Agenda – Council – January 30, 2025

Report – Standing Policy Committee on Property and Development – January 13, 2025

Item No. 14 Rezoning – 128 Peguis Street
(Transcona Ward)
File DAZ 209/2024 [c/r DAV 173862/2024D and DCU 173717/2024D]

STANDING COMMITTEE RECOMMENDATION:

On January 21, 2025, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the following to Council:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 209/2024 by rezoning the subject land to a "C2" Commercial – Community District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated January 6, 2025 and attached as Schedule "B" to this report, subject to the following conditions:

    A. That the owner of the subject land (the "Owner") enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. the Owner must submit plans showing the location and design of any and all proposed:

            a. Buildings
            b. Accessory parking areas
            c. Private approaches
            d. Garbage enclosures
            e. Fencing
            f. Landscaping including sod in the front yard
            g. Free-standing signage
            h. Speed humps installed on the applicant's property prior to the Right of Way on the southern-most approach
            i. Bicycle parking

            on the Owner's Land ("Works") to the City for approval by the Director of Planning, Property and Development ("Director") and the East Kildonan-Transcona Community Committee prior to the issuance of any building or development permit and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

Report – Standing Policy Committee on Property and Development – January 13, 2025

STANDING COMMITTEE RECOMMENDATION (continued):

ii. *deleted*

iii. That mobile signs and A-board signs shall not be permitted.

iv. That the maximum building height shall be 36 feet.

v. That stop signs be installed and maintained by the property owner, located on the private property, at any vehicle exit that crosses the public active transportation path.

vi. That an entry prohibited sign be installed and maintained by the property owner, located on private property, to ensure motorists do not enter the most southerly proposed approach.

vii. That any digital sign must be a maximum of 1/3 of the size of the sign.

viii. That no third-party advertising shall be permitted on any digital signage at the property.

ix. That the minimum height of any rear yard fence be 6.5'.

x. That the hours of operation for any carwash facility be limited to 7:00 a.m. – 11:00 p.m.

xi. That no snow storage shall be permitted on the property, other than for temporary storage until it is moved to another site.

xii. That the following uses shall not be permitted:

a. Single Room Occupancy
b. Hotels or Motels
c. Drinking establishment
d. Personal Services
e. Auto/light truck/motorcycle, repair and service
f. Auto/light truck/motorcycle, sales and rental
g. Auto parts and supplies, sales
h. Fuel sales
i. Parking, structured
j. Contractor's establishment
k. Recycling facility
l. *deleted*

Report – Standing Policy Committee on Property and Development – January 13, 2025

STANDING COMMITTEE RECOMMENDATION (continued):

B. That the City enter into, execute and deliver with the Owner a Zoning Agreement in accordance with recommendation 1.A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

D. That Caveat 5265707/1 be discharged as it affects Lot 1, Plan 67926.

2. That, in lieu of the dedication of land, the developer shall provide a cash payment representing ten percent (10%) of the planned area value of the Development Application No. DAZ 209/2024 (the “Dedication Fee”), as determined by the City’s Director of Planning, Property and Development.

3. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a by-law in accordance with recommendation 1 (the “By-law”) and bring same directly to Council by way of communication for first reading.

4. That upon instruction from the Director of Planning, Property and Development that the Developer has paid all fees, charges or amounts due in respect of DAZ 209/2024 (collectively the “Fees”), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

5. That Development Application No. DAZ 209/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not paid the Fees within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

6. That the By-law will come into force when the Zoning Agreement is fully executed and registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

Report – Standing Policy Committee on Property and Development – January 13, 2025

STANDING COMMITTEE RECOMMENDATION (continued):

7. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 6, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

8. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

9. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File No. DAZ 209/2024.

10. That the conditional use order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File No. DAZ 209/2024.

Report – Standing Policy Committee on Property and Development – January 13, 2025

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 21, 2025, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On January 13, 2025, the Standing Policy Committee on Property and Development concurred in the recommendation of the East Kildonan-Transcona Community Committee, with the following amendments:

- Delete Recommendation 1.A.ii in its entirety
- Delete Recommendation 1.A.xii.l. in its entirety

and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 6, 2025, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- In Recommendation 1.A.i. add the following new "h":

  "h. Speed humps installed on the applicant's property prior to the Right of Way on the southern-most approach"

- In Recommendation 1.A.i. add the following new "i":

  "i. Bicycle parking"

- In Recommendation 1.A.iii.delete the words "digital signage"

- Add the following new Recommendation 1.A.v.:

  "v. That stop signs be installed and maintained by the property owner, located on the private property, at any vehicle exit that crosses the public active transportation path."

Report – Standing Policy Committee on Property and Development – January 13, 2025

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

- Add the following new Recommendation 1.A.vi.:

  "vi. That an entry prohibited sign be installed and maintained by the property owner, located on private property, to ensure motorists do not enter the most southerly proposed approach."

- Add the following new Recommendation 1.A.vii.:

  "vii. That any digital sign must be a maximum of 1/3 of the size of the sign."

- Add the following new Recommendation 1.A.viii.:

  "viii. That no third-party advertising shall be permitted on any digital signage at the property."

- Add the following new Recommendation 1.A.ix.:

  "ix. That the minimum height of any rear yard fence be 6.5'."

- Add the following new Recommendation 1.A.x.:

  "x. That the hours of operation for any carwash facility be limited to 7:00 a.m. – 11:00 p.m."

- Add the following new Recommendation 1.A.xi.:

  "xi. That no snow storage shall be permitted on the property, other than for temporary storage until it is moved to another site."

- Add the following new Recommendation 1.A.xii.:

  "xii. That the following uses shall not be permitted:

Report – Standing Policy Committee on Property and Development – January 13, 2025

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

a. Single Room Occupancy
b. Hotels or Motels
c. Drinking establishment
d. Personal Services
e. Auto/light truck/motorcycle, repair and service
f. Auto/light truck/motorcycle, sales and rental
g. Auto parts and supplies, sales
h. Fuel sales
i. Parking, structured
j. Contractor's establishment
k. Recycling facility
l. Any cannabis or cannabis product sales."

and forwarded the matter to Standing Policy Committee on Property and Development.

