial. We ask that you help us protest this silly idea. My husband and I would think about moving if this plan follows through. We love the neighborhood and don't want this bad idea to affect us but really what other choice do we have!!! My husband and I will also be attending the meet...hope to see you there!

Sylvie Arruda
Resident of 1467 Leila Ave
Telephone # 633-0893

From: JNCherney@aol.com
Sent: Wednesday, January 29, 2003 9:53 PM
To: moshaugh@city.winnipeg.mb.ca
Cc: dtimmins@city.winnipeg.mb.ca
Subject: File:ZAA 15/02 JMK Const Lord Selkirk W K Community

Dear Mr. O'Shaughnessy,

My wife & I are opposed to the request by the applicant to amend the Zoning Agreement on this property area for use as listed by the applicant. This area which we live near by is a quiet residential area & has no need for a restaurant, drive through, carwash, convenience store, etc. There are plenty of vacant areas on McPhillips Street which would give this business more exposure & better success.

Please keep our quiet residential area intact. This is our home & we would like to keep it as our home.

Regards,

John Cherney & Patti Cherney
31 Nyree Cove
Wpg, MB R2P 2R8

From: Lazarenko, Harry
Sent: Thursday, January 30, 2003 11:23 AM
To: Timmins, Diane
Subject: FW: Regarding Comment

Diane,

For the record.

Chris

-----Original Message-----
From: gwasilewski@shaw.ca [mailto:gwasilewski@shaw.ca]
Sent: Thursday, January 30, 2003 8:39 AM
To: hlazaren@city.winnipeg.mb.ca
Subject: Regarding Comment

http://www.city.winnipeg.mb.ca/interhom/council/default.stm
Greg Wasilewski
RE: FILE ZAA 15/02 APPLICANT JMK CONSTRUCTION

As a resident of 55 Verona Drive, my wife and I strongly oppose the zoning proposal of the land at Allan Blye Drive and Leila Avenue. We do not want the before mentioned property developed for the proposed intended use. There is a surplus of restaurants, car washes and convenience stores just minutes from this location.

The development of such a business in this area will have a direct negative impact on the property values in and around the surrounding area. My wife and I chose to build our home in a quiet and safe neighbourhood. Building this establishment in our neighbourhood will keep it from being quiet and safe With the high property tax bills that we and our neighbours pay, we have every right to oppose this proposal.

I trust that you will give this your immediate attention.

Sincerely,

Greg and Nina Wasilewski
55 Verona Drive
Winnipeg MB R2P 2S1
633-0721

From: Cristina Dias-Acquisto [cdacquisto@shaw.ca]
Sent: Thursday, January 30, 2003 7:36 PM
To: moshaugh@city.winnipeg.mb.ca
Cc: dtimmins@city.winnipeg.mb.ca
Subject: zoning file ZAA 15/02 property located at the corner of Leila and Allan Byle Dr.
Dear Mr.O'Shaughnessy,

As a resident of Amber Trails I am writing to you today with my concerns over the proposed zoning amendment that has been put forth for the land located at the north side of Leila adajcent to Allan Byle Dr. I strongly believe that as our representative for our constituency that you should support the tax payers of the area and not allow this proposal to go through.

Consider the following: - This is a street corner that is one of the main entrances into our development that already has a high volume of traffic due to the school and fire hall. Adding another high traffic building will just create a huge mess.

As a school teacher I also feel that this would become a local hangout for the school children across the street. It would become a night mare for the teachers and administrators to control the activities of their students during lunch hours when there is less supervision. Who will be responsible for them in the event something happens????

This car wash proposal is not new. Back in 1997, when I first moved into the area a similar proposal was not approved by area residents. There are many car washes that already exist in a close proximity to the area and the residents don't want another eye sore.

Amber Trails has been around for a while now, and only recently did housing construction start to boom. The cost of hosing is quite high and we should be looking at enhancements to increase our property values not things that will decrease those values!

I could go on, but the bottom line is that as a taxing paying resident (paying some quite high taxes) I do not support amending the zoning agreement! I would hope that as our representative that we could count on your support to stop this amendment. I look forward to seeing you on Tuesday, February 4, 2003 at the public hearing into this matter. I would also welcome a response to this letter.

Thank you.
Sincerely,

Cristina Dias-Acquisto
79 Novara Dr.
Winnipeg, MB.
R2P 2S3

From: Lorraine Jast [ljast@portageandmainpress.com]
Sent: Friday, January 31, 2003 11:13 AM
To: moshaugh@city.winnipeg.mb.ca
Cc: dtimmins@city.winnipeg.mb.ca
Subject: Re: Proposal File # ZAA 15/02
Mike

I wish to express my concern regarding the proposed zoning amendment to construct a carwash, convenience store and fast food restaurant at the corner of Leila and Allan Blye Drive.

This area should remain zoned as residential, and businesses should not be permitted to build there.

If you look around the Maples neighbourhood, you will note that we have immediate access to 3 carwashes already - Shell on the cnr of Jefferson & Adsum, Esso on the cnr of Jefferson and Watson and the carwash on the corner of Kingsbury and Watson (can't recall it's name).

We also have immediate access to A&W, IGA, 7-11, Macs, and convenience stores located in the abovementioned Shell and Esso gas stations.

Plus there are countless other stores located on the main roads bordering the Maples (McPhillips, Leila @ Garden City and Inkster).

My other concern is whether the developer intends to include a Mohawk gas station, either at this stage or in the future. The Maples area could not support another gas station - we have too many already (Shell, Esso, Tempo, Safeway directly in the Maples, and the multitude of gas stations on McPhillips, Leila and Inkster).

The proposed location, directly across from Leila North Middle School is also a concern. The increase in traffic would be an endangerment to our children. Also, the enticement of a "hang out" place would be too great for them to resist. Do we really need to expose middle school aged children to this?

Please leave our residential streets alone, and only allow businesses to build on the main roads, where they belong!

Thank you.
Lorraine & Ray Jast
24 Ritchie Street
Winnipeg MB R2P 2R5