Minute No. 194
Report – Executive Policy Committee – February 6, 2018

Item No. 4 **Zoning Agreement Amendment – 210 Enniskillen Avenue (Mynarski Ward)**
File ZAA 7/2017

COUNCIL DECISION:

Council concurred in the recommendation of the Executive Policy Committee and adopted the following:

1. That the Zoning Agreement caveat # 1577255/1 under File DAZ 215/1992 dated June 18,1992 (By-law No. 5984/1992) be discharged.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 215/1992 (By-law No. 5984/1992) dated June 18, 1992, as approved in aforesaid Recommendation 1.

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

    A. That the Owner shall submit plans showing the location and design of any and all proposed:

        i. Buildings;
        ii. Accessory parking area;
        iii. Private approached;
        iv. Garbage enclosures;
        v. Fencing;
        vi. Landscaping; and
        vii. Free-standing signage

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

Report – Executive Policy Committee – February 6, 2018

COUNCIL DECISION (continued):

B. That as long as the existing building is to remain on site, the owner shall provide at least one (1) shrub per each ten (10) lineal feet of the building façade facing Enniskillen Avenue. Foundation plantings may be clustered to provide visual interest and thereafter all be maintained to the satisfaction of the Director of Planning Property and Development.

C. That no principal multi-family structure shall be located within 20 feet of the west property line.

D. That the following uses shall not be permitted on the land:

i. Landscaping or garden supplies
ii. Supermarket
iii. Drive-in or Drive-through
iv. Auto/light truck/ motorcycle, repair and service
v. Auto/light truck/ motorcycle, sales and rental
vi. Auto and supply supplies
vii. Carwash
viii. Fuel sales
ix. Towing and storage facility
x. Mini-warehouse of self-storage
xi. Warehousing
xii. Wholesaling
xiii. Digital, billboard, mobile, flashing, scintillating, rotating and inflatable signs
xiv. Outside display and sales
xv. Outside storage

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

5. 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 – Executive Policy Committee – February 6, 2018

DECISION MAKING HISTORY:

Moved by His Worship Mayor Bowman,

That the recommendation of the Executive Policy Committee be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On February 6, 2018, the Executive Policy Committee concurred in the recommendation of the Lord Selkirk-West Kildonan Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 16, 2018, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, submitted its recommendation to the Executive Policy Committee.

RE: **Zoning Agreement Amendment – 210 Enniskillen Avenue**
File ZAA 7/2017

For submission to: **Executive Policy Committee**

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

Report date: **January 16, 2018**

COMMUNITY COMMITTEE RECOMMENDATION:

On January 16, 2018, the Lord Selkirk-West Kildonan Community Committee concurred in the recommendation of the Winnipeg Public Service and, via the Priority Rezoning Process, recommended to the Executive Policy Committee:

1. That the Zoning Agreement caveat # 1577255/1 under File DAZ 215/1992 dated June 18,1992 (By-law No. 5984/1992) be discharged.

2. That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 215/1992 (By-law No. 5984/1992) dated June 18, 1992, as approved in aforesaid Recommendation 1.

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

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        i. Buildings;
        ii. Accessory parking area;
        iii. Private approached;
        iv. Garbage enclosures;
        v. Fencing;
        vi. Landscaping; and
        vii. Free-standing signage

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

B. That as long as the existing building is to remain on site, the owner shall provide at least one (1) shrub per each ten (10) lineal feet of the building façade facing Enniskillen Avenue. Foundation plantings may be clustered to provide visual interest and thereafter all be maintained to the satisfaction of the Director of Planning Property and Development.

C. That no principal multi-family structure shall be located within 20 feet of the west property line.

D. That the following uses shall not be permitted on the land:

i. Landscaping or garden supplies
ii. Supermarket
iii. Drive-in or Drive-through
iv. Auto/light truck/ motorcycle, repair and service
v. Auto/light truck/ motorcycle, sales and rental
vi. Auto and supply supplies
vii. Carwash
viii. Fuel sales
ix. Towing and storage facility
x. Mini-warehouse of self-storage
xi. Warehousing
xii. Wholesaling
xiii. Digital, billboard, mobile, flashing, scintillating, rotating and inflatable signs
xiv. Outside display and sales
xv. Outside storage

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

5. 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 Lord Selkirk-West Kildonan Community Committee provided the following supporting reason(s) for its recommendation:

1. This is a property that has a lot of value for a developer and there is a lot of potential for this property.
2. Sure that this property will not sit vacant doing nothing for a long time.

PUBLIC HEARING SUMMARY

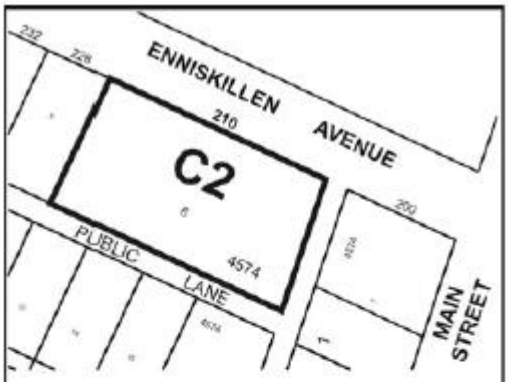
File: ZAA 7/2017

Before: Lord Selkirk-West Kildonan Community Committee
Councillor Pagtakhan, Chairperson
Councillor Eadie
Councillor Sharma

Public Hearing: January 16, 2018
Council Building, 510 Main Street

Applicant: John Wintrup
J. Wintrup Consulting Ltd.