PUBLIC HEARING SUMMARY

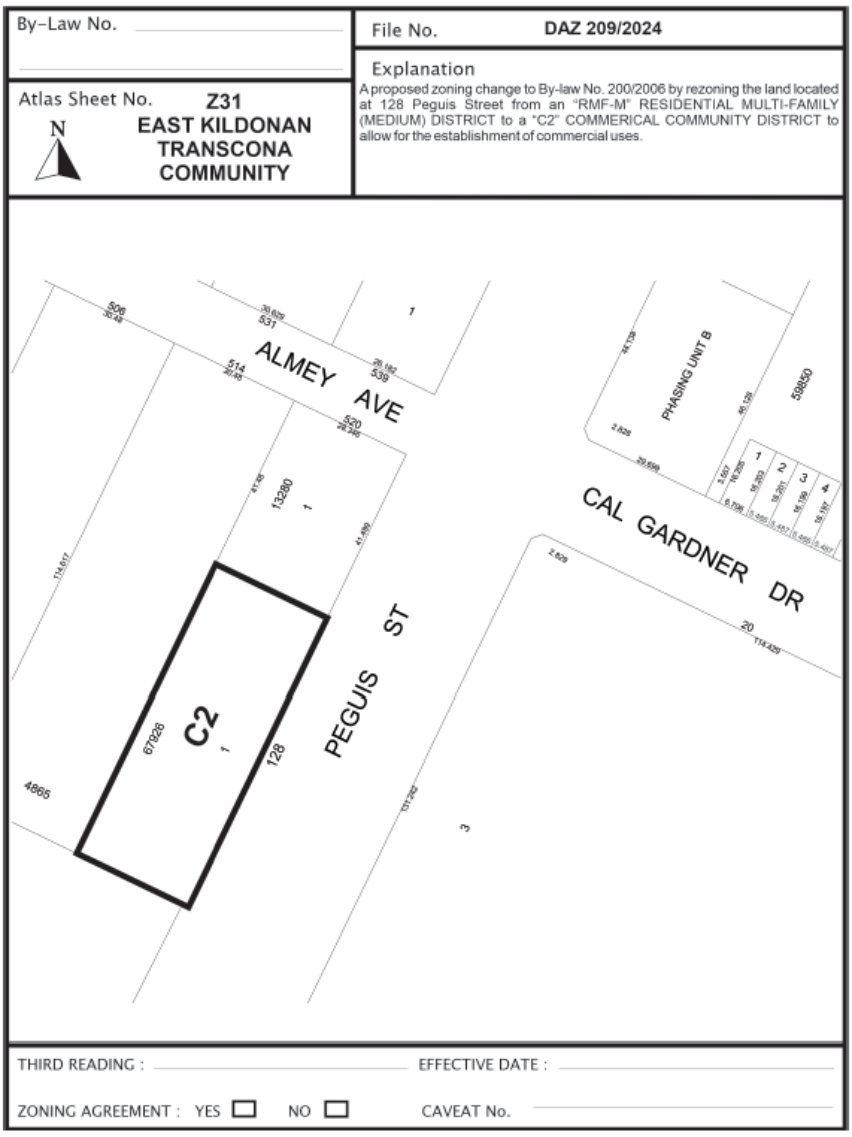
File: DAZ 209/2024

Before: East Kildonan-Transcona Community Committee
Councillor Schreyer, Chairperson
Councillor Browaty
Councillor Wyatt

Public Hearing: January 6, 2025
Council Building, 510 Main Street

Applicant: McGowan Russell Group Inc. (Jackie Wilkie)

Subject:



Premises Affected: 128 Peguis Street

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

Prepared by: B. Harris, Senior Committee Clerk
East Kildonan-Transcona Community Committee

Report date: January 7, 2025

Community Committee Recommendation:

On January 6, 2025, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development:

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 209/2024 by rezoning the subject land to a "C2" Commercial – Community District in accordance with the proposed by-law attached as Appendix "A" to this report and as shown on the map dated January 6, 2025 and attached as Schedule "B" to this report, subject to the following conditions:

    A. That the owner of the subject land (the "Owner") enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. the Owner must submit plans showing the location and design of any and all proposed:

            a. Buildings
            b. Accessory parking areas
            c. Private approaches
            d. Garbage enclosures
            e. Fencing
            f. Landscaping including sod in the front yard
            g. Free-standing signage
            h. Speed humps installed on the applicant's property prior to the Right of Way on the southern-most approach
            i. Bicycle parking

            on the Owner's Land ("Works") to the City for approval by the Director of Planning, Property and Development ("Director") and the East Kildonan-Transcona Community Committee prior to the issuance of any building or development permit and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. That a 20 foot (6.10 metre) landscaped buffer be installed and maintained between any commercial uses and the north and east property lines that abut residential uses, to the satisfaction of the Director of Planning, Property and Development.

iii. That ***~~digital signage~~*** mobile signs, and A-board signs shall not be permitted.

iv. That the maximum building height shall be 36 feet.

v. That stop signs be installed and maintained by the property owner, located on the private property, at any vehicle exit that crosses the public active transportation path.

vi. That an entry prohibited sign be installed and maintained by the property owner, located on private property, to ensure motorists do not enter the most southerly proposed approach.

vii. That any digital sign must be a maximum of 1/3 of the size of the sign.

viii. That no third-party advertising shall be permitted on any digital signage at the property.

ix. That the minimum height of any rear yard fence be 6.5'.

x. That the hours of operation for any carwash facility be limited to 7:00 a.m. – 11:00 p.m.

xi. That no snow storage shall be permitted on the property, other than for temporary storage until it is moved to another site.

xii. That the following uses shall not be permitted:

a. Single Room Occupancy
b. Hotels or Motels
c. Drinking establishment
d. Personal Services
e. Auto/light truck/motorcycle, repair and service
f. Auto/light truck/motorcycle, sales and rental
g. Auto parts and supplies, sales
h. Fuel sales
i. Parking, structured
j. Contractor's establishment
k. Recycling facility
l. Any cannabis or cannabis product sales.

B. That the City enter into, execute and deliver with the Owner a Zoning Agreement in accordance with recommendation 1.A., and such other agreements as

determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

D. That Caveat 5265707/1 be discharged as it affects Lot 1, Plan 67926.

2. That, in lieu of the dedication of land, the developer shall provide a cash payment representing ten percent (10%) of the planned area value of the Development Application No. DAZ 209/2024 (the “Dedication Fee”), as determined by the City’s Director of Planning, Property and Development.

3. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a by-law in accordance with recommendation 1 (the “By-law”) and bring same directly to Council by way of communication for first reading.

4. That upon instruction from the Director of Planning, Property and Development that the Developer has paid all fees, charges or amounts due in respect of DAZ 209/2024 (collectively the “Fees”), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

5. That Development Application No. DAZ 209/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not paid the Fees within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

6. That the By-law will come into force when the Zoning Agreement is fully executed and registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

7. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 6, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

8. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

9. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File No. DAZ 209/2024.

10. That the conditional use order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File No. DAZ 209/2024.

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

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

1. I'm overturning the decision of the administration, or the recommendation of the administration. They support the zoning but they do not support the conditional use and Variance, we are supporting that here today, which is coming up next, but I'll speak to the zoning.

2. I would like to thank the applicant for his perseverance, for not giving up on this site and this location and for going through very extensive process to get to this point with regards to the fact that it's very unfortunate that the pandemic affected many businesses, maybe it's a blessing in disguise that it happened the way it had.

3. I just want to thank Mr Worku for his steadfastness and willingness to keep going, him and his family, and for making this investment in our community.

4. Local people will be employed, he's been very cooperative. I want to thank his consultants for working so closely with the community. I don't think I remember a public hearing where all the local residents showed up in support, no one in opposition, I want that noted for the records. That was really amazing to see, to be honest.

5. I want to thank local residents who attended here today. I think they spoke sincerely and honestly and they were very supportive, and I think they also sensed the work that Mr. Worku has done in the neighbourhood and his consultants, so thank you very much for doing that. I just want to thank the residents.

6. I just want to, some of the points that were not addressed but I want to reiterate it and had kind of said during the hearings. The lot grading issue is by and large now, not by and large, it is addressed by the Lot Grading By-law, so there's no drainage issues per se. Somebody cannot flood another person's property so, these standards were not in place years ago but are now in place in the city.

7. In terms of the water usage, water usage is a private matter but I'm sure he's going to want to restrict or limit the amount of fresh water he consumes based on the rate that the City charges these days.

8. In terms of the garbage receptacle, I think that's something that I had identified but that will be up to Mr. Worku how he wants to look after that, in terms of the garbage on the site. That's an internal issue, his own internal issue.

9. Vacuums are inside so that issue is addressed.

10. It’s consistent with Peguis Street to the south, you have a large commercial rezoning that took place toward the end of last year, namely the Malls and Corridors rezoning where Council rezoned land throughout the city., This land now directly abuts that land, that land to the south as already zoned commercial I want to note.

