Minutes – Council – January 25, 2024

Minute No. 105
Report – Executive Policy Committee – January 16, 2024

Item No. 10 Subdivision and Rezoning – 696 Sterling Lyon Parkway (Charleswood-Tuxedo-Westwood Ward) File DASZ 26/2023 [c/r DAV 182113/2023D]

COUNCIL DECISION:

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

1. That the subdivision proposed under Development Application No. DASZ 26/2023 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated December 20, 2023 and attached as Schedule "B" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land on proposed Parcels "A" and "B" to an "RMU" Residential Mixed Use District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated December20, 2023, and attached as Schedule "B" to this report.

3. 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 26/2023 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

4. 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 (the "By-law") and bring same directly to Council by way of communication for first reading.

5. That upon instruction from the Director of Planning, Property and Development that the Developer has submitted the Plan in accordance with recommendation 1 and has paid the Dedication and all other associated ancillary fees (the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

Report – Executive Policy Committee – January 16, 2024

COUNCIL DECISION (continued):

6. That Development Application No. DASZ 26/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not submitted the Plan and paid all associated ancillary fees (the "Fees") within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

7. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

8. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 7, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

10. That Development Application No. DASZ 26/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year following the date on which the By-law is enacted, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

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

12. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 26/2023.

Report – Executive Policy Committee – January 16, 2024

DECISION MAKING HISTORY:

Moved by His Worship Mayor Gillingham,

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

Carried

Councillor Wyatt was absent from the vote on the above motion.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On January 16, 2024, the Executive Policy Committee concurred in the recommendation of the Assiniboia Community Committee and submitted the matter to Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On January 4, 2024, the Assiniboia 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.

On October 24, 2023, the Assiniboia Community Committee did not hear any representation on the application and adjourned the public hearing to its meeting on January 4, 2024 at 10:30 a.m. in the Council Building at 510 Main Street, due to a required re-posting.

PUBLIC HEARING SUMMARY

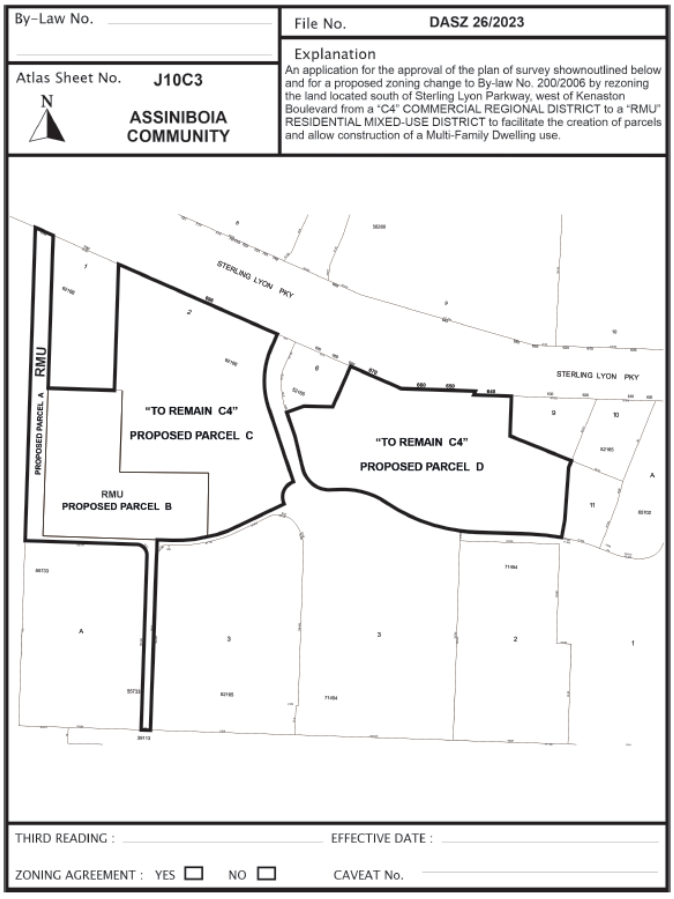
File: DASZ 26/2023

Before: Assiniboia Community Committee
Councillor Lukes, Chairperson
Councillor Dobson
Councillor Duncan

Public Hearing: January 4, 2024
October 24, 2023
Council Building, 510 Main Street

Applicant: WSP Canada Inc. (Meagan Boles)

Subject:



Premises Affected: 640, 650, 660, 670, 680, 686 and 696 Sterling Lyon Parkway

For submission to: Executive Policy Committee

Prepared by: L. Cowan, Senior Committee Clerk
Assiniboia Community Committee

Report date: January 4, 2024

Community Committee Recommendation:

On January 4, 2024, the Assiniboia 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 subdivision proposed under Development Application No. DASZ 26/2023 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated December 20, 2023 and attached as Schedule "B" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land on proposed Parcels "A" and "B" to an "RMU" Residential Mixed Use District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated December20, 2023, and attached as Schedule "B" to this report.

