Agenda - Council - July 23, 2003

Report - Standing Policy Committee on Property and Development - July 3, 2003

Item No. 11 Zoning Agreement Amendment - 1366 Henderson Highway
File ZAA 8/2003 [c/r DAZ 206/93]

STANDING COMMITTEE RECOMMENDATION:

On July 16, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee as amended, and submits the following to Council:

1. That the Zoning Agreement DAZ 206/93 (By-law No. 6249/93) dated October 20, 1993 be amended to permit the establishment of the following uses:

    A. That land usage be restricted as follows:

        i. The following uses shall be permitted on the land:
            a. Accessory uses, not listed
            b. Animal hospital, veterinary clinic
            c. Appliances, excluding major appliances: rental, sale or service
            d. Appliances, including major appliances: rental, sale or service
            e. Art / antique: sales, service, including framing/restoration
            f. art/craft/hobby: instruction, supplies, including beer and winemaking supplies and equipment sales
            g. artisan, crafting of custom products from finished materials
            h. audio / video recordings: rental, sales
            i. bakery, baked goods: sales, limited to 1,000 square feet of production area
            j. bank, credit union, or similar financial service
            k. banking/teller machines, automated
            l. barber shop, beauty salon, or similar grooming service
            m. bed and breakfast, accessory to a single-family dwelling
            n. bicycle: rental, sale or service
            o. bicycle: custom manufacture
            p. book sales
            q. building materials, hardware, home improvement supplies or equipment: sales

r. butcher, with production area exceeding 1,000 square feet
s. care home neighbourhood, providing a minimum separation of 990 feet from a care home, neighbourhood care home or neighbourhood rehabilitation home
t. catering, commissary
u. church, synagogue, or similar place of religious worship
v. clothing, including hats, shoes, other wearing apparel and accessories: alteration, repair, sales
w. communication equipment, including satellite dishes and radio towers; rental, sale, service
x. day care centre
y. dispatch for courier/delivery/express service, cleaning service, key and lock service, security service taxi or similar service, excluding terminal
z. dress maker, furrier, tailor
aa. driving school
bb. drug store
cc. dwelling, single-family
dd. electronic equipment, including audio-video, communication, copying, data processing, security, and similar equipment, excluding satellite dishes and radio towers: rental, sale, service, and custom manufacture
ee. exterminator
ff. fabric/yarn sales
gg. family day care home, in a single-family dwelling
hh. farmer's market limited to between April 1 and September 30
ii. flea market
jj. florist
kk. furnishings, households or office, including sales, rental general merchandise, retail
ll. gift store
mm. grocery, confectionary including baked goods, candy, meats, soft drinks, or other specialities: sales, including incidental food preparation.
nn group day care home
oo. hardware store
pp. landscape/garden supplies: sales, including outside display limited to packaged supplies, plants or trees
qq. library

Report - Standing Policy Committee on Property and Development - July 3, 2003

rr. luggage: rental, sale, service
ss. mail order business excluding automobile and motorcycle related supplies, parts, materials, paraphernalia, and services
tt. medical, dental, optical or other health or therapeutic clinic
uu. medical, dental, optical or other precision instruments, prosthetics: rental, sale, service
vv. medical, dental, optical or other precision instruments, prosthetics: custom manufacture
ww. museum, art gallery
xx. musical instruments: rental, sale, service, music instruction
yy. musical instruments: custom manufacture
zz. neighbourhood rehabilitation home, providing a minimum separation of 990 feet from a care home, a neighbourhood care home or neighbourhood rehabilitation home
aaa. office
bbb. parish hall, accessory to a place of religious worship
ccc. park
ddd. parking area, non accessory, only in conjunction with use on adjoining land
eee. pet sales, pet supplies, sales, pet grooming
fff. photographic developing/printing
ggg. post office, carrier depot
hhh. printing, photocopying, or similar service
iii. private home day care, in a dwelling unit with a ground-level entry
jjj. public utility or service, excluding garbage incineration, reduction, transfer, or landfill, sewage treatment, or a public works yard
kkk. radio or television station
lll. recreation centre, including indoor or outdoor courts, ranges, rinks, tracks, or similar sports or fitness facility
mmm. recycling depot for collection of materials, in conjunction with a principal use, provided all recyclable goods are stored entirely in an enclosed container constructed in compliance with a design endorsed by the commissioner of planning and community services
nnn. recycling depot for collection of materials, accessory to schools, community clubs, churches and public buildings and lands, provided all recyclable goods are stored entirely in an enclosed container constructed in compliance with a design endorsed by the commissioner of planning and community services

ooo. reducing salon, health spa, steam bath, tanning salon, or other similar
ppp. rental establishment, including household, office, gardening or home improvement equipment, banquet or part supplies
qqq. repair, restoration, refinishing, of household goods
rrr. restaurant maximum 2,500 square feet of floor area
sss. shelter house
ttt. sporting goods: rental, sales, service, trophy sales, including incidental assembly and engraving
uuu. stationery sales
vvv. stone or monument: sales, including incidental finishing
www. studio, including dance, martial arts, music, photography, excluding radio, television, or motion picture
xxx. taxidermist
yyy. toy: sales
zzz. trade school, business college
aaaa. university, college, technical school
bbbb. upholstering, custom draperies, blinds, shades