Subject:



LORD SELKIRK WEST KILDONAN COMMUNITY

APPLICANT : JOHN WINTRUP CONSULTING LTD.

FILE : ZAA 7/17

PROPOSAL : To discharge the existing Zoning Agreement DAZ 215/1992, By-law 5984/92, Caveat No. 1577255/1 affecting the land shown outlined above to allow uses permitted under the "C2" COMMERCIAL COMMUNITY ZONING DISTRICT. **For information, phone Mr. F. Ojo, Planner at 204-986-6008.**

Premises Affected: 210 Enniskillen Avenue

Exhibits Filed:

1. Application dated November 10, 2017
2. Notification of Public Hearing dated December 8, 2018
3. Manitoba Status of Title 2911120/1
4. Letter of authorization dated August 23, 2017, from Kelly Glowasky, President, 7576880 Manitoba Ltd., to John Wintrup
5. Caveat 1577255
6. Drawing of subject property
7. Plans (3 pages)
8. Report from the Urban Planning Division dated December 28, 2018
9. Communication dated October 4, 2017, from Henry Roik in support of the application
10. Communication dated October 4, 2017, from Irene Roik in support of the application
11. Communication dated October 4, 2017, from Fred Sebastian, Pastor, Church of the Living Hope, in support of the application
12. Communication dated October 4, 2017, from Marianne Hodges in support of the application
13. Communication dated October 4, 2017, from Vera Matwichyna in support of the application
14. Communication dated October 4, 2017, from Jason Yaremko in support of the application
15. Communication dated October 4, 2017, from Brian Johnson in support of the application
16. Communication dated October 4, 2017, from Tracy Connolly in support of the application
17. Communication dated October 4, 2017, from Nancy Hughes, Shalom Residences, in support of the application
18. Communication dated October 5, 2017, from K. Glowasky in support of the application
19. Communication dated October 5, 2017, from Mariegene Solas in support of the application
20. Communication dated October 5, 2017, from Izabela Krasey in support of the application
21. Communication dated October 5, 2017, from Jarrid Labuik in support of the application
22. Communication dated October 5, 2017, from Shelley Nagle in support of the application

23. Communication dated October 7, 2017, from Sharon Jackson in support of the application
24. Communication dated October 7, 2017, from Mario Augusto in support of the application
25. Inspection Report
26. Recording of Representations

REPRESENTATIONS:

In Support:

Mario Augusto
Tracy Connolly
Lucanas Dyck
K. Glowasky
Marianne Hodges
Nancy Hughes, Shalom Residences
Sharon Jackson
Brian Johnson
Izabela Krasey
Jarrid Labuik
Vera Matwichyna
Shelley Nagle in support of the application
Henry Roik
Irene Roik
Fred Sebastian, Pastor, Church of the Living Hope
Mariegene Solas
John Wintrup, J. Wintrup Consulting Ltd.
Jason Yaremko

In Opposition

Nil

For Information:

Terrence Hryniuk

For the City:

F. Ojo, Planner, Planning, Property and Development Department
N. Yauk, Planner, Planning, Property and Development Department

Exhibit "8" referred to in File ZAA 7/2017

ADMINISTRATIVE REPORT

Title: ZAA 7/2017 – 210 Enniskillen Avenue

Issue: For consideration at the Public Hearing to discharge the entire caveat (# 1577255/1 associated with DAZ 215/92.

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

AUTHORIZATION

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

RECOMMENDATIONS

1) That the Zoning Agreement caveat # 1577255/1 under File DAZ 215/1992 dated June 18,1992 (By-law No. 5984/1992) be discharged.

2) That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 215/1992 (By-law No. 5984/1992) dated June 18, 1992, as approved in aforesaid Recommendation 1.

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

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D) That the following uses shall not be permitted on the land:

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xiii. Digital, billboard, mobile, flashing, scintillating, rotating and inflatable signs
xiv. Outside display and sales
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4) That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

5) That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

REASON FOR THE REPORT

- The applicant is proposing to discharge in its entirety an existing Zoning Agreement attached to the subject property under File DAZ 215/1992.
- The existing Zoning Agreement restricts land-uses on the subject property to a curling rink and uses accessory and incidental to a curling rink, the applicant is proposing retail uses therefore necessitating a Zoning Agreement amendment.
- A zoning agreement amendment requires 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 existing Zoning Agreement under DAZ 215/1992 (By-law No. 5984/1992), will be discharged to permit retail sales, and a new caveat will be placed on the land in the form of a new Zoning Agreement.

HISTORY

DAZ 215/1992

- The Lord Selkirk – West Kildonan Community Committee approved the rezoning of subject application from "R1-5" Single-Family District to a "C2" General Commercial District to allow the construction of a curling rink.

