Minute No. 238
Report – Standing Policy Committee on Property and Development – February 19, 2013

Item No. 8 Subdivision and Rezoning – 582 Jessie Avenue
(Fort Rouge-East Fort Garry Ward)
File DASZ 35/2012 [c/r DAV 132314/2012D]

COUNCIL DECISION:

Council concurred in the recommendation of the Standing Policy Committee on Property and Development and adopted the following:

1. That the plan of subdivision under File DASZ 35/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2012 dated December 27, 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 35/2012 dated January 8, 2013 to an "R2" Residential Two-Family District, subject to the following conditions:

    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 Lot 1 and Lot 2 shall be limited to a maximum of two (2) dwelling units each.

        ii. That for the development of any building or structure, plans shall be submitted, in substantial conformance to the plans submitted and attached and identified as Exhibit 26, showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development and City Centre Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

Report – Standing Policy Committee on Property and Development – February 19, 2013

COUNCIL DECISION (continued):

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. 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.

7. That the zoning section of the by-law comes into force when 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 by-law is passed.

8. 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.

9. 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.

10. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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 – February 19, 2013

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 22, 2013, the Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the City Centre Community Committee, and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On February 19, 2013, the Standing Policy Committee on Property and Development concurred in the recommendation of the City Centre Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMNEDATION:

On February 5, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and forwarded to the Standing Policy Committee on Property and Development.

On January 8, 2013, the City Centre Community Committee adjourned the public hearing to its meeting on February 5, 2013.

RE: **Subdivision and Rezoning – 582 Jessie Avenue**
File DASZ 35/2012

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

Prepared by: **Andrew Poitras, Senior Committee Clerk**
City Centre Community Committee

Report date: **February 6, 2013**

COMMUNITY COMMITTEE RECOMMENDATION:

On February 5, 2013, the City Centre Community Committee concurred in the recommendation of the Winnipeg Public Service and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 35/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2012 dated December 27, 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 35/2012 dated January 8, 2013 to an "R2" Residential Two-Family District, subject to the following conditions:

    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 Lot 1 and Lot 2 shall be limited to a maximum of two (2) dwelling units each.

        ii. That for the development of any building or structure, plans shall be submitted, in substantial conformance to the plans submitted and attached and identified as Exhibit 26, showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development and City Centre Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

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5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

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7. That the zoning section of the by-law comes into force when 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 by-law is passed.

8. 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.

9. 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.

10. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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.

The City Centre Community Committee provided the following supporting reason(s) for its recommendation:

1. The Planning, Property and Development Department and the adjacent neighbour support the application.

2. There is no issue with the increased density of the area.

PUBLIC HEARING SUMMARY

File: DASZ 35/2012

Before: City Centre Community Committee
Councillor Orlikow, Chairperson
Councillor Gerbasi
Councillor Smith

Public Hearing: February 5, 2013
January 8, 2012
West Committee Room
Council Building, 510 Main Street

Applicant: Studio Walter Inc. (Daniel MacGibbon)

Subject:



APPLICANT : STUDIO WALTER INC.
FILE : DASZ 35/12
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 "R1-5" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of two family dwellings on each of the proposed lots. **For information, phone Mr. M. Robinson, Planner, at 204-986-3213.**

Premises Affected: 582 Jessie Avenue

Exhibits Filed:

1. Application dated November 2, 2012
2. Notification of Public Hearing dated November 15, 2012
3. Manitoba Status of Title 2610881/1
4. Letter of authorization dated October 31, 2012 from Zhao Li, 6472517 Manitoba Ltd. to Daniel MacGibbon, Studio Walter Inc.
5. Plans (13 pages)
6. Report from the Planning and Land Use Division dated December 27, 2012
7. Communication dated January 5, 2013, from Lisa Barkman Hobbs in opposition to the application
8. Communication dated January 8, 2013, from Dennis and Jan Swayze in opposition to the application
9. Communication dated January 7, 2013, from Alfio Cerasani in opposition to the application
10. Communication dated January 5, 2013, from Le Yang in support of the application
11. Communication dated January 7, 2013, from Jeff Rabb in support of the application
12. Communication dated January 8, 2013, from Leslie and Linda Stechesen in opposition to the application
13. Communication dated January 8, 2013, from Mary Godard with respect to the application
14. Communication dated January 8, 2013, from Kyle McAdam in opposition to the application
15. Revised Report from the Planning and Land Use Division dated January 8, 2013
16. Inspection Report
17. Plans submitted by applicant at the public hearing
18. Letters of support submitted by the applicant at the public hearing
19. Audio Recording of representations of public hearing held on January 8, 2013
20. Notice of Adjournment dated January 10, 2013
21. Communication dated January 20, 2013, from Alfio Cerasani in opposition to the application
22. Communication dated February 4, 2013, from Zana Lutfiyya in opposition to the application
23. Communication dated February 4, 2013, from Lisa Barkman Hobbs in opposition to the application

24. Copy of agreement dated January 30, 2013, made between applicant and adjacent neighbour, submitted by Gord Steeves at the public hearing, with respect to the application.
25. Copy of agreement dated February 5, 2013, made between applicant and adjacent neighbour, submitted by Gord Steeves at the public hearing, with respect to the application.
26. Plans (6 pages) submitted by the applicant at the public hearing
27. Audio Recording of representations of public hearing held on February 5, 2013