ii. That the following uses shall be conditional on the land:
a. arena, auditorium, stadium
b. auction room
c. beer sales
d. bus station
e. clothing, including hats, shoes, other wearing apparel and accessories: manufacture, needle trades
f. cocktail lounge
g. contractors' establishment
h. convent, monastery, or similar place of religious retreat
i. drive-through facility, excluding a drive-through restaurant or automobile washing
j. dwelling, multiple-family
k. dwelling, two-family
l. farm supplies: sales
m. funeral chapel or parlour, mortuary
n. hospital, or similar treatment centre
o. institution
p. liquor: sales

q. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sale, service
r. parking structure, accessory
s. parking structure, non-accessory
t. personal service, not listed, not exceeding a floor area of 5,000 square feet
u. restaurant, exceeding a floor area of 2,500 square feet
v. restaurant, drive-through
w. retail sales, not listed, not exceeding a floor area of 5,000 square feet.
x. second-hand store
y. sign, advertising
z. terminal for courier/delivery/ express service, cleaning service, key and lock service, security service, taxi, or similar service

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 206/93 (By-law No. 6249/93) 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.

5. That in the event this application is not proceeded with expeditiously and the agreement is not signed within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

Report - Standing Policy Committee on Property and Development - July 3, 2003

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On July 16, 2003, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and the East Kildonan-Transcona Community Committee and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On July 3, 2003, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee as amended, namely:

- Amend Recommendation 1.A.ii. to include the following use: "liquor: sales" and renumber the remaining uses accordingly

- Delete Recommendation 1.A.iii in its entirety

and submitted the matter to Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On June 18, 2003, the East Kildonan-Transcona Community Committee concurred in the administrative recommendation and submitted the matter to the Standing Policy Committee on Property and Development.

RE: **Proposed Zoning Agreement Amendment - 1366 Henderson Highway File ZAA 8/2003**

For submission to: **Standing Policy Committee on Property and Development**

Prepared by: **Inga K. Skundberg, Clerk, East Kildonan-Transcona Community Committee**

Report date: **June 24, 2003**

COMMUNITY COMMITTEE RECOMMENDATION:

The East Kildonan-Transcona Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the Zoning Agreement DAZ 206/93 (By-law No. 6249/93) dated October 20, 1993 be amended to permit the establishment of the following uses:

    A. That land usage be restricted as follows:

        i. The following uses shall be permitted on the land:
            a. accessory uses, not listed
            b. animal hospital, veterinary clinic
            c. appliances, excluding major appliances: rental, sale or service
            d. appliances, including major appliances: rental, sale or service
            e. art / antique: sales, service, including framing/restoration
            f. art/craft/hobby: instruction, supplies, including beer and winemaking supplies and equipment sales
            g. artisan, crafting of custom products from finished materials
            h. audio / video recordings: rental, sales
            i. bakery, baked goods: sales, limited to 1,000 square feet of production area
            j. bank, credit union, or similar financial service
            k. banking/teller machines, automated
            l. barber shop, beauty salon, or similar grooming service
            m. bed and breakfast, accessory to a single-family dwelling
            n. bicycle: rental, sale or service
            o. bicycle: custom manufacture
            p. book sales

q. building materials, hardware, home improvement supplies or equipment: sales
r. butcher, with production area exceeding 1,000 square feet
s. care home neighbourhood, providing a minimum separation of 990 feet from a care home, neighbourhood care home or neighbourhood rehabilitation home
t. catering, commissary
u. church, synagogue, or similar place of religious worship
v. clothing, including hats, shoes, other wearing apparel and accessories: alteration, repair, sales
w. communication equipment, including satellite dishes and radio towers; rental, sale, service
x. day care centre
y. dispatch for courier/delivery/express service, cleaning service, key and lock service, security service taxi or similar service, excluding terminal
z. dress maker, furrier, tailor
aa. driving school
bb. drug store
cc. dwelling, single-family
dd. electronic equipment, including audio-video, communication, copying, data processing, security, and similar equipment, excluding satellite dishes and radio towers: rental, sale, service, and custom manufacture
ee. exterminator
ff. fabric/yarn sales
gg. family day care home, in a single-family dwelling
hh. farmer's market limited to between April 1 and September 30
ii. flea market
jj. florist
kk. furnishings, households or office, including sales, rental
ll. general merchandise, retail
mm. gift store
nn. grocery, confectionary including baked goods, candy, meats, soft drinks, or other specialities: sales, including incidental food preparation.
oo. group day care home
pp. hardware store
qq. landscape/garden supplies: sales, including outside display limited to packaged supplies, plants or trees
rr. library
ss. luggage: rental, sale, service
tt. mail order business excluding automobile and motorcycle related supplies, parts, materials, paraphernalia, and services
uu. medical, dental, optical or other health or therapeutic clinic

