Agenda - Executive Policy Committee - September 22, 2004

Minute No. 525
Report - Standing Policy Committee on Property and Development - September 7, 2004

Item No. 17 Rezoning - 775 Sherbrook Street
File DAZ 226/2004

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations 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 The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 226/2004 dated June 29, 2004, to a "C2" Commercial District subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to include the following conditions:

   A. That land use on the site be restricted to the following as permitted uses:

      i. Hospital, or similar treatment center, as a conditional use
      ii. Medical, dental, optical, counseling or other therapeutic clinic
      iii. Medical, dental, optical or other precision instruments, prosthetics: rental, sales, service
      iv. Medical, dental, optical or other precision instruments, prosthetics: custom manufacture
      v. Laboratory, or similar facility: medical, dental, and optical
      vi. University, college, or school
      vii. Accessory uses to hospitals, medical or dental clinics, laboratories, universities, colleges, or schools
      viii. Institutions of an educational or philanthropic nature, except those of a correctional nature
      ix. Non-accessory off-street parking and loading areas, or parking structures
      x. Dwelling, multiple-family, subject to the "RM-L" Multiple-Family District regulations of By-Law No. 6400/94
      xi. Day care center
      xii. Bank, credit union or similar financial service
      xiii. Banking/teller machines
      xiv. Barber shop, beauty salon, or similar grooming service
      xv. Book sales
      xvi. Stationery sales

Report - Standing Policy Committee on Property and Development - September 7, 2004

xvii. Convenience store, as a conditional use
xviii. Drug store
xix. Florist
xx. Gift store
xxi. Laundry, self-service
xxii. Office
xxiii. Post office, carrier depot
xxiv. Restaurant, with a maximum 2,500 square feet of floor area
xxv. Appliances, excluding major appliances: rental sales or service
xxvi. Art/antique: sales, service
xxvii. Arts/crafts/hobby: instruction, supplies, sales
xxviii. Artisan, crafting of custom products
xxix. Audio/video recordings: rental, sales
xxx. Bakery, baked goods: sales
xxxi. Bicycle: rental, sale or service
xxxii. Clothing: alteration, repair, sales
xxxiii. Communication equipment: rental, sale, service
xxxiv. Depot for dry cleaning, dyeing, laundry
xxxv. Dressmaker, furrier, tailor
xxxvi. Electronic equipment: rental sales, service
xxxvii. Fabric/yarn sales
xxxviii. General merchandise, retail
xxxix. Grocery
xl. Jeweler, watchmaker
xli. Liquor: sales
xlii. Luggage: rental, sale, service
xliii. Mail order business
xliv. Museum, art gallery
xlv. Musical instruments: rental, sale, service, music instruction
xlvi. Musical instruments: custom manufacture
xlvii. Personal service, not listed, not exceeding a floor area of 5,000 square feet as a provides for as a conditional use in the by-law
xlviii. Pet sales, pet supplies, pet grooming
xlix. Photographic developing/printing
l. Printing, photocopying, or similar service
li. Reducing salon, health spa, steam bath, tanning salon, or other similar facility
lii. Rental establishment
liii. Retail sales not listed, not exceeding a floor area of 5,000 square feet as provided for as a conditional use in the by-law

Report - Standing Policy Committee on Property and Development - September 7, 2004

liv. Sporting goods, rental, sales, service
lv. Trophy sales
lvi. Studio, including dance, martial arts, music, photography
lvii. Toy: sales
lviii. Trade school, business college
lix. Accessory uses, not listed

B. That all drive-through applications be treated as conditional uses.

C. That final construction plans indicating the design and location of the proposed buildings, including elevations and details or exterior finishing materials, accessory parking and loading areas, signage, lighting and photometrics, fencing, landscaping, hardscaping, and garbage enclosures be subject to the approval of the Lord Selkirk - West Kildonan Community Committee prior to the issuance of a building permit.

D. That no exterior alterations or additions be made to buildings and that no new buildings or structures be erected or located on the land except in accordance with plans approved by the Lord Selkirk - West Kildonan Community Committee.

E. That no permanent signage be erected on site except in accordance with plans approved by the Lord Selkirk - West Kildonan Community Committee.