REPRESENTATIONS:

In Support:

Daniel MacGibbon
Zhao Li and Jiang Dong Qian
Jeff Rabb
John Neil Schau
Gord Steeves
Ramona and John Walczak
Yaron Walter
Ernie Walter
Ling Ping Wang
Zhi Yong Wang
Le Yang

In Opposition

Alfio Cerasani
Lisa Barkman Hobbs
Riley Barkman and Cheryl Hobbs
Shirley Forsyth
Patricia Holbrow
Zana Lutfiyya
Rodrigo Mundz and Rhonda Martens
Kyle McAdam
Patrick Sarginson
Leslie and Linda Stechesen
Dennis and Jan Swayze
Gerhard W Truilukies

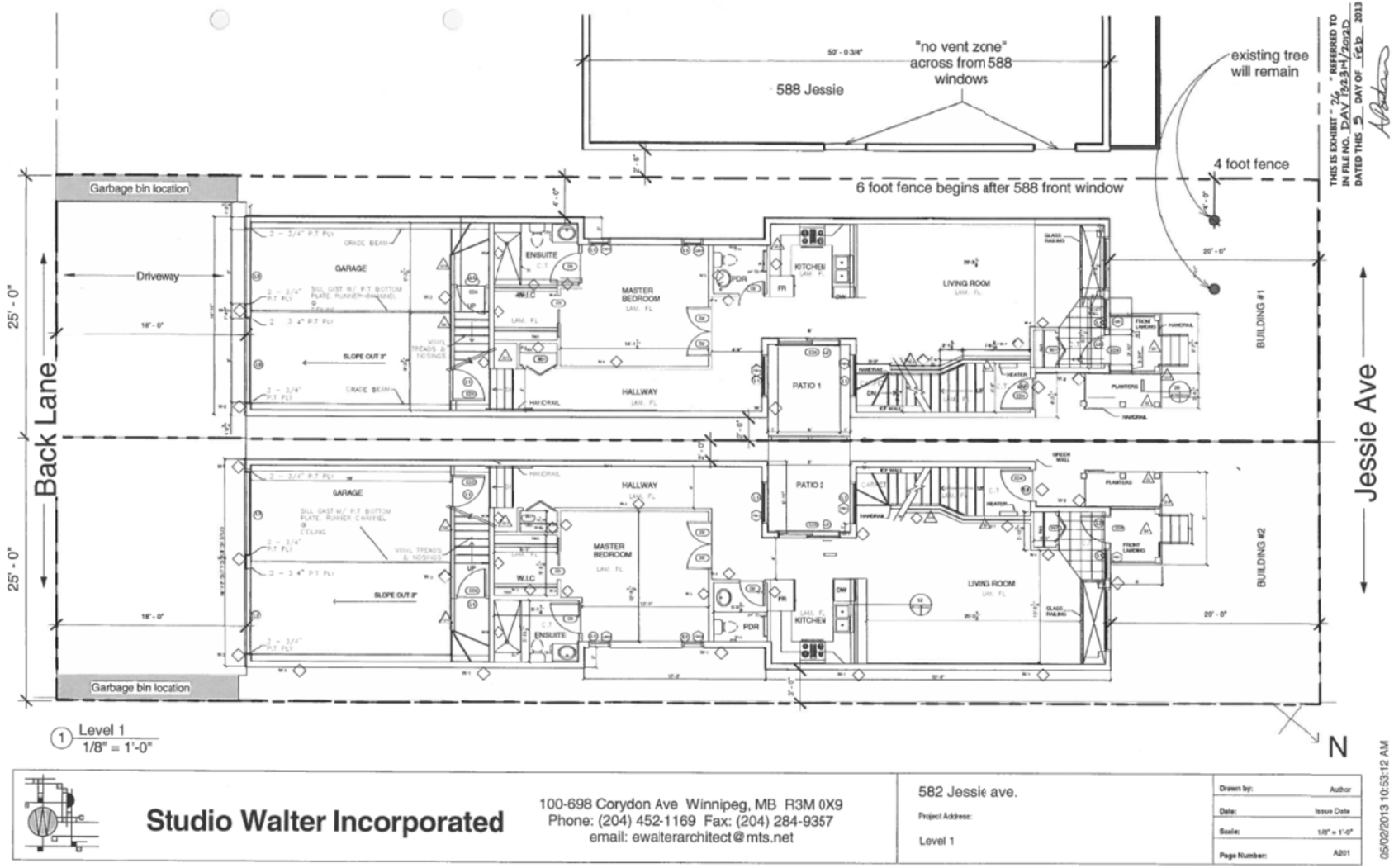
For Information:

Mary Godard

For the City:

Mr. M. Robinson, Senior Planner, Planning, Property and Development Department

Exhibit "26" referred to in File DASZ 35/2012



Studio Walter Incorporated
100-698 Corydon Ave Winnipeg, MB R3M 0X9
Phone: (204) 452-1169 Fax: (204) 284-9357
email: ewalterarchitect@mts.net

