**Agenda – Council – October 24, 2012**

**Report – Standing Policy Committee on Property and Development – October 9, 2012**

**Item No. 1 Subdivision and Rezoning – 750 Rosseau Avenue West and property located to the west**
**(Transcona Ward)**
**File DASZ 16/2012 [c/r DAV 141276/2012D]**

STANDING COMMITTEE RECOMMENDATION:

On October 17, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submits the following to Council:

1. That the plan of subdivision under File DASZ 16/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2012 dated September 11, 2012 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 16/2012 dated September 11, 2012, to a "R1-M" Residential Single Family district, subject to the following:

    A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of the City of Winnipeg Charter to include the following conditions:

        i. That plans shall be submitted showing the location and design of the proposed buildings and fencing to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

        ii. That the front yard setback for both lots shall be a minimum of 24 feet.

3. That the City-owned property located to the west of 750 Rosseau Avenue West, identified as "Subject City Property" on Misc. Plan No. 13825 be declared surplus to the needs of the City.

**Report – Standing Policy Committee on Property and Development – October 9, 2012**

4. That the net proceeds of the sale of the "Subject City Property" on Misc. Plan No. 13825 be allocated to the Transcona Land Dedication Reserve Fund for specific reinvestment back into the Rotary Centenary Park.

5. That the property owner shall be responsible to replace all trees within the Rotary Centenary Park that are lost as a result of the sale, including trees that fall within the limits of the property being sold or within 6 feet (1.8 metres) of the property, said trees to be replanted or supplied and installed by a local recognized tree nursery to the satisfaction of the City Forester.

6. That the applicant shall be responsible for the repair of any damage done to the sidewalk as a result of construction.

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

8. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

10. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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

12. 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.

13. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

**Report – Standing Policy Committee on Property and Development – October 9, 2012**

14. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one 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.

15. 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.

**Pursuant to Section 205(2) of The City of Winnipeg Charter, disposal of land owned or acquired by the City for park or cemetery purposes requires approval by two-thirds of all Members of Council.**

**Report – Standing Policy Committee on Property and Development – October 9, 2012**

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On October 17, 2012, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On October 9, 2012, the Standing Policy Committee on Property and Development concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service with the following amendments:

- Recommendation 2, add the following words:

  "subject to the following:

  A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of the City of Winnipeg Charter to include the following conditions:

     i. That plans shall be submitted showing the location and design of the proposed buildings and fencing to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.

     ii. That the front yard setback for both lots shall be a minimum of 24 feet."

- Recommendation 4

  Delete the words "for alternate park needs in the community" and replace with the words "for specific reinvestment back into the Rotary Centenary Park".

**Report – Standing Policy Committee on Property and Development – October 9, 2012**

DECISION MAKING HISTORY: (continued)

COMMUNITY COMMITTEE RECOMMENDATION: (continued)

- Add the following two new recommendations as 5 and 6:

    "5. That the property owner shall be responsible to replace all trees within the Rotary Centenary Park that are lost as a result of the sale, including trees that fall within the limits of the property being sold or within 6 feet (1.8 metres) of the property, said trees to be replanted or supplied and installed by a local recognized tree nursery to the satisfaction of the City Forester.

    6. That the applicant shall be responsible for the repair of any damage done to the sidewalk as a result of construction."

- Renumber the remaining recommendations,

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

**RE:** **Subdivision and Rezoning - 750 Rosseau Avenue West and property located to the west**
**File DASZ 16/2012**

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

**Prepared by:** **Josie Marques, Senior Committee Clerk**
**East Kildonan-Transcona Community Committee**

**Report date:** **September 19, 2012**

COMMUNITY COMMITTEE RECOMMENDATION:

On September 18, 2012, the East Kildonan-Transcona Community Committee concurred in the recommendation of the Winnipeg Public Service, ***as amended***, and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 16/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2012 dated September 11, 2012 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 16/2012 dated September 11, 2012, to a "R1-M" Residential Single Family district, ***subject to the following:***

    ***A. That the applicant enter into a Zoning Agreement with the City pursuant to Section 240(1) of the City of Winnipeg Charter to include the following conditions:***