F. That mobile advertising signs be prohibited except for a period of fourteen (14) days upon issuance of a new occupancy permit.

2. That a ten percent (10 %) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

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

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

Report - Standing Policy Committee on Property and Development - September 7, 2004

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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 - September 7, 2004

DECISION MAKING HISTORY:

Moved by Councillor Pagtakhan,

That the recommendations of the Standing Policy Committee on Property and Development and the Lord Selkirk-West Kildonan Community Committee be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On September 7, 2004, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk - West Kildonan Community and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation with the following amendments:

- That the words "without a drive-through" be deleted in sub-clauses xii, xiii and xxiv of clause 1.A.

- That a new clause 1.B. be added and the remaining clauses renumbered accordingly, namely:

  "1.B. That all drive-through applications be treated as conditional uses;"

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

RE: **Rezoning - 775 Sherbrook Street**
File DAZ 226/2004

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

Prepared by: **Diane Timmins, Clerk,**
Lord Selkirk-West Kildonan Community Committee

Report date: **July 23, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On July 6, 2004, the Lord Selkirk-West Kildonan Community Committee concurred in the administrative recommendation, as amended and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as outlined on Schedule "A" for File DAZ 226/2004 dated June 29, 2004, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

    A. That land use on the site be restricted to following as permitted uses:

        i. Hospital, or similar treatment center, as a conditional use
        ii. Medical, dental, optical, counseling or other therapeutic clinic
        iii. Medical, dental, optical or other precision instruments, prosthetics: rental, sales, service
        iv. Medical, dental, optical or other precision instruments, prosthetics: custom manufacture
        v. Laboratory, or similar facility: medical, dental, and optical
        vi. University, college, or school
        vii. Accessory uses to hospitals, medical or dental clinics, laboratories, universities, colleges, or schools.
        viii. Institutions of an educational or philanthropic nature, except those of a correctional nature.
        ix. Non-accessory off-street parking and loading areas, or parking structures.
        x. Dwelling, multiple-family, subject to the "RM-L" Multiple-Family District regulations of By-Law No. 6400
        xi. Day care center
        xii. Bank, credit union or similar financial service, ~~***without a drive-through***~~
        xiii. Banking/teller machines, ~~***without a drive-through***~~

xiv. Barber shop, beauty salon, or similar grooming service
xv. Book sales
xvi. Stationery sales
xvii. Convenience store, as a conditional use
xviii. Drug store
xix. Florist
xx. Gift store
xxi. Laundry, self-service
xxii. Office
xxiii. Post office, carrier depot
xxiv. Restaurant, with a maximum 2,500 square feet of floor area, ~~***without a drive-through***~~
xxv. Appliances, excluding major appliances: rental sales or service
xxvi. Art/antique: sales, service
xxvii. Arts/crafts/hobby: instruction, supplies, sales
xxviii. Artisan, crafting of custom products
xxix. Audio/video recordings: rental, sales
xxx. Bakery, baked goods: sales
xxxi. Bicycle: rental, sale or service
xxxii. Clothing: alteration, repair, sales
xxxiii. Communication equipment: rental, sale, service
xxxiv. Depot for dry cleaning, dyeing, laundry
xxxv. Dressmaker, furrier, tailor
xxxvi. Electronic equipment: rental sales, service
xxxvii. Fabric/yarn sales
xxxviii. General merchandise, retail
xxxix. Grocery
xl. Jeweler, watchmaker
xli. Liquor: sales
xlii. Luggage: rental, sale, service
xliii. Mail order business
xliv. Museum, art gallery
xlv. Musical instruments: rental, sale, service, music instruction
xlvi. Musical instruments: custom manufacture
xlvii. Personal service, not listed, not exceeding a floor area of 5,000 square feet as a provides for as a conditional use in the by-law
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lii. Rental establishment
liii. Retail sales not listed, not exceeding a floor area of 5,000 square feet as provided for as a conditional use in the by-law
liv. Sporting goods, rental, sales, service

lv. Trophy sales
lvi. Studio, including dance, martial arts, music, photography
lvii. Toy: sales
lviii. Trade school, business college
lix. Accessory uses, not listed

B. That all drive-through applications be treated as conditional uses.

C. That final construction plans indicating the design and location of the proposed buildings, including elevations and details or exterior finishing materials, accessory parking and loading areas, signage, lighting and photometrics, fencing, landscaping, hardscaping, and garbage enclosures, be subject to the approval of the Lord Selkirk - West Kildonan Community Committee prior to the issuance of a building permit.