582 Jessie ave.
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Level 1

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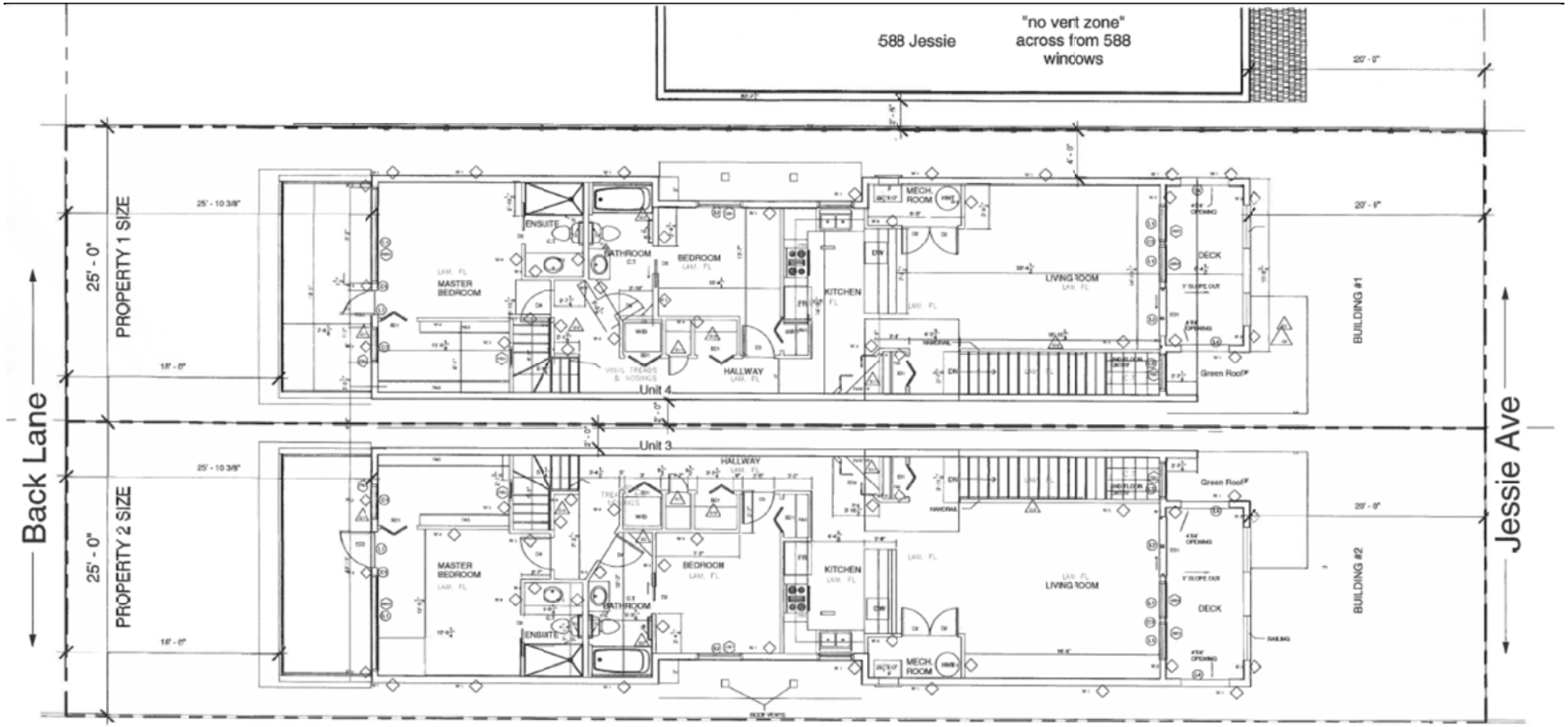

