Minutes – Executive Policy Committee – May 18, 2022

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

Item No. 15 Subdivision and Rezoning – 2 Kingston Row, 656 St. Mary's Road & 658 St. Mary's Road
(St. Vital Ward)
File DASZ 13/2022 [c/r DAV 109191/2022D]

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 under Development Application No. DASZ 13/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 5th, 2022 and attached as Schedule "A" and the Proposed By-law attached as Appendix "B" to this report, with such changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated April 7th, 2022 and attached as Schedule "B" to this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMU" Residential Mixed-Use District, as shown on the map dated April 5th, 2022 and included within Schedule "A", subject to the following conditions:

    A. That the Developer enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:

        i. That 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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

e. lighting
f. fencing
g. landscaping and
h. free-standing signage

on the Owner's land ("Works) to the City's Director of Planning, Property and Development ("Director") and the Riel 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.

ii. That excluding projections permitted under the Zoning By-Law, the maximum building height on the subject property must not exceed 39 feet (11.89 metres).

iii. That any buildings must not extend into a 45-degree angular plane measured from a point 6 feet above grade at the eastern property line of 8 Kingston Row extending over the subject property.

iv. That private vehicular approaches shall not be permitted on St. Mary's Road and Kingston Row.

3. That the City enter into, execute and deliver with the Developer:

A. A Servicing Agreement in accordance with Recommendation 1; and

B. A Zoning Agreement in accordance with Recommendation 2 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").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, 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.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

5. That in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 13/2022, as determined by the City's Director of Planning, Property and Development.

6. 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 this report and bring same directly to Council for first reading at the next available Council meeting.

7. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if a legal plan of subdivision (the "Plan"), prepared by the Manitoba Land Surveyor in accordance with recommendations 1 and 6 of this Report, and all associated ancillary fees (the "Fees") are submitted to the City within 2 years after the By-law has been given first reading

8. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Plan and all associated ancillary fees (the "Fees") are not submitted within 2 years after the By-law has been given first reading unless the Developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

9. That the subdivision section of the By-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

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

11. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 9 and 10 unless the Developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

12. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the Developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – May 9, 2022

DECISION MAKING HISTORY:

Moved by Councillor Gilroy,

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

Yea:	Bowman, Allard, Browaty, Chambers, Gilroy, Rollins	6
Nay:		0

Carried

STANDING COMMITTEE RECOMMENDATION:

On May 9, 2022, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On April 26, 2022 the Riel Community Committee concurred in the recommendation of the Winnipeg Public Service, with the following amendment:

- In Recommendation 2.A.ii., delete “70 feet (21.34 metres)” and replace with “39 feet (11.89 metres)”

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

PUBLIC HEARING SUMMARY

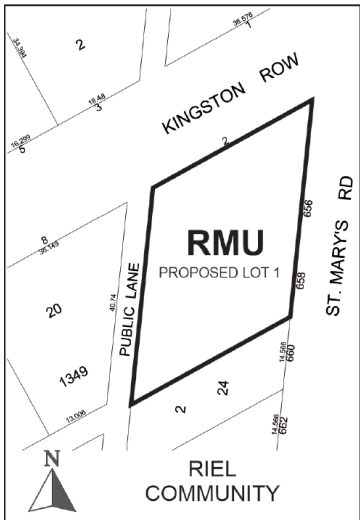
File: DASZ 13/2022

Before: Riel Community Committee
Councillor Allard, Chairperson
Councillor Chambers
Councillor Mayes

Public Hearing: April 26, 2022
Council Building, 510 Main Street

Applicant: Landmark Planning & Design Inc. (Brendan Salakoh)

Subject:



APPLICANT : Landmark Planning & Design Inc. (Brendan Salakoh)
FILE : DASZ 13/2022
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 "RMU" RESIDENTIAL MIXED-USE DISTRICT to facilitate the consolidation of land and allow the construction of a mixed-use residential and commercial building. **For information, phone E. Finnigan, Planner at 204-986-8602.**
DEMANDEUR : Landmark Planning & Design Inc. (Brendan Salakoh)
N° DE DOSSIER : DALZ 13/2022
PROJET : Demande d'approbation par le conseil municipal du plan de lotissement indiqué ci-dessus et proposition de modification du *Zoning By-law No. 200/2006* (règlement municipal sur le zonage) visant à modifier le zonage des sols délinéés ci-dessus de sorte qu'ils passent de la catégorie R1-M (secteur d'habitations unifamiliales moyennes) à la catégorie RMU (secteur résidentiel polyvalent) en vue de faciliter le remembrement des terres et de permettre la construction d'un bâtiment polyvalent à usage résidentiel et commercial. **Pour obtenir des renseignements, veuillez appeler E. Finnigan, urbaniste, au 204-986-8602.**

Premises Affected: 2 Kingston Row, 656 St. Mary's Road & 658 St. Mary's Road

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

Prepared by: Kate McMillan, Committee Clerk
Riel Community Committee

Report date: April 26, 2022

Community Committee Recommendation:

On April 26, 2022, the Riel 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 under Development Application No. DASZ 13/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 5th, 2022 and attached as Schedule "A" and the Proposed By-law attached as Appendix "B" to this report, with such changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the Developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated April 7th, 2022 and attached as Schedule "B" to this report.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMU" Residential Mixed-Use District, as shown on the map dated April 5th, 2022 and included within Schedule "A", subject to the following conditions:

    A. That the Developer enter into a Zoning Agreement with the City pursuant to Section 240 (1) of The City of Winnipeg Charter in accordance with the following:

        i. That 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. lighting
            f. fencing
            g. landscaping and
            h. free-standing signage

on the Owner's land ("Works) to the City's Director of Planning, Property and Development ("Director") and the Riel 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.

ii. That excluding projections permitted under the Zoning By-Law, the maximum building height on the subject property must not exceed ***39 feet (11.89 metres)*** ~~***70 feet (21.34 metres).***~~

iii. That any buildings must not extend into a 45-degree angular plane measured from a point 6 feet above grade at the eastern property line of 8 Kingston Row extending over the subject property.

iv. That private vehicular approaches shall not be permitted on St. Mary's Road and Kingston Row.

3. That the City enter into, execute and deliver with the Developer:

A. A Servicing Agreement in accordance with Recommendation 1; and

B. A Zoning Agreement in accordance with Recommendation 2 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").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, 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.

5. That in lieu of the dedication of land, the Developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 13/2022, as determined by the City's Director of Planning, Property and Development.

6. 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 this report and bring same directly to Council for first reading at the next available Council meeting.

7. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given second and third reading to the By-law if a legal plan of subdivision (the "Plan"), prepared by the Manitoba Land Surveyor in accordance with recommendations 1 and 6 of this Report, and all associated ancillary fees (the "Fees") are submitted to the City within 2 years after the By-law has been given first reading

8. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Plan and all associated ancillary fees (the "Fees") are not submitted within 2 years after the By-law has been given first reading unless the Developer applies for an extension of time before the expiration of the 2-year period and Council approves the extension.

9. That the subdivision section of the By-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.

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

11. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 9 and 10 unless the Developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

12. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the Developer applies for an extension of time before the expiration of the 1-year period and Council approves the extension.

