Minutes – Executive Policy Committee – December 5, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 19, 2018

Item No. 6 Subdivision and Rezoning – 1493 Magnus Avenue (Point Douglas Ward) File DASZ 9/2018 [c/r DAV 125313/2018D]

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the plan of subdivision proposed under File DASZ 9/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 9/2018 dated August 20, 2018 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer address the conditions outlined in Schedule 'C' the report of the Administrative Coordinating Group dated August 15, 2018.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 9/2018 dated August 20, 2018, to an "RMF-S" Residential Multi-Family (Small) District subject to the following conditions:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Section 240(1) of The City of Winnipeg Charter to include the following condition:

        i. There shall be no private approaches granted on Railway Street or Magnus Avenue.

        ii. That, the developer shall, at no expense to the City, provide safety measures from the CPR Arborg Subdivision consisting of the following:

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 19, 2018

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

a. A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire easternmost property line of the development site, excepting the northernmost 6 metres of said property line as measured from the public lane. The berm shall be compacted to 95% modified proctor and shall return to grade at the ends of the berm. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

b. A 2.0 metre in height uniform noise attenuation fence built on top of the entire length of the berm, built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

c. A minimum setback of 15 metres to any portion of a habitable room or space within a building located on the Developer's land, measured from the western property line of the CPR Arborg Subdivision.

d. The Director of Planning, Property and Development is authorized to approve a berm height under (a) above that is less than 2.0 metres where the setback provided under (c) above is greater than 15 metres, measured from the west property line of the CPR Arborg Subdivision. The following calculation will be used to guide approvals by the Director of Planning, Property and Development when considering reduced berm heights with increased setbacks:

    1. The required setback in (c) above (15 metres) multiplied by the height of the berm in (a) above (2.0 metres) divided by the proposed setback, which must be greater than 15 metres.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 19, 2018

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

e. That the berm and fencing requirements established above be constructed prior to occupancy.

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

- buildings;
- accessory parking areas;
- garbage enclosures;
- fencing;
- berming;
- landscaping;

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Lord Selkirk-West Kildonan 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, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 19, 2018

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor 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, Heritage and Downtown Development – November 19, 2018

DECISION MAKING HISTORY:

Moved by Councillor Mayes,

That the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development be concurred in and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On November 19, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee, with the following amendments:

- Renumber Recommendation 2.A.ii.a to 2.A.ii.c.

- Add the following to Recommendation 2.A.ii

    "a. A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire easternmost property line of the development site, excepting the northernmost 6 metres of said property line as measured from the public lane. The berm shall be compacted to 95% modified proctor and shall return to grade at the ends of the berm. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

    b. A 2.0 metre in height uniform noise attenuation fence built on top of the entire length of the berm, built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – November 19, 2018

DECISION MAKING HISTORY (continued):

STANDING COMMITTEE RECOMMENDATION (continued):

d. The Director of Planning, Property and Development is authorized to approve a berm height under (a) above that is less than 2.0 metres where the setback provided under (c) above is greater than 15 metres, measured from the west property line of the CPR Arborg Subdivision. The following calculation will be used to guide approvals by the Director of Planning, Property and Development when considering reduced berm heights with increased setbacks:

    1. The required setback in (c) above (15 metres) multiplied by the height of the berm in (a) above (2.0 metres) divided by the proposed setback, which must be greater than 15 metres.

e. That the berm and fencing requirements established above be constructed prior to occupancy."

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

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2018, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendments:

- Delete recommendation 2.A.ii.a)
- Delete recommendation 2.A.ii.b)
- Delete recommendation 2.A.ii.d)
- Delete recommendation 2.A.ii.d)1.
- Delete recommendation 2.A.ii.e)
- Renumber remaining recommendations accordingly

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

RE: **Subdivision and Rezoning – 1493 Magnus Avenue**
File DASZ 9/2018

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

Prepared by: **P. Prinsloo, Committee Clerk**
Lord Selkirk-West Kildonan Community Committee

Report date: **September 18, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2018, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service, as amended, and recommended to the Standing Policy Committee on Property and Development, Heritage and Downtown Development:

1. That the plan of subdivision proposed under File DASZ 9/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 9/2018 dated August 20, 2018 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    A. That the Developer address the conditions outlined in Schedule 'C' the report of the Administrative Coordinating Group dated August 15, 2018.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 9/2018 dated August 20, 2018, to an "RMF-S" Residential Multi-Family (Small) District subject to the following conditions:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Section 240(1) of The City of Winnipeg Charter to include the following condition:

        i. There shall be no private approaches granted on Railway Street or Magnus Avenue

        ii. That, the developer shall, at no expense to the City, provide safety measures from the CPR Arborg Subdivision consisting of the following:

~~***a) A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire easternmost property line of the development site, excepting the northernmost 6 metres of said property line as measured from the public lane. The berm shall be compacted to 95% modified proctor and shall return to grade at the ends of the berm. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.***~~

~~***b) A 2.0 metre in height uniform noise attenuation fence built on top of the entire length of the berm, built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.***~~

c) A minimum setback of 15 metres to any portion of a habitable room or space within a building located on the Developer's land, measured from the western property line of the CPR Arborg Subdivision.

~~***d) The Director of Planning, Property and Development is authorized to approve a berm height under (a) above that is less than 2.0 metres where the setback provided under (c) above is greater than 15 metres, measured from the west property line of the CPR Arborg Subdivision. The following calculation will be used to guide approvals by the Director of Planning, Property and Development when considering reduced berm heights with increased setbacks:***~~

~~***1. The required setback in (c) above (15 metres) multiplied by the height of the berm in (a) above (2.0 metres) divided by the proposed setback, which must be greater than 15 metres.***~~

e) ~~***That the berm and fencing requirements established above be constructed prior to occupancy***~~.

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

- buildings;
- accessory parking areas;
- garbage enclosures;
- fencing;
- berming;
- landscaping;

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Lord Selkirk-West Kildonan 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, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.

4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.

6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.

7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.

8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.

9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.

10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.

11. That the Director of Legal Services and City Solicitor 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 provided the following supporting reasons for its recommendation:

1. This is a mature neighbourhood, and this project promotes infill development through a balance of suburban and infill development,
2. This is a dense development that will provide housing for families with offering three bedrooms.
3. The developer is putting in a stylish project with 4 elements of design in the front.