vv. medical, dental, optical or other precision instruments, prosthetics: rental, sale, service
ww. medical, dental, optical or other precision instruments, prosthetics: custom manufacture
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ccc. parish hall, accessory to a place of religious worship
ddd. park
eee. parking area, non accessory, only in conjunction with use on adjoining land
fff. pet sales, pet supplies, sales, pet grooming
ggg. photographic developing/printing
hhh. post office, carrier depot
iii. printing, photocopying, or similar service
jjj. private home day care, in a dwelling unit with a ground-level entry
kkk. public utility or service, excluding garbage incineration, reduction, transfer, or landfill, sewage treatment, or a public works yard
lll. radio or television station
mmm. recreation centre, including indoor or outdoor courts, ranges, rinks, tracks, or similar sports or fitness facility
nnn. recycling depot for collection of materials, in conjunction with a principal use, provided all recyclable goods are stored entirely in an enclosed container constructed in compliance with a design endorsed by the commissioner of planning and community services
ooo. recycling depot for collection of materials, accessory to schools, community clubs, churches and public buildings and lands, provided all recyclable goods are stored entirely in an enclosed container constructed in compliance with a design endorsed by the commissioner of planning and community services
ppp. reducing salon, health spa, steam bath, tanning salon, or other similar facility
qqq. rental establishment, including household, office, gardening or home improvement equipment, banquet or part supplies
rrr. repair, restoration, refinishing, of household goods
sss. restaurant maximum 2,500 sq.ft. of floor area
ttt. shelter house
uuu. sporting goods: rental, sales, service, trophy sales, including incidental assembly and engraving
vvv. stationery sales
www. stone or monument: sales, including incidental finishing

xxx. studio, including dance, martial arts, music, photography, excluding radio, television, or motion picture
yyy. taxidermist
zzz. toy: sales
aaaa. trade school, business college
bbbb. university, college, technical school
cccc. upholstering, custom draperies, blinds, shades

ii. That the following uses shall be conditional on the land:
a. arena, auditorium, stadium
b. auction room
c. beer sales
d. bus station
e. clothing, including hats, shoes, other wearing apparel and accessories: manufacture, needle trades
f. cocktail lounge
g. contractors' establishment
h. convent, monastery, or similar place of religious retreat
i. drive-through facility, excluding a drive-through restaurant or automobile washing
j. dwelling, multiple-family
k. dwelling, two-family
l. farm supplies: sales
m. funeral chapel or parlour, mortuary
n. hospital, or similar treatment centre
o. institution
p. motors or machines, recreational or utility, including power toboggans, outboard motors, lawn mowers: rental, sale, service
q. parking structure, accessory
r. parking structure, non-accessory
s. personal service, not listed, not exceeding a floor area of 5,000 square feet
t. restaurant, exceeding a floor area of 2,500 square feet
u. restaurant, drive-through
v. retail sales, not listed, not exceeding a floor area of 5,000 square feet
w. second-hand store
x. sign, advertising
y. terminal for courier/delivery/ express service, cleaning service, key and lock service, security service, taxi, or similar service

iii. That the height of any building on the site shall be limited to four (4) stories.

2. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 206/93 (By-law No. 6249/93), 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.

5. That in the event this application is not proceeded with expeditiously and the agreement is not signed within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period and the extension is subsequently approved by Council.

The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. The East Kildonan-Transcona Community Committee agreed with administrative comments contained in the report from the Acting Manager of Planning and Land Use.

PUBLIC HEARING SUMMARY

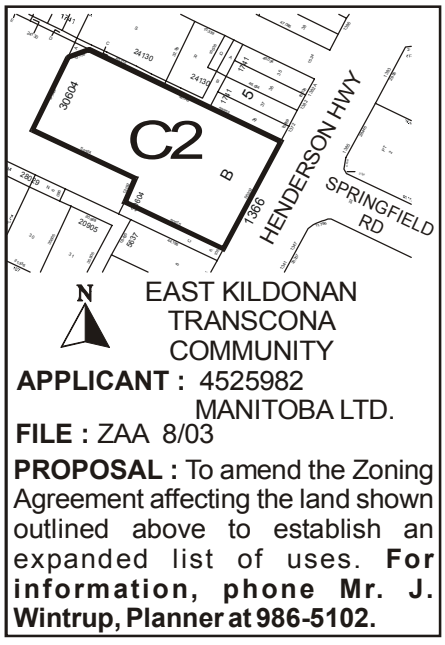
File: ZAA 8/2003

Before: East Kildonan-Transcona Community Committee
Councillor Thomas, Chairperson
Councillor Lubosch
Councillor Wyatt

Public Hearing: June 18, 2003
Helen Mayba Theatre
Miles Macdonell Collegiate
757 Roch Street