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

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

The Riel Community Committee provided the following supporting reasons for its recommendation:

1. Rare to have no one show up and file in on infill type development, which indicates that a lot of work was done by the developer and by the public service and people engage in this neighborhood so I they had their voices heard on some matters at least.

2. Some concerns were raised by Mr. Molgat and I think some are them being dealt with. The loss of privacy; I think the developer has indicated they'll help you plant some trees, I'm simplifying it but that was certainly the evidence that was put in.

3. They don't need a height variance here so three stories in reasonable in the context of what was else has been done on St. Mary's and St. Anne's.

4. It is right by transit. It's a bit of stretch to say there's good bike infrastructure but that doesn't mean it's fatal to the proposal as it's certainly good for transit infrastructure.

5. Some of the other concerns that were raised – what type of business is going to go in. There are limits under the existing zoning. There are some limits on the green wall and we'll deal with that under the plan approval as part of landscaping. The EV charging station seems frankly a good bit of public policy but we don't require it in other buildings. We've got other big rezonings happening way further out in the City and I'd like to see us do more of that, but some of that's a broader discussion not to be dealt with today.

6. This lane has attracted tons of complaints over the years and finally we've got a solution – we're going to get it paved. These guys are going to pave it, that's a win. I just don't think this is the one where we're going to stand up and say we want traffic calming. I'm pleased to get it paved and it helps solve a nightmare lane in my ward.

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 February 4, 2022
2. Notification of Public Hearing dated March 14, 2022
3. Manitoba Status of Titles 3000632/1, 2911583/1, 2926785/1
4. Letter of authorization dated December 16, 2021 from Dr. Majid Shariati Medical Corporation to Talebi Holdings Ltd. (Alan Talebi)
5. Letter of authorization dated December 16, 2021 from 7576812 Manitoba Ltd. to Talebi Holdings Ltd. (Alan Talebi)
6. Plans (4 pages)
7. Arborist Report dated December 19, 2021
8. Shadow Study Diagram
9. Title Information
10. Title Plot
11. Development Concept Rendering
12. Report from the Urban Planning Division dated April 5, 2022
13. Inspection Report
14. Communication dated April 20, 2022 from Ty Ellis in support of the application
15. Communication dated April 22, 2022 from Chris Thorne in support of the application
16. Presentation dated April 26, 2022 from Brendan Salakoh, Landmark Planning & Design, in support of the application
17. Communication from Alain Molgat with respect to the application

REPRESENTATIONS:

In Support:

Brendan Salakoh
Brennan Johnson
Alan Talebi
Ty Ellis
Chris Thorne

In Opposition:

Nil

For Information:

Alain Molgat

For the City:

E. Finnigan, Planner, Planning, Property and Development Department
D. Iskierski, Planning, Property and Development Department
D. Trenchard, Land Development Engineer, Planning, Property and Development Department

Exhibit "12" referred to in File DASZ /2022

ADMINISTRATIVE REPORT

Title: DASZ 13/2022 – Kingston - St. Mary's Rd

Issue: An application for consideration at the public hearing to consolidate three lots and rezone from 'R1-M' (Residential Single-Family Medium) to 'RMU' (Residential Mixed Use) for the construction of a mixed-use residential and commercial building.

Critical Path: Riel Community Committee → Standing Policy Committee on Property and Development → Executive Policy Committee → Council

AUTHORIZATION

Author	Department Head	CFO	CAO
E. Finnigan, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the plan of subdivision under Development Application No. DASZ 13/2022 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the map dated April 5th, 2022 and attached as Schedule "A" and the Proposed By-law attached as Appendix "B" to this report, with such changes as may be required, and registration in the Winnipeg Land Titles Office, subject to the following:

    A. That the developer be required to enter into a Servicing Agreement with the City pursuant to subsection 259(1) of the City of Winnipeg Charter in accordance with the report of the Administrative Coordinating Group dated April 7th, 2022 and attached as Schedule "B" to this report.

2. That, the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "RMU" Residential Mixed Use District, as shown on the map dated April 5th, 2022 and included within Schedule "A", subject to the following conditions:

    A. That, the developer enter into a Zoning Agreement with the City pursuant to Section 240 (1) of *The City of Winnipeg Charter* in accordance with the following:

        i. That 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) lighting;

(f) fencing;

(g) landscaping; and

(h) free-standing signage

on the Owner's land ("Works) to the City's Director of Planning, Property and Development ("Director") and the Riel 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.

ii. That, excluding projections permitted under the Zoning By-Law, the maximum building height on the subject property must not exceed 70 feet (21.34 metres).

iii. That, any buildings must not extend into a 45 degree angular plane measured from a point 6 feet above grade at the eastern property line of 8 Kingston Row extending over the subject property.

iv. That private vehicular approaches shall not be permitted on St. Mary's Road and Kingston Row.

3. That the City enter into, execute and deliver with the Developer

(a) a Servicing Agreement in accordance with recommendation 1; and

(b) a Zoning Agreement in accordance with recommendation 2,

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").

4. That authority be delegated to the City's Director of Planning, Property and Development (the "Director") to negotiate and approve the terms and conditions of the Servicing Agreement, 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.

5. That, in lieu of the dedication of land, the developer shall provide a cash payment in an amount equal to ten percent (10%) of the appraised value of Development Application No. DASZ 13/2022, as determined by the City's Director of Planning, Property and Development.

6. 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 this report and bring same directly to Council for first reading at the next available Council meeting.

7. That upon instruction from the Director of Planning, Property and Development, the Director of Legal Services/City Solicitor be directed to return the By-law to Council to be given

second and third reading to the By-law if a legal plan of subdivision (the "Plan"), prepared by the Manitoba Land Surveyor in accordance with Recommendations 1 and 6 of this Report, and all associated ancillary fees (the "Fees") are submitted to the City within 2 years after the By-law has been given first reading

8. That the matter will be deemed to be concluded and all approvals in connection with this matter will expire if the Plan and all associated ancillary fees (the "Fees") are not submitted within 2 years after the By-law has been given first reading unless the developer applies for an extension of time before the expiration of the 2 year period and Council approves the extension.
9. That the subdivision section of the By-law will come into force when the Servicing Agreement is fully executed and the Plan is registered in the Winnipeg Land Titles Office.
10. That the zoning section of the By-law will come into force when the Zoning Agreement is registered in the Winnipeg Land Titles Office by way of caveat against the lands described therein.
11. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan and the Zoning Agreement are not registered in accordance with recommendations 9 and 10 unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.
12. That this matter will be deemed to be concluded and all approvals in connection with this matter will expire if the necessary Plan approval signatures on behalf of the City have not been secured within 1 year after the date on which the By-law is enacted unless the developer applies for an extension of time before the expiration of the 1 year period and Council approves the extension.
13. That, the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

- The applicant is proposing to consolidate three lots and rezone to 'RMU' (Residential Mixed Use) for the construction of a mixed-use residential and commercial building.
- Subdivision and 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 Division are concurred in, the subject site will be consolidated and rezoned consistent with the map provided in Schedule "A" of this report.

CONSULTATION

In preparing this report there was internal consultation with:

- Administrative Coordinating Group (ACG);
- Urban Forestry Division.

OURWINNIPEG POLICY ALIGNMENT

City Building Direction 3: Promote compact urban form and manage the extension of municipal services for new growth.