        ***iii. That plans shall be submitted showing the location and design of the proposed buildings and fencing to the Director of Planning, Property and Development and the East Kildonan-Transcona Community Committee for plan approval prior to the issuance of any building or development permit, and thereafter all to be maintained to the satisfaction of the Director of Planning, Property and Development.***

        ***iv. That the front yard setback for both lots shall be a minimum of 24 feet.***

3. That the City-owned property located to the west of 750 Rosseau Avenue West, identified as "Subject City Property" on Misc. Plan No. 13825 be declared surplus to the needs of the City.

4. That the net proceeds of the sale of the "Subject City Property" on Misc. Plan No. 13825 be allocated to the Transcona Land Dedication Reserve Fund ~~***for alternate park needs in the community***~~***. for specific reinvestment back into the Rotary Centenary Park.***

***5. That the property owner shall be responsible to replace all trees within the Rotary Centenary Park that are lost as a result of the sale, including trees that fall within the limits of the property being sold or within 6 feet (1.8 metres) of the property, said trees to be replanted or supplied and installed by a local recognized tree nursery to the satisfaction of the City Forester.***

***6. That the applicant shall be responsible for the repair of any damage done to the sidewalk as a result of construction.***

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

***8.*** That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

***10.*** That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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

***12.*** 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.

***13.*** That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

***14.*** That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one 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.

***15.*** 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 East Kildonan-Transcona Community Committee provided the following supporting reason(s) for its recommendation:

1. The applicant has pursued a development that is consistent with the neighbourhood
2. What can be built on the property currently would not be consistent with the neighbourhood.
3. The recommended setbacks and requirement for plan approval to be submitted to Community Committee will ensure consistency with neighbourhood.
4. Concerns with trees and park area shows community cares for the area, the amendments will ensure what is important to community will be maintained.
5. The developer lives in the community.
6. This development is for single family despite the lot being large enough to build multiple family.

**PUBLIC HEARING SUMMARY**

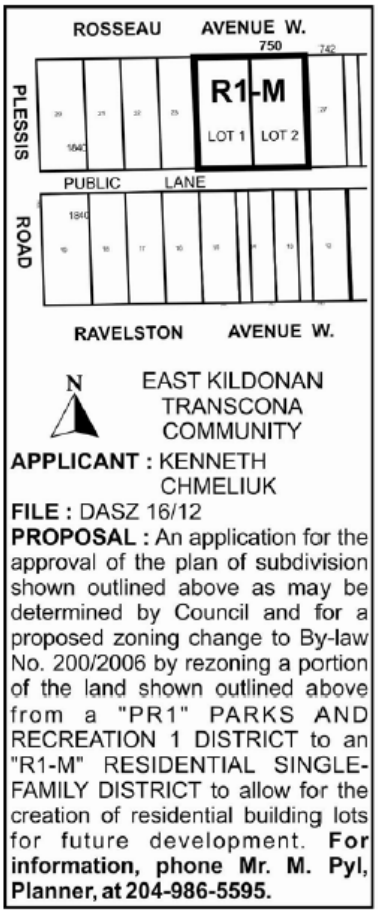
File: DASZ 16/2012

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

Public Hearing: September 18, 2012
West Committee Room
Council Building, 510 Main Street

Applicant: Kenneth Chmeliuk

Subject:




Premises Affected: 750 Rosseau Avenue West and property located to the west

Exhibits Filed:

1. Application dated June 20, 2012
2. Notification of Public Hearing dated July 13, 2012
3. Manitoba Status of Titles 2440192/1 and 2440194/1 Certificate of Title 290972
4. Surveyor's Building Location Certificate and sketch dated November 17, 2005
5. Plan (1 page)
6. Report from the Planning and Land Use Division dated September 11, 2012
7. Inspection Report
8. Petition in opposition to the application purporting to contain the signatures of 27 area residents, submitted by Dolci Walken
9. Communication dated September 18, 2012, from Barbara Cranston in opposition to the application, submitted by Dolci Walken
10. Communication dated September 19, 2012, from Dolci Walkin in opposition to the application