Applicant: 4525982 Manitoba Ltd. (K. Fast)
c/o 10 Donald Street
Winnipeg, MB R3C 1L5

Subject:



Premises Affected: 1366 Henderson Highway

Exhibits Filed:

1. Application dated May 22, 2003
2. Advertising notice dated May 23, 2003
3. Manitoba Status of Title 1343961
4. Letter of Consent from the Manager of Leasing and Acquisitions, Retail Real Estate, Canada Trust to 452982 Manitoba Ltd. dated May 5, 2003
5. Caveat
6. Zoning Agreement DAZ 206/93
7. Conditional Use Order DCU 155/93C
8. Plan
9. Report from the Acting Manager of Planning and Land Use dated June 10, 2003
10. Photograph(s) of the Site and Inspection Notice

REPRESENTATIONS:

In Support:

Mark Olson

In Opposition:

A. Gerald Bedford
A.E. Gascoigne

For Information:

Art & Judy McGifford

For the City:

John Wintrup, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Mark Olson appeared in support of the application. He agreed with the recommendations outlined in the administrative report from the Acting Manager of Planning and Land Use (Exhibit 9) with the exception of the Administration not supporting the applicant's request to

delete Clause 6 of Zoning Agreement DAZ 206/93, which deals with land not being used for any purpose except landscaping. In addition, he requested that the sale of liquor be added to the uses permitted on the land to allow for possible consideration of the establishment of a high-end wine store or boutique.

A.E. Gascoigne appeared in opposition to the application, and advised that he resides next to the berm off of Henderson Highway. He advised that there is a well utilized walkway from Henderson Highway to the berm, and he wants it to remain and not be replaced.

Councillor Lubosch advised the berm runs the entire length from Henderson Highway to the river and currently acts as a passive park. He indicated that a section of it is owned by the City of Winnipeg and the section from Henderson Highway is owned by the Toronto Dominion Bank. He commented that it is his intention to preserve as much of the berm as possible and develop it into a contiguous bicycle and pedestrian pathway.

Gerald Bedford appeared in opposition to the application, and advised that he has resided at his residence for 47 years. He advised that a number of people use the passive park as a walkway and in this connection, would like the City of Winnipeg to purchase the portion not owned by the City to allow the pathway to remain. As an alternative, he suggested commercial development be considered in business establishments that are currently unoccupied. He also expressed concern regarding the possibility of increased traffic.

Mark Olson indicated that once a user is established, related matters will be considered again by the Community Committee. He advised that the berm will be removed on the portion of land not owned by the City of Winnipeg. He indicated that the applicant will want to work together with the residents, City of Winnipeg Administration, and the Ward Councillor to beautify and enhance the site. With respect to the concern about the sale of liquor on the subject site, he commented that such a business could be established anywhere in the vicinity if not on the subject site.

Councillor Lubosch questioned the access to the site in addressing traffic concerns. Mark Olson responded by advising what exists and has currently provided safe access to the site. In this connection, he indicated that the applicant will work with the City of Winnipeg with respect to access and will meet all related requirements.

Councillor Lubosch expressed concern about possible establishment of a fast food restaurant and the consequences of litter from the site. Mark Olson responded that because of the high value of the site, the applicant is looking for a high end user and therefore does not envision establishing a fast food restaurant on the subject property.

Councillor Wyatt questioned if Clause 6 of the Zoning Agreement which deals with the land not being used for any purpose except landscaping was deleted, how much of the berm would be removed. Mark Olson indicated about 50 metres along the eastern part of the berm would be removed.

John Wintrup advised that the intent of Clause 6 of the Zoning Agreement was to save as much of the embankment as possible because of its importance to the community. Councillor Lubosch questioned if Clause 6 was deleted, if there would be opportunity in the future to approve a landscaping plan. John Wintrup responded that the opportunity would be through the plan approval process, which would require Community Committee consideration.

Councillor Lubosch advised that he respects the concerns brought forward over the years by residents on Slater and Esser Avenues. He commented that the area is a beautiful place for walks and that there are plans to incorporate it into the North Kildonan walkway system. He expressed his opinion that the uses recommended in the administrative report are less obtrusive than those of other properties on Henderson Highway. He stated that he was satisfied that the developer is aware of the concerns of the neighboring area and that they have proven they are prepared to work together with the community to enhance the subject site.

In reply please refer to / Référence à rappeler :

John S. Wintrup
(204) 986-5102
Fax / Téléc. : (204) 986-3684

File No. ZAA 8 / 03 June 10, 2003
Our c/f CP 500 (.411)

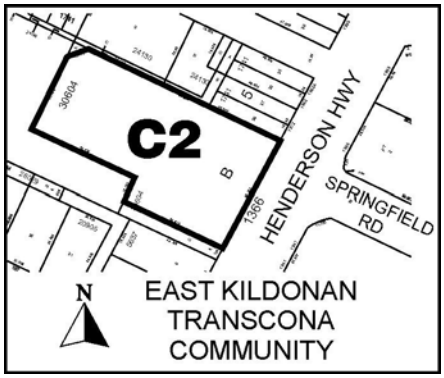
Ms. Inga Skundberg, Community Clerk
East Kildonan – Transcona Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Skundberg:

ZONING AGREEMENT AMENDMENT
1366 Henderson Highway
East Kildonan - Transcona
File No. ZAA 8 / 03

An application has been received from K. Fast (Manitoba Ltd. 4525982), to amend the Zoning Agreement affecting the property shown below by deleting paragraphs 2, 3, 4 and 6 thereof.