PUBLIC HEARING SUMMARY

File:	DASZ 9/2018
Before:	Lord Selkirk-West Kildonan Community Committee Councillor Sharma, Chairperson Councillor Eadie Councillor Pagtakhan
Public Hearing:	September 18, 2018 Council Building, 510 Main Street
Applicant:	Fairview Custom Homes (Paramjit Shahi)
Subject:	

APPLICANT: Fairview Custom Homes
FILE: DASZ 9/2018
PROPOSAL: An application for the approval of the plan of subdivision shown outlined above as may be determined by Council and for a proposed zoning change to By-law No. 200/2006 by rezoning the land shown outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "RMF-S" RESIDENTIAL MULTI-FAMILY (SMALL) DISTRICT to facilitate the construction of a multi-family dwelling use. **For information, phone Mr. Noah Yauk Planner at 204-986-4560.**

Premises Affected: 1493 Magnus Avenue

Exhibits Filed:

1. Application dated June 11, 2018
2. Notification of Public Hearing dated August 1, 2018
3. Manitoba Status of Title 2836687/1
4. Letter of authorization dated April 10, 2018 from Chevdel Whedd, President, 7265744 Manitoba Ltd. to Fairview Custom Homes
5. Letter of authorization dated March 9, 2018 from Chevdel Whedd, President, 7265744 Manitoba Ltd. to Skylar Homes
6. Surveyor's Building Location Certificate and sketch dated March 12, 2018
7. Drawing of subject property
8. Plans (4 pages)
9. Report from the Urban Planning Division dated September 10, 2018
10. Inspection Report
11. Recording of Representations

REPRESENTATIONS:

In Support:

Paramjit Shahi
Gagandeep Rai
Ajaypal Sidhu

In Opposition

Nil

For Information:

Nil

For the City:

N. Yauk, Planner, Planning, Property and Development Department
R. Hayer, Planner, Planning Property and Development Department

Exhibit "9" referred to in File DASZ 9/2018

ADMINISTRATIVE REPORT

Title: DASZ 9/2018 – 1493 Magnus Ave

Issue: An application for consideration at the Public Hearing to rezone an existing "R1-M" residential single-family zoning district to an "RMF-S" Residential Multi-Family (Small) zoning district, consolidate all underlying lots and construct a townhouse development.

Critical Path: Lord Selkirk West Kildonan Community Committee – Standing Policy Committee on Property and Development – Executive Policy Committee – Council as per the *Development Procedures By-law* and *The City of Winnipeg Charter*.

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Smith	N/A	N/A	

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 9/2018 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "B" for File DASZ 9/2018 dated August 20, 2018 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office subject to the following:

    B. That the Developer address the conditions outlined in Schedule 'C' the report of the Administrative Coordinating Group dated August 15, 2018.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "B" for File DASZ 9/2018 dated August 20, 2018, to an "RMF-S" Residential Multi-Family (Small) District subject to the following conditions:

    A. That the applicant enter into, execute and deliver a Zoning Agreement with the City of Winnipeg pursuant to Section 240(1) of The City of Winnipeg Charter to include the following condition:

        i. There shall be no private approaches granted on Railway Street or Magnus Avenue

        ii. That, the developer shall, at no expense to the City, provide safety measures from the CPR Arborg Subdivision consisting of the following:

a) A 2.0 metre in height berm, measured from grade at the property line, with side slopes not steeper than 2.5 to 1. The berm shall be constructed entirely within the developer's property along the entire easternmost property line of the development site, excepting the northernmost 6 metres of said property line as measured from the public lane. The berm shall be compacted to 95% modified proctor and shall return to grade at the ends of the berm. The berm shall be built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the berm as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

b) A 2.0 metre in height uniform noise attenuation fence built on top of the entire length of the berm, built to the satisfaction of the Director of Planning, Property, and Development. The Developer is to permit the City to file a caveat against the title to the subject property requiring the owner(s) to maintain and/or repair or replace the noise attenuation fence as originally constructed, to the satisfaction of the Director of Planning, Property, and Development.

c) A minimum setback of 15 metres to any portion of a habitable room or space within a building located on the Developer's land, measured from the western property line of the CPR Arborg Subdivision.

d) The Director of Planning, Property and Development is authorized to approve a berm height under (a) above that is less than 2.0 metres where the setback provided under (c) above is greater than 15 metres, measured from the west property line of the CPR Arborg Subdivision. The following calculation will be used to guide approvals by the Director of Planning, Property and Development when considering reduced berm heights with increased setbacks:

    1. The required setback in (c) above (15 metres) multiplied by the height of the berm in (a) above (2.0 metres) divided by the proposed setback, which must be greater than 15 metres.

e) That the berm and fencing requirements established above be constructed prior to occupancy.

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

- buildings;
- accessory parking areas;
- garbage enclosures;
- fencing;
- berming;
- landscaping;

on the Owner's Land ("Works") to the City's Director of Planning, Property and Development ("Director") and the Lord Selkirk-West Kildonan

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, in lieu of the dedication of land, the Developer shall provide a cash payment representing 10% of the appraised value of the Development Application, as determined by the City.
4. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.
5. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two (2) years 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 the two (2)-year period and Council approves the extension.
6. That the Director of Legal Services and City Solicitor be requested to prepare the necessary by-law in accordance with the above.
7. That the subdivision section of the by-law shall come into force and effect upon registration of the Plan of Subdivision in the Winnipeg Land Titles Office.
8. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision is registered in the Winnipeg Land Titles Office and the Zoning Agreement is registered in the Winnipeg Land Titles Office by caveat against the subject lands, provided that the said effective date occurs within one year from the date the by-law is passed.
9. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one (1) year from the date the by-law is passed, failing which 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 the one-year period and Council approves the extension.
10. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twelve (12) months after adoption of the by-law, 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 twelve (12) month period and the extension is subsequently approved by Council.
11. That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to rezone the property to an “RMF-S” Residential Multi-Family (Small) zoning district for the purposes of constructing a townhouse development.
- Subdivisions and re-zonings 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 Division are concurred in, the subject site will be rezoned consistent with the map provided in Schedule “A” of this report.