Subject to a Zoning Agreement with the following conditions:

1. That use of the site be restricted to curling rinks and accessory uses.
2. That no building or structure shall be constructed on the subject land and no building permit issued for construction of such building or structure until plans including the design and location of proposed buildings, parking, landscaping, fencing, location of refuse receptacles and methods of ingress and egress are submitted to and approved by the Lord Selkirk-West Kildonan Community Committee and the Commissioner of Planning and Community Services.

CONSULTATION

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

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared by:	Femi Ojo, MCIP, RPP
Date:	December 28, 2017
File No.	ZAA 7/2017

List of Schedules and Attachments

1. Appendix A – Planning Discussion

APPENDIX 'A'

DATE: December 28, 2017

FILE: **ZAA 7/2017**
RELATED FILES: DAZ 215/1992 (ZBL 5984/1992)

COMMUNITY: Lord Selkirk-West Kildonan
NEIGHBOURHOOD #: 3.321(Jefferson)

SUBJECT: For consideration at the public hearing to discharge Zoning Agreement associated with DAZ 215/1992 (caveat # 1577255)

LOCATION: 210 Enniskillen Avenue

LEGAL DESCRIPTION: LOT 6 BLOCK 1 PLAN 4574 WLTO IN RL 5 And 6 Parish of Kildonan



APPLICANT: John Wintrup Consulting (John Wintrup)
301 – 139 Roslyn Road, WINNIPEG, MB.
R3L 0G7

OWNER: Kelly Glowasky (7576880 Manitoba Ltd)

RECOMMENDATION: Approval, with new caveats

SITE DESCRIPTION

- The subject property is located on the south side of Enniskillen Avenue in the Jefferson neighborhood of the Mynarski Ward.
- The property is 23, 875 sq. ft. in size, and currently contains a curling rink.

- The site is located in the Areas of Stability Mature Community policy designation under the *Complete Communities Direction Strategy*. The subject property is zoned "C2" Commercial Community.

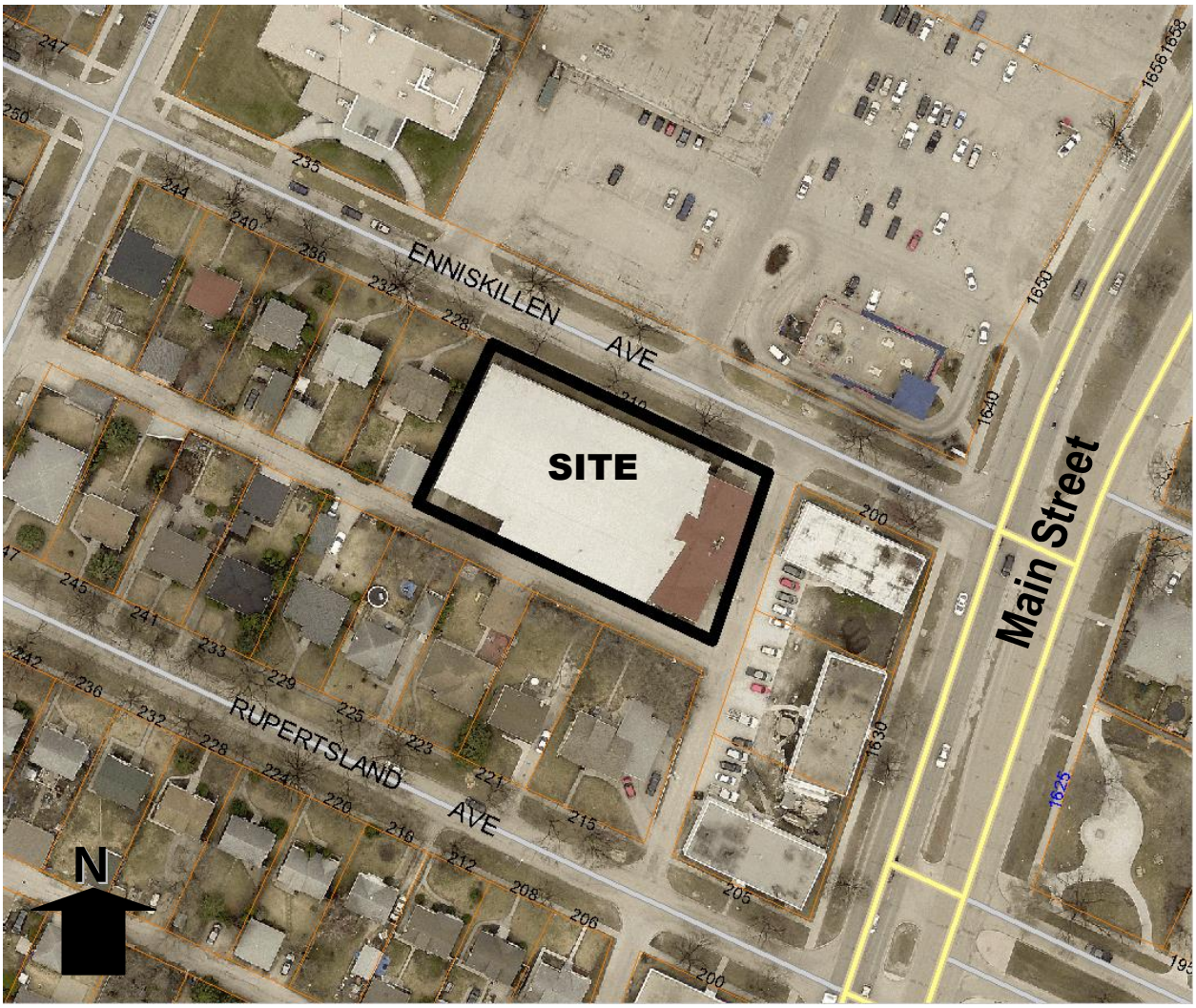

Figure 1: Air photo of the subject property and surrounding area (2016)

SURROUNDING ZONING & USES (See Figure 2)

North: Enniskillen Avenue, then a strip-mall zoned "C3" Commercial Corridor

South: Backlane, then residences zoned "R1-M" Single-Family Residential.