11. Peguis has become a very busy collector street, there are no, there’s no convenience store in the area that’s handy for residents, that will address that concern. Creates more of a neighbourhood that way.

12. And I want to recognize the fact that the developer is paying back to other developers, a considerable amount of money for the servicing costs related to this Development. Ironically, we never really went through the Servicing Agreement, but I didn’t hear the applicant, I didn’t hear the consultant mention any other issues inside the servicing agreement that was a concern, but it’s just the payback I guess.

Objections under the Charter:

Total number of **v**alid objections as per section 125(2) – 0

In accordance with section 236.1(1), the threshold for sufficient objection has not been met.

Exhibits Filed:

1. Application dated September 16, 2024
2. Notification of Public Hearing dated November 20, 2024
3. Manitoba Status of Title 3107453/1
4. Letter of authorization dated November 30, 2023 from 10031260 Manitoba Ltd. (Zekarias Worku) to McGowan Russell Group Inc.
5. Caveat 5265707/1
6. Plans (8 pages)
7. Report from the Urban Planning Division dated December 13, 2024
8. Inspection Report
9. Communication dated January 6, 2025, from Jackie Wilkie in support of the application
10. Communication dated January 3, 2025, from Jackie Wilkie in support of the application
11. Communication dated December 12, 2024, from Adam Wedlake in support of the application
12. Communication dated January 2, 2025, from Mohamed Karim in support of the application
13. Communication dated January 3, 2025, from Albert Eltassi in support of the application
14. Communication dated January 4, 2025, from Yonas Zewude in support of the application
15. Communication dated January 4, 2025, from Elleni Asres with respect to the application
16. Communication in support of the application submitted by Stan Dueck at the public hearing
17. Presentation in support of the application submitted by Stan Dueck at the public hearing
18. Recording of representations

REPRESENTATIONS:

In Support:

Betelhem Abegaz
Yemane Berhanu Actaseb
Tefera M.Asfaw
Addis Bezabih
Judith Burym
Stanley Burym
Stan Dueck
Mustefa Ebro
Albert Eltassi
Kaleab Engida
Yohannes Engida
Rosina Gaudio
Susie Hailstone
Mohamed Karim
Dawit Neway
Tonina Paulic
Daniel Tsige
John Van Leeuwen
Adam Wedlake
Jackie Wilkie
Moges Woldemedhin
Zekarius Worku
Yonas Zewude

In Opposition:

Nil

For Information:

Elleni Asres

For the City:

D. Chyz-Lund, Planner, Planning, Property and Development Department
S. Nuttall, Planner, Planning, Property and Development Department

Exhibit “7” referred to in File DAZ 209/2024

ADMINISTRATIVE REPORT

Title: DAZ 209/2024 at 128 Peguis Street

Issue: For consideration at the Public Hearing to rezone one (1) existing lot from “RMF-M” Residential Multi-Family (Medium) district to “C2” Commercial Community district, for the construction of a carwash and convenience store building.

Critical Path: East Kildonan - Transcona Community Committee > Standing Policy Committee on Property and Development > Executive Policy Committee > Council

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Dylan Chyz-Lund, MCP	n/a	n/a	n/a	

RECOMMENDATIONS

1. That the Winnipeg Zoning By-law No. 200/2006 be amended under Development Application No. DAZ 209/2024 by rezoning the subject land to a “C2” Commercial – Community District in accordance with the proposed by-law attached as Appendix “A” to this report and as shown on the map dated January 6, 2025 and attached as Schedule “B” to this report, subject to the following conditions:

    A. That the owner of the subject land (the “Owner”) enter into a Zoning Agreement with the City pursuant to subsection 240(1) of The City of Winnipeg Charter in accordance with the following:

        i. the Owner must submit plans showing the location and design of any and all proposed:

            a. Buildings

            b. Accessory parking areas

            c. Private approaches

            d. Garbage enclosures

            e. Fencing

            f. Landscaping including sod in the front yard; and

            g. Free-standing signage

on the Owner's Land ("Works") to the City for approval by the Director of Planning, Property and Development ("Director") and the East Kildonan-Transcona Community Committee prior to the issuance of any building or development permit and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

ii. That a 20 foot (6.10 metre) landscaped buffer be installed and maintained between any commercial uses and the north and east property lines that abut residential uses, to the satisfaction of the Director of Planning, Property and Development.

iii. That digital signage, mobile signs, and A-board signs shall not be permitted.

iv. That the maximum building height shall be 36 feet.

B. That the City enter into, execute and deliver with the Owner a Zoning Agreement in accordance with recommendation 1.A., and such other agreements as determined necessary by the City Solicitor/Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

C. That authority be delegated to the Director of Planning, Property and Development to negotiate and approve the terms and conditions of the Zoning Agreement and any Ancillary Agreements in accordance with this report and such other terms and conditions determined necessary by the City Solicitor/Director of Legal Services to protect the interests of the City.

D. That Caveat 5265707/1 be discharged as it affects Lot 1, Plan 67926.

2. That, in lieu of the dedication of land, the developer shall provide a cash payment representing ten percent (10%) of the planned area value of the Development Application No. DAZ 209/2024 (the "Dedication Fee"), as determined by the City's Director of Planning, Property and Development.

3. That, upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor prepare a by-law in accordance with recommendation 1 (the "By-law") and bring same directly to Council by way of communication for first reading.

4. That upon instruction from the Director of Planning, Property and Development that the Developer has paid all fees, charges or amounts due in respect of DAZ 209/2024 (collectively the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

5. That Development Application No. DAZ 209/2024 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not paid the Fees within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

6. That the By-law will come into force when the Zoning Agreement is fully executed and registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.

7. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Zoning Agreement is not registered in accordance with recommendation 6, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

8. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

9. That the variance order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File No. DAZ 209/2024.

10. That the conditional use order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File No. DAZ 209/2024.

REASON FOR THE REPORT

- The applicant wishes to rezone one (1) existing lot from “RMF-M” Residential Multi-Family (Medium) district to “C2” Commercial Community district, for the construction of a carwash and convenience store building.
- Rezoning applications require a Public Hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The Report is being submitted for the Committee’s consideration of the development application at the Public Hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning and Design Division are concurred in, the proposed rezoning **can** proceed in accordance with Schedule “B” to this report.

HISTORY

- This property was the subject of a previous rezoning under File No. DASZ 21/2017. DASZ 21/2017 rezoned the property to the “RMF-M” Residential Multi-Family (Medium) district for the purpose of constructing a multi-family building. As part of that rezoning, a Zoning Agreement was entered into which introduced restrictions to development on the property. Given that a new application has been made to change the zoning district and the intent for development on the lot, the Public Service has recommended the previous Zoning Agreement be discharged, and that a new agreement be entered into.
- The following conditions are a part of the current Zoning Agreement that applies to the property, having been entered into as a result of DASZ 21/2017:

2. That the Owner must submit plans showing the location and design of any and all proposed:

(i) buildings,

(ii) parking areas and driveways,

(iii) garbage enclosures,

(iv) fencing,

(v) exterior lighting,

(vi) landscaping,

(vii) walkways and bikeways,

(viii) visitor bicycle parking facilities and

(ix) free-standing signage;

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the East Kildonan – Transcona Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

3. That digital signage, mobile signs, and A-board signs shall not be permitted.

4. That no more than 20 dwelling units shall be permitted

5. That the maximum building height shall be 36 feet.

6. That the minimum parking ratio be 1.5 parking spaces per dwelling unit.

7. That the proposed building, including any proposed balcony, shall be at least 20 feet from the rear lot line.

8. That the north side yard to the proposed building shall be a minimum of 48 feet.

9. Motor-vehicle access to the site shall be located north of the principal building

10. That the rear yard be fully landscaped beginning from the rear lot line to a minimum of 20 feet inwards.

11. That the garbage enclosure be fully enclosed, including a roof.

12. That in the event that the balconies are protruding on the west side of the building, full visual screens be installed on the north side of each balcony.