HISTORY

N/A

CONSULTATION

In preparing this report there was consultation with: N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Noah Yauk
Date:	September 10, 2018
File No.	DASZ 9/2018

List of Schedules and Attachments

1. Appendix A — Planning Discussion
2. Schedule “A” — For File No. DASZ 9/2018 Lord Selkirk West Kildonan Community Committee, dated May 8, 2018
3. Schedule “B” — For File No. DASZ 9/2018 Lord Selkirk West Kildonan Community Committee, dated August 20, 2018
4. Schedule “C” — Report of the Administrative Coordinating Group dated August 15, 2018

APPENDIX 'A'

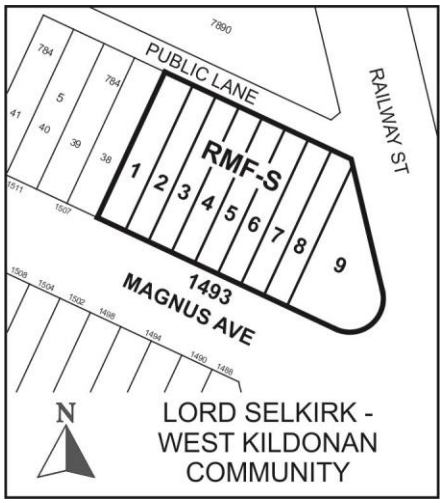
DATE: September 10, 2018

FILE: **DASZ 9/2018**
RELATED FILES:
COMMUNITY: Lord Selkirk West Kildonan
NEIGHBOURHOOD #: 3.307 (Burrows – Keewatin)

SUBJECT: To rezone the subject property to an "RMF-S" Residential Multi-Family (Small) zoning district for the purposes of constructing a townhouse development

LOCATION: 1493 Magnus Ave (see map below)

LEGAL DESCRIPTION: LOTS 1 TO 4 (BOTH INCLUSIVE) BLOCK 7 PLAN 7890 WLTO IN OTM LOTS 37 TO 42 PARISH OF ST JOHN



APPLICANT: Fairview Custom Homes (Paramjit Shahi)
1246 Comdale Ave
Winnipeg , Manitoba R3T 2R4

OWNER: 72657444 Manitoba Ltd.
1493 Magnus Ave
Winnipeg , Manitoba R2X 0P9

RECOMMENDATION: Approval with Conditions

SITE DESCRIPTION

- The subject property is located on the north east corner of Magnus Avenue and Railway Street, in the Burrows - Keewatin neighbourhood of the Point Douglas ward.
- Currently on the property is a place of worship, which is proposed to be demolished to make way for the proposed multi-family (townhouse) development.
- The site is in the "Areas of Stability – Mature Communities" policy area under the Complete Communities Direction Strategy (By-law 68/2010).
- The site is zoned "R1-M" Residential Single-Family (Medium) district under Winnipeg Zoning By-law 200/2006.

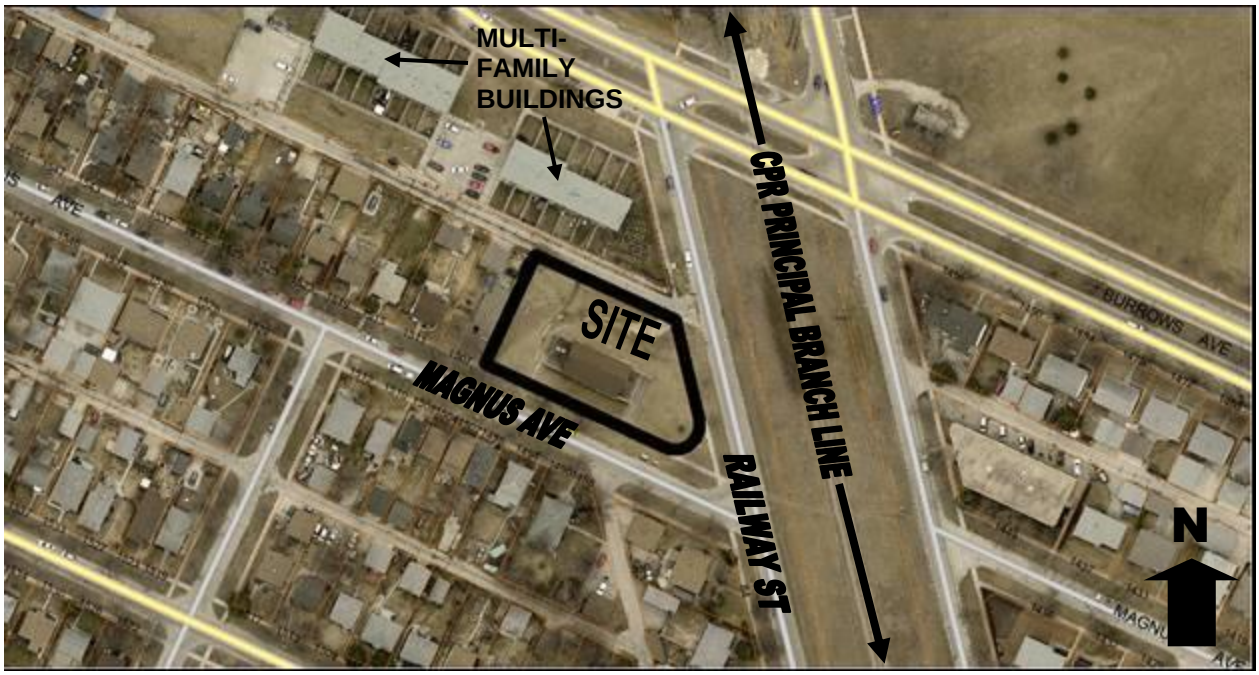


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2016)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: A public lane, then a 41 unit multi-family development zoned "RMF-S" Residential Multi-Family (Small) District.

South: Magnus Avenue, then single-family dwellings zoned "R1-M" Residential Single-Family (Medium) District and a two-family dwelling zoned "R2" Residential Two-Family District.

East: Railway Street, then a principal branch line of the Canadian Pacific railway zoned "R1-M" Residential Single-Family (Medium) District.

West: A Single-family dwelling zoned "R1-M" Residential Single-Family (Medium) District.



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to rezone 1493 Magnus Ave to “RMF-S” Residential Multi-Family (Small) to facilitate a multi-family development. The applicant is proposing to construct a row of 9 townhouse units on the subject site.
- A multi-family development is a permitted use in the proposed “RMF-S” Residential Multi-Family (Small) district, subject to a maximum density not to exceed one unit for each 1, 250 sq ft of lot area.
- The applicant has applied for variances (see concurrent File No. DAV 17-102968D). The variances pertain to insufficient buffering of parking areas and front yard setbacks.

