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

Item No. 16 Proposed Zoning Agreement Amendment - 0 Watson Street, east side, south of Kingsbury Avenue
File ZAA 16/2002 [c/r DAV 980/2002D and DCU 242/2002D]

STANDING COMMITTEE RECOMMENDATION:

On March 19, 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 submits the following to Council:

1. That Zoning Agreement DAZ 11/79 (By-law No. 2440/79) be amended by adding to the list of permitted uses the following:

   A. automobile bodyshop/repair/service use (subject to conditional use approval) and

   B. new vehicle storage compound (subject to use variance approval);

   with no loading or unloading of vehicles permitted to take place on Watson Street, rather, such activity to be confined to the subject lands.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 11/79 (By-law No. 2440/79) as approved in aforesaid Recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

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

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 19, 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 as amended, namely:

- Amend Recommendation 1. to include after 1.A. and 1.B. the following words “with no loading or unloading of vehicles permitted to take place on Watson Street, rather, such activity to be confined to the subject lands”

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

RE:	**Proposed Zoning Agreement Amendment - 0 Watson Street, east side, south of Kingsbury Avenue File ZAA 16/2002**
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 recommendations, as amended, and recommends as follows:

1. That Zoning Agreement DAZ 11/79 (By-Law No. 2440/79) be amended by adding to the list of permitted uses the following:

   A. automobile bodyshop/repair/service use (subject to conditional use approval) and

   B. new vehicle storage compound (subject to use variance approval);

   with no loading or unloading of vehicles permitted to take place on Watson Street, rather, such activity to be confined to the subject lands.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 11/79 (By-Law No. 2440/79) as approved in aforesaid recommendation 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

****** ***the wording in bold and italics denotes difference between administrative and Community Committee recommendations***

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

1. The Lord Selkirk-West Kildonan Community Committee is of the view the automobile bodyshop/repair/service use and the new vehicle storage compound use are less intensive commercial uses than those permitted by the Zoning Agreement.

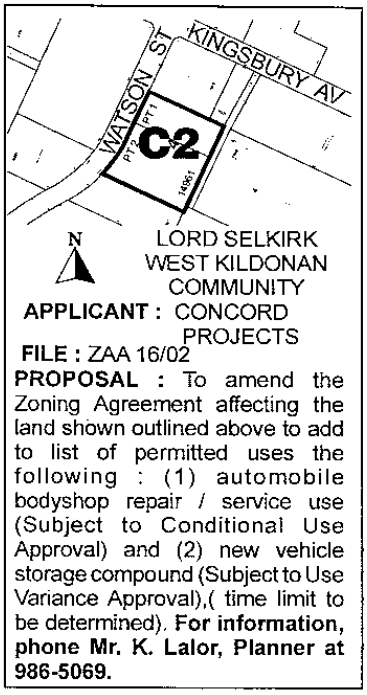
2. The Lord Selkirk-West Kildonan Community Committee is of the view the proposed commercial uses will involve a lot less traffic and noise and be less intrusive on the residential community.

3. 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 positive recommendation.

PUBLIC HEARING SUMMARY

File:	ZAA 16/2002 (c/r DCU 242/2002D & DAV 980/2002D)
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:	Concord Projects (Harald Schulz) 200 - 1277 Henderson Highway Winnipeg, MB R2G lM3

Subject:



Premises Affected: 0 Watson Street, East side South of Kingsbury Avenue

Exhibits Filed:

1. Application dated November 5, 2002
2. Advertising notice dated December 9, 2002
3. Manitoba Status of Title 1843541
4. Letter of authorization dated October 30, 2002
5. Zoning Agreement DAZ 11/79 and Caveat 80-3973 and 82-26492
6. Surveyor's Staking Certificate and Sketch dated April 2, 2002
7. Site and Floor Plan
8. Report from the Manager of Planning and Land Use dated January 2, 2003
9. Photograph(s) of the site and Inspection Notice
10. Photographs (29) of the immediate area surrounding the subject property taken by the applicant, and submitted by Harald Shulz, Concord Projects, at the public hearing on January 9, 2003
11. Petition submitted at the public hearing on January 9, 2003 by Tom Dowsett, on behalf of the residents of Tranquility Place Housing Co-op located at 151 Watson Street,

purporting to contain the signatures of twenty-five (25) residents in opposition to the application