13. That fencing be installed on the north, south and west sides of the property.

- The recommended Zoning Agreement for the present application would remove most of the existing Zoning Agreement conditions created under DASZ 21/2017. Please see the "Additional Considerations" section beginning on page 13 of this report, which explains the rationale for recommending the removal of some of the existing Zoning Agreement conditions along with the recommendation for new conditions.

CONSULTATION

In preparing this report there was consultation with:

Land Development Branch

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic Opportunity #4: Facilitate Compact, Complete Development and Increase Density

- **Key Direction 4.2:** Ensure new areas of growth are designed according to the principles of Complete Communities.

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

Consideration was given as to whether this report connects to any of the specific Goals and Objectives in the Poverty Reduction Strategy (PRS) and it was determined that the PRS is not applicable to this specific report.

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By:	Dylan Chyz-Lund, MCP
Date:	December 13, 2024
File No.	DAZ 209 / 2024

List of Schedules and Attachments:

- Schedule A: Planning Discussion
- Schedule “B” of File No. DAZ 209 / 2024, East Kildonan – Transcona Community Committee, dated January 6, 2025
- Appendix A: Draft by-law

SCHEDULE A

DATE: March 14, 2024

FILE: **DAZ 209/2024**

RELATED FILES: DAV 24-173862\D

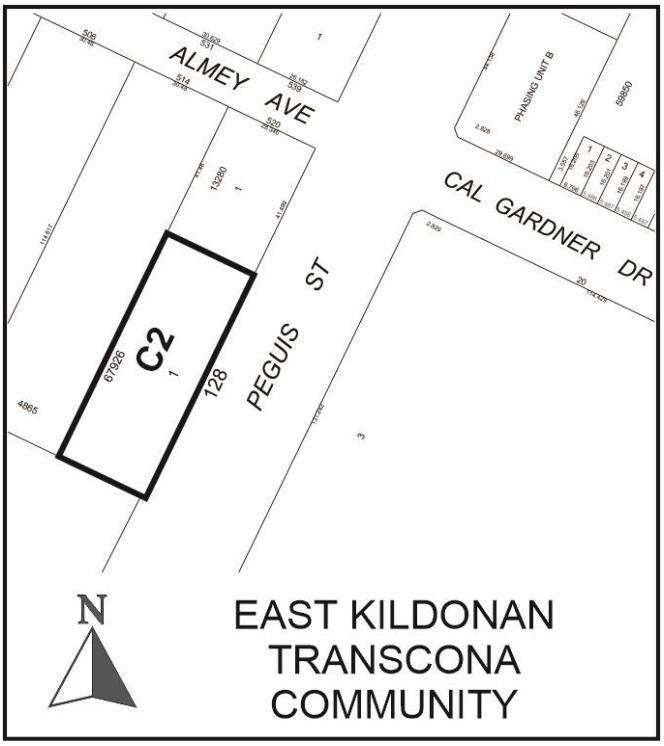
DCU 24-173717\D

COMMUNITY: East Kildonan – Transcona

NEIGHBOURHOOD #: 417 - Peguis

SUBJECT: DAZ - rezoning to rezone one (1) existing lot from “RMF-M” Residential Multi-Family (Medium) district to “C2” Commercial Community district, for the construction of a commercial building including a car wash and convenience store.

LOCATION: 128 Peguis Street



LEGAL DESCRIPTION: LOT 1 PLAN 67926

APPLICANT:	Jackie Wilkie (McGowan Russell Group Inc.) 825 St. Joseph St Winnipeg, MB R2H 3A8
OWNER:	10031260 MANITOBA LTD. 138 Lorne Ave 105 Winnipeg, MB R2W 2N9
RECOMMENDATION:	**Approval with Conditions**

SITE DESCRIPTION

The site is located on the west side of Peguis Street between Reenders Drive and Almey Avenue in the Peguis Neighbourhood of the Transcona ward.

The property is currently zoned “RMF-M” Residential Multi-Family (Medium) district.

The property is located in a “Recent Community” policy area as designated in *Complete Communities 2.0*, and in a “Proposed Residential Mixed Use” policy area of the *Transcona West Area Structure Plan*.

The property has an assessed area of 22,303 square feet.

The property is currently vacant.



Figure 1: Subject site and surrounding area (flown 2024).

SURROUNDING LAND USE AND ZONING (See Figure 2)

The surrounding area is characterized by a mix of single family uses and multi-family uses of varying scale. In addition, further south there is substantial large-scale commercial development.

North: A single-family dwelling zoned “R1-L” Residential Single-Family Large district.

South: Vacant land zoned “RR5” Rural Residential 5 district.

East: Peguis Street, then a multi-family dwelling zoned “RMF-L” Residential Multi-Family (Large) district.

West: Single-family dwellings split-zoned “RR5” Rural Residential 5 district and “R1-L” Residential Single-Family Large district.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to rezone the existing lot to the “C2” Commercial – Community district, for the construction of a carwash and convenience store building.
- The proposed development would:
    - Be 29’ in height, measured to the top of the parapet.
    - Have a 2’ rear yard from the west property line.
    - Have a 5’ 4” setback between the vehicle queuing area and the north property line.
    - Have a 6’ 6” front yard setback to Peguis Street.
    - Have two vehicle access points to Peguis Street, crossing the active transportation path.
    - Be clad with concrete masonry and paneling.
    - Include a total of 17 trees and 90 shrubs, located along the east and north property lines.

REASON FOR APPLICATION

- The property is currently zoned “RMF-M” Residential Multi-Family (Medium) district. This zoning district does not permit carwashes.
- The applicant wishes to construct a new building with a carwash and convenience store, and therefore must rezone the property to the “C2” Commercial – Community district to accommodate the uses.
- In order to rezone the lot to accommodate the new use, a rezoning application is required.
- A Conditional Use is also required to establish a carwash in the “C2” district, and to enable non-compliance with use specific standards that require an accessory drive-thru facility for a carwash be separated from a residential use by an intervening building, public lane, or public street.
- The Conditional Use is analyzed in greater detail in the accompanying report for DCU 24-173717\D.
- Variances are required for:
    - A reduced north side yard.
    - A reduced west rear yard.
    - A reduced east front yard.
    - Insufficient building foundation landscaping.
    - Insufficient parking spaces.
    - Insufficient parking space widths.
- The variances are analyzed in greater detail in the accompanying report for DAV 24-173862\D

- The Public Service is recommending **approval** of the rezoning application, and **rejection** of both the Conditional Use and Variance applications.

Collaboration with the Public Service:

- The applicant worked with the Public Service in advance of their application, undertaking a Pre-Application. At that time, the Public Service noted they would not support the proposed carwash.