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Project Address:
Level 2

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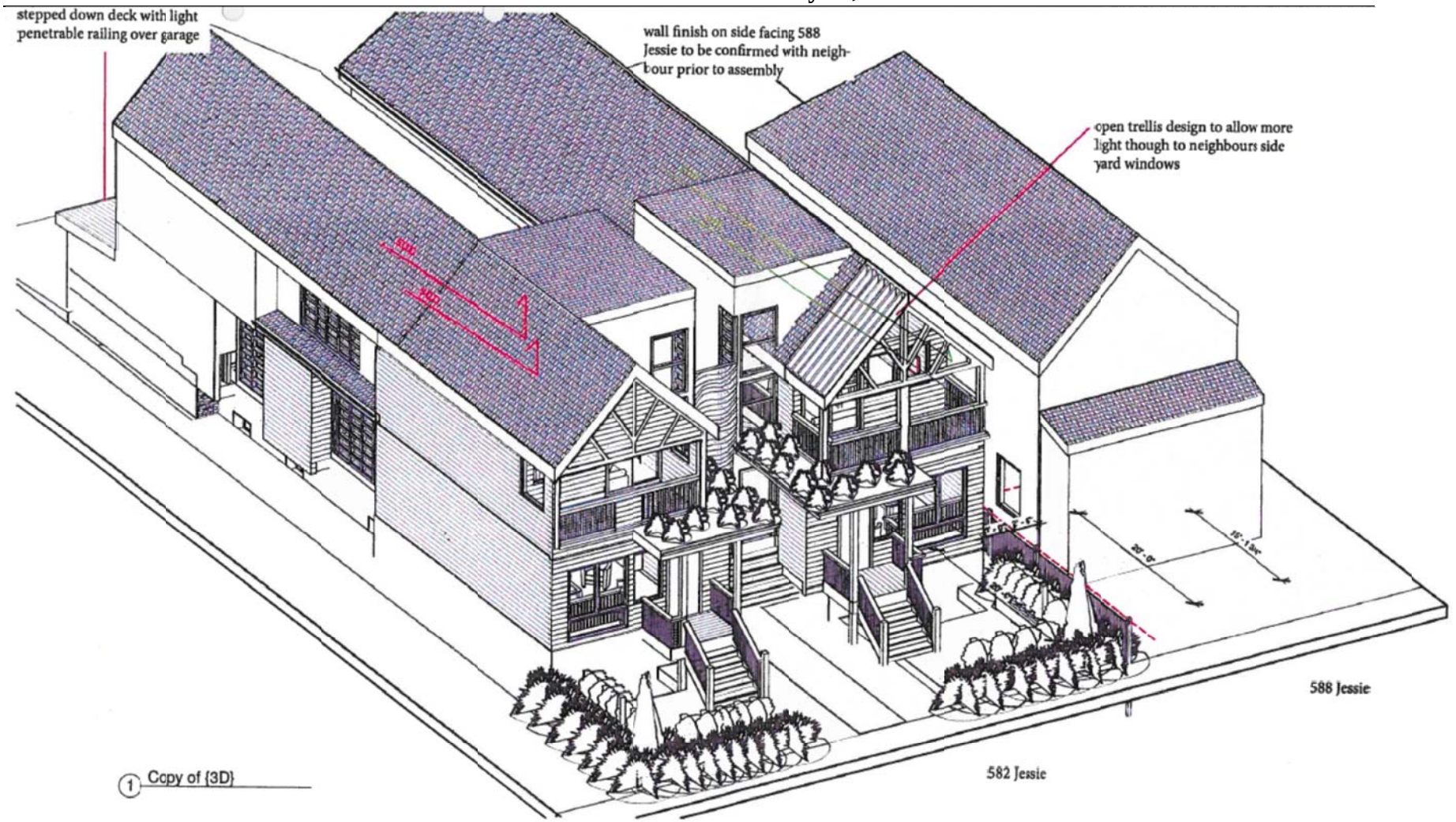

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582 Jessie ave.
Project Address:
Perspectives

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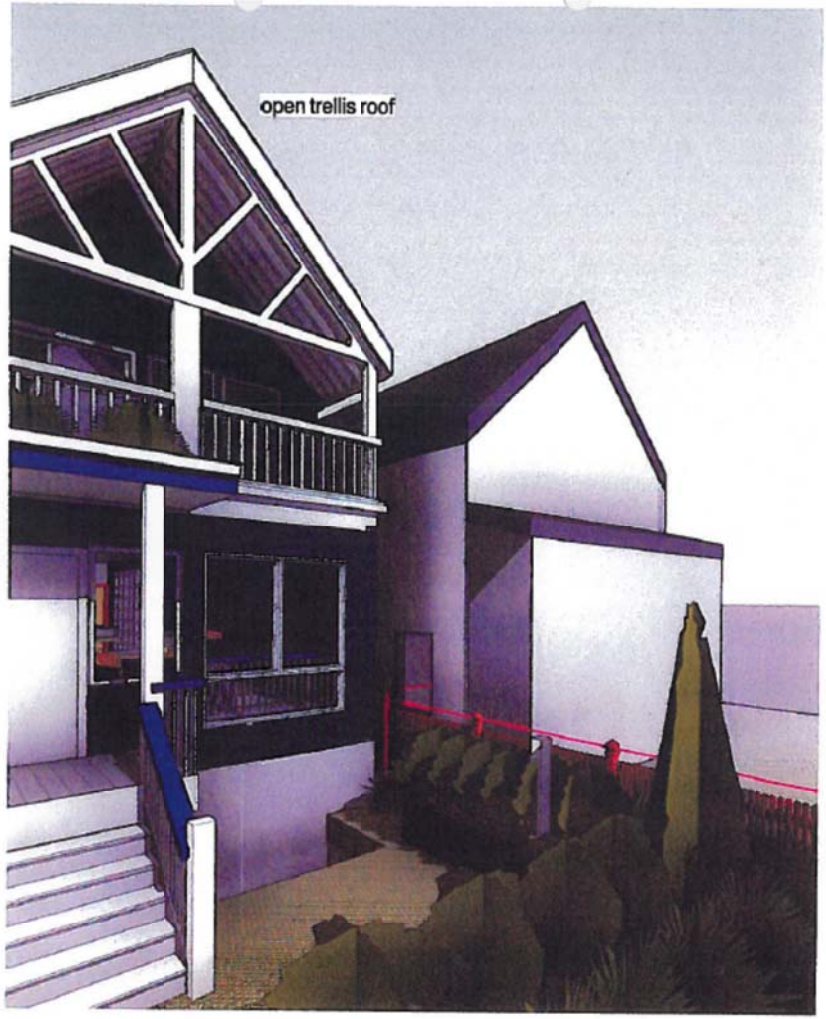