12. Petition submitted at the public hearing on January 9, 2003 by Harry Claydon, on behalf of the residents of Dial-A-Life Housing Inc. located at 130 Watson Street, purporting to contain the signatures of ten (10) residents in opposition to the application
13. Petitions (3) submitted at the public hearing on January 9, 2003 by Harry Claydon, on behalf of the residents and property owners of 173, 177 and 181 Watson Street, purporting to contain the signatures of one hundred and ninety-three (193) residents in opposition to the application
14. Presentation in opposition to the application, submitted by Harry Claydon, 207 - 173 Watson Street, at the public hearing on January 9, 2003
15. Communication dated January 17, 2003, from Councillor Lazarenko, Mynarski Ward, submitting communication dated January 17, 2003 received from Harald Schulz, Concord Projects, in support of the application, and communication dated January 15, 2003 received from Harry Claydon, 207 - 173 Watson Street, in opposition to the application
16. Communication dated January 27, 2003, from Glen Murray, Mayor, submitting communication dated January 24, 2003, which he received from Sandra Meisner, 104 - 173 Watson Street, in opposition to the application
17. Communication dated January 17, 2003 from Brenda Brydges, Brydges Property Management Inc., on behalf of the Board of Directors W.C.C. #258, in opposition to the application
18. Communication dated January 21, 2003, from Councillor Lazarenko, Mynarski Ward, submitting communication dated January 15, 2003, which he received from Harry Claydon, 207 - 173 Watson Street, in opposition to the application
19. Communication received February 1, 2003, from Rand A. Shipman, 4 Brenner Bay, in opposition to the application, submitted by Councillor Lazarenko, Mynarski Ward

REPRESENTATIONS:

In Support:

Jason Cross, 2150 McPhillips Street, Winnipeg, R2V 3C8
Tom Dowsett and Eileen Smerchanski, 4 - 151 Watson Street, Winnipeg, R2P 2P8
Randy Gauthier, 95 Burr Oak Bay, Winnipeg, R2E 0G1
Harald Schulz, c/o 200-1277 Henderson Highway, Winnipeg, R2G 1M3
Lairo Sutherland, 1400 McPhillips Street, Winnipeg, R2V 4G6

In Opposition:

Jackie Bain, 301-177 Watson Street, Winnipeg, R2P 2P8
Tracey Benzing, 89 Amber Trail, Winnipeg, R2P 2S5
Lorraine Chemerika, 311-177 Watson Street, Winnipeg, R2P 2P8
Harry Claydon, 207-173 Watson Street, Winnipeg, R2P 2P8
Allen J. and Helen Crane, 306-181 Watson Street, Winnipeg, R2P 2P8
Audrey Desmond, 106-173 Watson Street, Winnipeg, R2P 2P8
Marlene Gerus, 305-177 Watson Street, Winnipeg, R2P 2P8
Esther Garvacio, 301-173 Watson Street, Winnipeg, R2P 2P8
Anne Graham, 210-173 Watson Street, Winnipeg, R2P 2P8
Glenn Holmes, 104-173 Watson Street, Winnipeg, R2P 2P8
B. and T. Klassen, 203-173 Watson Street, Winnipeg, R2P 2P8
Julia Kovacs, 202-181 Watson Street, Winnipeg, R2P 2P8
Les Kucera and Kim Coates, 327-181 Watson Street, Winnipeg, R2P 2P8
Judy Leban, 302-177 Watson Street, Winnipeg, R2P 2P8
Mia LeBlanc, 303-173 Watson Street, Winnipeg, R2P 2P8
Marg Lewis, 201-181 Watson Street, Winnipeg, R2P 2P8
Kerry McGregor, 103-173 Watson Street, Winnipeg, R2P 2P8
Dorothy McLeod, 209-177 Watson Street, Winnipeg, R2P 2P8
Sandra Meisner, 104-173 Watson Street, Winnipeg, R2P 2P8
Lucille Meisner, 286 Lockwood Street, Winnipeg, R3N 2S2
Frank Noll, 108-173 Watson Street, Winnipeg, R2P 2P8
Juanito Ongsangoy, 304-173 Watson Street, Winnipeg, R2P 2P8
Mike and Anne Penonzek, 102-173 Watson Street, Winnipeg, R2P 2P8
Margaret Plouffe, 101-181 Watson Street, Winnipeg, R2P 2P8
Louise Prokop, 210-181 Watson Street, Winnipeg, R2P 2P8
B. Romaniuk, 101-173 Watson Street, Winnipeg, R2P 2P8
Evelyn Shanley, 209-181 Watson Street, Winnipeg, R2P 2P8
Tracey Shanley, 204-181 Watson Street, Winnipeg, R2P 2P8
Ray and Shirley Solmundson, 109-181 Watson Street, Winnipeg, R2P 2P8
Nenita Solomon, 301-173 Watson Street, Winnipeg, R2P 2P8
Allan And Jean Toews, 111-181 Watson Street, R2P 2P8
Bob and Helene Vandenbrink, 104-181 Watson Street, Winnipeg, R2P 2P8

Jennifer Waluk, 106-177 Watson Street, Winnipeg, R2P 2P8
Lorraine and Ron Waluk, 301-181 Watson Street, Winnipeg, R2P 2P8
Arnott and Marlene Wiltshire, 202-173 Watson Street, Winnipeg, R2P 2P8
Alex Florence Yakel, 304-177 Watson Street, Winnipeg, R2P 2P8
Shirley Zabenskie, 208-177 Watson Street, Winnipeg, R2P 2P8

For the City:

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

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING:

Harald Shulz, Concord Projects, accompanied by Randy Gauthier, appeared in support of the application. Mr. Shulz indicated concurrence in the recommendations outlined in the administrative report and gave an overview of the proposed development on the subject property. He confirmed there would be no retail sales conducted on the property inasmuch as the proposed autobody shop would only be for internal purposes. The body shop portion of the operation would be at the back of the site while the paint operation would be carried out in the front. Mr. Shulz stated the building would be set back approximately sixty (60) feet from the property line and a light-proof fence would completely enclose the subject property and a 5 ft. buffer zone would be installed on the south end of the property with trees of ten (10) to twelve (12) feet in height along the entire frontage of the property. The lot would be entirely paved and access to the site would be from the northwest corner. The unloading of vehicles would be conducted entirely within the site and refuse containers would be located away from the pedestrian and vehicular traffic. There will be 241 parking stalls allocated for new vehicle storage on the site. Mr. Shulz reminded Committee that Watson Street is a collector street and stated the opinion the proposed development would have low traffic impact on the community unlike the nearby SuperStore and other surrounding businesses which generate a substantial amount of traffic. He further stated there would be no display lot on the site as exterior lighting would be for security purposes only. Mr. Shulz submitted twenty-nine (29) photographs of the immediate area surrounding the subject property, which have been filed as Exhibit 10.

Tom Dowsett, on behalf of the residents of Tranquility Place, appeared in opposition to the application and submitted a petition purporting to be signed by twenty-five (25) residents of Tranquility Place Housing Co-op located at 151 Watson Street, filed as Exhibit 11. Mr. Dowsett drew Committee's attention to the fact that two-thirds (2/3) of the residents at Tranquility Place are in wheelchairs and already have difficulty with the heavy traffic on Watson Street. He expressed concern for the safety of the residents with an increase in traffic that would be generated by the proposed autobody shop, and the accompanying traffic from customers coming and going, as well as delivery, tow and BFI trucks that would be frequenting the premises regularly. Mr. Dowsett also commented on the unsightly view the residents would be exposed to

with the proposed industrial type of activity on the premises, which, in his opinion, is incompatible with the surrounding residential community.