ANALYSIS AND ISSUES

OURWINNIPEG

OurWinnipeg is the City of Winnipeg's long-range development plan. Applicable Policies for Recent Communities include the following:

6.1 Sustainable Urban Growth

- *The City must accommodate physical development that reflects this Plan's goals, and achieves a continuum of complete and connected communities over the lifecycle of the Plan.*

6.16 Established Neighbourhoods

- *Designate Established Neighbourhoods within the Urban Structure, representing lands that will accommodate additional growth in a context-sensitive manner, while promoting the efficient use of land, cost-effective municipal servicing, enhanced housing choice and affordability, and conservation of green infrastructure and heritage resources and districts, as defined in Complete Communities.*

The proposed rezoning application **aligns** with *OurWinnipeg* for the following reasons:

- The proposal introduces commercial development onto an arterial street, which is supported by the applicable secondary plan for the area – the *Transcona West Area Structure Plan*.
- However, the associated Conditional Uses and Variance do not align with OurWinnipeg 2045, as a car wash use on the site is not context-sensitive to the surrounding residential uses, including single-family dwellings abutting to the north and west.

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* (*CCDS 2.0*) is one of four direction strategies supporting *OurWinnipeg 2045*, the city's long-range development plan, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- The site is located in an "Established Neighbourhood – Recent Communities" policy area of *CCDS 2.0*. Certain goals and policies of *CCDS 2.0* apply to the proposal, discussed below.

- Goal 4 - *Ensure neighbourhoods accommodate a range of commercial services and amenities within walking distance to meet daily needs.*
    - *4.1 Support commercial development where residential neighbourhoods are not well served by local and community commercial amenities*

      While there is substantial commercial development to the south of this site – including an existing mall and grocery store – there are few commercial lots deeper into the Peguis neighbourhood. Rezoning the property to a "C2" Commercial – Community district will introduce further opportunities for local and community commercial amenities into the predominantly residential neighbourhood.

      Residential development in the Peguis Neighbourhood has intensified over the previous ten years, with increasing numbers of single-family homes on smaller lots, multifamily dwellings, and two-family dwellings. Enabling a community commercial development on this smaller lot will enable additional amenities in this transitioning neighbourhood, helping to meet the needs of current and future residents.
    - *4.4 New commercial development should be complementary and context sensitive to nearby uses.*
    - *4.13.* Consider new locations for small scale commercial uses that have a neighbourhood focus if they meet at least one of the following criteria:

      (a) The property is located on a collector or arterial road abutting existing commercial uses at the periphery of the neighbourhood

      (b) Immediately adjacent uses render the subject property unsuitable for residential development; and

      (c) The property contains existing non-residential uses or buildings that were not designed to accommodate residential uses.

      The lot is located on an arterial street with direct access to an active transportation path. Further, the neighbouring property that abuts to the south was approved to be rezoned to the "C4" Commercial Regional district in 2013. Together, these factors make a rezoning to the "C2" Commercial – Community district context sensitive to nearby uses.

TRANSCONA WEST AREA STRUCTURE PLAN

5.4.2 Policies

(1) Composition of Residential Mixed Use Areas

(a) Subject to the policies of this Plan,

(i) a significant use of land within Residential Mixed Use Areas will incorporate low, medium and higher density residential uses.

(ii) in order to create a cohesive shopping, living and leisure environment

(A) institutional, office, recreational or public uses that complement and support the area may be allowed,

(B) local, retail or community-scale commercial uses and services that are compatible with higher residential densities may also be allowed

The policies of the *Transcona West Area Structure Plan* are supportive of community-scale commercial uses on this site. The "C2" Commercial – Community district is an appropriate zoning district to enable community-oriented commercial uses.

ZONING BY-LAW 200/2006

- The "C2" Commercial – Community district is intended to facilitate commercial developments including, where appropriate, auto-oriented uses such as a car wash through an additional layer of approval – the Conditional Use.
- The site is located in an area characterized by a mixture of land uses, including higher intensity commercial uses south of the site, along with single-family and multi-family developments surrounding the site.
- A commercial use is appropriate for the site, given the surrounding context, the policies of *Complete Communities 2.0*, and the policies of the *Transcona West Area Structure Plan*. However, the proposed carwash use, which requires additional discretionary approvals, is not appropriate for the site.
- Based on these considerations, the "C2" zoning district is an appropriate zoning district for the site, and is supportable, despite the Conditional Use and Variance not being supportable. Other permitted commercial uses in the "C2" zoning district that comply with the Winnipeg Zoning By-Law would be appropriate on the site.

ADDITIONAL CONSIDERATIONS

Public Works

- There is no Administrative Coordinating Group report for this application. However, Public Works has expressed concerns with the proposed design, and therefore wishes to make the applicant and Members of Council aware of the following issues:
    - Public Works has concerns with the location of the most southerly proposed approach with respect to the proposed building and existing path.
    - Public Works recommends shifting the most southerly proposed approach a couple of metres south to enhance sight lines of the path when exiting the southerly approach, due to the proximity of the proposed building to the property line.
    - The Developer will be required to install and maintain stop signs on private property to ensure vehicles stop prior to crossing the multi-use path and an entry prohibited sign to ensure motorists do not enter the most southerly proposed approach.
    - These items can be addressed during the development permit and private approach application stages.
    - Public Works would also like to inform that if vehicles queue from the car wash and block the existing multi-use path on the west side of Peguis Street, it poses safety risks for the path's users.

Zoning Agreement Conditions

- As noted in the “History” section of this report, this property was the subject of a previous DASZ application. As part of that previous DASZ approval, a Zoning Agreement for the property was required that is currently in effect. The existing Zoning Agreement includes multiple clauses that restrict the height, yards, vehicle access points, and site and building design details for development of this property.
- Given that a new application has been made that will rezone the property from a multi-family district to a commercial district, the Public Service has recommended discharging the existing Zoning Agreement while also requiring a new Zoning Agreement be entered into.
- The recommended new Zoning Agreement would replace all of the existing Zoning Agreement conditions with four new conditions:
    - A requirement for Plan Approval be submitted to the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee.
        - This is consistent with a condition in the existing Zoning Agreement. This is intended to ensure that final plans showing the design of any buildings and site plans are reviewed by the Director of Planning, Property and Development and the East Kildonan – Transcona Community Committee.
    - A requirement for a 20’ landscaped buffer be maintained between any commercial uses and the north and east property lines that abut residential uses
        - The existing Zoning Agreement requires the following setbacks:

          That the proposed building, including any proposed balcony, shall be at least 20 feet from the rear lot line.

          That the north side yard to the proposed building shall be a minimum of 48 feet.

          That the rear yard be fully landscaped beginning from the rear lot line to a minimum of 20 feet inwards.
        - The recommended new condition is intended to standardize the existing conditions, creating a 20’ landscaped buffer between any commercial uses and residential development to the west and north. This will mitigate the impacts of commercial development in the absence of other buffering, such as a rear lane.
    - That digital signage, mobile signs, and A-board signs are not permitted
        - This is consistent with a condition in the existing Zoning Agreement. Given the largely residential character of the area, including existing residential development abutting two sides of the property and adjacent to the property on one side, this condition is intended to maintain the residential character of the surrounding area and limit the effects of commercial development on nearby residential uses.
    - That the maximum building height shall be 36 feet.
        - This is consistent with a condition in the existing Zoning Agreement. The “C2” Commercial – Community District permits residential intensity through a Conditional Use application at the intensity of the “RMF-M” Residential Multi-Family (Medium) district. Recommending the same

height cap as was previously established recognizes previous concerns about height on the property, including that this site is relatively small and does not have buffers such as a rear lane to ensure adequate separation between existing development and new development.