- The continued infill development of this Mature Community will make use of existing municipal infrastructure and promote the development of compact urban form.

WINNIPEG CLIMATE ACTION PLAN ALIGNMENT

Strategic opportunity 4: Facilitate Compact, Complete Development and Increase Density

4.1 Increase Strategic Infill Development that Provides Access to and Capitalizes on Existing and Planned Corridors with Frequent Transit Service

WINNIPEG POVERTY REDUCTION STRATEGY ALIGNMENT

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

SUBMITTED BY

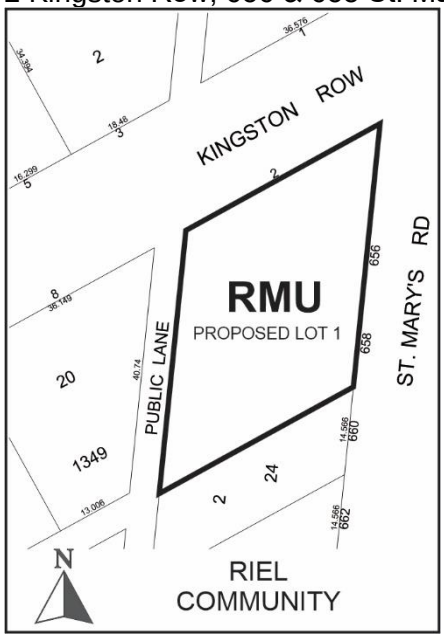
Department	Planning, Property and Development
Division	Urban Planning Division
Prepared by	Elise Finnigan, MA Planning
Date:	April 5th, 2022
File No.	DASZ 13/2022

List of Schedules and Attachments

1. Appendix A — Planning Discussion.
2. Appendix B — Proposed By-law.
3. Appendix C — Plan Approval Design Guidelines.
4. Schedule ‘A’ — Recommended File No. DASZ 13/2022 Riel Community Committee, dated April 5th, 2022.
5. Schedule ‘B’ — Report of the Administrative Working Group – April 7th, 2022.
6. Schedule ‘C’ — Sun Shadow Study.

APPENDIX 'A'

FILE:	**DASZ 13/2022**
RELATED FILES:	DAV 22-109191\D
COMMUNITY:	Riel Committee
NEIGHBOURHOOD #:	5.507 – Elm Park Neighbourhood
SUBJECT:	An application to consolidate three lots and rezone to 'RMU' (Residential Mixed Use) for the construction of a mixed-use residential and commercial building.
LOCATION:	2 Kingston Row, 656 & 658 St. Mary's Rd (see map below)



APPLICANT:	Brendan Salakoh (Landmark Planning and Design INC) 298 Waterfront Dr Winnipeg, MB R3B 0G5
OWNERS:	DR. MAJID SHARIATI MEDICAL CORPORATION 10 Millbank Ave Winnipeg, MB R3Y 0B4

RECOMMENDATION: Approval with conditions

SITE DESCRIPTION

- The subject properties are located on the west side of St. Mary's Road between Kingston Row and Rosewarne Avenue, in the Elm Park neighbourhood of the St. Vital ward.
- The site is comprised of three (3) separate lots (i.e., 2 Kingston Row, 656 and 658 St. Mary's Road) that are currently occupied by three detached single family dwellings.

- The consolidated area of the subject site will be approximately 14,144 square feet in area.
- The site is located along a Regional Mixed Use Corridor (St. Mary's Road) under the *Complete Communities Direction Strategy*. It is zoned Residential Single-Family Medium ('R1-M') and located in the Urban Infill Area.



Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Kingston Row, then residential uses zoned Residential Single Family Medium ('R1-M') and Residential Multi-Family Small ('RMF-S').

South: Detached single-family homes zoned Residential Single Family Medium ('R1-M').

East: St. Mary's Road, then residential uses zoned Residential Multi-Family Small ('RMF-S').

West: Public lane, then detached single-family homes zoned Residential Single Family Medium ('R1-M').



Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to consolidate three existing lots and rezone from 'R1-M' (Residential Single-Family Medium) to 'RMU' (Residential Mixed Use) for the purposes of constructing a 3-storey mixed use building. The building will encompass 16 residential units and two small scale commercial units on the ground floor.
- A total of twenty (20) parking stalls will be provided at-grade under the building.
- As part of the 20 parking stalls, there will be 2 accessible parking stalls that are also identified for visitor parking.
- A combination of trees and shrubs are proposed along the south, east, and north properties lines. Five existing Manitoba Maple trees will be preserved along the south property line. An arborist report was included in the application submission detailing the health of all existing trees, which ones should be maintained, and outlining the methods for preserving the trees through construction.
- Vehicular access to the property is proposed by way of the public lane.
- Two bicycle parking stalls will be provided near the commercial units at the southeast corner of the site.
- Two enclosure areas for refuse storage have been identified on the site both abutting the public lane. One of the enclosures will be located at the southwest corner of the site and is assigned for the residential units while a second enclosure is assigned for the commercial units.
- The proposed development requires variances for yard setbacks, insufficient street edge landscaping, the garbage enclosures, as well as buffering (see associated variance application and planner's report for DAV 22-109191\D).

COLLABORATION

With the Public Service

- The Urban Planning Division has been in communication with the applicant about the proposed development since an initial pre-application submission in June 2021 as well as via subsequent emails and meetings in which the details of the proposed development were discussed including additional refinements to the design.

With the Public

- The applicant has indicated that a public consultation process was undertaken with adjacent and nearby residents as well as other stakeholders over four meetings in a two-round format in October and December 2021. Hand-delivered notices and email notifications were used to inform stakeholders of meetings, and display materials were made available digitally. An advertisement was also placed in *The Lance* weekly newspaper.
- The first round consisted of two virtual Zoom meetings held on October 21st at 4:00pm and at 7:00pm. At these meetings the project team introduced the planning process, shared a preliminary design concept, sought resident and stakeholder input and looked to address any concerns or questions.
- The second round consisted of two virtual Zoom meetings held on December 8th at 4:00pm and at 7:00pm. At these meetings the project team shared the preferred design concept, showed how concerns were addressed, continued to receive input, and outlined next steps.
- A detailed summary of the public engagement process is included in the applicant's letter of intent on page 2 to page 5.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY:

- *The Complete Communities Direction Strategy* is one of four direction strategies supporting *OurWinnipeg*, 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 subject property is located along a "Regional Mixed Use Corridor" in the *Complete Communities'* Urban Structure map. *Complete Communities'* directs a significant share of growth to Corridors in a way that:
    - Provides compact, mixed-use, high-quality urban development.
    - Concentrates people and jobs in areas well-served by the primary transit service, located close to transit stops.
    - Concentrates urban development in a built form that helps to optimize existing investment, municipal infrastructure, and facilities.
    - Encourages a built form that supports a pedestrian-friendly environment while incorporating climate-sensitive site and building design.
- With regard to this proposal, the key policies guiding the development of Regional Mixed Use Corridors include:
    - *Promote small-scale, fine-grained development that is responsive to the surrounding community context.*