East: A public lane, then a multi-family apartment zoned "RMF-L" Residential Multi-Family Large

West: Residences zoned "R1-M" Residential Single-Family.

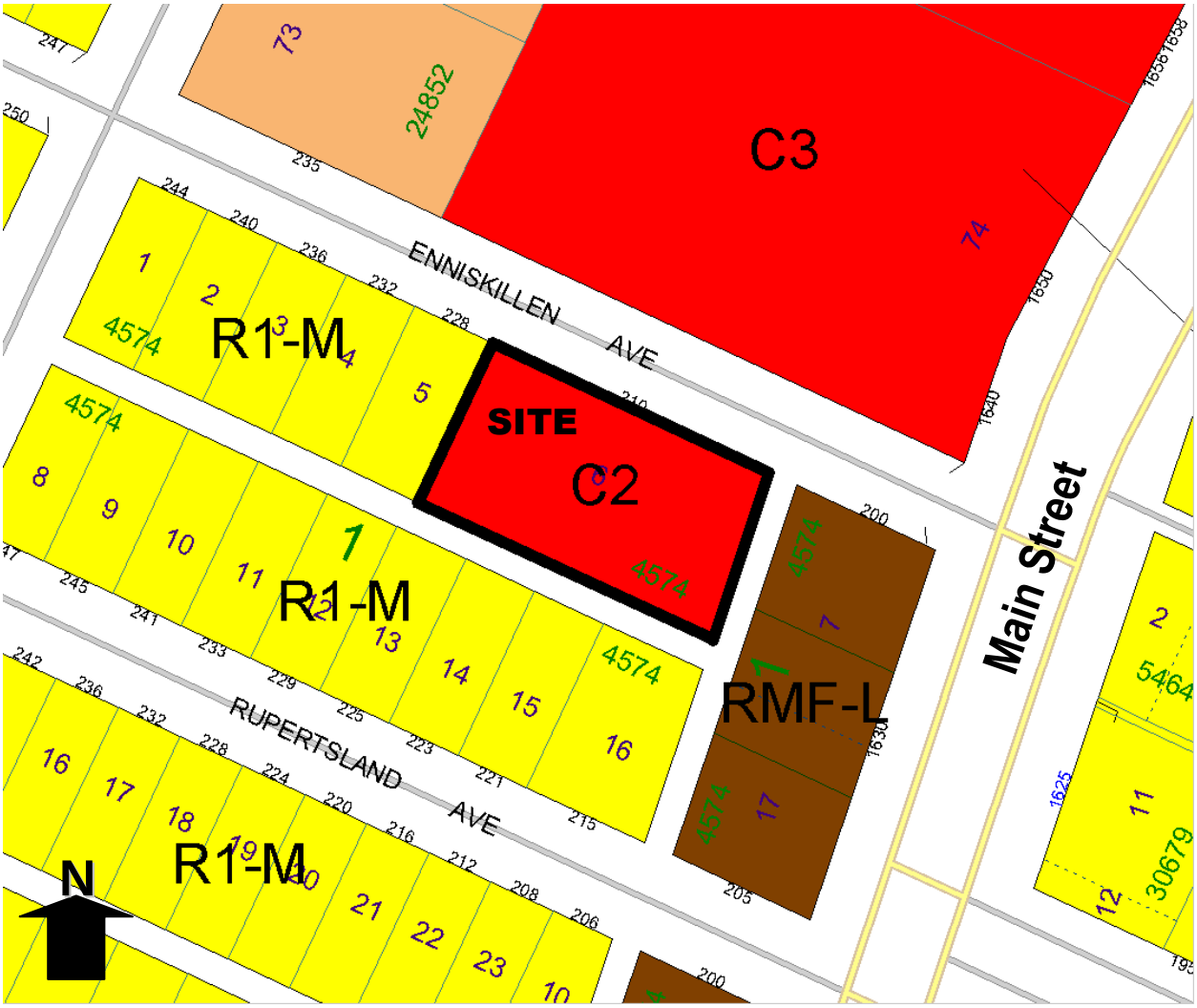

Figure 2: Zoning of the subject property and surrounding area

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant is proposing to establish retail sales uses within the existing building formerly used as a curling rink.
- The existing Zoning Agreement specifically restricts the use of the property to a curling rink and uses accessory and incidental to a curling rink. As such, a Zoning Agreement amendment is required.