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email: ewalterarchitect@mts.net

582 Jessie ave.
Project Address
Perspectives

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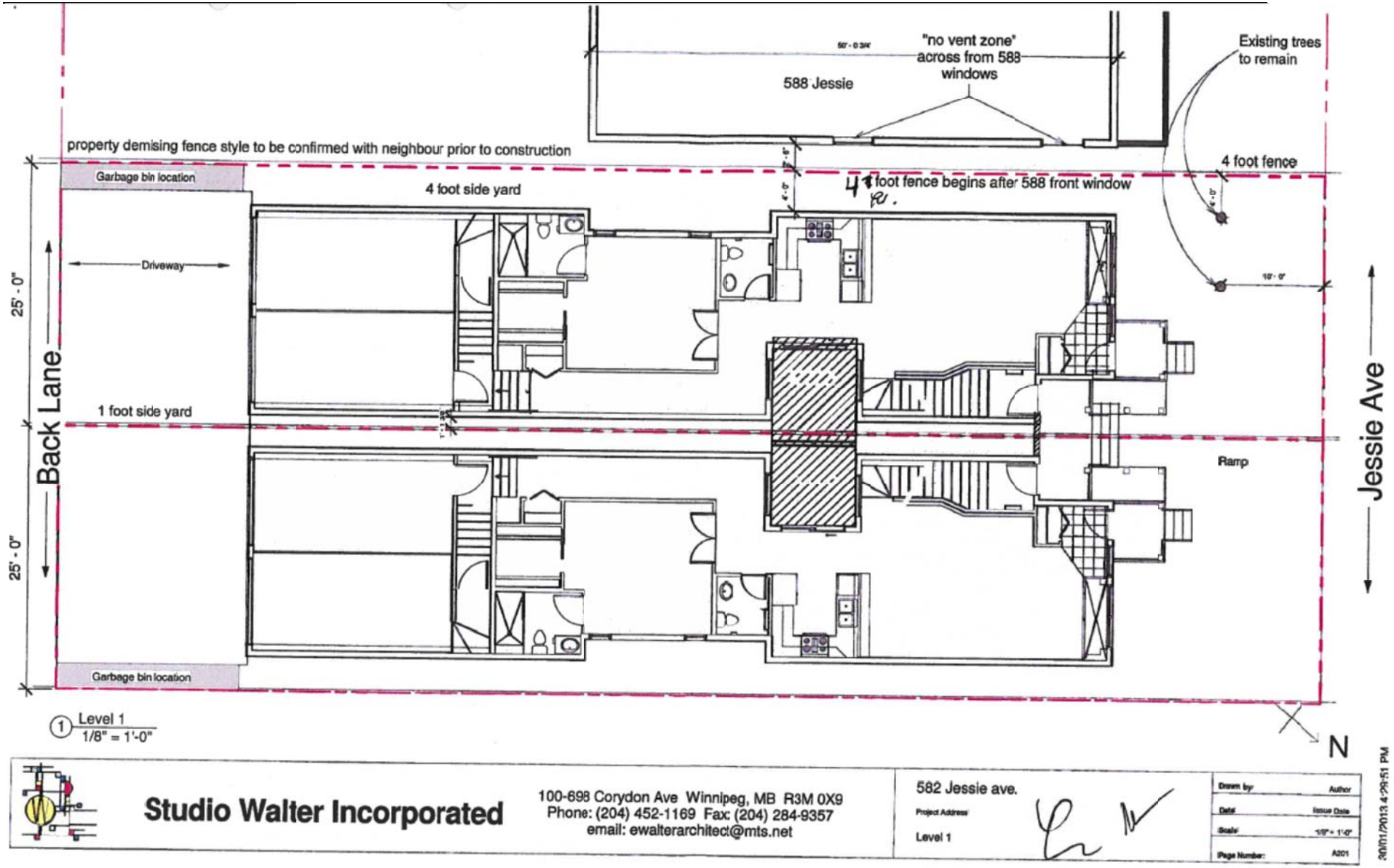

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582 Jessie ave.
Project Address
Level 1