- *Provide a mix of employment, higher-density residential opportunities, retail and service uses that support the needs of and respect the context of adjacent communities.*
- *Support active uses (such as retail and services) at street level and office and housing on the upper levels of multi-storey developments.*
- *Mitigate the potential impacts of new development on neighbouring streets, parks and properties.*
- *Encourage urban design and/form-based strategies that help define the character of Centres and Corridors through clarifying the massing and height of buildings, setbacks, appropriate open space areas and appropriate parking design and locations.*
- *Promote innovative parking strategies and high intensity developments, including locating parking lots to the rear of developments, encouraging the development of underground parking structures and encouraging the preservation and/or planting of trees and other types of vegetation within and around surface parking lots.*
- *Ensure multi-modal connectivity.*
- *Support a range of housing opportunities in terms of type, tenure, unit size*.
- *Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential and mixed use development are appropriate.*
- *Support development in accordance with Universal Design and Crime Prevention Through Environmental Design (CPTED) policies.*

CITY OF WINNIPEG ZONING BY-LAW 200/2006

ZONING

- Currently, the lands are zoned Residential Single Family Medium ('R1-M'). The R1-M district is intended to accommodate primarily single-family residential development in low density areas. The dimensional standards in the R1-M zoning district are: a minimum lot width of 25 feet, a minimum lot area of 3,500 square feet, side yards of 4 feet, a front yard of 15 feet, and a rear yard of 25 feet. The maximum building height is 35 feet and the maximum lot coverage is 45%.
- The applicant is proposing to rezone the property to Residential Mixed Use ('RMU'). The RMU zone is intended to facilitate the development of primarily medium to higher-density residential development, though it also may contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The dimensional standards for multi-family structures in the RMU zone are: a minimum front yard of 20 feet; a minimum rear yard of 25 feet; a minimum side yard of 5 feet (where the building is more than one storey in height the required interior side yard increases by 2 feet for each storey above the ground floor to a maximum of 20 feet) and, a maximum building height of 100 feet. The minimum lot area is 9,000 square feet and the minimum lot area per dwelling unit is 500 square feet.

Reason for the Subdivision and Rezoning

The applicant is proposing to consolidate three existing lots and rezone from R1-M to RMU for the purposes of constructing a 3-storey mixed use building. The building will encompass 16 residential units and two small scale commercial units on the ground floor.

CONSISTENCY WITH COMPLETE COMMUNITIES AND COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- As noted above, the subject site is located along a Regional Mixed Use Corridor under the *Complete Communities Direction Strategy* where the highest levels of intensification are promoted at significant intersections. Focusing intensification efforts along these types of corridors is important as it helps accomplish several objectives:
    - Builds a critical population mass, creating vibrancy while supporting local amenities.
    - Links land use with transportation and mobility.
    - Accommodates Winnipeg's projected growth in a sustainable way.
    - Increases predictability and reduces the impact of new development and increased traffic in Areas of Stability.
    - Increases certainty for the development industry.
- In the case of the subject site, it is located along a portion of the St. Mary's Road Regional Mixed Use Corridor which is characterized by multi-family and single family land uses with small scale commercial uses within walking distance. It is also located along high frequency transit routes (i.e., Routes #14 and #54) and under the Winnipeg Transit Master Plan along the proposed rapid transit Orange Line. As such, the proposal to establish a mixed use building on the subject property is compatible with existing land uses and aligns with the policies guiding development along Regional Mixed Use Corridors in the *Complete Communities Direction Strategy.*
- The applicant has worked closely with the Urban Planning Division to develop a proposal that supports a high quality, pedestrian-oriented urban environment while incorporating a built form that respects neighbouring properties. More specifically, the building and site design encompass the following considerations:
    - A strong pedestrian-oriented ground floor design that incorporates small scale, fine grained commercial storefronts;
    - The units facing St. Mary's Road include private, outdoor amenity spaces via the inclusion of balconies helping to add "eyes on the street" which can improve the perception of safety at the street level;
    - The applicant is proposing to preserve five existing mature trees along the south property line and plant five new trees as well as several shrubs along the east and north property lines;
    - The building is only three storeys tall resulting in almost no shadow impact on the neighbouring properties (see Schedule C for Sun Shadow Study);
    - The parking area is concealed from street view by the building;
    - The building incorporates a high quality façade design with varying articulations, a combination of cladding materials and colours which helps to break-up the massing of the building and enhance the overall look of the street edge along St. Mary's Road.

RECOMMENDED SERVICING AGREEMENT

- Per the report of the Administrative Coordination Group (Schedule “B” of this report), conditions in the servicing agreement include a requirement that the applicant pave the entire lane between Kingston Row and Rosewarne Avenue in concrete.

RECOMMENDED ZONING AGREEMENT

Plan Approval

The Urban Planning Division is recommending that final plans be submitted to the Director of Planning, Property and Development and Riel Community Committee for review prior to the issuance of a development permit on the lot. The inclusion of this clause will allow the Urban Planning Division and the Riel Community Committee to review final plans and design details before any future development takes place on the site. Noting the amount of work that has been done on the design of the project in consultation with the Urban Planning Division to-date, the expectation for the Plan Approval will be that the final plans are substantially consistent with those submitted as part of the DASZ application. Recommended design guidelines for approval are included in Appendix C to assist with any future plan approval review.

Height

To limit the potential shadowing of the neighbouring properties by the proposed development and recognizing the maximum building height permitted in the ‘RMU’ zone is 100 feet, the Public Service is recommending that the maximum height of any building on the site be restricted to 70 feet.

Rear Yard Setback

One of the factors when considering the compatibility of a proposed building with the surrounding context is the proposed height and setbacks of the building and their potential impact on adjoining properties. This is of particular importance when adjacent to residential properties. Many cities ensure that when the rear yard of a development is adjacent to residential properties the building setback be determined by setting the building back so it does not project into a 45 degree angular plane measured from the single family residential property line (starting at a six foot height above grade) to the top of the proposed building (see Figure 3). This provides a lower building at the rear of the site, improved “fit”, and a gradual transition from the rear property line in terms of building massing.

While the subject application only proposes a three-storey building (36 feet tall) with a 25 foot rear yard setback, the Public Service is recommending the rear yard setback be restricted in the Zoning Agreement based on the 45 degree angular plane measurement should a taller building be proposed in future.

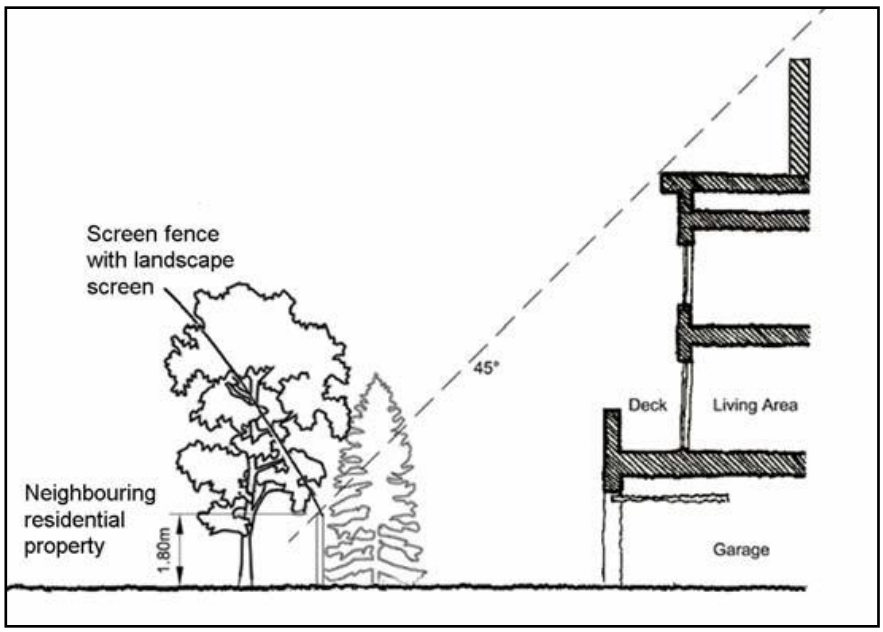


Figure 3: Diagram showing 45º angular plane rear yard setback.