.

ANALYSIS AND ISSUES

COMPLETE COMMUNITIES DIRECTION STRATEGY

Under the Complete Communities Direction Strategy the proposed development is within the Areas of Stability – Mature Communities policy area. Key policies guiding development within Areas of Stability include:

- Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.
- Support a mix of commercial services and employment uses that serve the local community.
- Approve new locations for commercial development where significant residential areas are not well served with commercial space, where existing commercial areas cannot accommodate expansion, where the long-term negative impacts on existing regional and commercial centres will be minimal, where additions to the regional street system can be demonstrated to have long-term benefits and where a full range of municipal infrastructure can be provided in an environmentally-sound, economical, and timely manner.

From a policy perspective, the proposed rezoning and the land use itself, townhomes, is seen to be consistent with planning policies of *Complete Communities*.

- However, there are aspects of the design of the proposed use that are inconsistent and incompatible with the existing character of the neighbourhood. Specifically, the site plan illustrates a private approach gaining access to proposed unit #9 from Magnus Ave. Given that the property is served by a public lane, the expectation is that all vehicular access to the site must be from the public lane. The Public Service believes there are alternatives to the design of the site to avoid the need for any approaches onto existing streets abutting the site. The length of the lane providing direct access to the subject site is approximately 150 feet which provides ample opportunity for site access.

- Given this situation, the Public Service recommends that proposed Lot 9 be amalgamated with Proposed Lot 8 to alleviate site access issues. To this end, a new Schedule (Schedule “D”) has been created and appended to this report and it is recommended it replace Schedule “A, the subdivision plan submitted by the applicant.

Proximity Guidelines for development near the CPR Arborg Rail Line

- The existence of a CPR branch line is noted east of the planned area, adjacent to the Railway Street right-of-way. This proximity to a rail line requires additional planning considerations to be consistent with the wishes of City Council. On March 25, 2015, Council requested that the Public Service seek ways to improve safety for new development in proximity to railway operations when it passed the following motion:

  …that the Winnipeg Public Service be directed to explore how to improve safety for new development in proximity to railway operations and to report back to Council and provide recommendations within 120 days.

- The Public Service reported back to Council on the matter in a background report titled: *Improving Safety for New Development in Proximity to Railway Operations in the City of Winnipeg.*

- On January 27th, 2016, Council adopted all of the recommendations included in the background report without a single vote in opposition (a copy of the minutes and report can be accessed

online, under item 9, the REPORT OF THE STANDING POLICY COMMITTEE ON PROPERTY AND DEVELOPMENT, HERITAGE AND DOWNTOWN DEVELOPMENT DATED JANUARY 12, 2016, via the following link: http://clkapps.winnipeg.ca/DMIS/ViewDoc.asp?DocId=15008&SectionId=&InitUrl=).

- Key recommendations in the background report included:
    - That the Public Service amend OurWinnipeg and/or the Complete Communities Direction Strategy to include policies for development of new residential and sensitive uses adjacent to rail lines and yards; and,
    - That the Public Service develop guidelines (for Council endorsement) for buffering residential and sensitive uses from rail lines and yards using Federation of Canadian Municipalities (FCM) / Railway Association of Canada (RAC) The Guidelines for New Development in Proximity to Railway Operations (2013) as a base.
- Consistent with the above Council direction, the Public Service routinely placing conditions of approval on new residential development, when a development application is required. The metrics associated with the conditions of approval are derived from the Railway Association of Canada and The Federation of Canadian Municipalities "best practices" for: protecting dwellings from train derailments or other rail incidents; and reducing the amount of noise and vibration from trains affecting dwellings.
- The subject site is located adjacent to a branch line (CPR Arborg Subdivision). As is the case for this development, the following standards need to be applied to meet the noted best practices:
    - *Dwellings are to be setback 15 metres (49.2 feet) from a branch line right-of-way;*
    - *A two metre (6.6 foot) high berm, with a side slope no more than a rise of one and a run of 2.5, is to be built alongside the rail line right-of-way;*
        - *Reduced berm heights are possible where larger setbacks are proposed.*
- It is noted that the proponent's site plan does not adhere to the above standards. The applicant is aware of the concerns of the Public Service and Council direction, but wishes not to construct the berm. Instead of rejecting the application altogether, the Urban Planning Division is recommending the above requirements be stated in recommended zoning agreement for this application.
- The Division believes the site plan can be modified in a number of ways to meet the *Federation of Canadian Municipalities "best practices"*. For example, if the proposed unit on Lot 8 remains in the same place under the recommended approval of Schedule 'D', the required berm on Proposed Lot 8 could easily be accommodated within the site due to the increased setback of the dwelling from the CPR Arborg Subdivision.
- Per recommended condition 2.A.(ii)(d) of the zoning agreement, the berm height can be reduced if the setback is increased. The subject site is separated from the CPR Arborg Subdivision by Railway Street (which is +/-65 feet wide), and the site plans submitted show that the dwelling on Lot 8 is approximately 45 feet from the eastern property line.
    - Given a setback of at least 110 feet (33.5 metres), and using the calculation provided in recommended condition 2.A.(ii)(d) of the zoning agreement, the berm height along the eastern property line of Proposed Lot 8 in Schedule 'D' would be 0.9 metres tall. When calculating the required side slopes per recommended condition 2.A.(ii)(a) of the zoning agreement, approximately 20 feet of property would be required to accommodate the 0.9

metre tall berm. This means that proposed unit 8 would be located approximately 25 feet away from the nearest point of the berm.

ZONING

- The “RMF-S” Residential Multi-Family Small district is intended to accommodate the development of multi-family units in areas with medium residential densities. In this zone, the maximum density allowable is one unit per each 1, 250 sq ft of lot area.