REPRESENTATIONS:

In Support:

Kenneth Chmeliuk

In Opposition

Dolci Walkin
Miriam Cook

For Information:

Nil

For the City:

Mr. M. Pyl, Planner, Planning, Property and Development Department

Exhibit "6" referred to in File DASZ 16/2012

# ADMINISTRATIVE REPORT

**Title:** DASZ 16/12 – 750 Rosseau Av W

**Issue:** For consideration at the public hearing to create two buildable residential lots

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

## AUTHORIZATION

| Author | Department Head | CFO | CAO |
|---|---|---|---|
| P. Regan | n/a | n/a | |

## RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 16/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 16/2012 dated September 11, 2012 with such minor changes as may be required, and registration in the Winnipeg Land Titles Office.

2. That The Winnipeg Zoning By-law No. 200/06 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 16/2012 dated September 11, 2012, to a "R1-M" Residential Single Family district.

3. That the City-owned property located to the west of 750 Rosseau Avenue West, identified as "Subject City Property" on Misc. Plan No. 13825 be declared surplus to the needs of the City.

4. That the net proceeds of the sale of the "Subject City Property" on Misc. Plan No. 13825 be allocated to the Transcona Land Dedication Reserve Fund for alternate park needs in the community.

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

6. That in lieu of the requirement for land dedication, a sum of money, calculated as ten percent (10%) of the increase in market value of the land and the creation of additional lots, be paid to the City for the purchase of land for purposes of the City other than streets.

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

8. That in the event the matter is not proceeded with expeditiously and the by-law is not passed within two 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-year period and Council approves the extension.

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

10. 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.

11. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

12. That the plan of subdivision shall be approved and signed by the Director of Planning, Property and Development within one 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.

13. 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 intends to purchase 29 ft. (2,900 sq. ft.) of the existing park adjacent to the west and consolidate it with 750 Rosseau. With this added lot area, he intends to create two 47.5 ft. wide residential lots. These lots will be zoned “R1-M” Residential Single Family district.
- The applicant intends to build a single family dwelling on each lot in accordance with the dimensional standards of the zoning by-law.
- The City’s Parks planners have indicated a willingness to sell off as small a parcel as possible to facilitate the proposed development.
- The subject property is zoned “R1-M” and the adjacent park is zoned “PR-1” Parks and Recreation: Passive Neighbourhood/Community district.
- Council approval is required to declare the City-owned property surplus to the needs of the City.
- Approval of at least two-thirds of the members of Council is required to declare the subject City property surplus to the needs of the City.
- The Planning, Property, and Development Department intends to sell the subject City property to the adjoining owner in accordance with the delegated authority granted to the Director for the sale of small parcels to be used for residential purposes.

## IMPLICATIONS OF THE RECOMMENDATIONS

If the recommendations of the Urban Planning Division are concurred in, the subject property will be subdivided and rezoned.

There are no regulatory or human resource implications associated with the report.

The City's standard terms and conditions of sale will include provisions to protect the City's interests in the event that environmental contamination is discovered.

There are no direct financial implications associated with this recommendation.

## CONSULTATION

**In preparing this report there was consultation with:**

N/A

## SUBMITTED BY

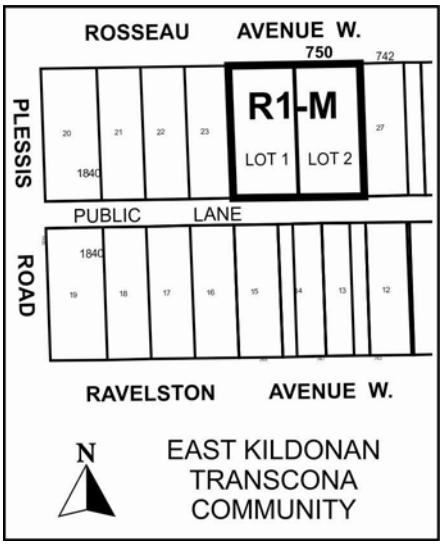
| | |
|---|---|
| Department | Planning, Property and Development |
| Division | Urban Planning Division |
| Prepared by | Michael Pyl |
| Date: | September 11, 2012 |
| File No. | DASZ 16/12 |