Harry Claydon, appeared on behalf of residents of Dial-A-Life Housing Inc, of 130 Watson Street, and property owners of Krystle Square, a 99 unit condominium development located at 173, 177 and 181 Watson Street, in opposition to the application. Mr. Claydon submitted a petition purporting to contain the signatures of ten (10) residents of Dial-A-Life Housing Inc. in opposition to the application, and a petition purporting to contain the signatures of one hundred and ninety-three (193) residents and property owners of 173, 177 and 181 Watson Street, in opposition to the application, which have been filed as Exhibits 12 and 13 respectively. Mr. Claydon read aloud from a prepared brief which he submitted, and has been filed as Exhibit 14. The following reasons for opposing the proposed autobody shop / repair service were given by Mr. Claydon, namely:

1. Its close proximity to residential development and incompatibility with the adjacent residential neighbourhood, particularly in view of the fact the proposed development is "industrial" in nature and would be an unwelcome eyesore to the residential neighbourhood;
2. Concerns regarding the use of flammable materials and fumes associated with a large body and paint shop operation, particularly in the summer months when the body shop doors would be open for additional ventilation;
3. The increase in additional traffic on Watson Street that would be generated with the activities of the proposed autobody shop; and
4. Can not see why an automobile bodyshop / repair service should be added to the list of permitted uses for the subject property now if it was deemed to not be an appropriate permitted use in 1979 when the Zoning Agreement was signed and long before there was any residential development on Watson Street.

Juanito Ongsansoy, Private Citizen, also appeared in opposition to the application and expressed concern that vehicles are already being stored on the subject property prior to approval being obtained.

Glenn Holmes, Private Citizen, also appeared in opposition to the application and disputed the fact that the Superstore situation is not the same as the proposed autobody shop as the Superstore is located across from vacant land while the autobody shop / repair service would be adjacent to residential housing. Mr. Holmes also suggested that the entrance to the proposed development should be off McPhillips Street rather than off Watson Street.

Ann Graham, Private Citizen, also appeared in opposition to the application and questioned whether the low impact security lights on the subject property referred to by the applicant, would be combined with low impact security "yapping" dogs.

Shirley Zabenskie, also appeared in opposition to the application and expressed concern regarding the increased levels of traffic on Watson Street that would be generated with the proposed development.

In rebuttal, Randy Gauthier confirmed there has been no guard dogs since February 2001 at the Jim Gauthier dealership, and that there are no plans for guard dogs in the future.

Harald Shulz made the following comments in his rebuttal:

1. The proposed autobody shop is not a wrecking site, but rather a vehicle repair facility for new cars.
2. The autobody shop / repair service will have less traffic than the nearby SuperStore which has more customer-generated traffic and more deliveries.
3. All unloading of vehicles and deliveries will occur at the rear of the property within the site.
4. The owner is willing to install a cedar board fence along the front property line rather than a chain link fence to give more visual protection for the residential neighbourhood.
5. Concerns about fumes and flammable materials have already been addressed in the report of the Manger of Planning and Land Use which states "that in recent years, modern paint and body shops can be sited adjacent to residential areas with little or no impact because of current Department of Labour, Manitoba Environment and Manitoba Fire Code Regulations".

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 give him the opportunity to review the conditions of the current Zoning Agreement. He also requested the applicant and the owner, Jim Gauthier [or his representative], to meet with Harry Claydon and Thomas Dowsett, the two spokespersons for the residents registered in opposition, and ascertain whether a compromise can be reached that would address the residents' concerns.