COMPATIBILITY WITH EXISTING NEIGHBOURHOOD AND SURROUNDING USES

- The existing site has functioned as a place of worship use in the neighbourhood for several decades and so there is a history of activity on the subject site.
- The proposed use fits with the character of the immediate area and also adds to the range of housing types found in it. While the predominant land uses on this block of Magnus Ave are single and two-family dwellings, compatible densities of development exist very close to the subject site. The best example is the property directly north of the subject site (separated by the public lane) which contains a total of 41 dwelling units spread throughout six buildings. The development density of the noted example is one unit per each 3,700 square feet of lot area, whereas the proposed development represents a slightly higher density of development at one unit per each 2, 600 sq ft of lot area.
- It is also noted that the subject site is located on a corner. Typically, the Urban Planning Division supports more density on corner lots as opposed to lots that are mid-block.
- As noted previously in this report, the proposed private approach on Magnus Ave is not supported. Therefore, while the Public Service recommends approval of the zoning designation to allow multi-family development, the applicant will be expected to revise the site plan to remove the approach and take access from the existing public lane.
    - In meetings with the applicant prior to the submission of the rezoning application, the public service did provide possible development scenarios that would alleviate the need for the proposed approach. The biggest challenge associated with the development of the site is the fact that the front property line (at 200 feet) is approximately 50 feet longer than the rear property line (150 feet). However, this is only a challenge in the context of the type of development being proposed where the end goal is to subdivide each unit down the party wall so the units can be sold separately. In this scenario, the developer runs out of room to provide parking directly off the lane for proposed unit #9, and is therefore proposing to disrupt the public boulevard to accommodate parking on site.
    - There are a number of development scenarios that would work with the shape of the lot, some of which may even accommodate more dwelling units. The most obvious one would be to decrease the number of townhouse units in one building and create a second building on the eastern portion of the site with sufficient access form the public lane to an on-site accessory parking area. However, the developer is adamant on building townhouses. So, in this context the easiest solution would be to eliminate the ninth unit, which would result in all remaining 8 units having direct access to the public lane.

CONDITIONS OF APPROVAL

- Pursuant to the Public Service's non-support for a private approach from Magnus Ave, it is recommended that a condition of the zoning agreement prohibit any private approaches to gain access to the site and force the property owner to take access from the public lane.
- Pursuant to the Rail proximity guidelines, it is recommended that a condition of the zoning agreement require the property owner to provide the appropriate setback and berming consistent with best practices for a residential developed adjacent to a branch line.
- In conjunction with the above two recommended conditions of approval, and in the interest of good design, it is also recommended that a condition of the zoning agreement allow the Lord Selkirk West Kildonan Community Committee to have final approval over site plans (including building elevations) prior to the issuance of any building permits on the subject site.

ADMINISTRATIVE COORDINATING GROUP (ACG) COMMENTS

- Key comments provided by the Water and Waste Department identify potential site servicing issues that would need to be addressed.
- The site is located in a combined sewer district, which means that land drainage runoff peak discharge form the proposed development cannot exceed the allowable discharge rate (as detailed in the ACG report)
- Preliminary assessment of development plans indicates inadequate fire flow for wood framed construction. This means the developer will have make upgrades to building construction or reduce the development density.

RECOMMENDATION

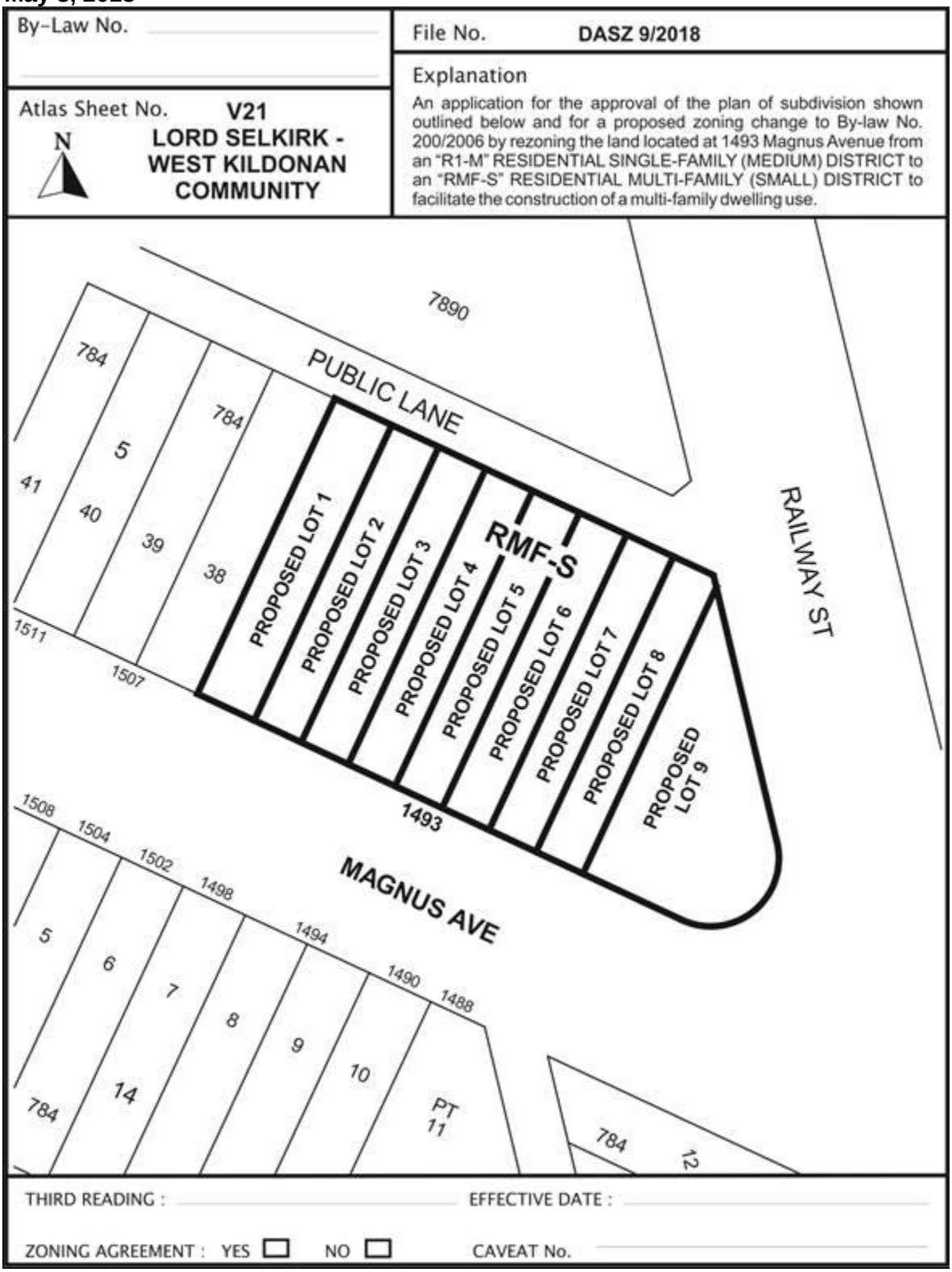
The Urban Planning Division recommends approval with conditions for the following reasons:

- The proposed zoning designation is consistent with the policies of the Complete Communities Direction Strategy; and
- With proper site design considerations, the site can be developed in manner that is compatible with neigbouring development and adheres to practical development standards and Council policy.