**APPENDIX 'A'**

**DATE:** September 11, 2012
**FILE:** DASZ 16/12
**RELATED FILES:**
**COMMUNITY:** East Kildonan-Transcona
**NEIGHBOURHOOD #:** 4.404

**SUBJECT:** To consolidate the subject property with 2,900 sq. ft. of adjacent park land zoned "PR-1" Parks and Recreation: Passive Neighbourhood/Community district to establish two lots zoned "R1-M" Residential Single Family district for residential development

**LOCATION:** 750 Rosseau Av W




**APPLICANT:** Kenneth Chmeliuk
35 Wynford Dr Unit 23
Winnipeg MB R2C 3T8

**OWNER:** Lot 25/26 same as above
Pt lot 24 City of Winnipeg

**RECOMMENDATION:** Approval

**REPORT SUMMARY**

- The applicant intends to purchase 29 ft. (2,900 sq. ft.) of the existing park adjacent to the west and consolidate it with 750 Rosseau. With this added lot area, he intends to create two 47.5 ft. wide residential lots. These lots will be zoned "R1-M" Residential Single Family district.
- The applicant intends to build a single family dwelling on each lot in accordance with the dimensional standards of the zoning by-law.

- The City's Parks planners have indicated a willingness to sell off as small a parcel as possible to facilitate the proposed development.
- The subject property is zoned "R1-M" and the adjacent park is zoned "PR-1" Parks and Recreation: Passive Neighbourhood/Community district.
- The 2,900 sq. ft. of park space will be declared surplus with this report.

**SITE DESCRIPTION**

- The subject property is located on the south side of Rosseau Av W between Plessis Rd and Brewster St in the Victoria West neighbourhood of the Transcona ward.
- The subject property is comprised of Lots 25 and 26 of Block 117, Plan 1840. Each lot is 3,300 sq. ft. in area and 33 ft. wide, is currently vacant, and is zoned "R1-M" Residential Single Family district.
- Adjacent properties include single family dwellings to the north zoned "R1-L" Residential Single Family district and to the east and south zoned "R1-M", and a park zoned "PR-1" Parks and Recreation: Passive Neighbourhood/Community district.