D. That no exterior alterations or additions be made to buildings and that no new buildings or structures be erected or located on the land except in accordance with plans approved by the Lord Selkirk - West Kildonan Community Committee.

E. That no permanent signage be erected on site except in accordance with plans approved by the Lord Selkirk - West Kildonan Community Committee.

F. That mobile advertising signs be prohibited except for a period of fourteen (14) days upon issuance of a new occupancy permit.

2. That a ten percent (10 %) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

3. That in the event the application is not proceeded with expeditiously and the by-law is not enacted 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 time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

4. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

5. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

6. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

7. 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.

Note: The wording in bold and italics denotes amendments made by the Community Committee.

The Lord Selkirk-West Kildonan Community Committee the following supporting reason for its recommendation:

1. The Lord Selkirk-West Kildonan Community Committee agreed with the administrative comments contained in the report from the Manager of Planning and Land Use dated June 29, 2004.

PUBLIC HEARING SUMMARY

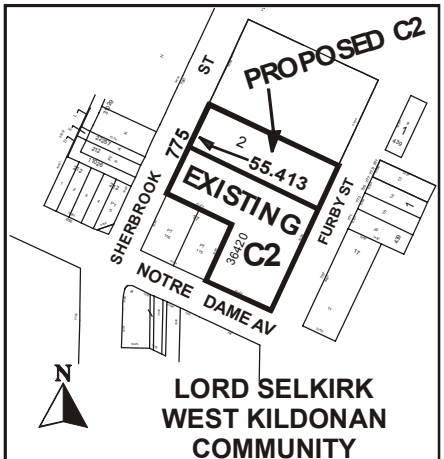
File: DAZ 226/2004

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Lazarenko
Councillor O'Shaughnessy

Public Hearing: July 6, 2004
Council Chamber, Council Building
510 Main Street

Applicant: ACI Properties Ltd. (Robert Akman)

Subject:



Premises Affected: 775 Sherbrook Street

Exhibits Filed:
1. Application dated May 3, 2004
2. Notification of Public Hearing dated May 6, 2004
3. Manitoba Status of Title 1602170

4. Letter of authorization dated April 7, 2004 from The Winnipeg School Division No. 1 to ACI Properties Ltd.
5. Preliminary Site Plan
6. Report from the Manager of Planning and Land Use dated June 29, 2004
7. Revised Conditions of Approval submitted by the Manager of Planning and Land Use dated July 5, 2004
8. Inspection Report

REPRESENTATIONS:

In Support:

Robert M. Akman
Doug Kalcsics
Debra Corsaro

In Opposition:

Nil

For Information:

Nil

For the City:

Mr. C. Torpey, Land Development Administrator, Planning, Property and Development Department
Mr. D. Marsh, Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Robert Akman, accompanied by Doug Kalcsics, appeared on behalf of the applicant, in support of the application. Mr. Kalcsics advised Committee that the applicant concurred with the revised recommendations outlined in Exhibit 7 with the exception of sub-clauses xii, xiii and xxiv of clause 1.A. which precludes the opportunity for any drive-through facilities on the site. In this connection, Mr. Kalcsics requested that the words "without a drive through" be deleted and that these uses be permitted as conditional uses instead.
Exhibit "7" referred to in File DAZ 226/2004

Revised Conditions of Approval – DAZ 226/04 - 775 Sherbrook St
July 6th, 2004 Lord Selkirk – West Kildonan Community Committee meeting

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ/04, attached hereto and dated June 29, 2004, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