At the adjourned public hearing on February 4, 2003, Harald Schulz, on behalf of Concord Projects, accompanied by Randy Gauthier, appeared in support of the application. Mr. Schulz confirmed that pursuant to the directive of the Community Committee on January 9, 2003, he and Mr. Gauthier contacted the two spokespersons for the residential community, namely, Thomas Dowsett, 151 Watson Street, and Harry Claydon, 172 Watson Street, with a view to meeting with them and determining whether a compromise or some middleground could be reached. Committee was advised that Mr. Shulz and representatives of the Gauthier automotive group met with Mr. Dowsett on three separate occasions, and that his major concerns related to the safety of the residents of Transquility Place and traffic flow. As a result of those meetings, Mr. Shultz stated the Gauthier automotive group was willing to route the vehicle haulers from McPhillips Street to Kingsbury Avenue, and then to Watson Street in an effort to limit trailer traffic on Watson Street and address Mr. Dowsett's concerns.

Mr. Shulz advised Committee he was not as successful in meeting with Harry Claydon, the spokesperson for the residents of Krystle Square and Dial-A-Life Housing Inc. After two attempts, Committee was advised Mr. Claydon responded by way of a communication dated January 15. 2003 to Mr. Shultz (filed as Exhibit 15), which essentially reiterated the residents' concerns and the fact that he and the residents remained vehemently opposed to the application.

From this, Mr. Schulz stated he and the Gauthier automotive group concluded that this was “an all or nothing” response.

In addition, Mr. Shulz advised Committee of the fact that he contacted Brenda Bridges, of Bridges York West, the property manager of Krystle Square, who forwarded a letter to the Gauthier automotive group requesting that an alternate site for the proposed automobile bodyshop / repair/ service use be considered. After contacting Ms Bridges and discussing whether there could be any compromise, Mr. Shulz advised Committee he was informed by Ms Bridges that the Condominium Board was against the proposal and that there was no middleground.

Thomas Dowsett, appearing on behalf of the residents of Tranquility Place Housing Co-op located at 151 Watson Street, advised Committee that as a result of meetings with the applicant and the Gauthier automotive group, he stated the opinion that Jim Gauthier would be a good neighbour.

In reply please refer to / Référence à rappeler :

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

File No. ZAA 16/2002 January 2, 2003
Our c/f CP 500 (. 320)

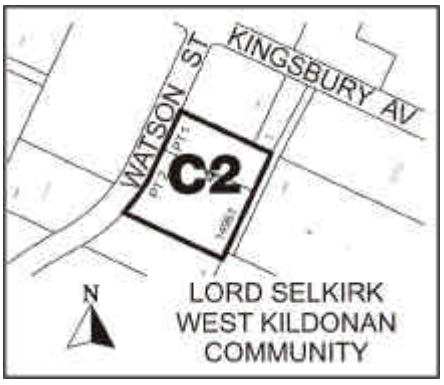
Mrs. Diane Timmins, Community Clerk
Lord Selkirk-West Kildonan Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Mrs. Timmins:

ZONING AGREEMENT AMENDMENT
Location: West of Watson/ South of Kingsbury
Lord Selkirk-West Kildonan Community
File No. ZAA 16/2002

An application has been received from Concord Projects, to amend the Zoning Agreement affecting the property shown below by amending condition # 1 of DAZ 11/79 (By-Law 2440/79) to include automobile bodyshops/repairs as a permitted use(subject to conditional use approval) and a new vehicle storage compound (subject to use variance approval for a time to be determined).

RELATED FILES:
DAV 980/02D, DCU 242/02D



SITE DESCRIPTION:

Dimensions:

The lot has approximately 323 ft. of frontage along Watson Street. At its narrowest, it has 277 ft of depth.

Site Area:

Overall the site in question totals 90,227 sq.ft., a little more than 2 acres in size.

Existing Land Use and Zoning:

The land is currently zoned "C2" Commercial and is currently vacant except for some automobile storage along the east periphery of the site.