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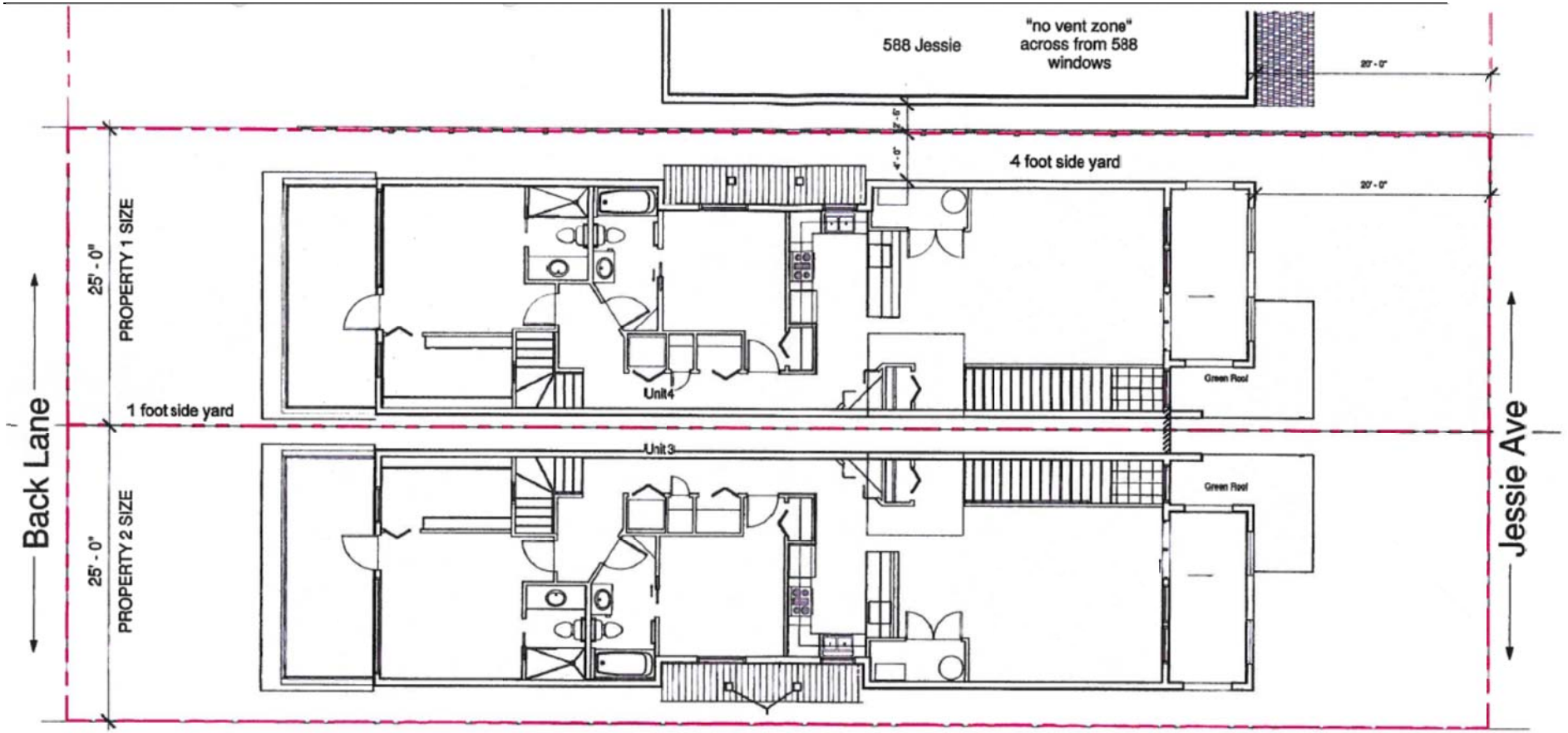

1 Level 2
1/8" = 1'-0"

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582 Jessie ave.
Project Address:
Level 2

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Exhibit "15" referred to in File DASZ 35/2012

ADMINISTRATIVE REPORT

Title: DASZ 35/2012 – 582 Jessie Avenue

Issue: For consideration at the public hearing for a Rezoning and Subdivision for DASZ 35/2012 – 582 Jessie Avenue

Critical Path: City Centre Community Committee as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

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

RECOMMENDATIONS

1. That the plan of subdivision proposed under File DASZ 35/2012 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 35/2012 dated December 27, 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 35/2012 dated January 8, 2013 to an "R2" Residential Two-Family District, subject to the following conditions:

   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 Lot 1 and Lot 2 shall be limited to a maximum of two (2) dwelling units each.
      ii. That for the development of any building or structure, plans shall be submitted, in substantial conformance to the plans submitted and attached and identified as Exhibit xx, showing the location and design of proposed buildings, the location and design of accessory parking areas, fencing, and landscaping to the Director of Planning, Property and Development and City Centre Community Committee for plan approval prior to the issuance of any building or development permits, and thereafter all to be constructed and maintained to the satisfaction of the Director of Planning, Property and Development.

3. That a ten percent (10%) dedication be made by a payment of a sum of money to the City in lieu of the requirement for land dedication based on the increase in market value of the land.

4. That in the event the application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months 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 this twenty-four (24) month period and the extension is subsequently approved by Council.

5. That the Director of Legal Services and City Solicitor be requested to prepare the necessary rezoning by-law and forward the same to Council for all three (3) readings.

6. 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.

7. That the zoning section of the by-law comes into force when 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 by-law is passed.

8. 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.

9. 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.

10. That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

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 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 Planning and Land Use Division are concurred in, the property will be rezoned and permits may be issued.