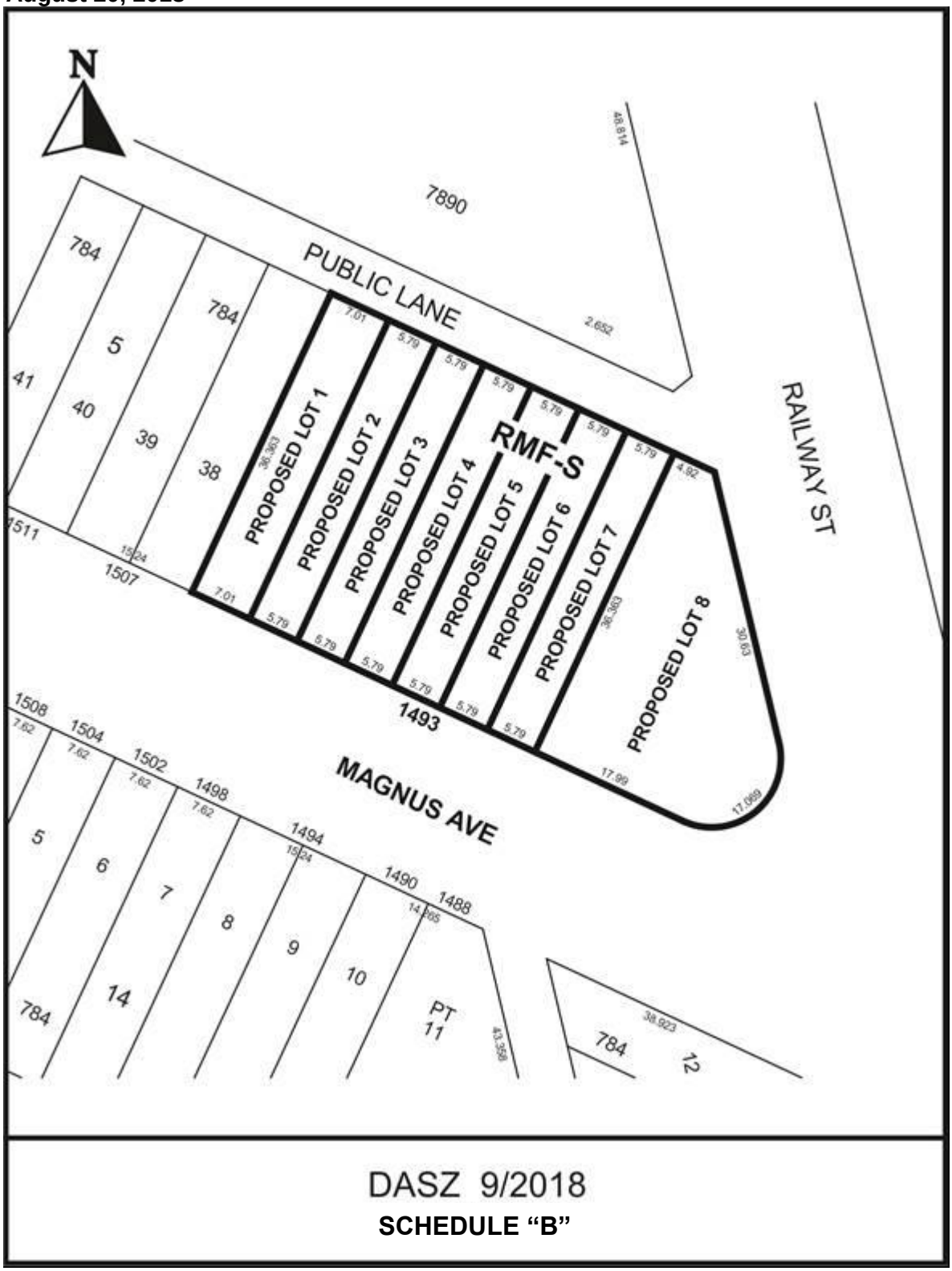
This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division

Report Prepared By: Noah Yauk
PPD File # DASZ 9/18

Schedule "A" for File No. DASZ 9/2018, Lord Selkirk – West KIldonan Community Committee, dated May 8, 2018



Schedule "B" for File No. DASZ 9/2018, Lord Selkirk – West Kildonan Community Committee, dated August 20, 2018



SCHEDULE C

REPORT OF THE ADMINISTRATIVE CO-ORDINATING GROUP – August 15, 2018

RE: PROPOSED SUBDIVISION AND REZONING OF LAND LOCATED AT 1493 MAGNUS AVENUE – DASZ 9/2018

A meeting of the Administrative Coordinating Group (ACG) was held on August 15, 2018 to review the servicing requirements for DASZ 9/2018.

The following comments were provided by the Water and Waste Department:

1) The proposed development is located in a combined sewer district; the sum of the wastewater and land drainage runoff peak discharge from the proposed development cannot exceed the allowable discharge rate:

   a) The allowable discharge rate will be the sum of the existing peak wastewater and the peak land drainage discharged.

   b) The peak land drainage discharged from the site must be based on a c-value of 0.30, with a 5 year rainfall event applied.

   c) The existing and proposed peak wastewater discharge must be estimated using the Wastewater Flow Estimation guidelines found on the City of Winnipeg website (http://winnipeg.ca/waterandwaste/dept/wastewaterFlow.stm), unless otherwise approved.

2) Preliminary assessment indicates that there is not adequate fire flow for wood-framed construction and no sprinkler system.