ANALYSIS AND ISSUES

OURWINNIPEG AND COMPLETE COMMUNITIES DIRECTION STRATEGY

Under the *Ourwinnipeg Complete Communities Direction Strategy* the proposed development is within the Areas of Stability – Mature Communities policy area. With regard to this proposal, the key policies guiding the development of Areas of Stability include:

- *Support low to moderate change in low-density neighbourhoods through development and redevelopment that is complimentary to the existing scale, character and built form.*
- *Promote the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.*
- *Support a mix of commercial services and employment uses that serve the local community.*

- It is further noted that the site is separated by a backlane (East) to a Regional Mixed Use Corridor (Main Street) and Enniskillen Avenue (North), which contains a 4.3 acre multiple-tenant commercial development fronting Main Street.

ZONING (BY-LAW 200/2006)

"C2" Commercial Community

- The commercial community district is intended to accommodate more intensive commercial sites that do not have a local or neighborhood orientation. The district is intended to include attractive commercial, institutional, recreational, limited residential and facilities needed to support the surrounding neighborhood and the broader community.

COMPATIBILITY WITH THE SURROUNDING NEIGHBOURHOOD

- To the north of the subject property is a strip mall; the proposed retail use will be consistent with other commercial uses on the adjacent property and with others on Main Street.
- The existing structure is currently vacant, a proposal to repurpose the building in the in the interim is a good development for the entire area.
- According to the applicant, the proposed retail uses (flea market etc.) will be temporary. The future intent is to redevelop the entire site as a mix-use residential/commercial development.
- The Urban Planning Division is supportive of the Zoning Agreement Amendment as it will not cause any adverse effect on adjoining properties, and will allow for future optimal redevelopment of the site.

ON-SITE PARKING

- The purpose of this application is to discharge an existing Zoning Agreement to allow uses that are considered retail in nature, with parking not being part of this application.

However, in order to use the existing building for any permitted uses, allowed under the "C2" zoning district, parking considerations will need to be addressed.

- With the existing structure covering most of the lot, there is not enough room to accommodate the on-site parking requirements of the most if not all permitted "C2" uses. Thus, the expectation will be that any parking issues be dealt with either through a variance or a parking management plan.

REASONS FOR NEW ZONING AGREEMENT

- To ensure that any proposed development and redevelopment of the subject site aligns with the existing character, built form and scale of the neighborhood, it is recommended the applicant be required to enter and execute a new Zoning Agreement. It is necessary that the existing agreement be replaced because its terminology is outdated and refers to entities that no longer exist.

- The main contents of the proposed Agreement further regulate uses and design. Condition 3(A), which is a plan approval requirement is to ensure that both the Urban Planning Division and the Lord Selkirk-West Kildonan Community Committee are able to scrutinize any plan of development on site. Specifically, any proposal on site will be reviewed by looking at the building forms, parking, approaches, landscaping, garbage enclosure and free-standing signage. This is important if the existing building is ever removed and the site is redeveloped.

- While the subject site is Zoned "C2" commercial Community, it is mostly surrounded to the west and south by single-family residential development. Thus, condition 3 (B) restricts some uses that are permitted in the "C2" zoning district to avoid future land use conflicts.

- It is important to note that the applicant is seeking more zoning entitlement on the land. The Urban Planning Division believes that some site improvement should be required with this new entitlement. Condition 3(B) is to ensure that building foundation landscaping is provided on the building façade facing Enniskillen Avenue. This is necessary to ensure landscaping is provided even if the existing building is to remain. While the Zoning By-law requires landscaping for new development, existing buildings are often exempt if they are not expanding their footprint (Zoning By-law Section 189 (10). Thus, given the footprint of the building, the best opportunity to incorporate landscaping is on the Enniskillen frontage.

REASONS FOR RECOMMENDATION

The Urban Planning Division recommends **approval, with new caveats** for the following reasons:

- The subject property is zoned “C2” which allows a variety of commercial uses. The existing Zoning agreement, limiting the uses on the property to a curling rink, is too restrictive.
- The Urban Planning division believes that discharging the old Zoning Agreement and placing new ones would enhance potential redevelopment of the site, most especially for its proximity to Main Street which is a Regional Mixed Use Corridor.
- The proposed amendment is in line with the Complete Communities Direction Strategy for Area of Stability which promotes the form of buildings and spaces that are sensitive to the community context and address the transition between new and existing developments.
- The Urban Planning Division does not foresee an adverse effect on surrounding properties.

RECOMMENDATION

1) That the Zoning Agreement caveat # 1577255/1 under File DAZ 215/1992 dated June 18, 1992 (By-law No. 5984/1992 be discharged.
2) That the Director of Legal Services and City Solicitor be requested to prepare the necessary Amending Agreement to Zoning Agreement DAZ 215/1992 (By-law No. 5984/1992) dated June 18, 1992, as approved in aforesaid Recommendation1.
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on the Owner’s Land (“Works”) to the City’s Director of Planning and Development (“Director”) and the Lord Selkirk-West Kildonan Community Committee for approval prior to the issuance of any building or development permit, and thereafter must construct the Works in substantial conformance with the approved plans and maintain the Works to the satisfaction of the Director.

B) That the applicant shall provide building foundation landscaping along the building façade facing Enniskillen Avenue.

C) That no principal multi-family structure shall be located within 20 feet of the west property line.