3. 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 26/2023 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

4. 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 (the "By-law") and bring same directly to Council by way of communication for first reading.

5. That upon instruction from the Director of Planning, Property and Development that the Developer has submitted the Plan in accordance with recommendation 1 and has paid the Dedication and all other associated ancillary fees (the "Fees"), and subject to s. 236.1 of The City of Winnipeg Charter, the Director of Legal Services/City Solicitor be directed to return the By-law directly to Council by way of communication for second and third reading.

6. That Development Application No. DASZ 26/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer has not submitted the Plan and paid all associated ancillary fees (the "Fees") within 2 years following the date on which Council gives first reading to the By-law, unless the developer applies for an extension of time before the expiration of that 2 year period and Council approves the extension.

7. That the subdivision section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

8. That the zoning section of the By-law will come into force when the Plan is registered in the Winnipeg Land Titles Office.

9. That the By-law will be repealed without coming into force 1 year after the date it is enacted if the Plan is not registered in accordance with recommendation 7, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

10. That Development Application No. DASZ 26/2023 will be deemed to be concluded and all approvals in connection with same will expire if the developer fails to secure all necessary Plan approval signatures on behalf of the City within 1 year following the date on which the By-law is enacted, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

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

12. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 26/2023.

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

1. My supporting reasons are that we complete the development to the south of Sterling Lyon providing more housing for Winnipeggers in the ward of Charleswood-Tuxedo-Westwood.

2. It's my understanding that there will be no additional cash in lieu of land dedication as indicated by the Public Service here today at the meeting of the Assiniboia Community Committee on January 4, 2024.

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 July 27, 2023 2. Notification of Public Hearing dated September 21, 2023 3. Manitoba Status of Titles 3240855/1, 3240856/1, 2931616/1, 2753169/1, 2756664/2, 2661645/1, 2756667/1, 2661647/1, 2753170/1 4. Letter of authorization dated August 9, 2023 from Montez Core Income Fund GP Inc. and NADG Tuxedo LP (Steve Bishop) to WSP Canada Inc. 5. Sketch Showing Proposed Plan of Survey dated May 30, 2023 6. Caveats 3850726, 3850727, 1882086 7. Proposed Plan of Rezoning 8. By-law No. 81/2009 9. Plans (1 page) 10. Report from the Urban Planning Division dated October 12, 2023 11. Inspection Report 12. Notice of Adjournment dated October 24, 2023 13. Revised Application dated November 14, 2023 14. Revised Plans (2 pages) 15. Revised Report from the Urban Planning Division dated December 20, 2023 16. Revised Inspection Report dated January 4, 2024 17. Presentation dated January 4, 2024, in support of the application submitted by the Applicant at the public hearing 18. Recording of Representations

REPRESENTATIONS:

In Support:

Steve Bishop
Meagan Boles

In Opposition:

Nil

For Information:

Nil

For the City:

R. Galston, Urban Planner, Planning, Property and Development Department
K. Kowalyk, Land Development Engineer, Planning, Property and Development Department

Exhibit "15" referred to in File DASZ 26/2023

REVISED ADMINISTRATIVE REPORT

Title: DASZ 26/2023 – 696 Sterling Lyon Parkway

Issue: For consideration at the public hearing for an application to subdivide and rezone the subject property for the purpose of developing a multi-family residential dwelling on a new residential parcel.

Critical Path: Assiniboia Community Committee → Standing Policy Committee on Property and Development, Heritage and Downtown Development → Executive Policy Committee → Council as per the Development Procedures By-law and *The City of Winnipeg Charter.*

AUTHORIZATION

Author	Department Head	CFO	CAO
R. Galston, MCP	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision proposed under Development Application No. DASZ 26/2023 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated December 20, 2023 and attached as Schedule "B" to this report, with such minor changes as may be required, for registration in the Winnipeg Land Titles Office.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land on proposed Parcels "A" and "B" to an "RMU" Residential Mixed Use District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated December20, 2023, and attached as Schedule "B" to this report.

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11. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing;

12. That the Variance Order shall come into force and effect upon the coming into force and effect of the zoning by-law for the subject land under File DASZ 26/2023.