CONSULTATION

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

SUBMITTED BY

Department	*Planning, Property and Development*
Division	*Planning and Land Use*
Prepared by	Michael Robinson, AICP, MCIP
Date:	January 8, 2013
File No.	DASZ 35/12

APPENDIX 'A'

DATE:	January 8, 2013
FILE:	DASZ 35/2012
RELATED FILES:	DAV 12-132314D
COMMUNITY:	City Centre Community
NEIGHBOURHOOD #:	1.106
SUBJECT:	To rezone the subject land from a "R1-S" Residential Single-Family District to an "R2" Residential Two-Family District
LOCATION:	582 Jessie
LEGAL DESCRIPTION:	Lot 19 Blk 25 Plan 208



APPLICANT:	Studio Walter Incorporated
OWNER:	6491392 Manitoba Ltd.
RECOMMENDATION:	Approval

SITE DESCRIPTION

The subject property, which is zoned "R1-S" Residential Single-Family District, is located on Jessie Avenue, between Daly and Nassau Streets, in the Earl Grey neighbourhood of the Fort Rouge – East Fort Garry ward.

North: Residences zoned "R1-S" Residential Single-Family District
South: Residences zoned "R1-S" Residential Single-Family District
East: Residences zoned "R1-S" Residential Single-Family District
West: Residences zoned "R1-S" Residential Single-Family District

DESCRIPTION OF THE PROPOSED DEVELOPMENT
The applicant seeks approval to subdivide the subject property into two – 25 foot wide lots and rezone them to an "R2" Two-Family Residential District, in order to construct two duplexes.

Reason for application
In order to construct duplexes, the properties must be subdivided and rezoned from the current "R1-S" Residential Single-Family District to an "R2" Residential Two-Family District.

ANALYSIS AND ISSUES

OurWinnipeg/Complete Communities
A. Policies
i. OurWinnipeg (Complete Communities Direction Strategy)
This portion of the Earl Grey neighbourhood is designated as an Area of Stability. Policies which are relevant to this application are as follows:

1. Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character, and built form

2. Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments

3. 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.

4. Provide clarity and promote compatibility between existing developments and new developments through design and development standards, such as creation of *Infill Development Guidelines for Multiple-Family Developments in Low Density Neighbourhoods*

The proposed rezoning is consistent with OurWinnipeg and The Complete Communities Direction Strategy

B. Context
While predominantly single-family residential, the Earl Grey neighbourhood contains a variety of different housing types and forms, including duplexes, several apartment buildings and a care home. The subject block of Jessie Avenue, between Daly and Nassau Streets, currently has five (5) duplexes, according to City records:

588 Jessie (25 foot wide lot)
593 Jessie (37 foot wide lot)
596 Jessie (25 foot wide lot)
600-602 Jessie (48 foot wide lot)
612 Jessie (25 foot wide lot)

In addition, the City recently approved a rezoning for a duplex at 589 Jessie Avenue (DAZ 213/2012), which is a 25 foot wide lot, and a subdivision and rezoning at 604 Jessie Avenue, to allow the subdivision of a 50 foot lot into 25 foot lots and to permit a duplex on each lot.

Lot split
The applicant is proposing to split the subject 50 foot wide lot into two 25 foot wide lots. On the subject block of Jessie Avenue, there are currently 16- 25 foot wide lots out of a total of 30 lots.[1] Consequently, the proposed lot sizes are consistent with the established pattern of the neighbourhood.

C. Urban Design
Draft Infill Development Guidelines
Below are the applicable guidelines for this project from the *Draft Infill Guidelines* and a discussion of how they have been addressed by the applicant.

Guideline #1
2.2.2 iii) Establish rear yard setbacks that are consistent with the pattern of the neighbourhood

The principal reason for the rear yard setback is to allow for privacy and sunlight penetration at the rear of properties.

It should be noted that on this block, most properties have setbacks of ±50 feet or more. In that way, the proposed development is not consistent with existing rear yard setbacks.

With that said, the Zoning By-law requires a 25 foot rear yard setback and the proposed development complies with this requirement.

Guideline #2
2.2.2 iv) Front yard setbacks should respect the established street pattern by providing setbacks typical of the neighbourhood

The proposed front yard setback is 20 feet, which complies with the front yard alignment set by the Winnipeg Zoning By-law for this property.

Under the Winnipeg Zoning By-law, the front porch is allowed to project an additional 5 feet into the required setback.

Guideline #3
2.2.3 i) The main building façade should be oriented to face the public street and encourage opportunities for informal surveillance and human activity on the street

The proposed developments orient their main entrances to Jessie Avenue.

Guideline #4
5.2 i) Massing and height of new buildings should take into consideration the area context

Height

[1] When the subdivision of 604 Jessie is completed, there will be 18 – 25 foot wide lots

The Zoning By-law allows a maximum height of 35 feet, which is measured from the mid-point of a sloped roof. Consequently, the actual height may be several feet higher than this, depending on the slope of the roof.

With that said, both properties will be under the maximum allowable height. They will both be 30 feet to the highest point, with a pitched roof in the front and rear that will be several feet lower than this.

The pitched roof is consistent with the aesthetic of the neighbourhood and the overall design is similar to other properties on the block, as well as the two duplexes that were recently approved at 604 Jessie Avenue.

Massing
The design, because of the attached garage at the rear, creates a long wall abutting the adjoining properties. However, this type of massing is permitted under the Winnipeg Zoning By-law, given that the rear yard setback is being met.