No vehicular approaches

To help ensure the safety and comfort of pedestrians and cyclists is maintained and recognizing the subject property has access to a public lane, the Public Service is recommending that no private vehicular approaches be permitted on St. Mary's Road and Kingston Row.

LAND DEDICATION

- When a developer rezones and/or subdivides a parcel of land, they are required to put in an application with the City of Winnipeg.
- As a condition of rezoning or subdivision, a developer is required to contribute a portion of the land to be developed to the City for parks purposes.
- The amount of land is not less than 10%.
- The developer is to provide land or 'cash in lieu' as determined by the Planning, Property and Development Department.
- The Public Service is requesting cash in lieu for this application.

RECOMMENDATION

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

- The proposal is consistent with the policies guiding development along *Regional Mixed Use Corridors* in the *Complete Communities Direction Strategy* where higher intensity mixed use developments are encouraged.
- The proposal has been well designed based on significant collaboration between the City and the applicant and enhances the overall look of the street edge along St. Mary's Road.

- The development will result in paving the public lane between Kingston Row and Rosewarne Avenue in concrete.

This Report Submitted by: Elise Finnigan
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 13/2022

APPENDIX 'C' Design Guidelines

Plan Approval Design Guidelines for DASZ 13/2022 – 2 Kingston Row, 656 & 658 St. Mary's Rd

1. Site Planning

1.1 The site layout and building orientation should ensure that the building relates appropriately to the street (St. Mary's Road and Kingston Row) and surrounding developments and creates a cohesive visual identity for the neighbourhood.

1.2 Site design should consider opportunities for enhancing personal security and safety by incorporating Crime Prevention Through Environmental Design (CPTED) principles.

1.3 Parking areas should be screened with landscaping or active uses.

1.4 Locate refuse storage areas and other building services internal to buildings or screened from view with appropriate fencing/landscaping.

2. Building Orientation and Design

2.1 The building façades should be well-articulated and should avoid featureless building massing.

2.2 The overall design should be made up of a distinctive, quality, architectural character and style that also avoids monotonous and featureless building massing and design.

2.3 Minimize blank walls – use landscaping, aesthetic characters (such as projections and offsets), change in cladding material, glass, balconies, etc. to break up tracts of continuous blank walls.

3. Landscaping

3.1 The existing mature landscaping should be preserved where possible.

3.2 High-quality landscaping should be provided along the street edge of the site (i.e. St. Mary's Rd and Kingston Row).

Schedule “A” for File No. DASZ 13/2022, Riel Community Committee, dated April 5th, 2022.

By-Law No. _____

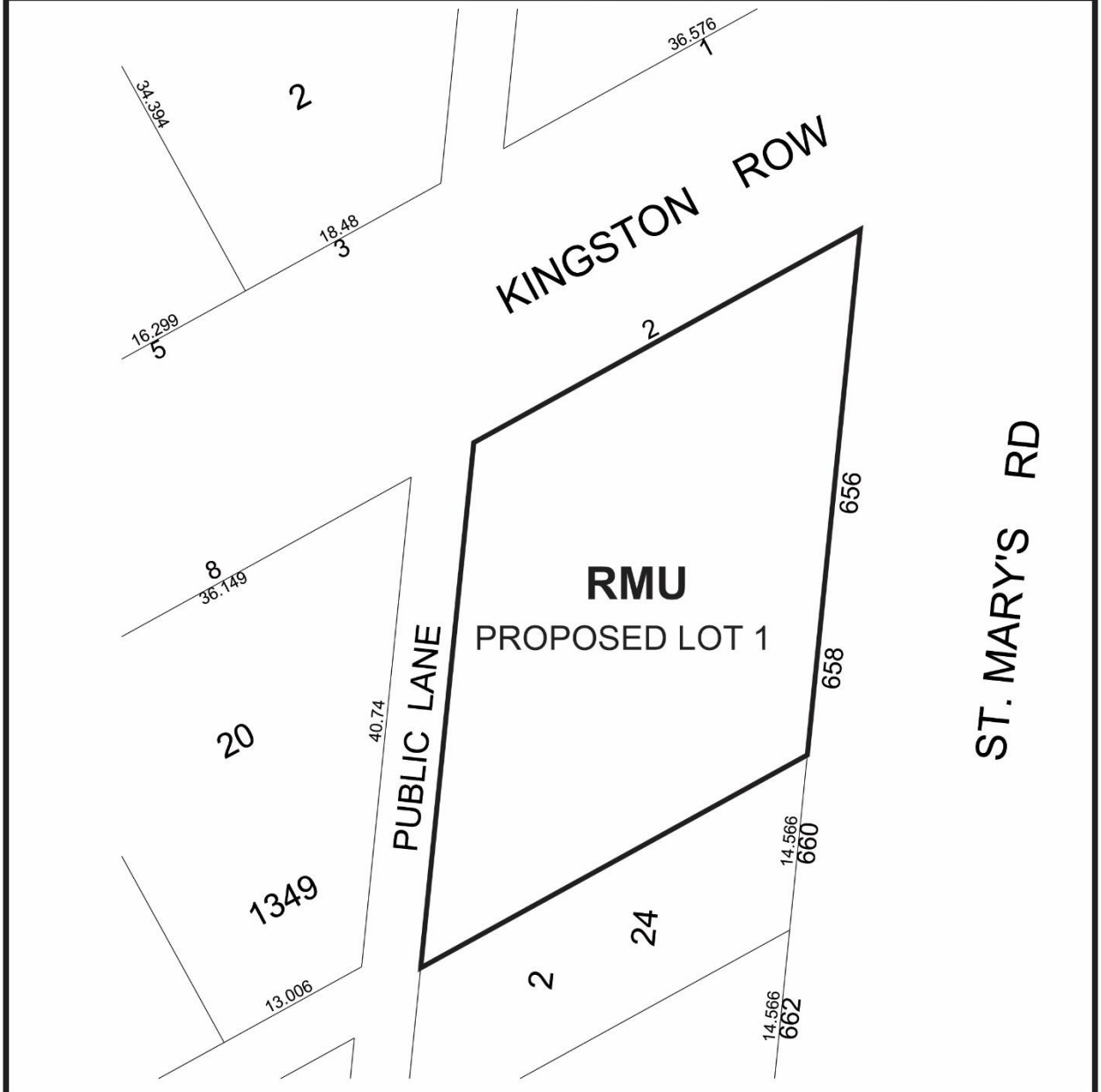
File No. **DASZ 13/2022**

Atlas Sheet No. **AD26**

RIEL COMMUNITY

Explanation

An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located at 2 Kingston Row, 656 St. Mary's Road and 658 St. Mary's Road from an “R1-M RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an “RMU” RESIDENTIAL MIXED-USE DISTRICT to facilitate the consolidation of land and allow the construction of a mixed-use residential and commercial building.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED SUBDIVISION AND REZONING ON LAND LOCATED AT 2 KINGSTON ROW, 656 ST. MARY'S ROAD AND 658 ST. MARY'S ROAD

It is recommended that approval of DASZ 13/2022, if granted, be subject to the applicant entering into a Servicing Agreement containing the following conditions:

Section I – Engineering Studies

1) The Developer shall, at no expense to the City, conduct geotechnical investigations in accordance with the City's "Guidelines for Site Investigation Requirements for Public Works Street Projects" and develop pavement designs, all to the satisfaction of the Director of Public Works.

