Proposed Zoning Agreement Amendment - Unit 9-1919 Henderson Highway File ZAA 1/2002 (c/r DAZ 338/79; ZAA 24/84; ZAA 30/85; DAV 29/85; DCU 9/2002D; DAV 47/2002D)

10. The Standing Policy Committee on Property and Development has been advised that an application has been received from Joe Warner (Manitoba Ltd. 0735290) Smitty's Restaurant, Unit 9, 1919 Henderson Highway, Winnipeg, to amend the Zoning Agreement affecting the subject property by allowing an existing restaurant to establish a cocktail lounge (which is now listed as a prohibited use), and enlarge the total gross floor area of the restaurant to 566.69 square metres/6,100 square feet (which is restricted to a total gross floor area of 418 square metres/4,500 square feet).

The subject property is owned by Evergreen Investments Inc. The main tenant in the building is Joe Warner (Manitoba Ltd. 0735290) Smitty's Restaurant. The applicant is proposing to expand the existing restaurant with the addition of a licensed cocktail lounge. The cocktail lounge addition will be 105.2 square metres (1,133 square feet) resulting in a total gross floor area of 473.79 square metres (5,100 square feet) for the entire restaurant. The cocktail lounge is a prohibited use under DAZ 338/79 and the total gross floor area for the restaurant is limited to 418 square metres (4,500 square feet). The Administration has suggested the applicant apply for an amendment to the allowable total gross floor area of 566.69 square metres (6,100 square feet) to provide for a possible future expansion of the restaurant.

On February 19, 2002,a Public Hearing was held before the East Kildonan-Transcona Community Committee. Eleven persons registered in support of the application and three people registered in opposition thereto.

The East Kildonan-Transcona Community Committee concurred in the recommendations contained in the report dated January 23, 2002, from the Manager of Planning and Land Use, Planning, Property and Development Department.

The East Kildonan-Transcona Community Committee recommended that the proposed zoning agreement amendment be approved for the following reasons:

1. The reasons outlined in the Report from the Manager of Planning and Land Use dated January 23, 2002.

2. The cocktail lounge use is contiguous with other commercial uses along Henderson Highway.

3. A recently conducted traffic study of Henderson Highway determined that traffic has not increased and that an additional 25 seats in the lounge would likely not further increase traffic.

4. Other restaurant expansions and lounges have been approved in the Henderson Highway mixed-use area and have been low impact developments.

Report of the Standing Policy Committee on Property and Development dated March 5, 2002

On March 5, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations of the Zoning Agreement Amendment report dated January 23, 2002, from the East Kildonan-Transcona Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That Zoning Agreement DAZ 338/79 (By-law No. 2726/80) dated May 21, 1980, be amended to permit the establishment of a cocktail lounge, and allowing a restaurant to have a total gross floor area of 566.69 square metres (6,100 square feet).

II. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 338/79 (By-law No. 2726/80) dated May 21, 1980, as approved in Recommendation I.

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

IV. 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.

Copies of the documents referred to in the above clause are on file in the office of the City Clerk.