To mitigate the impact of the long walls, the side elevations are being broken up with changes in wall plane.

D. Conditions
While the subject property is appropriate for a duplex, the subject block is primarily zoned single-family residential and a multi-family dwelling (3 units and up) would be inconsistent with the current zoning and density that exists mid-block on the subject block. Consequently, it is recommended that the property be limited to a two-family dwelling through a zoning agreement.

Accordingly, if a future property owner was to seek approval for a multi-family dwelling, it would require a zoning amendment agreement and a public hearing at City Centre Community Committee rather than a conditional use and public hearing at the Board of Adjustment.

Plan Approval
It is recommended that final plans be approved by City Centre Community Committee and the Director of PP&D, prior to the issuance of permits. It is expected that the final design will be in substantial conformance with the revised plans that were shown to the committee.

E. Public Consultation
The applicant indicated that they held an open house at their office on December 12, 2012, in which no one attended. They indicated that they are also planning to meet with a few of the immediate neighbours.

RECOMMENDATIONS
The Planning and Land Use Division recommends approval for the following reasons:

- The rezoning is consistent with OurWinnipeg and Complete Communities Direction Strategy
- There are currently five duplexes on the subject block as well as one lot that was recently rezoned for a duplex (589 Jessie) and one lot that was split to permit two duplexes (604 Jessie)

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

Report Prepared by: Michael Robinson, AICP, MCIP
PPD File # DASZ 35/2012

APPENDIX "A"

Schedule "A" for File No. DASZ 35/2012, City Centre Community Committee, dated January 8, 2013

By-Law No. _____

File No. **DASZ 35/12**

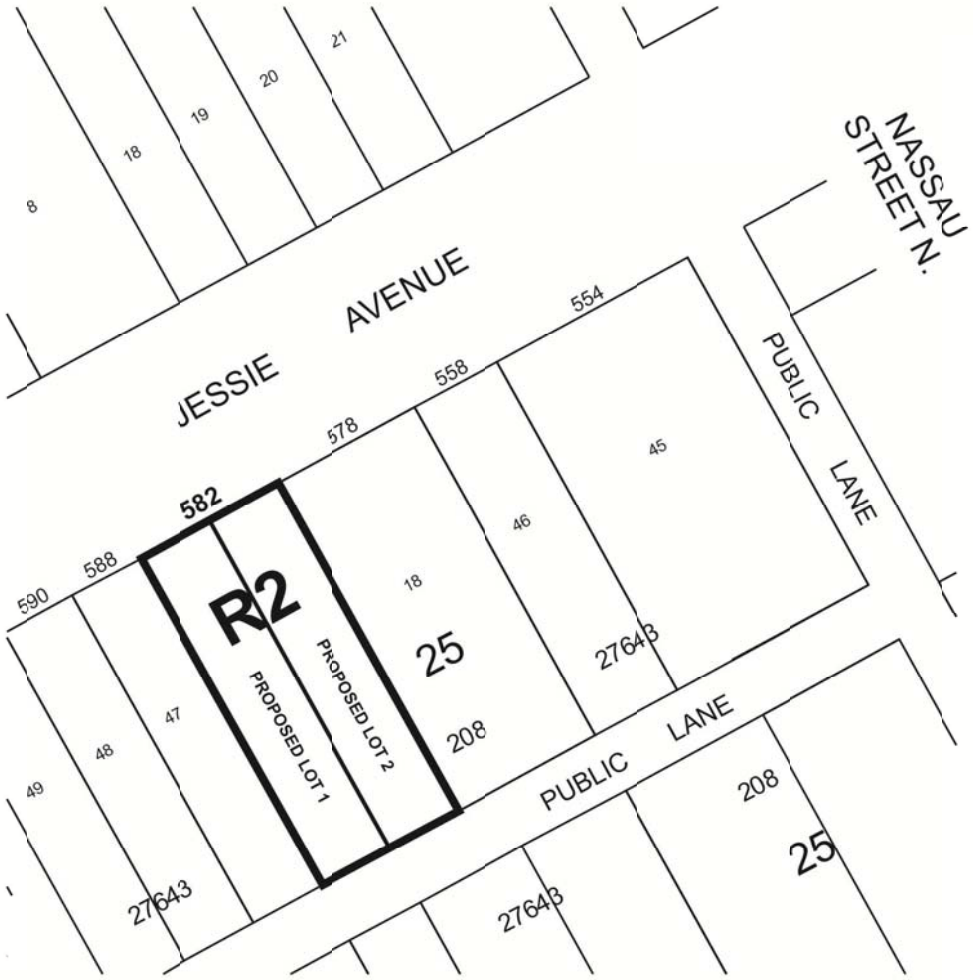
Explanation

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 582 Jessie Street from an "R1-5" RESIDENTIAL SINGLE-FAMILY DISTRICT to an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to allow for the construction of two family dwellings on each of the proposed lots as shown outlined below.

Atlas Sheet No.

N

AC24
CITY CENTRE
COMMUNITY



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____



Figure 1: Aerial Photo (Flown in 2012)