A. That land use on the site be restricted to following as permitted uses:

1. Hospital, or similar treatment center, as a conditional use
2. Medical, dental, optical, counseling or other therapeutic clinic
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4. Medical, dental, optical or other precision instruments, prosthetics: custom manufacture
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6. University, college, or school
7. Accessory uses to hospitals, medical or dental clinics, laboratories, universities, colleges, or schools.
8. Institutions of an educational or philanthropic nature, except those of a correctional nature.
9. Non-accessory off-street parking and loading areas, or parking structures.
10. Dwelling, multiple-family, subject to the "RM-L" Multiple-Family District regulations of By-Law No. 6400
11. Day care center
12. Bank, credit union or similar financial service, without a drive-through
13. Banking/teller machines, without a drive-through
14. Barber shop, beauty salon, or similar grooming service
15. Book sales
16. Stationery sales
17. Convenience store, as a conditional use
18. Drug store
19. Florist
20. Gift store
21. Laundry, self-service
22. Office
23. Post office, carrier depot
24. Restaurant, with a maximum 2,500 square feet of floor area, without a drive-through
25. Appliances, excluding major appliances: rental sales or service

26. Art/antique: sales, service
27. Arts/crafts/hobby: instruction, supplies, sales
28. Artisan, crafting of custom products
29. Audio/video recordings: rental, sales
30. Bakery, baked goods: sales
31. Bicycle: rental, sale or service
32. Clothing: alteration, repair, sales
33. Communication equipment: rental, sale, service
34. Depot for dry cleaning, dyeing, laundry
35. Dressmaker, furrier, tailor
36. Electronic equipment: rental sales, service
37. Fabric/yarn sales
38. General merchandise, retail
39. Grocery
40. Jeweler, watchmaker
41. Liquor: sales
42. Luggage: rental, sale, service
43. Mail order business
44. Museum, art gallery
45. Musical instruments: rental, sale, service, music instruction
46. Musical instruments: custom manufacture
47. Personal service, not listed, not exceeding a floor area of 5,000 square feet as a provides for as a conditional use in the by-law
48. Pet sales, pet supplies, pet grooming
49. Photographic developing/printing
50. Printing, photocopying, or similar service
51. Reducing salon, health spa, steam bath, tanning salon, or other similar facility
52. Rental establishment
53. Retail sales not listed, not exceeding a floor area of 5,000 square feet as provided for as a conditional use in the by-law
54. Sporting goods, rental, sales, service
55. Trophy sales
56. Studio, including dance, martial arts, music, photography
57. Toy: sales
58. Trade school, business college
59. Accessory uses, not listed

B. That final construction plans indicating the design and location of the proposed buildings, including elevations and details or exterior finishing materials, accessory parking and loading areas, signage, lighting and photometrics, fencing, landscaping, hardscaping, and garbage enclosures, be subject to the approval of the Lord Selkirk – West Kildonan Community Committee prior to the issuance of a building permit;

C. That no exterior alterations or additions be made to buildings and that no new buildings or structures be erected or located on the land except in accordance with plans approved by the Lord Selkirk – West Kildonan Community Committee;

D. That no permanent signage be erected on site except in accordance with plans approved by the Lord Selkirk – West Kildonan Community Committee;

E. That mobile advertising signs be prohibited except for a period of fourteen (14) days upon issuance of a new occupancy permit.

II. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted 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 time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

IV. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

Exhibit "6" referred to in File DAZ 226/2004

In reply please refer to / Référence à rappeler :

David Marsh, AICP
(204) 986-5549
Fax / Téléc. : (204) 986-7524

File No. DAZ 226/04 June 29th, 2004
Our c/f CP 300 (.105)

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

Dear Ms. Timmins:

REZONING
775 Sherbrook Street
Lord Selkirk – West Kildonan Community Committee
File No. DAZ 226/04

An application has been received from ACI Properties Ltd., to amend By-Law No. 6400/94 by rezoning the land shown below from a "RM-L" Multiple Family Residential District to a "C2" Commercial District to allow for development of the proposed Summerset Wellness Clinic.

RELATED FILES: N/A



SITE DESCRIPTION:

Site Area, Existing Land Use, and Zoning:

The subject property is currently zoned 'RM-L' Multiple Family Residential, and is occupied by the former Summerset School building. The property in question is approximately 37,800 square feet (0.87 acres) in size.