Section II - Servicing Conditions

1) Combined Sewer District

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:

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

ii. The peak land drainage discharged from the site must be based on a c-value of 0.35, with a 5 year rainfall event applied.

iii. 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) Water Mains

The Water and Waste Department has advised that their analysis indicates there is not adequate fire flow for the proposed development. The Developer shall, at no expense to the City:

i. propose building construction upgrades at the permit stage to demonstrate compliance with the City's fire flow requirements described here:

http://winnipeg.ca/waterandwaste/dept/waterdemand.stm;

ii. reduce the proposed density and adjust the proposed site plan to match the existing service level;

iii. upgrade the water main on Kingston Row to 200mm, from St. Mary's Road to the hydrant fronting 2 Kingston Row; or,

iv. install a hydrant on the existing 300mm water main fronting the property on St. Mary's Road,

all as determined by and to the satisfaction of the Director of Water and Waste.

3) Public Lanes

a) The Developer shall, at no expense to the City, construct 150mm thick Portland cement concrete pavements, and all related works, including but not limited to land drainage sewers, in the existing Public Lane between Kingston Row and Rosewarne Avenue, as determined by and to the satisfaction of the Director of Public Works.

b) The City will endeavour, within the limits of its powers, to make recoveries from other benefitting privately owned land(s) through subsequent development agreements.

4) Construction Traffic

a) The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works.

b) The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud, and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

5) Utilities

a) The Developer shall, at no expense to the City, cause underground electrical and telephone services to be installed to serve the Planned Area and will pay the full cost to convert any existing overhead services within the Planned Area to underground to the satisfaction of the Director of Public Works.

b) The Developer shall pay all costs associated with the relocation of street lights and other utilities made necessary as a result of, or required to accommodate, the works to be constructed by the Developer to serve the Planned Area, as determined by and to the satisfaction of the Director of Public Works.

6) Litter and Refuse Control and Clean-Up

a) The Developer shall, at no expense to the City, and of its own volition, initiate and control the regular cleanup of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction, as determined by and to the satisfaction of the Director of Public Works.

b) The cleanup of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

7) Survey Monuments

a) Subsequent to completion of the Planned Area, as determined by the Director of Planning, Property and Development, the Developer shall pay the full costs of having all survey monuments within the Planned Area verified and/or restored by a Manitoba Land Surveyor and shall prepare a Plan of Survey Perpetuating Certain Monuments, confirming the position of all the survey monumentation within the Planned Area, for filing in The Property Registry.

b) In certain circumstances where all the survey monuments within the Planned Area have been found or restored to their original positions, upon approval by the Director of Planning, Property and Development, the requirements for Plan of Survey Perpetuating Certain Monuments may be waived.

Section III – Costs and Fees

1) By-laws and Approvals

The Developer shall pay all of its and the City's costs, fees, and expenses associated with the preparation and attainment of approval for registration of the Zoning By-law(s) and plan(s) of subdivision, including all Municipal Board, Land Titles Office and other fees and expenses, all survey, engineering and advertising fees and costs, and all expenses incidental to the preparation of this Agreement and the physical development of the Planned Area.

2) Professional Fees

a) The Developer shall pay the full cost of all design services, including preliminary engineering studies, servicing reports, servicing criteria, construction drawings and specifications, and grading and landscaping plans and specifications, to be provided by Consulting Engineer(s) approved by the City, for the design of the municipal services, parklands, parkways and associated works required to serve the Planned Area;

b) The Developer shall pay the full cost of construction and landscaping supervision services provided by or on behalf of the City for field inspection, preparation of progress estimates, provision of as-built drawings by March 31 of the year following substantial performance of the work, and all other engineering consulting services related to the installation and acceptance of municipal services, and all associated works to serve the Planned Area.

3) Administration Fees

The Developer shall pay to the City, prior to the release of the subdivision mylars for registration in the Land Titles Office, an administration fee plus applicable GST to help defray the City's administration and related costs associated with the preparation and implementation of the Development Agreement.

THIS REPORT SUBMITTED BY:

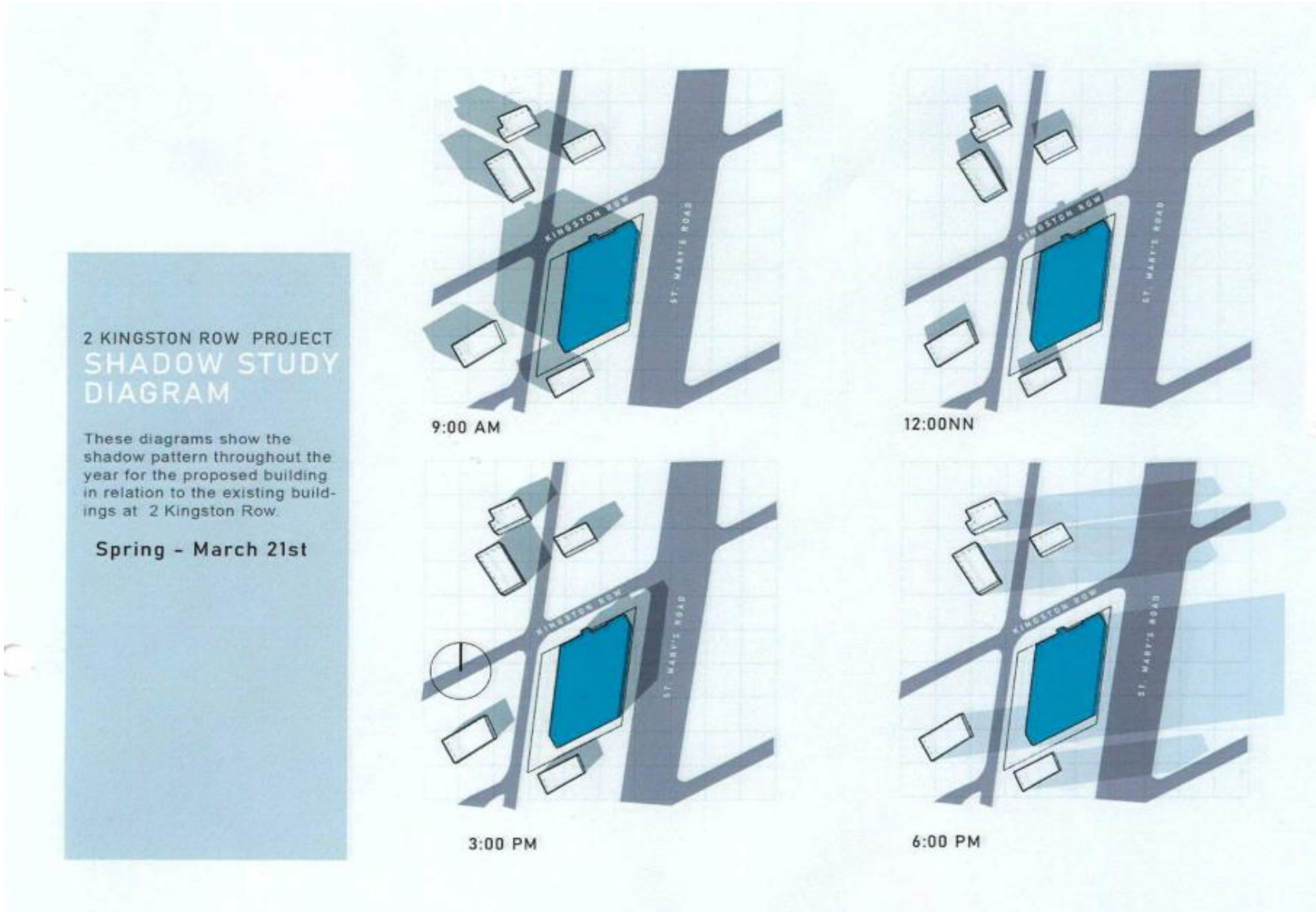
Administrative Co-ordinating Group
File No. DASZ 13/2022
April 7, 2022