DEVELOPMENT DESCRIPTION:

The owners (Jim Gauthier) has given authorization to Ranjoy Sales and Leasing to make application to amend the previous zoning agreement to allow for a Body Shop and a new vehicle(pre -delivery) storage compound. . The new building which will occupy only about 15% of the total surface area of the lot will have offices, a body shop area and a paint shop area and will be situated, by in large, in the north east quadrant of the site. There are 241 parking stalls proposed, most of which are to be in the south half of the lot. A maximum number of twelve people are to be employed on site.

ADMINISTRATIVE COMMENTS:

Under the original zoning agreement DAZ 11/79, there were a number of restrictions placed on use of the subject parcel which was at that time, just a part of a much larger overall parcel, extending from Watson to McPhillips Street. At the time, this area called the Leila/ McPhillips Triangle was emerging as an area of significant development but no one knew at that time, exactly how development would occur. Would multiple family residential dominate or would commercial development be the predominant use. Not sure of which direction development was going, Community Committees and the City erred on the side of caution and put very restrictive guidelines in place in most new zoning agreements being adopted along both sides of McPhillips in this particular area. There were very restrictive requirements on building setbacks, signage, location of parking areas and on the use of sites. What generally occurred over the years was a clear demarcation in use between the west side of Watson which has developed into a low density Multiple Family residential area and the east side of Watson which has gone predominantly Commercial with some Institutional use. In recent years, a significant number of businesses on both sides of McPhillips have had to amend their agreements in order to both compete and expand their operations and generally, the expansions and the changes made have not resulted in conflicts with neighbouring land uses, particularly west of Watson Street. The owners of the subject parcel are proposing to construct a new building on their land, a building which will occupy approximately 15% of the overall land surface area. In that building they propose to operate a repair body shop and paint shop. The remainder of the site will be used for storing new vehicles, at least several hundred based on the number of stalls indicated on the plans submitted. Most of what is being proposed for the site is either permitted or conditional under the "C2" zoning under current By-laws. Storage of new vehicles is conditional under "C3-

1" Commercial, one category higher than the existing "C2". A use variance is therefore required in order to accommodate the storage component. In addition, the original agreement must be amended in order for the applicants to do the kind of repair/paint work they wish to do, anywhere on the site. The Planning and Land Use Division has reviewed the application and is of the view that the amendment can be approved subject to certain conditions which will be outlined in the text of the accompanying conditional use application. It has been our experience in recent years that modern paint and body shops can be sited adjacent to residential areas with little or no impact because of current Department of Labour, Manitoba Environment and Manitoba Fire Code Regulations. If the owners are compelled to adhere to restrictive hours of operation and it is made clear that the outside storage of vehicle parts or derelict vehicles themselves would not be permitted, then this Division is able to support the application. In all likelihood, there will probably be neighbourhood concerns regarding the increased levels of traffic. In that regard, it should be pointed out that Watson Street is not a local street; it is a collector street designed to carry heavy volumes of traffic. It should further be noted that because of the proximity of multiple family housing to the west and a Dial –A- Life Care Facility immediately to the south, there is an expectation that significant landscaping and/or ornamental fencing will be established along those property lines; the details of which should be outlined in the Schedule " A" Plan approval that will eventually have to be submitted to LS/WK Community Committee for approval before building permits will be issued.

RECOMMENDATION:

1. That Zoning Agreement DAZ 11/79(By-Law No. 2440/79) be amended by adding to the list of permitted uses the following: 1) automobile bodyshop/repair/service use (subject to conditional use approval) and 2) new vehicle storage compound (subject to use variance approval).

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 11/79(By-Law No. 2440/79) as approved in aforesaid Clause 1.