SUMMARY

The Urban Planning Division recommends **approval** for the following reasons:

- The rezoning will enable future commercial development that is consistent with policies in *OurWinnipeg 2045*, *Complete Communities 2.0*, and the *Transcona West Area Structure Plan*.

RECOMMENDATION

The Urban Planning Division recommends this application be **approved** and the subject property be rezoned to the “C2” Commercial – Community District.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division

Report Prepared by: Dylan Chyz-Lund, MCP
PPD File # DAZ 209/2024

SCHEDULE "B" OF FILE DAZ 209/2024, East Kildonan – Transcona Community Committee,
dated January 6, 2025

By-Law No. _____

File No. **DAZ 209/2024**

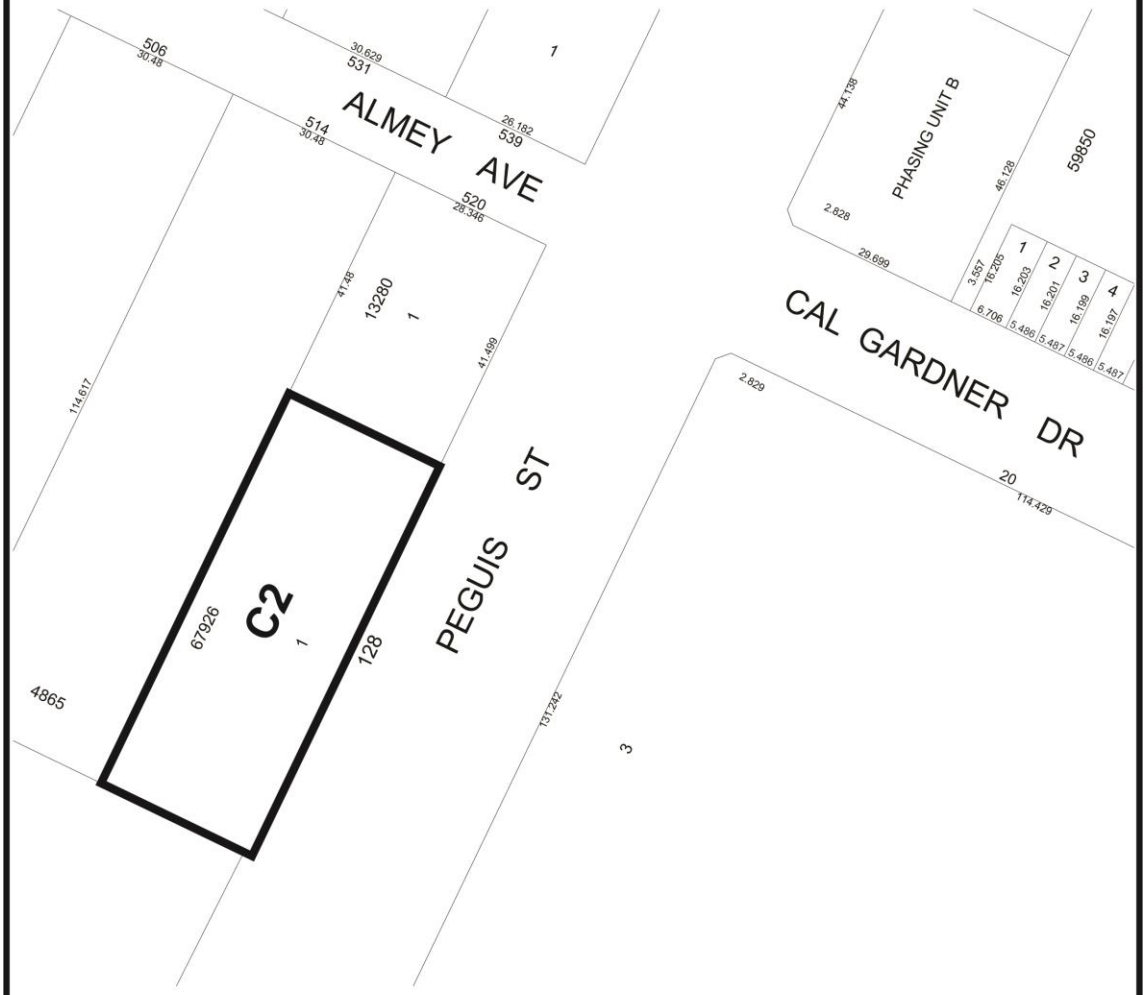
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EAST KILDONAN TRANSCONA COMMUNITY

Explanation

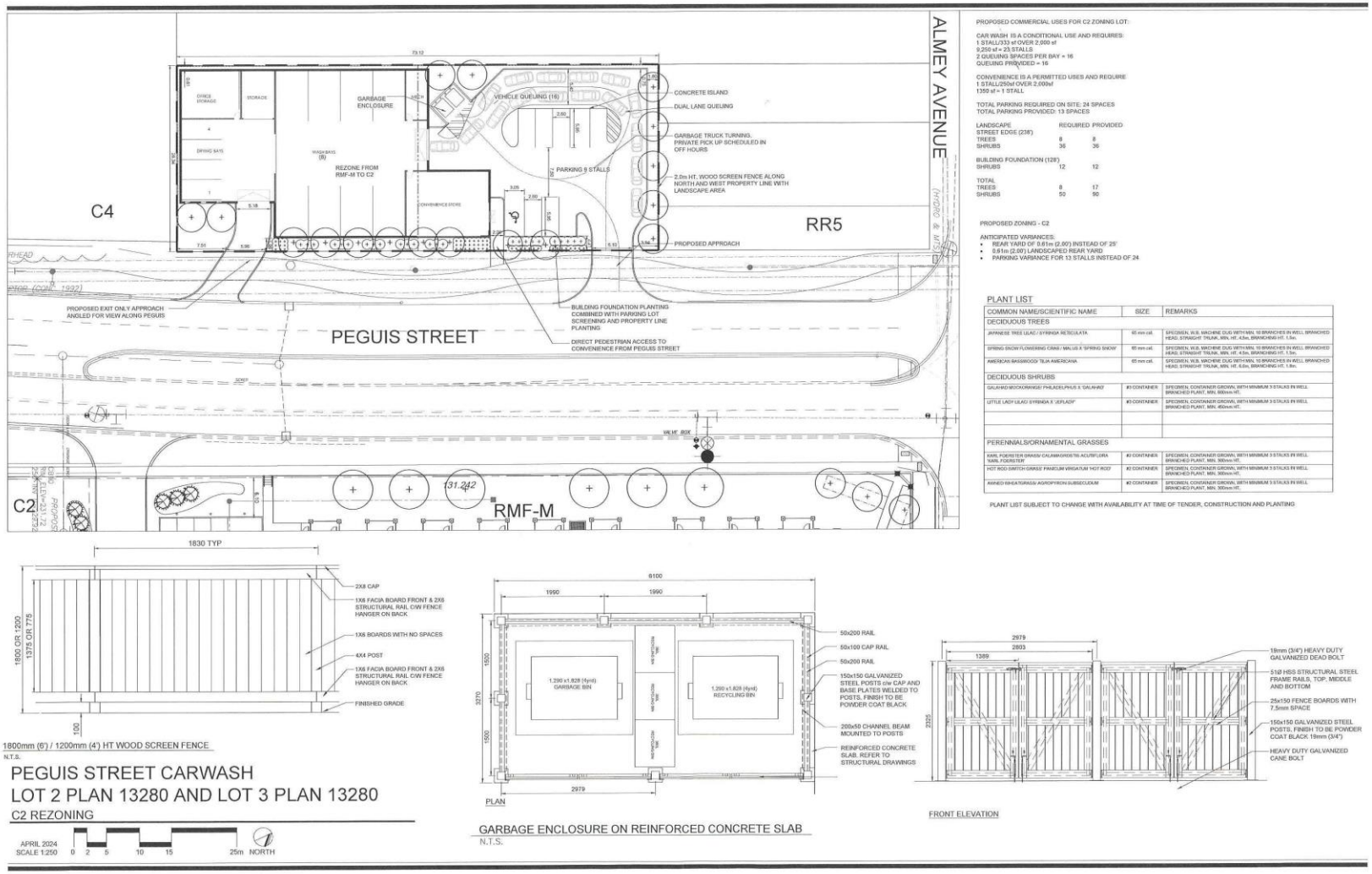
A proposed zoning change to By-law No. 200/2006 by rezoning the land located at 128 Peguis Street from an "RMF-M" RESIDENTIAL MULTI-FAMILY (MEDIUM) DISTRICT to a "C2" COMMERICAL COMMUNITY DISTRICT to allow for the establishment of commercial uses.