D) That the following uses shall not be permitted on the land:

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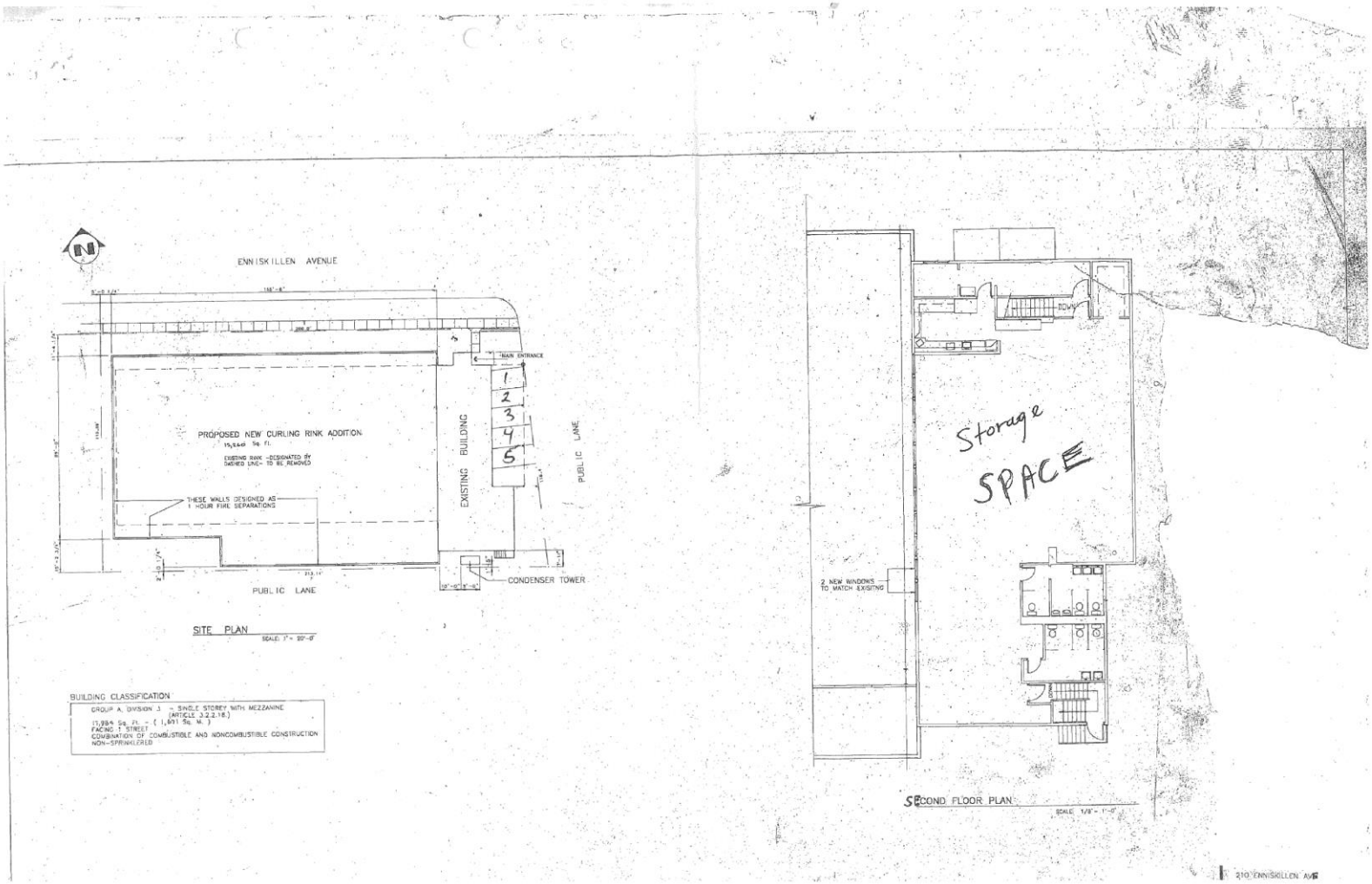
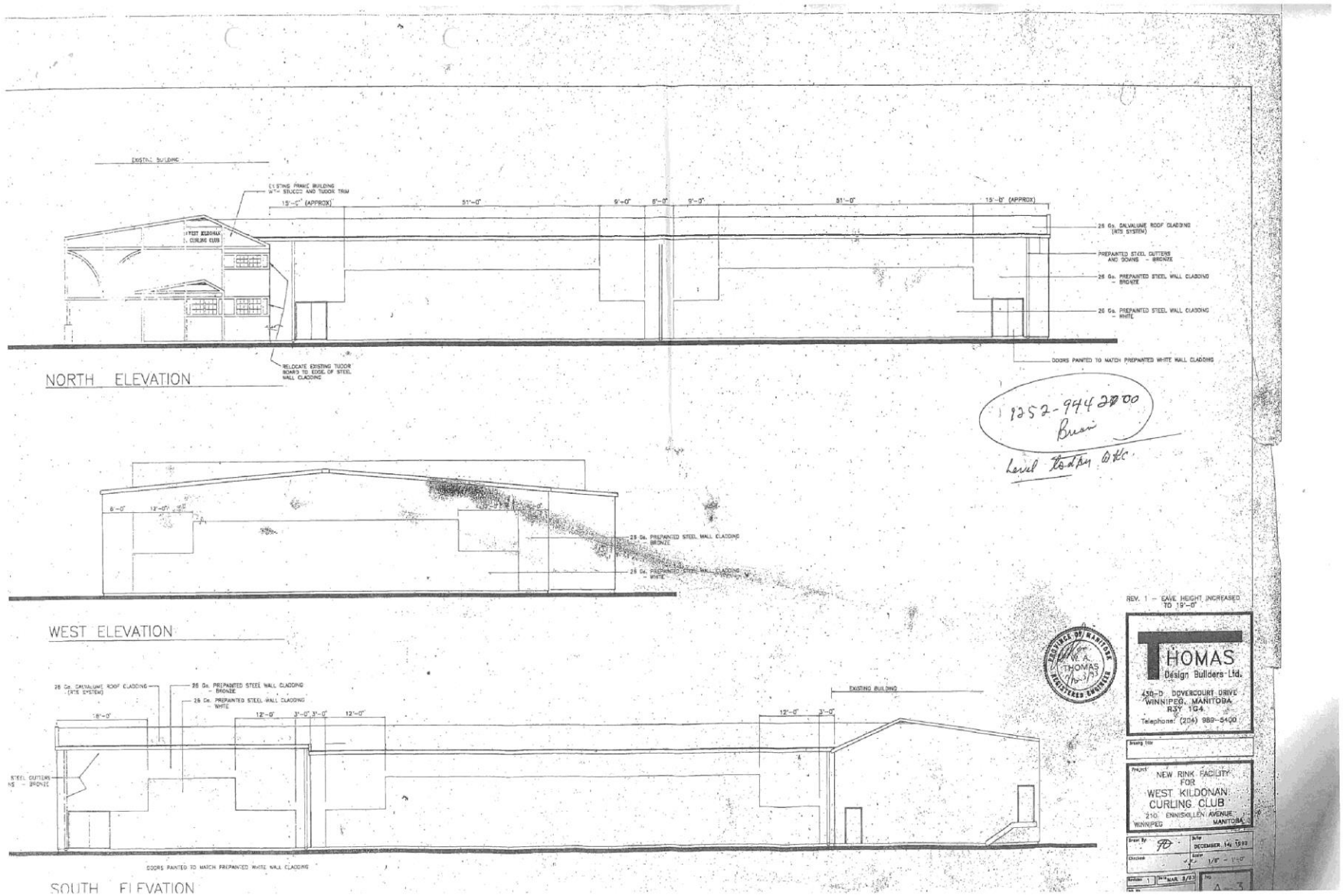
4) That the Proper Officers of the City are hereby authorized to execute said Zoning Agreement.