RELATED FILES: DAZ 206/93, DCU 155/93



SITE DESCRIPTION:

Dimensions:

54.012 metres (177.2 feet) frontage on Henderson Highway.

Site Area:

56,487 square feet (1.29 acres).

Existing Land Use and Zoning:

Vacant land zoned "C2" Commercial.

DEVELOPMENT DESCRIPTION:

The subject property is owned by the Toronto - Dominion Bank. The applicant is proposing to expand the list of allowable uses beyond the current list of one, a bank.. The applicant intends to purchase the vacant land and market it for a commercial use.

ADMINISTRATIVE COMMENTS:

The original Zoning Agreement (DAZ 206/93) was made by a previous owner of the property to rezone the subject land to "C2" Commercial from "R1-5" Single Family District in order to permit the construction of a bank. The Toronto-Dominion Bank intended to construct an 8,000 sq.ft., one-storey building with a 24-hour drive through teller (DCU 155/93).

The subject site is commonly known as the Bergen Cut-Off. The City of Winnipeg has acquired a majority of the previous Bergen Cut-Off lands west of the subject site, which have been rezoned "PR-1" Parks and Recreation District. The City has also acquired the southerly strip of land adjacent to the subject property for the purpose of providing a link between Henderson Highway and the Bergen Cut-Off park lands.

T-D's intention to construct a bank at this location has waned. The lands are currently vacant and for-sale. The present owners have allowed the adjacent auto-body shop to the north to temporarily use the site for vehicle storage.

Planning and Land-Use supports deleting parts 2, 3, and 4 of the Zoning Agreement:

2. The land and any building or structure thereon shall not be used for and no building or structure shall be erected, placed, altered or enlarged on the land for any use except:

(a) a bank, credit union, or trust company or a drive-through automatic teller associated with on of those uses.

3. No building shall be located on the land exceeding a height of one story.

4. No building located on the land shall have a gross main floor area exceeding 743.2 square metres (8,000 square feet) but that limitation does not apply to any basement area.

These paragraphs specifically indicate only a bank, in a one-story building, not exceeding a gross main floor area of 743.2 square metres (8,000 sq.ft) be constructed. This does not permit alternative uses to occupy the land. T-D has had the opportunity to construct a bank building for 10 years but has been attempting to sell the land for the last few years. It is doubtful another bank will purchase the land and develop a bank. The Zoning Agreement can be amended to increase the marketability of the vacant land and permit additional commercial uses that are compatible to the neighbourhood.

The Division does not support deleting paragraph 6.

6. That part of the land shown on Schedule "B" to this Agreement shall not be used for any purpose except landscaping.

This paragraph makes reference to the southern portion of the subject property that is adjacent to the City of Winnipeg lands. The Division originally had two main concerns regarding the original rezoning. One of these concerns was the removal (full or partial) of the previous railway embankment on the Henderson Highway frontage. The Division's opinion is this would be undesirable from a visual perspective. The embankment is a historical and cultural landmark in North Kildonan that provides a major opportunity for site enhancement. The embankment should be maintained to the greatest extent, including the existing trees. Paragraph 6's purpose is to ensure that a substantial part of the embankment closest to Henderson Highway is retained without the need of retaining walls, and that the lands be used only for landscaping.

RECOMMENDATION:

I. That, the Zoning Agreement DAZ 206/93 (By-Law 6249/93), dated October 20, 1993 be amended to permit the establishment of the following uses:

a. That land usage be restricted as follows;
i. The following uses shall be permitted on the land:

ACCESSORY USES, not listed
ANIMAL HOSPITAL, VETERINARY CLINIC
APPLIANCES, excluding major appliances: RENTAL, SALE or SERVICE
APPLIANCES, including major appliances: RENTAL, SALE or SERVICE
ART / ANTIQUE: SALES, SERVICE, including framing/restoration
ART/CRAFT/HOBBY: INSTRUCTION, SUPPLIES, including beer and winemaking supplies and equipment SALES