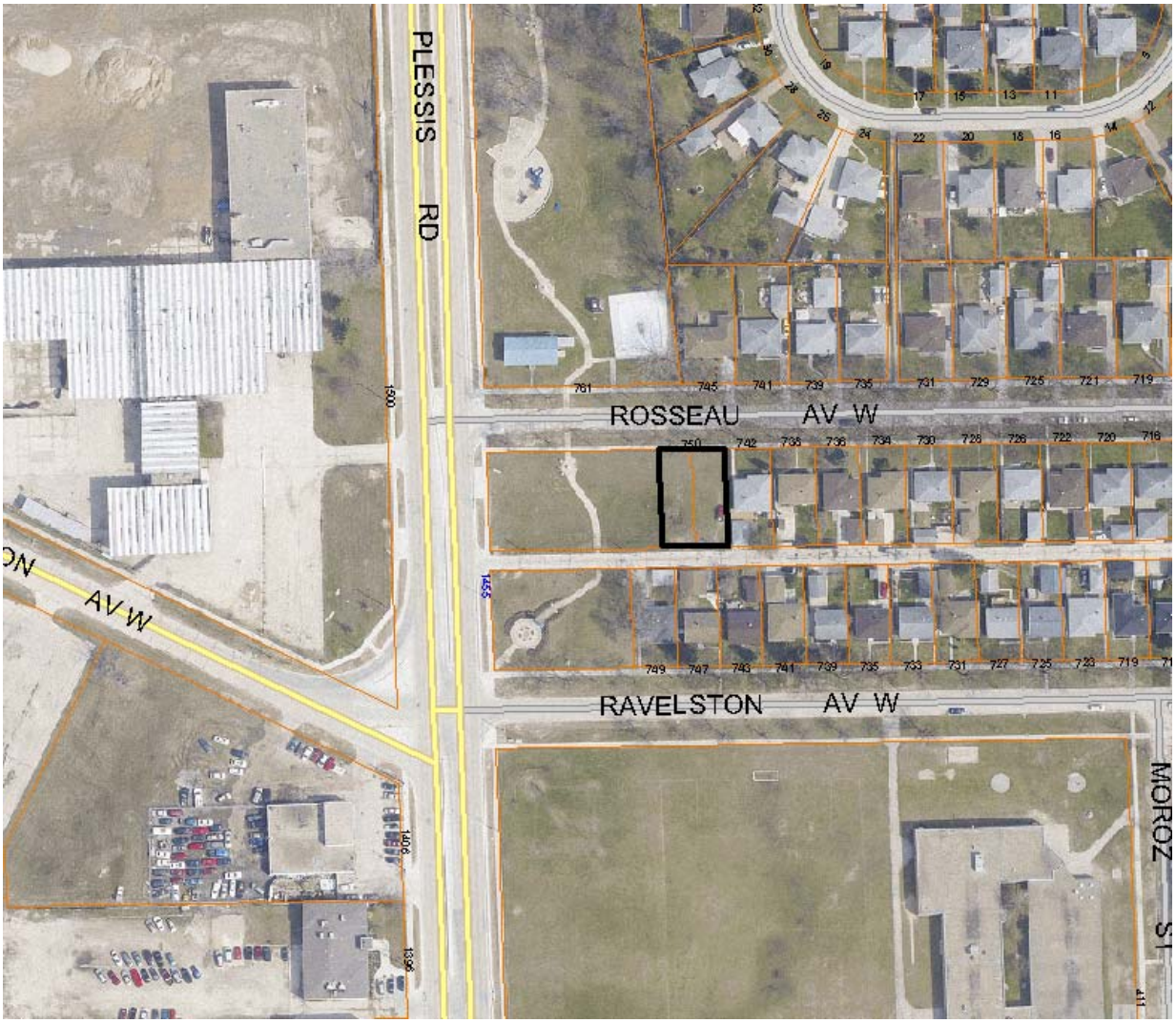



**Figure 1: Site map of subject property and surrounding neighbourhood**

**DESCRIPTION OF THE PROPOSED DEVELOPMENT**

- The applicant intends to purchase 29 ft. (2,900 sq. ft.) of the existing park adjacent to the west and consolidate it with 750 Rosseau. With this added lot area, he intends to create two 47.5 ft. wide residential lots. These lots will be zoned "R1-M".
- According to the applicant's letter of intent, he plans to build a single family dwelling on each lot in accordance with the dimensional standards of the zoning by-law.
- This park space will be declared surplus through this report.

**BACKGROUND**

DAV 10-116982B

- On June 25, 2010, the Appeals Committee rejected a variance on the subject property to establish two buildable residential lots with lot areas of 3,300 sq. ft. instead of 3,500 sq. ft.
- The Planning, Property, and Development Department had originally approved the variance.

DAV 12-141276D

- In concurrence with this report, the applicant has applied to vary the Special Boundary Conditions of Zoning By-law No. 200/06 for the establishment of two residential lots to permit areas of 4,750 sq. ft. instead of 4,977 sq. ft.

**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 new long-range development plan, and has statutory authority as a secondary plan. The strategy serves as a "playbook" to guide land use and development in Winnipeg. It received third reading at City Council on July 20, 2011, and became effective on August 17, 2011.
- Rosseau Av W would be considered an "Area of Stability" in Complete Communities' Urban Structure Map. Primarily understood as the residential areas where the majority of Winnipeggers currently live, Areas of Stability will accommodate low to moderate density infill development to support more efficient use of land, infrastructure, and services as well as enhance housing choice and affordability. Infill in areas of stability will be supported with the intent of creating more complete communities. Direction and Enabling Strategies include:
    - Support low to moderate change in low density neighbourhoods through development and redevelopment that is complementary to the existing scale, character, and built form.
    - Support Complete Communities by ensuring diverse and high quality housing stock.
    - In order to meet the full life-cycle of housing needs within the community, promote a mix of housing type and tenure, such as duplexes, low rise apartments, secondary suites, semi-detached homes, and townhouses.
- Across Plessis Rd between Ravelston and the CN rail line, the Urban Structure Map designates a 39 acre triangle of land as a "Major Redevelopment Site". These sites are intended to provide transformative opportunities for the development of Complete Communities with significant residential and employment densities and attractive urban design, capitalizing on vacant or