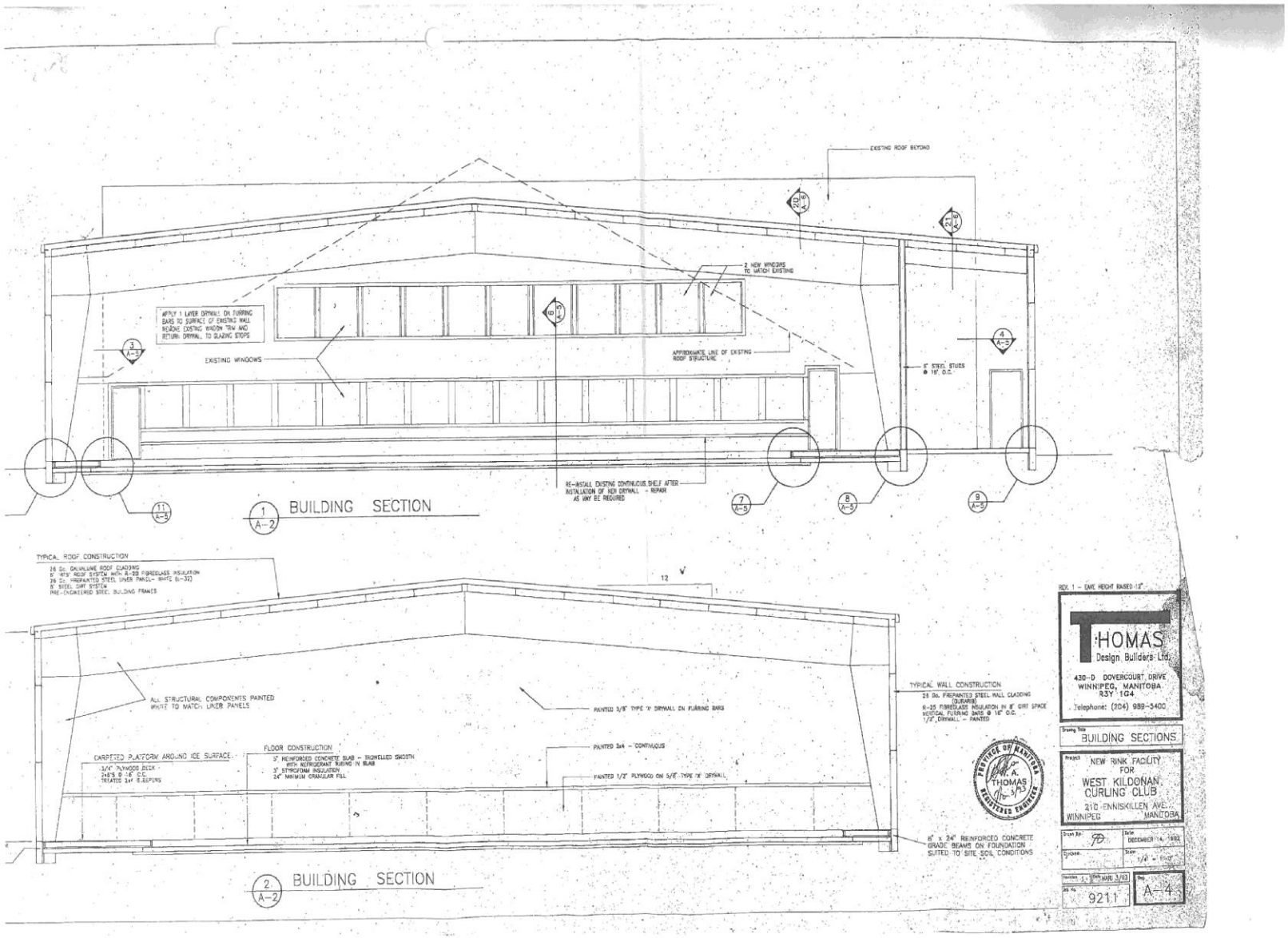
5) That the Director of Legal Services and City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Charter.