REASON FOR THE REPORT

- 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 Winnipeg Public Service are concurred in, the subject property may be subdivided and proposed Lot 1 rezoned to the "RMF-L" zoning district, subject to conditions.

HISTORY

N/A

CONSULTATION

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

SUBMITTED BY

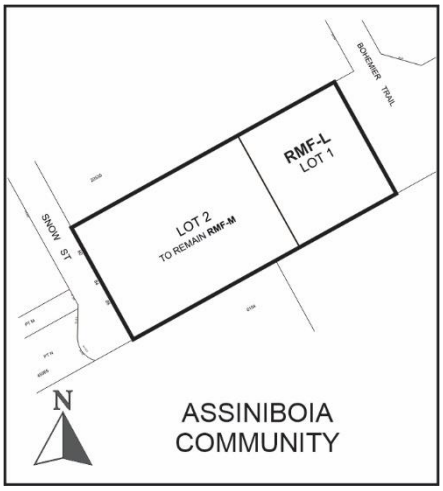
Department	Planning, Property and Development
Division	Urban Planning and Design Division
Prepared by	Robert Galston, MCP
Date:	December 20, 2023
File No.	DASZ 26/2023

List of Schedules and Appendices

Schedule A	Planning Discussion
Schedule B	Recommended File No. DASZ 26/2023 Assiniboia Community Committee, dated December 20, 2023
Appendix A	Proposed By-law

SCHEDULE 'A'

FILE:	**DASZ 26/2023**
RELATED FILES:	DAV 23-182113/D
COMMUNITY:	Assiniboia Committee
NEIGHBOURHOOD #:	2.668 (Tuxedo Industrial)
SUBJECT:	To subdivide the property into four (4) separate parcels, and rezone one (1) of these parcels from the "C4" Commercial Regional District to the "RMU" Residential Mixed Use District
LOCATION:	696 Sterling Lyon Parkway
LEGAL DESCRIPTION:	LOT 2 PLAN 62166 WLTO IN OTM LOTS 9, 10 AND 11 PARISH OF ST CHARLES LOT 7 PLAN 52165 WLTO IN LOTS 5 TO 11 PARISH OF ST CHARLES LOT 8 PLAN 52165 IN WOLTO IN OTM LOTS 5 TO 11 PARISH OF ST CHARLES PARCEL 'B' PLAN 55733 WLTO IN OTM LOTS 10 AND 11 PARISH OF ST CHARLES



APPLICANT:	Meagan Boles (WSP Canada, Inc.) 1600 Buffalo Place Winnipeg, Manitoba R3T 6B8
OWNERS:	Montez Core Income Fund Group, Inc. (c/o Centrecorp Management Services, Ltd.) 14127 23rd Avenue NW, Unit 205 Edmonton, AB T6R 0G4
RECOMMENDATION:	Approval with conditions

SITE DESCRIPTION

- The subject property is located south of Sterling Lyon Parkway in the Tuxedo Industrial Neighbourhood of the Charleswood – Tuxedo – Westwood Ward.
- The subject property has a total area of 19.1 acres. A one-storey commercial building containing an indoor amusement enterprise, the Rec Room, as well as accessory parking areas, are currently located on the property. The commercial building has a floor area of approximately 40,000 square feet.
- The subject property is located at a Regional Mixed-Use Centre under the *Complete Communities Direction Strategy 2.0* Urban Structure Map.
- The property is currently zoned “C4” Commercial Regional.