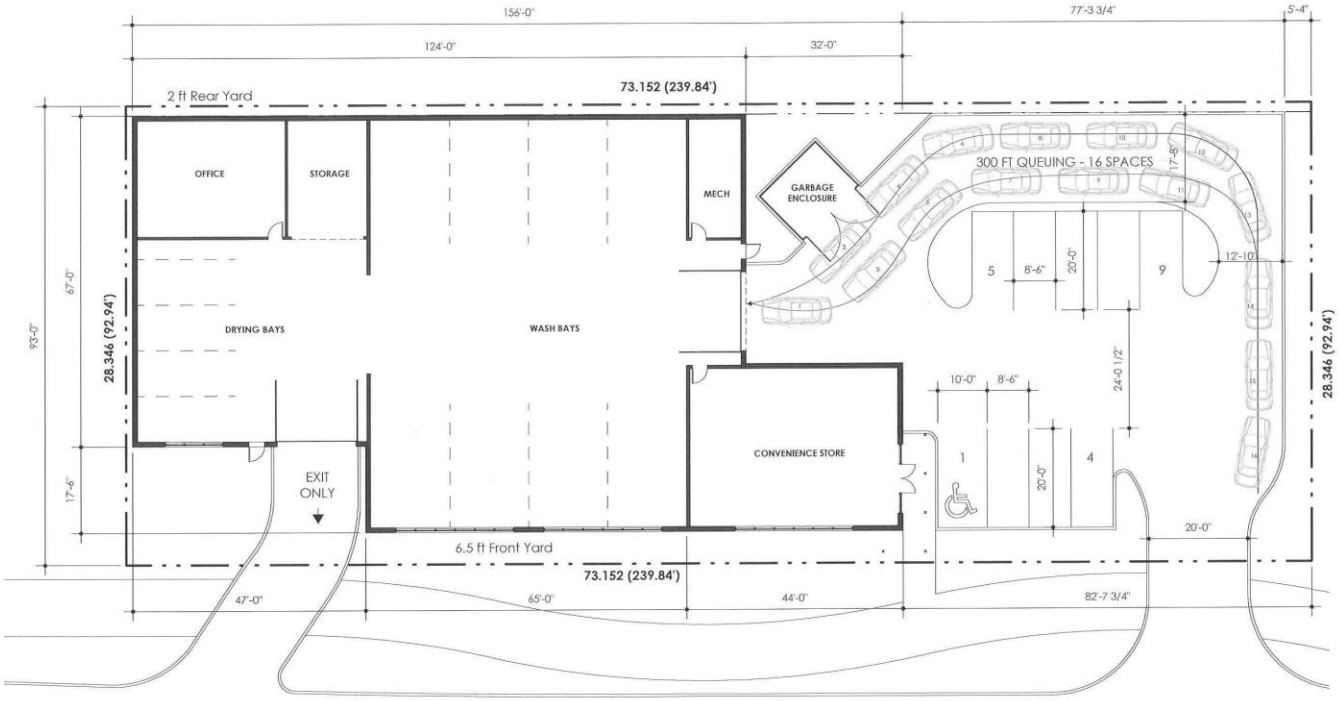


THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Exhibit “6” referred to in File DAZ 209/2024





PROJECT TRUE N

1 SD-0.0 PROPOSED SITE PLAN
1" = 20'-0"

John van Leeuwen Architecture and Design
412-63 Albert Street Winnipeg, MB R3B 1G4
Ph: 204-586-7443

PEGUIS STREET CARWASH
PROPOSED NEW BUILDING

128 PEGUIS STREET
WINNIPEG, MB

CLIENT REVIEW SIGNATURE:

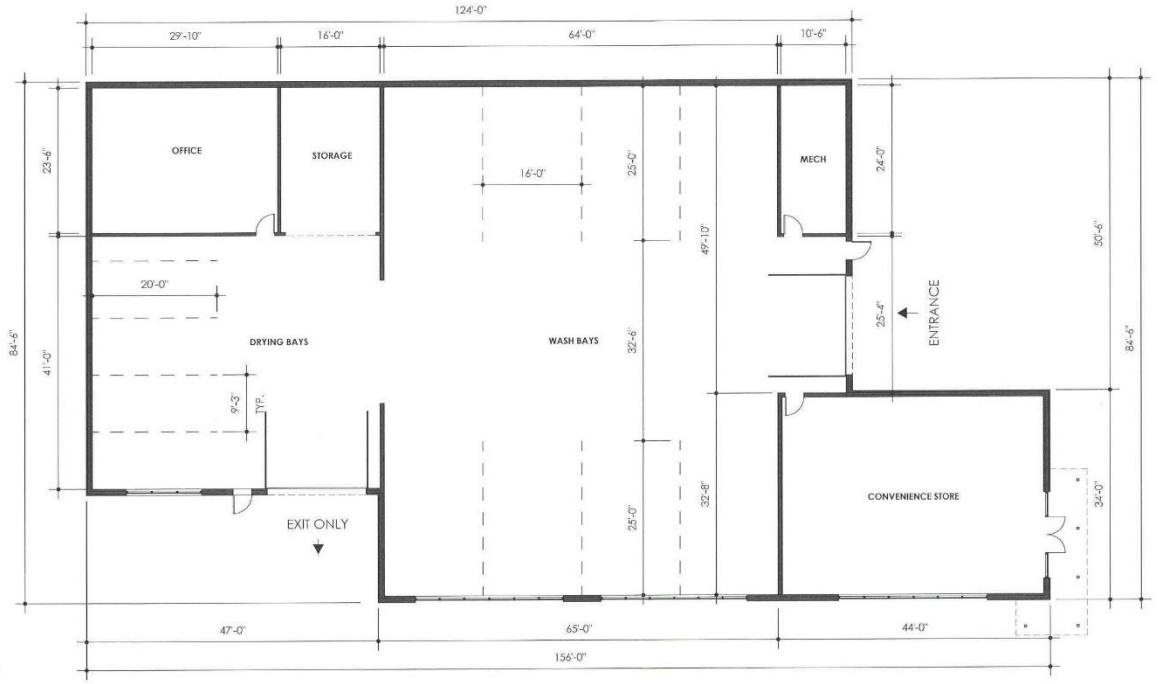
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ISSUED FOR: REVIEW
ISSUE DATE: 10/04/23

SD-0.0

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PROJECT TRUE N

1 SD-1.0 MAIN FLOOR PLAN

1/16" = 1'-0"