"*Original Signed by D. Trenchard"*
D. Trenchard, P. Eng.
Land Development Branch
Planning, Property and Development Department

"*Original Signed by M. Gajda"*
M. Gajda, P. Eng.
Engineering Division
Water and Waste Department

"*Original Signed by C. Desjardine"*
C. Desjardine, M. Sc., P. Eng.
Transportation Division
Public Works Department

Schedule “C”/Exhibit 8 for File No. DASZ 13/2022, Riel Community Committee, Sun Shadow Study.

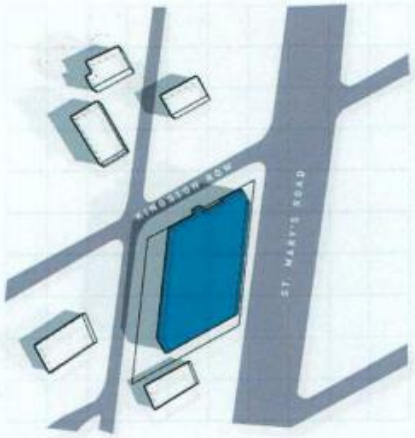


2 KINGSTON ROW PROJECT

SHADOW STUDY DIAGRAM

These diagrams show the shadow pattern throughout the year for the proposed building in relation to the existing buildings at 2 Kingston Row.

Summer - June 21st



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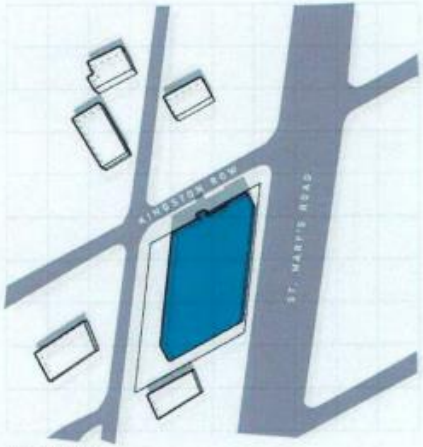

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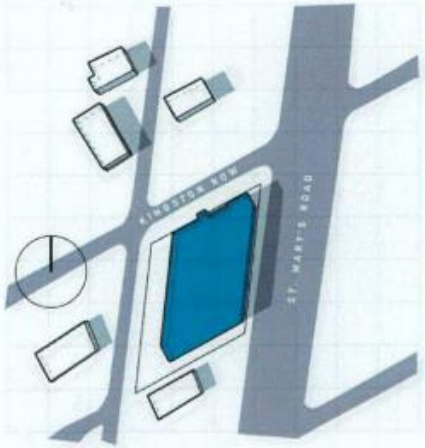

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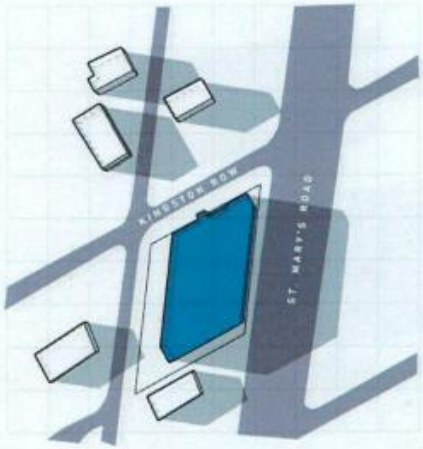

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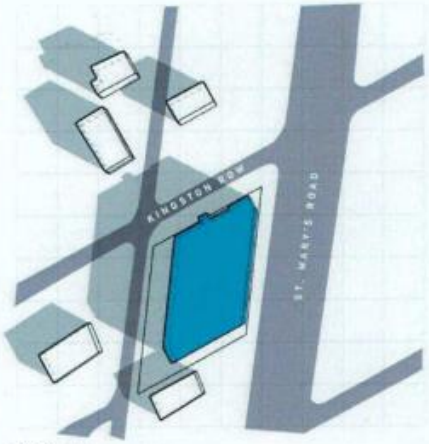
SPLENDID HOMES

2 KINGSTON ROW PROJECT

SHADOW STUDY DIAGRAM

These diagrams show the shadow pattern throughout the year for the proposed building in relation to the existing buildings at 2 Kingston Row.

Fall - September 21st



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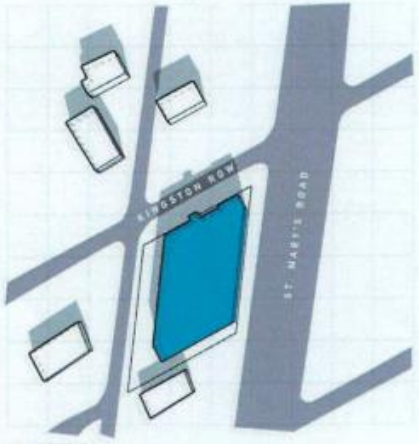

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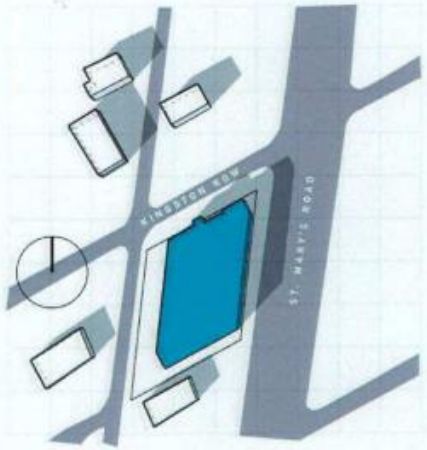