Surrounding Land Use and Zoning:

North: Surface vehicle parking areas (RM-L & C2), then McDermot Ave
South: Vacant land and single storey office building (C2), then Notre Dame Ave
East: Furby St, then detach single family and multiple family residential buildings (C2 & RM-L)
West: Sherbrook St, then a gas station, parking garage, and medical clinic building (C2)

DEVELOPMENT DESCRIPTION:

The applicant, ACI Properties, is requesting rezoning of the subject site from 'RM-L' Multiple Family Residential to 'C2' Commercial to permit the development of a mixed use medical office and retail building. The applicant proposes to demolish the former Summerset School building on-site, and construct an approximately 49,000 square foot, three storey medical office building with a ground floor retail component. The proposed development would also ultimately incorporate the vacant land located immediately to the south, and the medical office building located at the corner of Sherbrook Street and Notre Dame Avenue.

Related to the application is a request to de-list the former Somerset School building from the City of Winnipeg Buildings Conservation List under the terms of the Historical Buildings By-Law 1474/77. The property was places on the Buildings Conservation List on May 8th, 1991 by City Council as a Grade III structure, against the objections of the owner, the Winnipeg School Division. At its June 23rd, 2004 meeting, the City Council approved the delisting of the former Summerset School building, which will permit the applicant to demolish the building.

PLAN WINNIPEG:

The subject property falls within a designated Neighbourhood Policy Area under Plan Winnipeg, which allows for mixed use, commercial, residential, and parks & recreation development; thus, the proposed rezoning is in conformance with Plan Winnipeg 2020.

ADMINISTRATIVE COMMENTS:

The Planning & Land Use Division has no objections to the proposed rezoning of the site to 'C2' Commercial. The proposed development will provide for additional medical office and clinic space, and the character of uses proposed is complementary to the Health Sciences Center /

University of Manitoba Bannatyne Campus complex and associated medical uses located to the west and north of the site.

The Planning & Land Use Division does have some specific concerns with the scope of uses permitted in a 'C2' Commercial District, and potential site design issues, and recommends that a zoning agreement be implemented. A 'C2' Commercial District permits a wide variety of uses which may not be complementary to the medical campus nature of the area, and may adversely impact the medical campus and adjacent neighbourhoods in terms of traffic, parking, and other nuisance issues. The Planning & Land Use Division recommends that uses on the site be restricted to those proposed by the applicant, and uses permitted via a zoning agreement in the Health Sciences Center / University of Manitoba Bannatyne Campus complex. These include a wide range of medical and medical related commercial uses, while restricting other more intensive and potentially obtrusive uses, such as drive-through restaurants, bars, tattoo parlours, and auto-related uses. The Planning & Land Use Division has also requested that any site plans require Community Committee approval, in order to ensure a high quality of site and architectural design on a highly visible street corner. The following site design issues have been identified for the site:

- A strong urban interface between the site and the surrounding streets, through use of building location, landscaping, street furniture, and architectural elements

- Ingress & Egress points for vehicles, and on-site traffic circulation patterns

- Pedestrian pathways between the street and the buildings

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ/04, attached hereto and dated June 29, 2004, to a "C2" Commercial District, subject to the applicant entering into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter to, to include the following conditions:

   A. That land use on the site be restricted to following as permitted uses:

      60. Hospital, or similar treatment center, as a conditional use
      61. Medical or dental clinics, laboratories, or similar facilities.
      62. University, college, or school, not conducted as a business enterprise.
      63. Accessory uses to hospitals, medical or dental clinics, laboratories, universities, colleges, or schools.
      64. Institutions of an educational or philanthropic nature, except those of a correctional nature.
      65. Non-accessory off-street parking and loading areas, or parking structures.
      66. Dwelling, multiple-family, subject to the "RM-L" Multiple-Family District regulations of By-Law No. 6400

67. Day care center
68. Bank, credit union or similar financial service, without a drive-through
69. Barber shop, beauty salon, or similar grooming service
70. Book sales
71. Stationery sales
72. Convenience store, as a conditional use
73. Drug store
74. Florist
75. Gift store
76. Laundry, self-service
77. Office
78. Post office, carrier depot
79. Restaurant, with a maximum 2,500 square feet of floor area, without a drive-through
80. Accessory uses, not listed

F. That final construction plans indicating the design and location of the proposed buildings, including elevations and details or exterior finishing materials, accessory parking and loading areas, signage, lighting & photometrics, fencing, landscaping, hardscaping, and garbage enclosures, be subject to the approval of the Lord Selkirk – West Kildonan Community Committee prior to the issuance of a building permit;

G. That no exterior alterations or additions be made to buildings and that no new buildings or structures be erected or located on the land except in accordance with plans approved by the Lord Selkirk – West Kildonan Community Committee;

H. That no permanent signage be erected on site except in accordance with plans approved by the Lord Selkirk – West Kildonan Community Committee;

I. That mobile advertising signs be prohibited except for a period of fourteen (14) days upon issuance of a new occupancy permit.

