Proposed Rezoning - land located at 5 Lowson Crescent
File DAZ 209/2002 [c/r DAV 284/2002D and DCU 91/2002D]

11. The Standing Policy Committee on Property and Development has been advised that an application has been received from Terracon Developments Ltd. (Bill Kerr), 1 Terracon Place, Winnipeg, to amend Winnipeg Zoning By-law No. 6400/94 by rezoning the subject land from a "M3" Industrial District to a "M2" Industrial District to allow for commercial development.

The proposal is to rezone about nine (9) acres of land for immediate construction of a drive-through donut shop and the future construction of a multi-tenant commercial building. The multi-tenant building would be similar to one recently constructed by the applicant on the west side of Kenaston Boulevard as Phase 1 of the Tuxedo Business Park (approved under File DAZ 215/2001). The Husky fuel depot would remain as part of the overall development. The development is to be accessed from Lowson Crescent only.

The donut shop drive-through restaurant requires conditional use approval under the related File DCU 91/2002D. The applicant also requested yard and landscaping variances under File DAV 284/2002D. The Planning, Property and Development Department recommended denial of the conditional use application and in the reduction in the front yard (Lowson Crescent) from twenty-five (25) feet to four (4) feet.

On May 14, 2002, the Assiniboia Community Committee held a public hearing to consider the subject rezoning application. Two people registered in support of the application and one person registered for informational purposes.

The Assiniboia Community Committee concurred, in part, in the recommendations contained in the report dated April 26, 2002, from the Manager of Planning and Land Use, Planning, Property and Development Department. The Community Committee recommended approval of the proposed rezoning for the following reason:

1. That the Assiniboia Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use, Planning, Property and Development Department.

On May 27, 2002, the Standing Policy Committee on Property and Development concurred in the recommendations contained in Zoning Change Report dated May 17, 2002, from the Assiniboia Community Committee.

The Standing Policy Committee on Property and Development recommends:

I. That the Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for File DASZ 23/98 dated April 26, 2002, to a "M2" Industrial District, subject to the following:

   A. That the applicant enter into a zoning agreement with the City of Winnipeg pursuant to Subsection 591(1) of The City of Winnipeg Act, to provide for the following:

1. That prior to the issuance of a development permit, detailed plans showing site layout, parking, access, site lighting, building elevations and materials, signage, landscaping, fencing, and garbage enclosures be submitted for the approval of the Assiniboia Community Committee.

2. That the following uses be prohibited on the lands:
   a. amusement devices, accessory,
   b. animal pound, animal training; kennel
   c. art/crafts/hobby: instruction, sale of supplies
   d. auction yard
   e. bank, credit union
   f. banquet hall, dance hall
   g. barber shop, beauty salon
   h. bicycle: rental, sale, service
   i. bingo parlour
   j. bowling alley
   k. cabaret
   l. cocktail lounge
   m. dating and escort service
   n. drive-through facility
   o. explosives manufacture, storage
   p. florist
   q. gift store
   r. grocery, confectionary
   s. hotel, motel
   t. jeweller, watchmaker
   u. luggage, rental sales
   v. musical instruments, sale, service, instruction
   w. parish hall
   x. pawn shop
   y. pet sales, supplies, grooming
   z. restaurant: except for a drive-through with a maximum floor area of 2,500 square feet
   aa. sign, advertising
   bb. theatre, cinema, concert hall
   cc. toy sales

3. That freestanding signage on the site be limited to a height of 35 feet and a maximum sign surface area of 323 square feet.

4. That a landscaped yard of twenty-five (25) feet be provided adjacent to Kenaston Boulevard and future Sterling Lyon Parkway.

5. That access to the site from Kenaston Boulevard and Sterling Lyon Parkway be prohibited.

II. 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.

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 Council extends that time.

IV. 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.

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

The Executive Policy Committee recommends that the following be deleted from Recommendation I. A. 2., namely:

2.b. animal pound, animal training, kennel,
2.n. drive-through facility,
2.o. explosives manufacture, storage,
2.u. luggage, rental sales and
2.y. pet sales, supplies, grooming

Attachment "A" referred to in Clause 11 of the Report of the Standing Policy Committee on Property and Development dated May 27, 2002

By-Law No. _____

File No. DAZ 209/02

Atlas Sheet No.

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ASSINIBOIA
COMMUNITY

Explanation

A proposed zoning change to By-law No. 6400/94 by rezoning the land located at 25 Lowson Crescent from an "M3" INDUSTRIAL DISTRICT to an "M2" INDUSTRIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____