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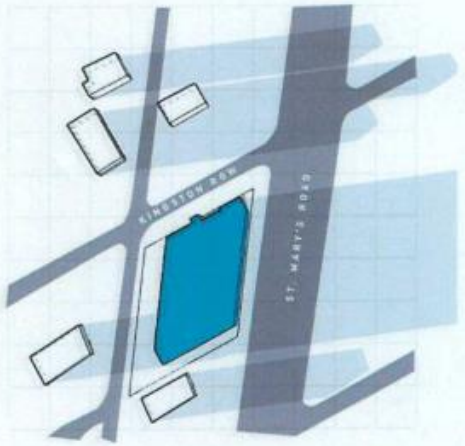

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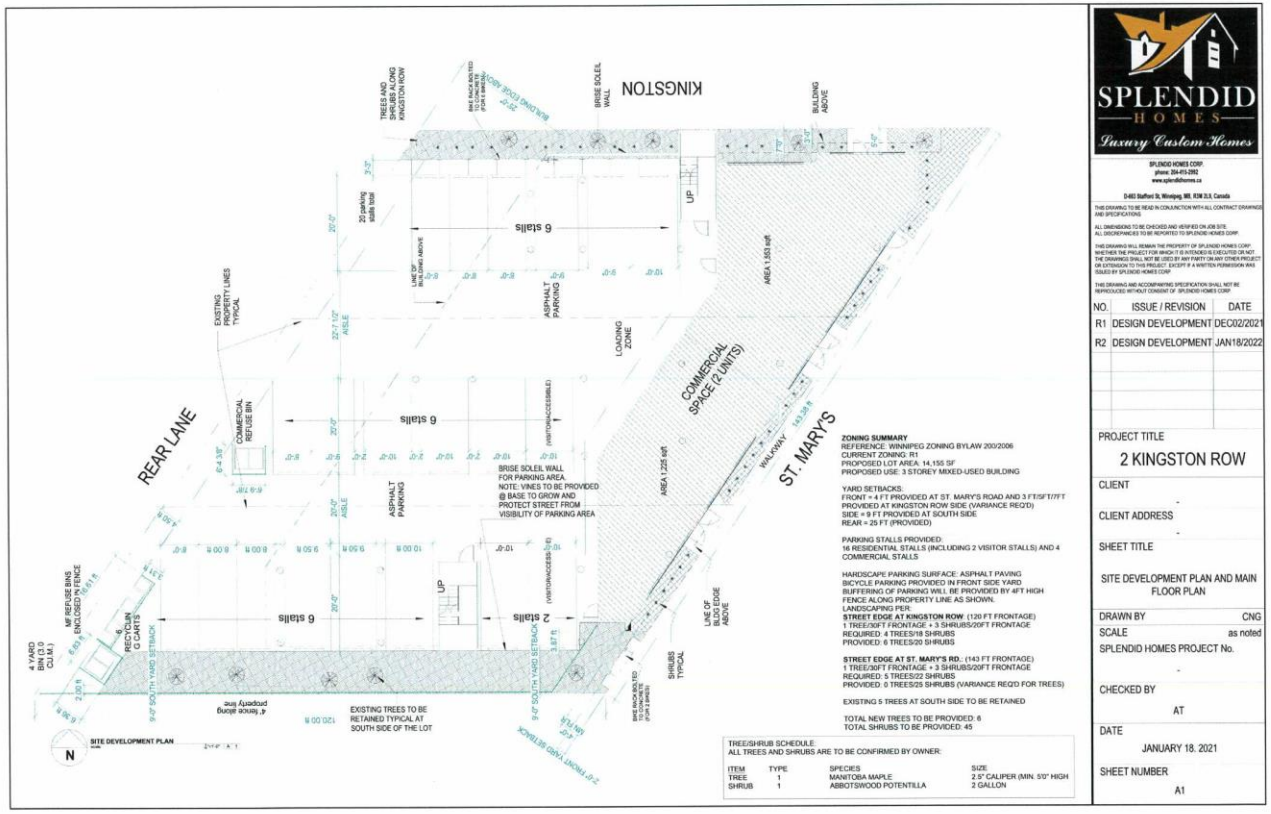
Exhibit “6” referred to in File DASZ /2022





SECOND AND THIRD FLOOR PLAN
scale: 1/4"=1'-0" A 2

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Luxury Custom Homes

SPLENDID HOMES CORP.
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www.splendidhomes.ca
3-663 Stafford St, Winnipeg, MB, R3M 2L9, Canada

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NO.	ISSUE / REVISION	DATE
R1	DESIGN DEVELOPMENT	DEC02/2021
R2	ISSUED FOR REVIEW	DEC21/2021

PROJECT TITLE
2 KINGSTON ROW

CLIENT
-

CLIENT ADDRESS
-

SHEET TITLE
SECOND AND THIRD FLOOR PLAN

DRAWN BY CNG
SCALE as noted
SPLENDID HOMES PROJECT No.
-
CHECKED BY
AT
DATE
DECEMBER 21, 2021
SHEET NUMBER
A2



EAST ELEVATION

scale: 1/8"=1'-0" A 3



NORTH ELEVATION

scale: 1/8"=1'-0" A 3



VIEW FROM THE STREET

A 3

FINISH OPTIONS:

STO 37207	STO 37100		
ACRYLIC STUCCO LIGHT FINISH OR APPROVED EQUAL	ACRYLIC STUCCO DARK FINISH OR APPROVED EQUAL	MASONRY FINISH HARTFORD TUNDA BRICK OR APPROVED EQUAL	HARDIE PANEL FINISH: CEDAR TONE OR APPROVED EQUAL

NOTE:
*COLOUR OPTIONS ARE PRELIMINARY AND MAY CHANGE DURING CONSTRUCTION
*BRISE SOLEIL WALL COLOUR TO MATCH COLOUR OF MASONRY FINISH
*SUPPORT POSTS AT PARKING TO BE PAINTED WHITE FINISH
*STOREFRONT GLASS FRAMES TO BE BLACK
* FEATURE LOUVER WALL TO BE DARK FINISH FINAL COLOUR TBD

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R2	ISSUED FOR REVIEW	DEC21/2021

PROJECT TITLE

2 KINGSTON ROW

CLIENT

-

CLIENT ADDRESS

-

SHEET TITLE

EAST ELEVATION
NORTH ELEVATION

DRAWN BY CNG

SCALE as noted

SPLENDID HOMES PROJECT No.

-

CHECKED BY

AT

DATE

DECEMBER 21, 2021

SHEET NUMBER

A3



WEST ELEVATION
scale: 1/16"=1'-0" A 4



SOUTH ELEVATION
scale: 1/16"=1'-0" A 4



VIEW FROM THE STREET A 4

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NO.	ISSUE / REVISION	DATE
R1	DESIGN DEVELOPMENT	DEC02/2021
R2	ISSUED FOR REVIEW	DEC21/2021

PROJECT TITLE
2 KINGSTON ROW

CLIENT
-

CLIENT ADDRESS
-

SHEET TITLE
WEST ELEVATION
SOUTH ELEVATION

DRAWN BY CNG
SCALE as noted
SPLENDID HOMES PROJECT No.
-

CHECKED BY
AT

DATE
DECEMBER 21, 2021

SHEET NUMBER
A4