underutilized sites within the existing urban fabric. Supporting Direction and Enabling Strategies include:

- Major Redevelopment Sites will provide for complete communities with significant levels of mixed use, high density development, with strong urban design and attractive parks, places, and open spaces.
    - Promote high-quality plazas, parks, and streetscapes as focal points and networks that are connected to the greater community.
    - Incorporate pedestrian elements like street trees, street furniture, wide sidewalks, bicycle parking, and public art in new development.
    - Encourage the transition of development towards the outer edges of major redevelopment sites that is sensitive to the scale, massing, height, form, and character of the surrounding area.
    - Promote the highest levels of intensification at significant intersections. Between each centre, lower intensities of commercial, residential, and mixed use development are appropriate.

Zoning

- The Residential Single-Family (R1) district is intended to accommodate primarily single-family residential development in lower-density neighbourhoods.
- The Parks and Recreation 1 (PR1) district is intended for sites that are generally passive neighbourhood and community parks and facilities with predominantly pedestrian and cyclist access. These sites may provide unstructured drop-in play and recreation opportunities, including play structures, passive parks, plazas and natural areas. Generally, there are no parking facilities associated with these uses. These parks and open spaces typically occur in a residential neighbourhood or riverbank context and are generally accessed by residential streets.

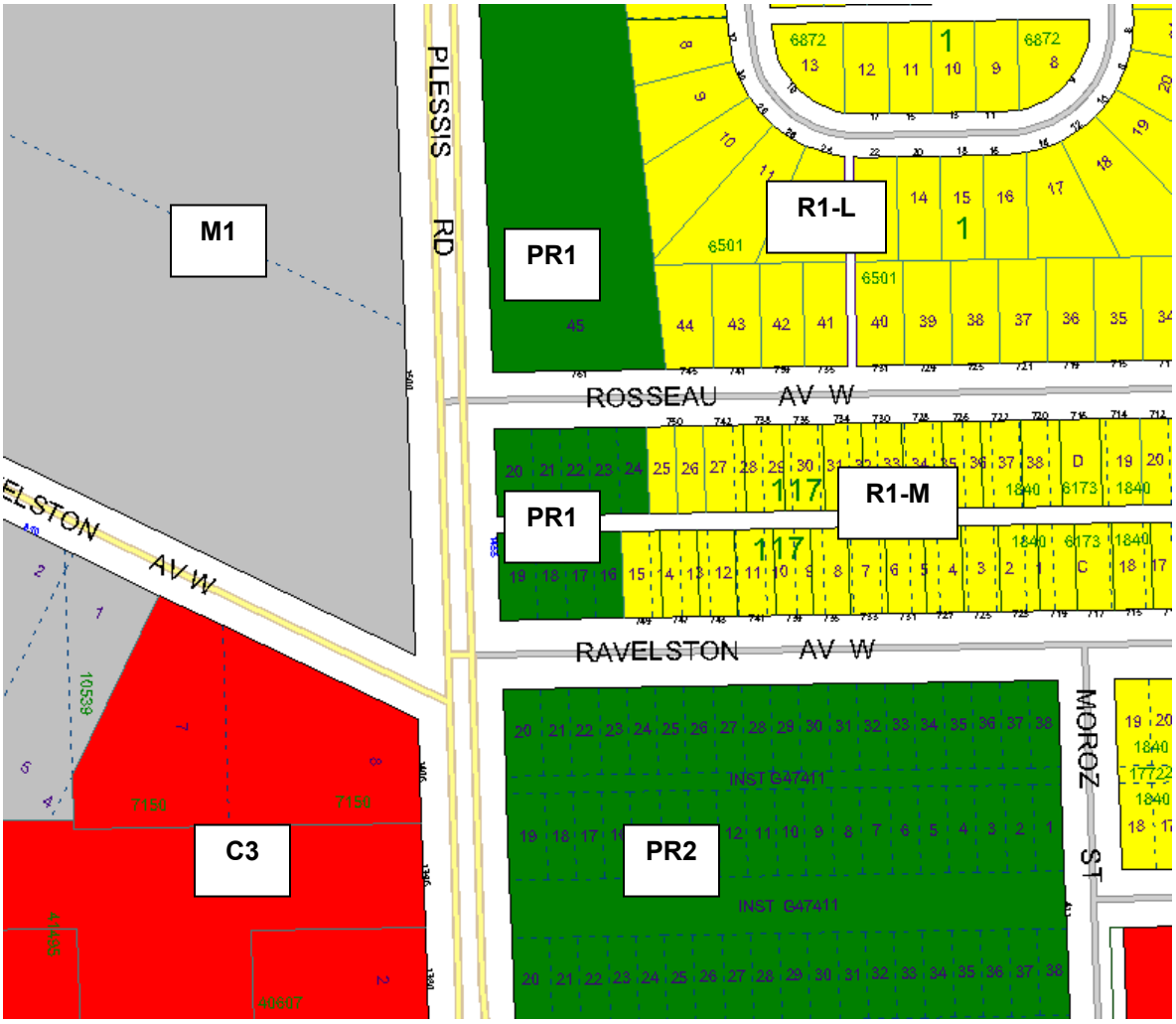