ARTISAN, CRAFTING OF CUSTOM PRODUCTS from finished materials
AUDIO / VIDEO RECORDINGS: RENTAL, SALES
BAKERY, BAKED GOODS: SALES, limited to 1,000 sq.ft. of production area
BANK, CREDIT UNION, or similar financial service
BANKING/TELLER MACHINES, automated
BARBER SHOP, BEAUTY SALON, or similar grooming service
BED and BREAKFAST, accessory to a single-family dwelling
BICYCLE: RENTAL, SALE or SERVICE
BICYCLE: CUSTOM MANUFACTURE
BOOK SALES
BUILDING MATERIALS, HARDWARE, HOME IMPROVEMENT SUPPLIES or EQUIPMENT: SALES
BUTCHER, with production area exceeding 1,000 sq.ft.
CARE HOME NEIGHBOURHOOD, providing a minimum separation of 990 feet from a CARE HOME, NEIGHBOURHOOD CARE HOME or NEIGHBOURHOOD REHABILITATION HOME
CATERING, COMMISSARY
CHURCH, SYNAGOGUE, or similar place of religious worship
CLOTHING, including hats, shoes, other wearing apparel and accessories: ALTERATION, REPAIR, SALES
COMMUNICATION EQUIPMENT, including satellite dishes and radio towers; RENTAL, SALE, SERVICE
DAY CARE CENTRE
DISPATCH for COURIER/DELIVERY/EXPRESS SERVICE, CLEANING SERVICE, KEY AND LOCK SERVICE, SECURITY SERVICE TAXI or similar service, excluding terminal
DRESS MAKER, FURRIER, TAILOR
DRIVING SCHOOL
DRUG STORE
DWELLING, SINGLE-FAMILY
ELECTRONIC EQUIPMENT, including audio-video, communication, copying, data processing, security, and similar equipment, excluding satellite dishes and radio towers: RENTAL, SALE, SERVICE, and CUSTOM MANUFACTURE
EXTERMINATOR
FABRIC/YARN SALES
FAMILY DAY CARE HOME, in a single-family dwelling
FARMER'S MARKET limited to between April 1 and September 30
FLEA MARKET
FLORIST
FURNISHINGS, HOUSEHOLDS or OFFICE, including SALES, RENTAL
GENERAL MERCHANDISE, RETAIL

GIFT STORE
GROCERY, CONFECTIONARY including baked goods, candy, meats, soft drinks, or other specialities: SALES, including incidental food preparation.
GROUP DAY CARE HOME
HARDWARE STORE
LANDSCAPE/GARDEN SUPPLIES: SALES, including outside display limited to packaged supplies, plants or trees
LIBRARY
LUGGAGE: RENTAL, SALE, SERVICE
MAIL ORDER BUSINESS excluding automobile and motorcycle related supplies, parts, materials, paraphernalia, and services
MEDICAL, DENTAL, OPTICAL or other health or therapeutic CLINIC
MEDICAL, DENTAL, OPTICAL or other PRECISION INSTRUMENTS, PROSTHETICS: RENTAL, SALE, SERVICE
MEDICAL, DENTAL, OPTICAL or other PRECISION INSTRUMENTS, PROSTHETICS: CUSTOM MANUFACTURE
MUSEUM, ART GALLERY
MUSICAL INSTRUMENTS: RENTAL, SALE, SERVICE, MUSIC INSTRUCTION
MUSICAL INSTRUMENTS: CUSTOM MANUFACTURE
NEIGHBOURHOOD REHABILITATION HOME, providing a minimum separation of 990 feet from a CARE HOME, a NEIGHBOURHOOD CARE HOME or NEIGHBOURHOOD REHABILITATION HOME
OFFICE
PARISH HALL, accessory to a place of religious worship
PARK
PARKING AREA, non accessory, only in conjunction with use on adjoining land
PET SALES, PET SUPPLIES, SALES, PET GROOMING
PHOTOGRAPHIC DEVELOPING/PRINTING
POST OFFICE, CARRIER DEPOT
PRINTING, PHOTOCOPYING, or similar service
PRIVATE HOME DAY CARE, in a dwelling unit with a ground-level entry
PUBLIC UTILITY or SERVICE, excluding garbage incineration, reduction, transfer, or landfill, sewage treatment, or a public works yard
RADIO or TELEVISION STATION
RECREATION CENTRE, including indoor or outdoor courts, ranges, rinks, tracks, or similar sports or fitness facility
RECYCLING DEPOT for COLLECTION of MATERIALS, in conjunction with a Principal Use, provided all recyclable goods are stored entirely in an enclosed container constructed in compliance with a design endorsed by the Commissioner of Planning and Community Services

RECYCLING DEPOT for COLLECTION of MATERIALS, accessory to schools, community clubs, churches and public buildings and lands, provided all recyclable goods are stored entirely in an enclosed container constructed in compliance with a design endorsed by the Commissioner of Planning and Community Services
REDUCING SALON, HEALTH SPA, STEAM BATH, TANNING SALON, or other similar facility
RENTAL ESTABLISHMENT, including household, office, gardening or home improvement equipment, banquet or part supplies
REPAIR, RESTORATION, REFINISHING, of household goods
RESTAURANT maximum 2,500 sq.ft. of floor area
SHELTER HOUSE
SPORTING GOODS: RENTAL, SALES, SERVICE, TROPHY SALES, including incidental assembly and engraving
STATIONERY SALES
STONE or MONUMENT: SALES, including incidental finishing
STUDIO, including dance, martial arts, music, photography, excluding radio, television, or motion picture
TAXIDERMIST
TOY: SALES
TRADE SCHOOL, BUSINESS COLLEGE
UNIVERSITY, COLLEGE, TECHNICAL SCHOOL
UPHOLSTERING, custom draperies, blinds, shades

ii) That, the following uses shall be conditional on the land:

ARENA, AUDITORIUM, STADIUM
AUCTION ROOM
BEER SALES
BUS STATION
CLOTHING, including hats, shoes, other wearing apparel and accessories: MANUFACTURE, NEEDLE TRADES
COCKTAIL LOUNGE
CONTRACTORS' ESTABLISHMENT
CONVENT, MONASTERY, or similar place of religious retreat
DRIVE-THROUGH FACILITY, excluding a drive-through restaurant or automobile washing
DWELLING, MULTIPLE-FAMILY
DWELLING, TWO-FAMILY
FARM SUPPLIES: SALES
FUNERAL CHAPEL or PARLOUR, MORTUARY
HOSPITAL, or similar treatment centre
INSTITUTION

MOTORS or MACHINES, RECREATIONAL or UTILITY, including power toboggans, outboard motors, lawn mowers: RENTAL, SALE, SERVICE
PARKING STRUCTURE, accessory
PARKING STRUCTURE, non-accessory
PERSONAL SERVICE, not listed, not exceeding a floor area of 5,000 sq.ft.
RESTAURANT, exceeding a floor area of 2,500 sq.ft.
RESTAURANT, DRIVE-THROUGH
RETAIL SALES, not listed, not exceeding a floor area of 5,000 sq.ft.
SECOND-HAND STORE
SIGN, ADVERTISING
TERMINAL for COURIER/DELIVERY/ EXPRESS SERVICE, CLEANING SERVICE, KEY AND LOCK SERVICE, SECURITY SERVICE, TAXI, or similar service

iii) That, the height of any building on the site shall be limited to four (4) stories;

II. That, the City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 206/93 (By-Law 6249/93), dated, as approved in aforesaid Clause I.

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

IV. That, the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

V. That, in the event this application is not proceeded with expeditiously and the agreement is not signed within twenty-four (24) months after adoption of this report by Council, the matter shall be deemed to be concluded and shall not be proceeded with unless an extension of this time is applied for prior to the expiry of this twenty four (24) month period **and the extension is subsequently approved by Council**.

Final Draft

Yours truly,

C. Knoll
Acting Manager of Planning and Land Use

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Per: John S. Wintrup, Planner
East Kildonan – Transcona Community
986-5102