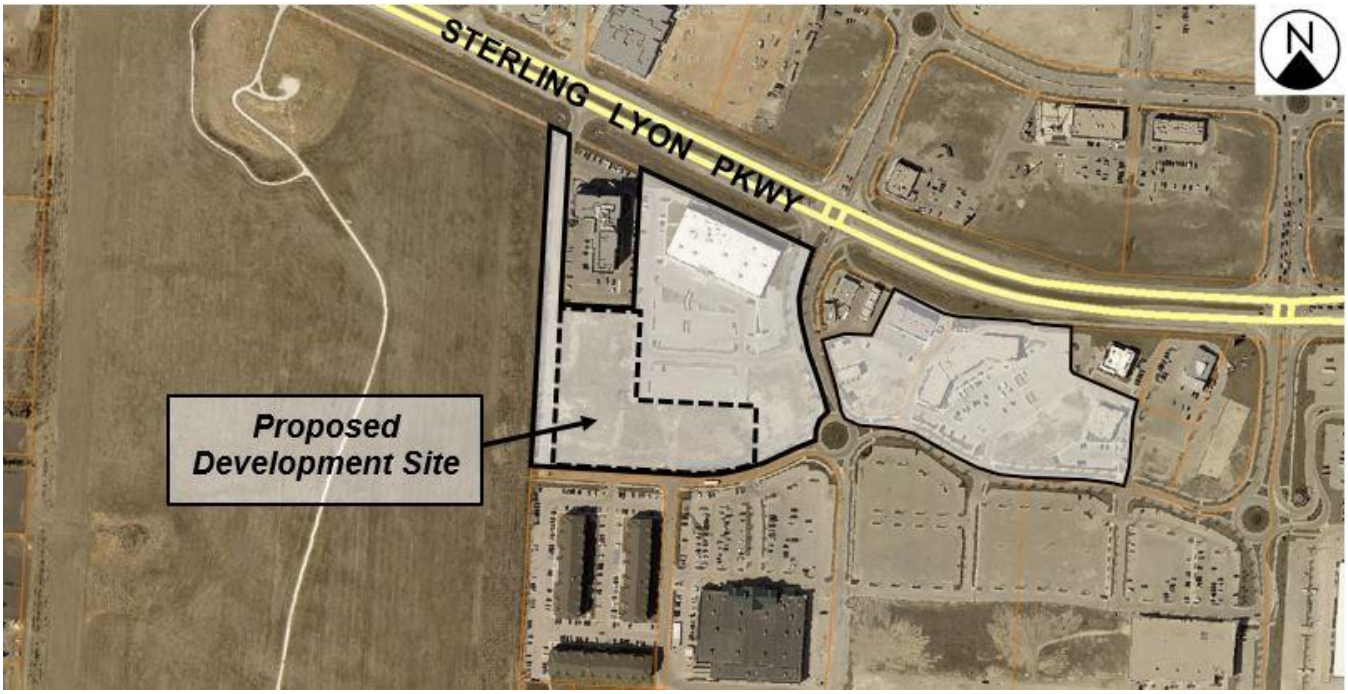


Figure 1: Aerial Photo of Subject Site and Surrounding Uses *(flown 2021)*

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Sterling Lyon Parkway, then a mix of commercial uses zoned “C4” Commercial Regional.

South: A mix of multi-family residential and commercial uses zoned “CMU” Commercial Mixed Use and “C4” Commercial Regional.

East: A mix of commercial uses zoned commercial uses zoned “C4” Commercial Regional.

West: Vacant land zoned “A” Agricultural.