3. That the Proper Officers of the City are hereby authorized to execute said Amending Agreement.

4. That the City Solicitor/Manager of Legal Services be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Final

Yours truly,

V. Buckley
Manager of Planning and Land Use

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

From: Lazarenko, Harry
Sent: Friday, January 17, 2003 11:44 AM
To: Timmins, Diane
Subject: FW: Watson Street Zoning & Land Use Issue
Diane,

For the rcord

Chris H

-----Original Message-----
From: Harald Schulz [mailto:harald@concordprojects.com]
Sent: Friday, January 17, 2003 10:35 AM
To: klalor@city.winnipeg.mb.ca
Cc: gauthierfamily@shaw.ca; Jason Cross; hlazaren@city.winnipeg.mb.ca; mpagtakhan@city.winnipeg.mb.ca; moshaugh@city.winnipeg.mb.ca
Subject: Fw: Watson Street Zoning & Land Use Issue

Dear Sirs,

I am forwarding a copy of the letter received from Mr. Harry Claydon which is in response to my telephone messages to him on Jan. 13 & 15/03.
We have also been in contact with Mr. Thomas Dowsett on same dates and are currently in the process of addressing his concern to the owner to pursue the possibility of minimizing the traffic impact on Watson by routing the vehicle carrier from McPhillips to Kingsbury to Watson.

I trust this is in keeping with the intended course of action as per your letter dated Jan.14/03.

Regards,

Harald Schulz
----- Original Message -----
From: Harald Schulz
To: Jason Cross
Sent: Wednesday, January 15, 2003 6:24 PM
Subject: Fw: Watson Street Zoning & Land Use Issue

Fyi, Please review and also forward to Randy Gauthier and Laird Sutherland for their input and response.

Regards,

Harald Schulz
----- Original Message -----

From: harry claydon
To: harald@concordprojects.com
Sent: Wednesday, January 15, 2003 6:07 PM
Subject: Re: Watson Street Zoning & Land Use Issue

January 15, 2003

Dear Mr. Schultz

This is in response to your telephone message to me (Jan.13) and today suggesting we meet in order to "address concerns". As I recall, such a meeting was suggested by Councillor O'Shaughnessy in his closing remarks at the January 9th Community Committee meeting where I, and a number of my neighbours, appeared as a delegation in opposition to your proposal for a Zoning Variance and Conditional Use application affecting the land across the street from our condominium complex. Rather than return your phone call, I am responding in writing in order that my position regarding this matter not be misunderstood or misinterpreted and that it be on the record.

At the January 9th meeting, I presented two petitions in opposition to your proposal together with a written submission outlining our concerns and stating our reasons for being opposed to your applications regarding this property. The first petition was signed by 123 owners and residents of my condominium complex, Krystle Square, and the second, signed by 10 residents of Dial-A-Life Housing Inc. There was a third petition from the residents of Tranquility Place with over 20 signatures I believe. In addition to the petitions, there was a significant turnout of concerned residents at this meeting in opposition to your proposal. Chairman Lazarenko asked each in turn, by name, if they wished to speak in opposition or if they were satisfied that my submission fairly represented their concern and views. With a couple of exceptions, all agreed.

Therefore, <u>our</u> position on this matter is clear. Those who have signed the petition and who attended the meeting are vehemently opposed to your proposal to amend the zoning agreement in order to establish an auto body shop and automobile storage compound across the street from our condominium development. Residents here are appalled at the prospect of having this ugly quasi industrial type operation so near to our homes. We feel that your proposed use of this land is totally inappropriate considering the close proximity of our homes on both the south and west sides of this property. We believe that the Zoning By-Law as it stands was designed many years ago to prevent this very thing from happening. As was pointed out at the meeting, the planners and developers at that time (1979) did not know which way this area, the McPhillips - Pipeline "triangle" was going to develop - whether more commercial versus residential or the reverse. We believe that the residential component of Watson Street is significant with the entire west side being residential and extensive residential development on the east side as well. Indeed, the proposed development site is surrounded closely on two sides by residential development.

We don't think we are being unreasonable in this matter. The By-Law protects us against development such as you are proposing and this neighbourhood is strong and determined to defend our rights and protect our property.

For these reasons, I am unable to accept your meeting invitation to "discuss concerns" as I have no legitimate mandate to represent these concerned residents in negotiations beyond the clear position we have already taken through our petitions and written submission.

Sincerely
Harry Claydon