JSW/jsw

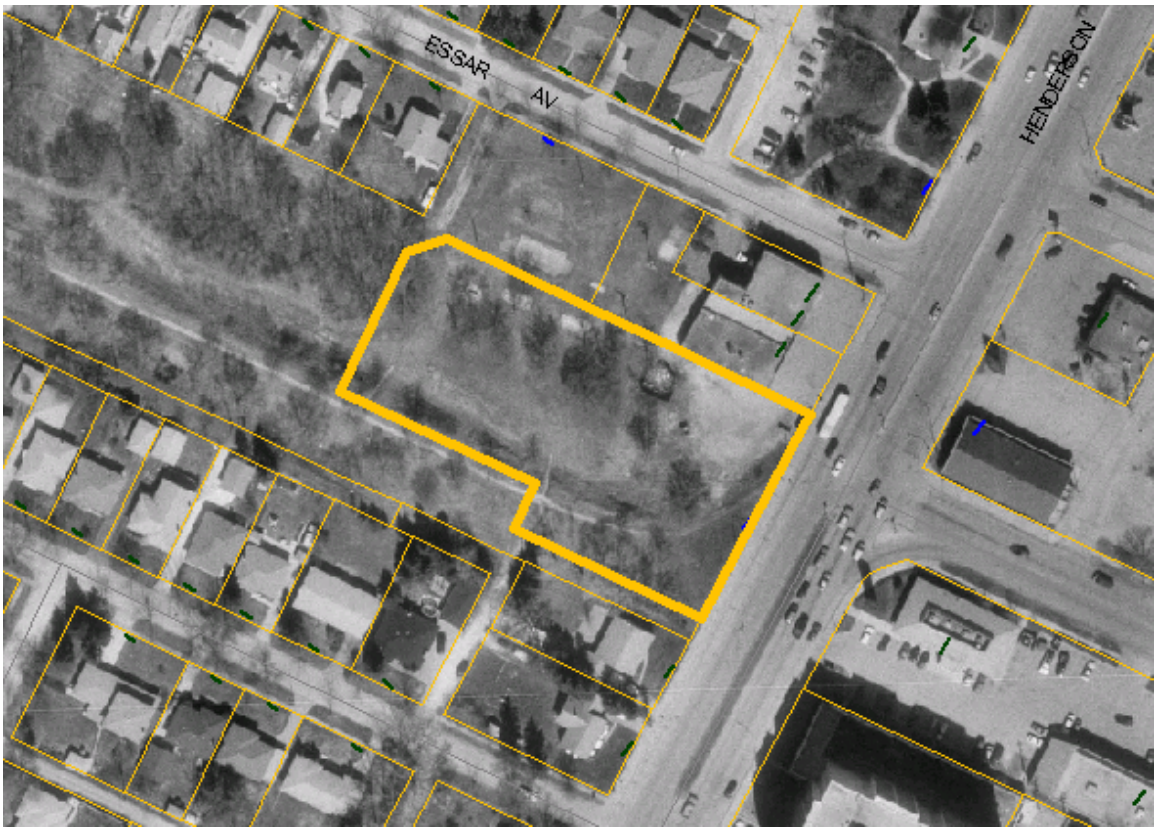


Figure 1: Air Photo of Subject Property and Surrounding Context

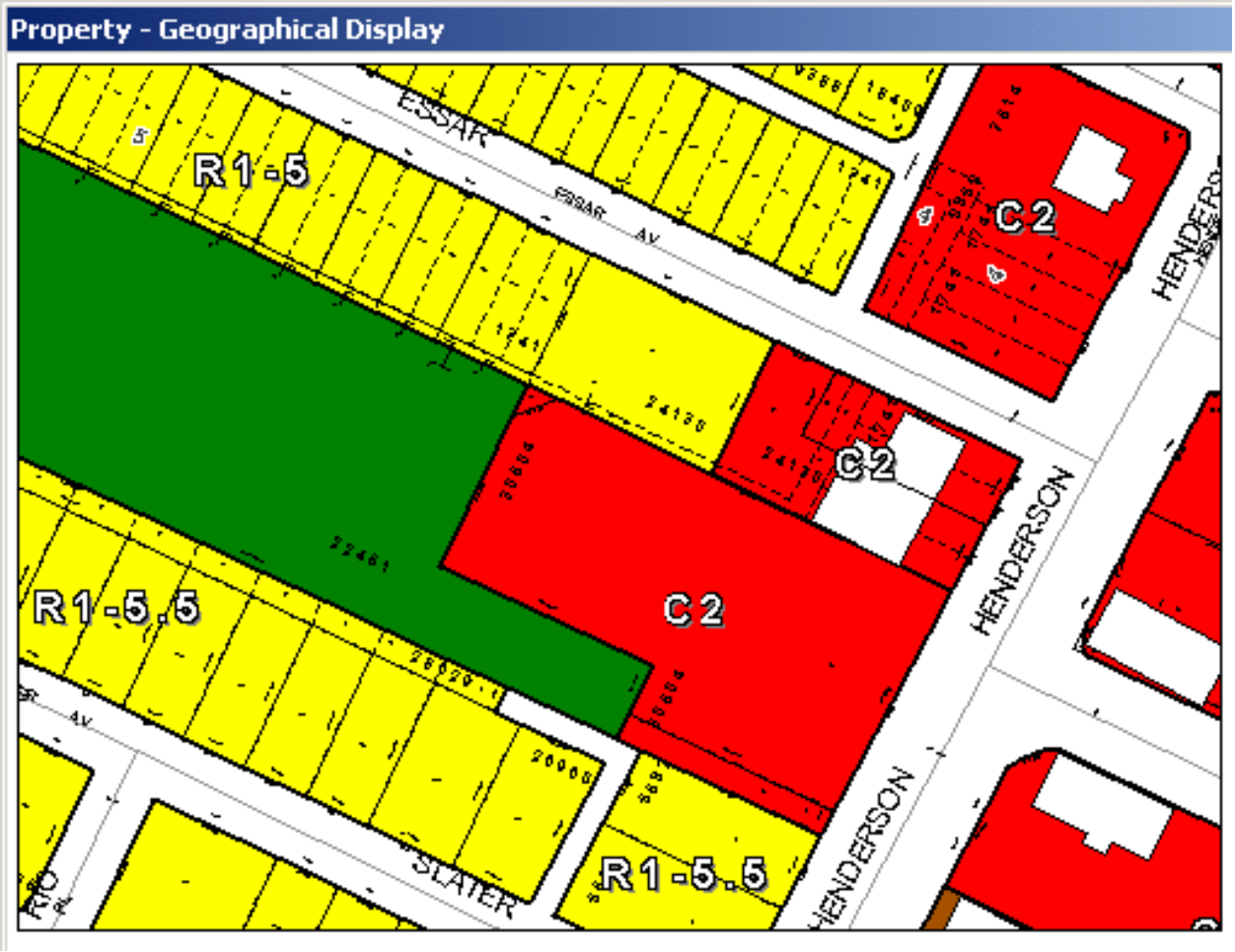


Figure 2: Zoning Map of Subject Property and Surrounding Context