This Report Submitted by:
Planning, Property and Development Department
Urban Planning Division
Report Prepared By: Femi Ojo, MCIP, RPP
PPD File # ZAA 7/2017

Exhibit "7" referred to in File ZAA 7/2017




NORTH ELEVATION
WEST ELEVATION
SOUTH ELEVATION
EXISTING BUILDING
DOORS PAINTED TO MATCH PREPAINTED WHITE WALL CLADDING
REV. 1 – EAVE HEIGHT INCREASED TO 19'-0"
THOMAS
Design Builders Ltd.
430-D DOVERCOURT DRIVE
WINNIPEG, MANITOBA
R3Y 1G4
Telephone: (204) 989-5400
NEW RINK FACILITY
FOR
WEST KILDONAN
CURLING CLUB
210 ENNISKILLEN AVENUE
WINNIPEG MANITOBA
DECEMBER 14, 1993
1/8" = 1'-0"
MAR. 8/93


EXISTING ROOF BEYOND
2 NEW WINDOWS TO MATCH EXISTING
APPLY 1 LAYER DRYWALL ON FURRING BARS TO SURFACE OF EXISTING WALL REMOVE EXISTING WINDOW TRIM AND RETURN DRYWALL TO GLAZING STOPS
EXISTING WINDOWS
APPROXIMATE LINE OF EXISTING ROOF STRUCTURE
5" STEEL STUDS @ 16" O.C.
RE-INSTALL EXISTING CONTINUOUS SHELF AFTER INSTALLATION OF NEW DRYWALL - REPAIR AS MAY BE REQUIRED
1 A-2 BUILDING SECTION
TYPICAL ROOF CONSTRUCTION
26 Ga. GALVALUME ROOF CLADDING
6" 18'S' ROOF SYSTEM WITH R-20 FIBREGLASS INSULATION
26 Ga. PREPAINTED STEEL LINER PANEL- WHITE (L-32)
6" STEEL GIRT SYSTEM
PRE-ENGINEERED STEEL BUILDING FRAMES
ALL STRUCTURAL COMPONENTS PAINTED WHITE TO MATCH LINER PANELS
PAINTED 5/8" TYPE 'X' DRYWALL ON FURRING BARS
TYPICAL WALL CONSTRUCTION
26 Ga. PREPAINTED STEEL WALL CLADDING (DURARIB)
R-25 FIBREGLASS INSULATION IN 8" GIRT SPACE
VERTICAL FURRING BARS @ 16" O.C.
1/2" DRYWALL - PAINTED
CARPETED PLATFORM AROUND ICE SURFACE
3/4" PLYWOOD DECK
2x8'S @ 16" O.C.
TREATED 2x4 SLEEPERS
FLOOR CONSTRUCTION
5" REINFORCED CONCRETE SLAB - TROWELLED SMOOTH WITH REFRIGERANT TUBING IN SLAB
3" STYROFOAM INSULATION
24" MINIMUM GRANULAR FILL
PAINTED 2x4 - CONTINUOUS
PAINTED 1/2" PLYWOOD ON 5/8" TYPE 'X' DRYWALL
8" x 24" REINFORCED CONCRETE GRADE BEAMS ON FOUNDATION SUITED TO SITE SOIL CONDITIONS
2 A-2 BUILDING SECTION
REV. 1 - EAVE HEIGHT RAISED 12"
THOMAS Design Builders Ltd.
430-D DOVERCOURT DRIVE
WINNIPEG, MANITOBA
R3Y 1G4
Telephone: (204) 989-5400
BUILDING SECTIONS
NEW RINK FACILITY FOR WEST KILDONAN CURLING CLUB
210 ENNISKILLEN AVE.
WINNIPEG MANITOBA
DECEMBER 14, 1992
9211
A-4