**Figure 2: Zoning map of subject property and surrounding neighbourhood**

- Section 137 of the zoning by-law prescribes dimensional standards for the “R1-M” district:

| | Min. Lot Area (sq. ft.) | Min. Lot Width (ft.) | Min. Front Yard (ft.) | Min. Rear Yard (ft.) | Min. Side Yard (ft.) | Min. Reverse Corner Street Side Yard (ft.) | Max. Height of Building (ft.) | Max. Lot Coverage (%) |
|---|---|---|---|---|---|---|---|---|
| **R1-M** | 3,500 | 25 | 15 | 25 | 4 | 4 | 35 | 45 |

**Figure 3: Dimensional standards for the “R1-M” district**

Parks planning and the declaration of surplus City land

- The Real Estate Division circulated the City's Parks Strategic Planner on the potential sale of the 2,900 sq. ft. of park space for consolidation. Parks has indicated they are willing to sell off as small a parcel as necessary to facilitate the proposed lot split. This subdivision will not compromise the park's functionality.
- It is noted that the proposed east property line will be consistent with that of the park space immediately to the south as a result of the proposed subdivision.
- Of note is that there is an existing gas easement on the entirety of the park site. This easement requires the written consent of the gas company, Imperial Oil, before any development can occur on the portion of the park that is being consolidated. The applicant will be responsible for obtaining this.
- This land consolidation is contingent upon Council declaring this 2,900 sq. ft. of park surplus to the City's needs. This requires approval from at least two-thirds of its members as per Section 156(2) of the City of Winnipeg Act. This vote will occur in concurrence with Council's vote on this DASZ application.