II. That a 10 per cent dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in the market value of the land.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted 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 time is applied for prior to the expiry of this twenty-four (24) month period and the extension is subsequently approved by Council.

IV. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

V. That the rezoning by-law shall come into effect when the Zoning Agreement has been registered by caveat as a first charge against the subject land at the Winnipeg Land Titles Office, provided that the said effective date occurs within twenty-four (24) months from the date that the said rezoning by-law is adopted by Council.

VI. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: _____
David Marsh AICP, Planner III
986-5549

By-Law No. _____

File No. **DAZ 226/04**

Atlas Sheet No. **Y23**

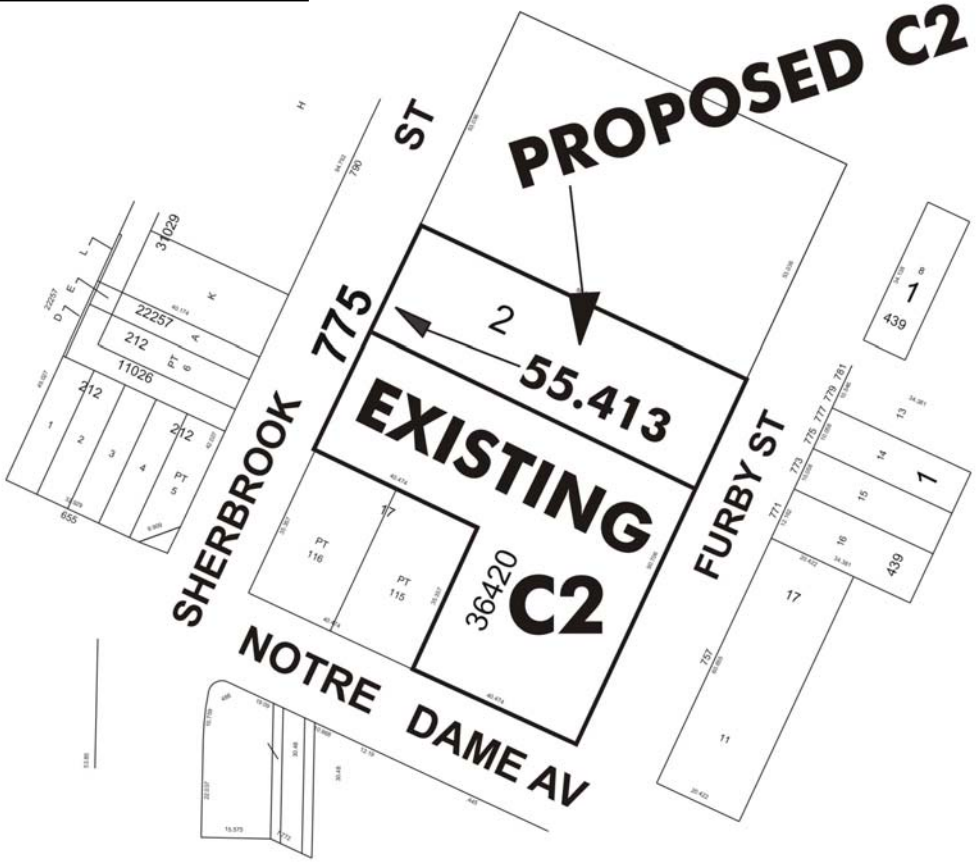
N

LORD SELKIRK WEST KILDONAN COMMUNITY

Explanation

A proposed zoning change to By-Law 6400/94 by rezoning the land located at 775 Sherbrook Street from an "RM-L" MULTIPLE-FAMILY DISTRICT to a "C2" COMMERCIAL DISTRICT.

Schedule "A" for File No. DAZ 226/04, LS/WK Community, dated June 29/04



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____