   The Developer shall either:

   a) Propose building construction upgrades to demonstrate compliance with fire flow requirements (described at http://winnipeg.ca/waterandwaste/dept/waterdemand.stm) at the building permit stage. In order to achieve adequate fire flow, measures such as splitting the building area with a firewall, adding a sprinkler system and/or upgrading to non-combustible construction are needed; or

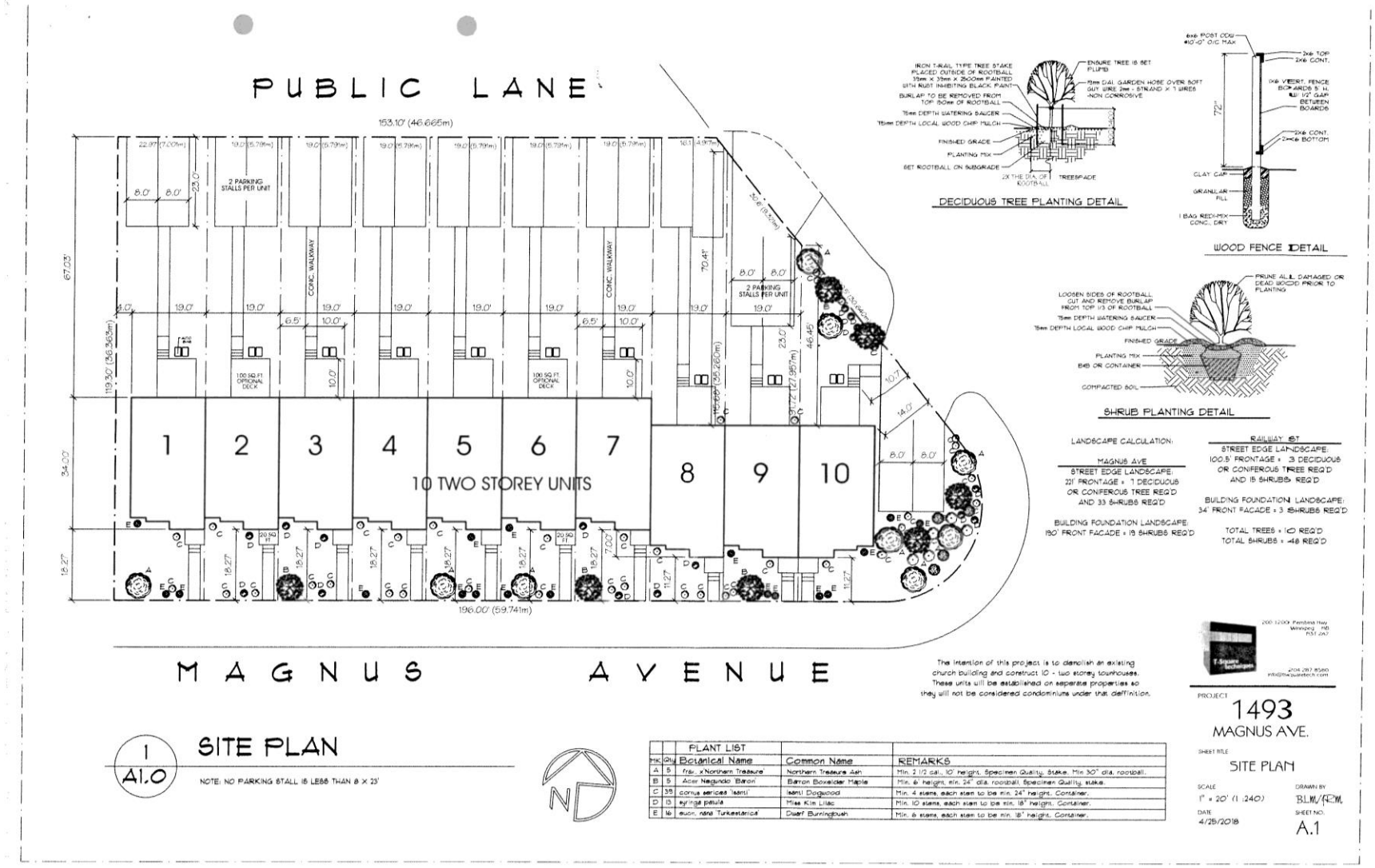
   b) Reduce the proposed density and adjust their proposed site plan to match existing service levels

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 9/2018
September 7, 2018

"*Original Signed by G. Jasper"*	"*Original Signed by M. Gadja"*
G.V. Jasper P. Eng.,	M. Gadja, P. Eng.
Land Development Branch	Water & Waste Department

Exhibit “8” referred to in File DASZ 9/2018





MAIN FLOOR KEY PLAN

6232 SQ. FT.

GENERAL NOTES:

1. ALL DIMENSIONS SHOWN ARE TO THE FACE OF STUDS UNLESS OTHERWISE NOTED.
2. SUBCONTRACTORS ARE TO VERIFY ALL INFORMATION ON DRAWINGS PERTAINING TO THEIR AREA OF WORK. ANY DISCREPENCIES FOUND OR FURTHER INFORMATION REQUIRED IS TO BE REPORTED TO THE BUILDER BEFORE COMMENCEMENT OF WORK. THE BUILDER IS TO REQUEST FURTHER INFORMATION FROM THE DESIGNER IF REQUIRED TO ALLOW THE SUBCONTRACTORS TO PERFORM THEIR TASKS.
3. ALL EXTERIOR WALLS ARE 2X6'S @ 24" O.C. ALL INTERIOR WALLS ARE 2X4'S @ 16" O.C. UNLESS OTHERWISE NOTED IN THE WALL SCHEDULE.
4. ALL INTERIOR PASSAGE DOOR R.O.'S TO BE 2 1/2" HIGHER AND 2" WIDER THAN ACTUAL DOOR SIZE.
5. ALL BIFOLD DOOR R.O.'S TO BE 1 1/4" WIDER THAN DOOR WIDTH AND 81 1/2" HIGH.
6. BY-PASS DOOR R.O.'S TO BE SAME AS PASSAGE DOOR OPENINGS.
7. PROVIDE SOLID BACKING TO SUIT IN BATHROOM WALLS FOR INSTALLATION OF TOWEL BARS. SEE BATH DETAIL ON A.13.
8. PROVIDE SOLID BACKING AT STAIRWAYS FOR INSTALLATION OF HAND RAILS @ 38" ABOVE NOSINGS.
9. REFER TO INDIVIDUAL FLOOR PLANS AS NOTED FOR DIMENSIONS AND CONSTRUCTION DETAILS ON THE INDIVIDUAL UNITS.
10. TO AVOID THE REQUIREMENT FOR A FIRE ALARM SYSTEM AT LEAST 1 CONTINUOUS VERTICAL 1 HR F.R.R. SEPARATION IS NECESSARY IF THERE ARE MORE THAN FOUR SUITES CONTAINED IN A BUILDING.