Jonn van Leeuwen
Architecture and Design
412-43 Albert Street Winp, MB R3B 1G4
Ph: 204-906-7443

PEGUIS STREET CARWASH
PROPOSED NEW BUILDING

128 PEGUIS STREET
WINNIPEG, MB

CLIENT REVIEW SIGNATURE:

ARCHITECTURAL SEAL

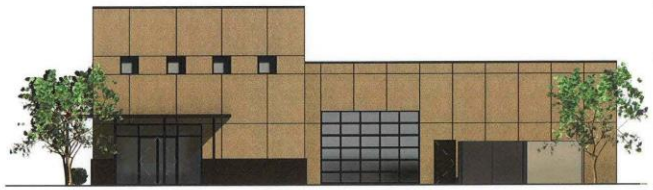
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John van Leeuwen
Architecture and Design
412-63 Albert Street Winnipeg, MB R3B 1G4
PH: 204-504-7443



1 SD-2.1 ELEVATION - NORTH
1/16" = 1'-0"

MATERIALS & FINISHES:

UPPER WALLS
- PRECAST CONCRETE PANEL -STONE DASH FINISH
LOWER WALLS
- CONCRETE MASONRY
CAP FLASHING
- PREFINISHED METAL
OVERHEAD DOORS
- PREFINISHED WITH TRANSLUCENT PANELS
WINDOWS
- BLACK ANODIZED ALUMINUM



2 SD-2.1 ELEVATION - EAST
1/16" = 1'-0"

PEGUIS STREET CARWASH
PROPOSED NEW BUILDING

128 PEGUIS STREET
WINNIPEG, MB

CLIENT REVIEW SIGNATURE:

ARCHITECTURAL SEAL

SHEET TITLE:
BUILDING ELEVATIONS

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VIEW FROM NORTH - EAST

John van Leeuwen
Architecture and Design
412-63 Albert Street Wpg. MB R3B 1G4
Ph: 204-504-7443

PEGUIS STREET CARWASH
PROPOSED NEW BUILDING

128 PEGUIS STREET
WINNIPEG, MB

CLIENT REVIEW SIGNATURE:

ARCHITECTURAL SEAL

SHEET TITLE:
3D VIEWS

PROJECT NO: 2022402
DRAWN BY: SS
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John van Leeuwen
Architecture and Design
412-63 Albert Street Wpg. MB R3B 1G4
Ph: 204-504-7443



VIEW FROM SOUTH

PEGUIS STREET CARWASH
PROPOSED NEW BUILDING

128 PEGUIS STREET
WINNIPEG, MB

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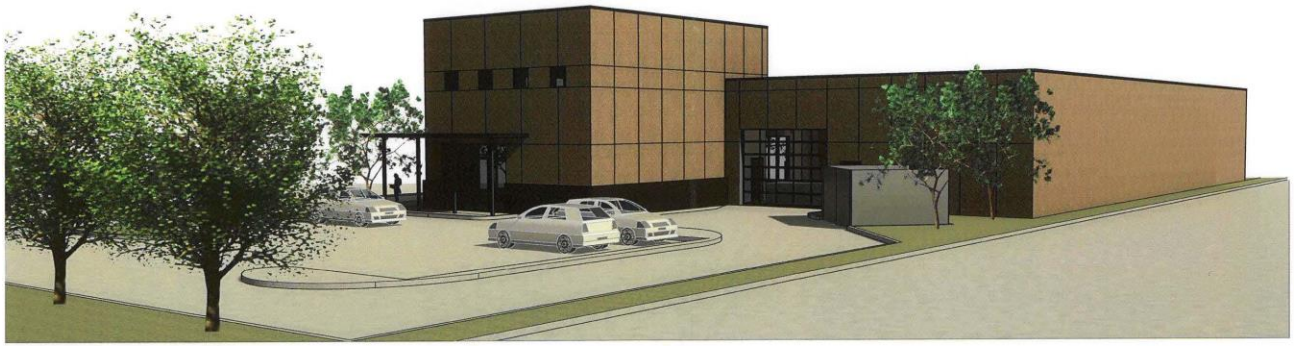
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VIEW FROM SOUTH

John van Leeuwen
Architecture and Design
412-63 Albert Street Wpg, MB R3B 1G4
Ph: 204-586-7443

PEGUIS STREET CARWASH
PROPOSED NEW BUILDING

128 PEGUIS STREET
WINNIPEG, MB

CLIENT REVIEW SIGNATURE:

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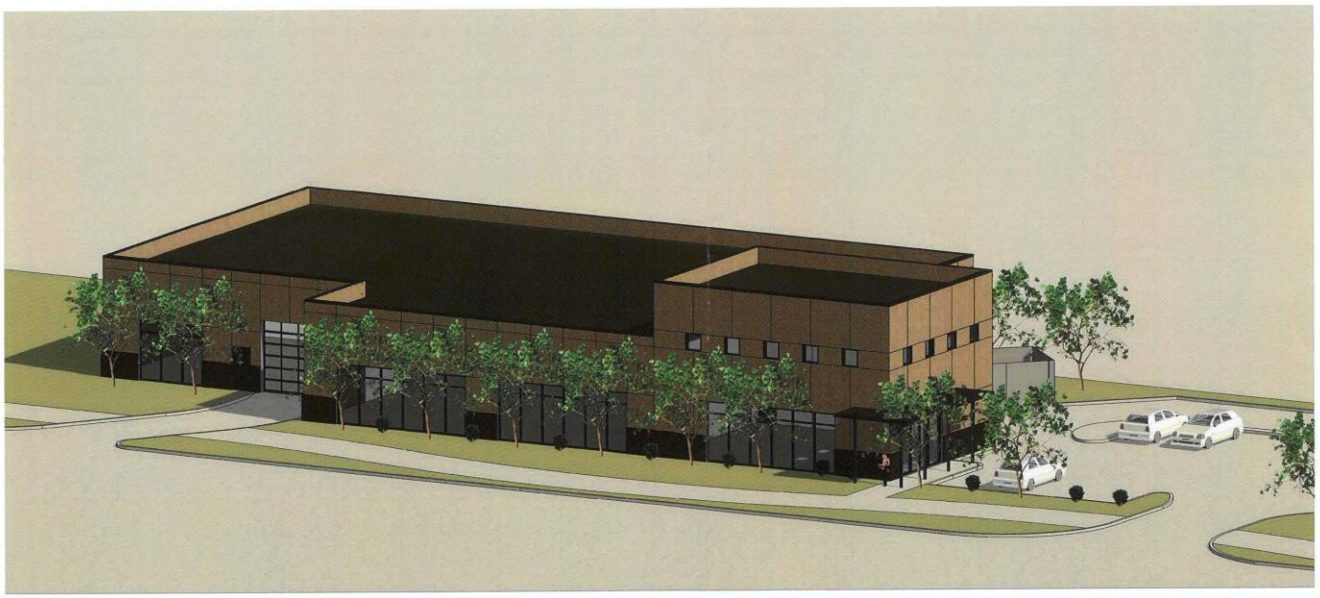
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John van Leeuwen
Architecture and Design
412-63 Albert Street Wpg, MB R3B 1G4
Ph: 204-504-7443



AERIAL VIEW

PEGUIS STREET CARWASH
PROPOSED NEW BUILDING

128 PEGUIS STREET
WINNIPEG, MB

CLIENT REVIEW SIGNATURE:

ARCHITECTURAL SEAL

SHEET TITLE:
3D VIEWS

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