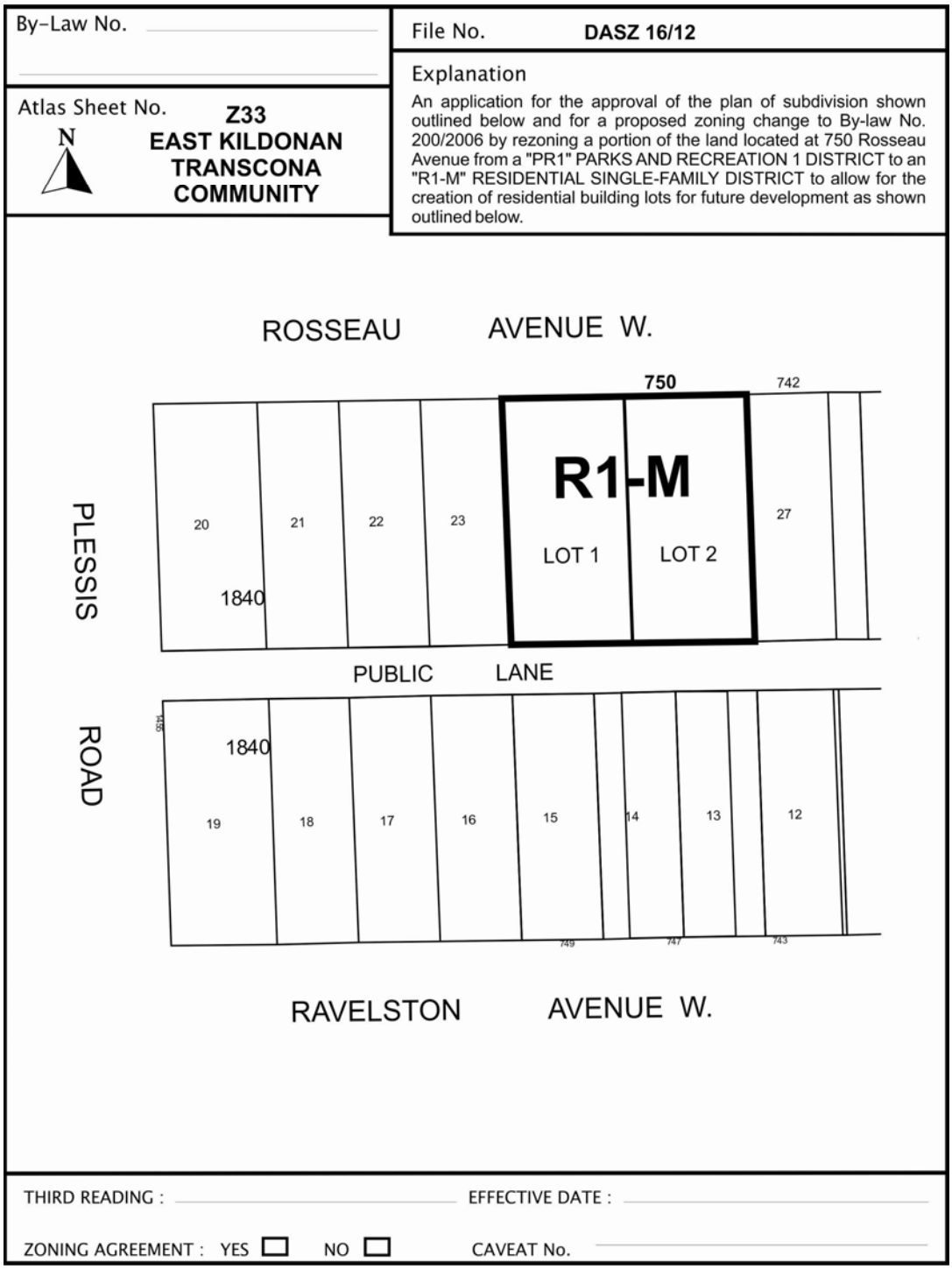
**RECOMMENDATION**

The City's Parks planners have indicated a willingness to sell off as small a parcel as necessary to facilitate the proposed lot split, with a desire to maintain the park's functionality. With this having been achieved, the Administration is supportive of the proposed application.

This Report Submitted by: Michael Pyl
Planning, Property and Development Department
Urban Planning Division
Report Prepared by: PPD File # DASZ 16/2012

**APPENDIX 'B'**

Schedule "A" for File No. DASZ 16/12, East Kildonan-Transcona Community Committee, dated September 11, 2012.



Schedule “B”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Date: 2010-JULY-20
District: EKT
File: Not Available
Scale: 1:850
NOTE:
Information displayed hereon has been compiled or computed
from a variety of sources and should be used as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.
SUBJECT CITY PROPERTY
Area: ±269.4m² (±2900 ft²)
CITY OWNED PROPERTY
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 13825