I HAVE EXAMINED THE FULL STRUCTURAL DESIGN OF THIS BUILDING PLAN, INCLUDING ALL LOAD TRANSFERS FROM ROOF TO FOUNDATION, AND ALL SUPPLIER DRAWINGS OF ENGINEERED PRODUCTS. I HEREBY CERTIFY THAT ALL THE STRUCTURAL COMPONENTS OF THIS PLAN IN RESPECT OF THE MATERIALS AND METHODS TO BE USED, AND THE WORK TO BE DONE AS INDICATED ON THE BUILDING PLANS, MEET ALL APPLICABLE CODES AND BY-LAWS. NOTHING HEREIN INDICATES OR IMPLIES THAT I HAVE, OR WILL BE MAKING, A FIELD INSPECTION.

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PROJECT

1493 MAGNUS AVENUE

SHEET TITLE

MAIN FLOOR PLAN

SCALE	DRAWN BY
1/8" = 1' - 0"	BAW/RRW

DATE	PAGE
3/28/2018	A.2

BRIAN L. MANSKY
CT (ARCH)



GENERAL NOTES:

1. ALL DIMENSIONS SHOWN ARE TO THE FACE OF STUDS UNLESS OTHERWISE NOTED.
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7. PROVIDE SOLID BACKING TO SUIT IN BATHROOM WALLS FOR INSTALLATION OF TOWEL BARS. SEE BATH DETAIL ON A.13.
8. PROVIDE SOLID BACKING AT STAIRWAYS FOR INSTALLATION OF HAND RAILS @ 30" ABOVE NOSINGS.
9. REFER TO INDIVIDUAL FLOOR PLANS AS NOTED FOR DIMENSIONS AND CONSTRUCTION DETAILS ON THE INDIVIDUAL UNITS.
10. TO AVOID THE REQUIREMENT FOR A FIRE ALARM SYSTEM, AT LEAST 1 CONTINUOUS VERTICAL 1 HR F.R.R. SEPARATION IS NECESSARY IF THERE ARE MORE THAN FOUR SUITE'S CONTAINED IN A BUILDING.

I HAVE EXAMINED THE FULL STRUCTURAL DESIGN OF THIS BUILDING PLAN, INCLUDING ALL LOAD TRANSFERS FROM ROOF TO FOUNDATION, AND ALL SUPPLIER DRAWINGS OF ENGINEERED PRODUCTS. I HEREBY CERTIFY THAT ALL THE STRUCTURAL COMPONENTS OF THIS PLAN IN RESPECT OF THE MATERIALS AND METHODS TO BE USED , AND THE WORK TO BE DONE AS INDICATED ON THE BUILDING PLANS, MEET ALL APPLICABLE CODES AND BY-LAWS. NOTHING HEREIN INDICATES OR IMPLIES THAT I HAVE , OR WILL BE MAKING , A FIELD INSPECTION.

SECOND FLOOR KEY PLAN

6617 SQ. FT.

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PROJECT

1493 MAGNUS AVENUE

SHEET TITLE

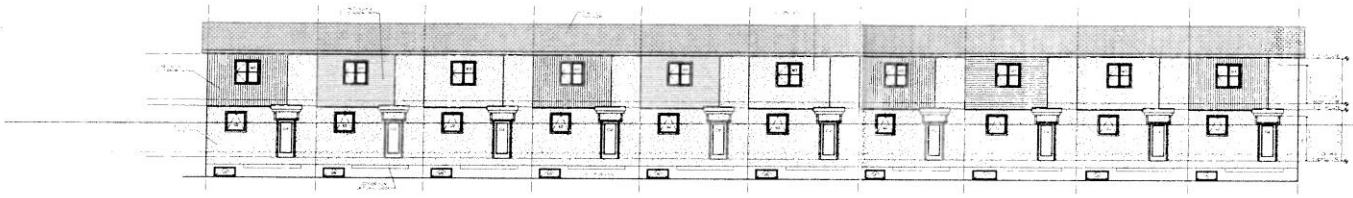
SECOND FLOOR PLAN

SCALE	DRAWN BY
1/8" = 1'-0"	BAW/RZW
DATE	PAGE
3/28/2018	A.3

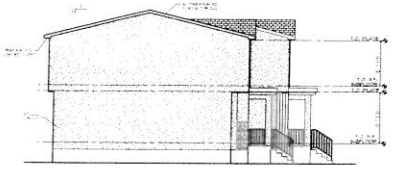
BRIAN L. MANSKY M. ST. ARCH.



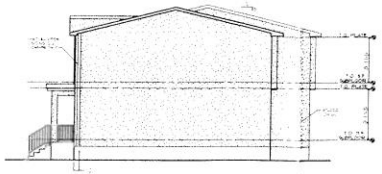
FRONT ELEVATION



REAR ELEVATION



RIGHT ELEVATION



LEFT ELEVATION

EXTERIOR DOOR & WINDOW SCHEDULE

CODE	TYPE	R.O.	QUANTITY	GRILLS	NOTES
D1	ENTRY	36" x 78"	10	NO	
D2	GARDEN	32" x 78"	10	NO	GARDEN DOOR
W1	PIC-PIC-PIC	60" x 72"	10	NO	2 MUNTIN BARS
W2	AWNING	40" x 40"	10	NO	
W3	PICTURE / CASEMENT	48" x 48"	20	NO	1 MUNTIN BAR
W4	CASEMENT	36" x 48"	10	NO	1 MUNTIN BAR
W5	HOPPER	48" x 30"	20	NO	

1. CONFIRM R.O.'s WITH WINDOW MANUFACTURER
2. BEDROOM WINDOWS SHALL ALLOW ADEQUATE EGRESS

EXTERIOR WINDOWS AND DOORS PROVIDED TO MEET THE REQUIREMENTS OF THE CANADIAN CONSTRUCTION MATERIALS CENTRE (CCMC) OR THE CANADIAN WINDOW AND DOOR MANUFACTURES ASSOCIATION (CWDMA) EXTERIOR ENTRY DOOR TO MEET CAN/CGSB 82.5-M

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PROJECT

1493 MAGNUS AVENUE

SHEET TITLE

ELEVATIONS

SCALE 1/8" = 1'-0"

DRAWN BY BAW/RW

DATE 3/28/2018

PAGE A.4