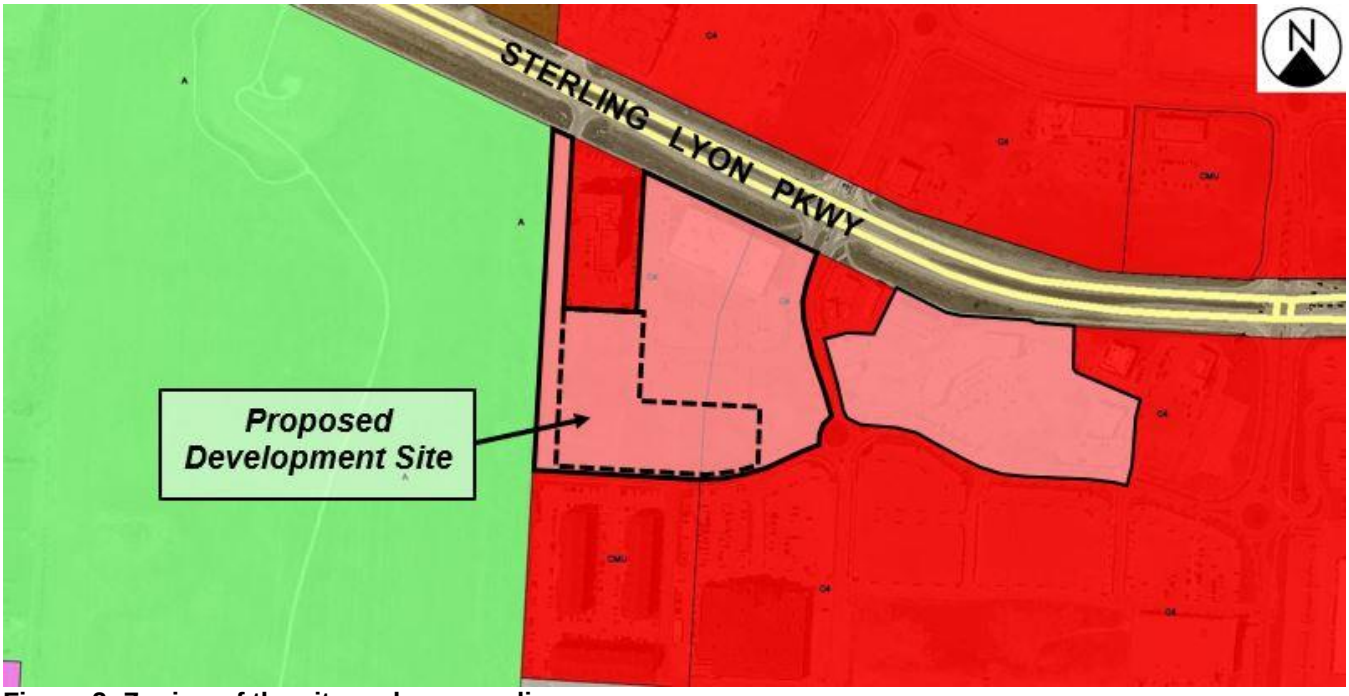


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant proposes to reconfigure four (4) existing parcels into four (4) new parcels, Parcels A, B, C, and D, and to rezone proposed Parcels A and B to the "RMU" Residential Mixed Use district. This is to accommodate the construction of a multi-family residential development on Parcel B. (Please refer to Figure 3, below.)
- Plans submitted show that the proposed residential multi-family development will be comprised of two (2) separate buildings, Building A and Building B.
- Proposed Building A will contain 76 dwelling units, and proposed Building B will contain 70 dwelling units, for a total of 146 dwelling units.
- Each of the proposed buildings will be six (6) storeys in height.
- Elevation drawings of the proposed buildings have not been submitted with this application.
- A total of 221 accessory surface parking stalls are proposed. Additionally, plans submitted show amenity space for the use of building residents, including a playground, community garden space, seating areas, and a dog run.
- Access to the proposed development on Parcel B would be taken from a private street, West Road. Shared access between the proposed parcels would be enabled through a cross-access agreement.
- No new private approaches or access points directly from Sterling Lyon Parkway are proposed as part of this application.

Associated Variance Application (DAV)

- The proposed development is also the subject of an associated Variance application (DAV) concerning the creation of zoning lots with no frontage on a public street. Please refer to the Administrative Report under file no. DAV 23-182113/D for more information.

ANALYSIS AND ISSUES

OURWINNIPEG 2045

- *OurWinnipeg 2045* is the City's long-range development plan. Per *OurWinnipeg 2045*, the subject site is identified as an Transformative Area – Regional Mixed Use Centre. The policy for mixed used centres states:

  6.25 Mixed Use Centres

  - *Designate Mixed Use Centres within the Urban Structure, representing the largest commercial areas in the city with the ability to accommodate major retail uses, and become pedestrian-oriented environments connected by integrated and sustainable transportation options, and offering a variety of house, employment, amenities and services.*

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* supports *OurWinnipeg 2045*, and has statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.
- As noted above, the subject property is classified as an Transformative Area – Regional Mixed Use Centre under *Complete Communities 2.0*. Key policies for Regional Mixed Use Centres include:

  Commercial Areas and Mixed Use Centres

  1.1 Encourage the redevelopment, infill and expansion of existing commercial areas as the preferred method of accommodating new commercial development, while still providing local commercial opportunities in new neighbourhoods.

  2.1 Prioritize the commercial intensification of existing commercial areas in Established Neighbourhoods, Mixed Use Centres, Corridors, and Downtown over the creation of new Mixed Use Centres while being mindful of differences in commercial scale permitted in each of these designations.

  Goal 5

  5.0 Allow for the long-term, residential mixed-use intensification of Mixed Use Centres.

  5.1 Where compatible with surrounding land uses, direct the highest multi-family residential densities to areas within Mixed Use Centres that provide the best transit service.

  5.1.1 Direct the highest multi-family residential densities to the areas in closest proximity to rapid transit, Corridors, and the Primary Transit Network in accordance with Policy 3.1 of the General Growth section, at a height and scale compatible with surrounding land uses. Densities should then decrease with distance from transit stops.

  5.3 Require that proposals to add residential uses in Mixed Use Centres be accompanied by a demonstrable commitment to establish a pedestrian-oriented residential neighbourhood, by:

  a. Establishing a fine-grained network of local streets with sidewalks and street trees;

b. *Designing ground-floor building frontages to reinforce a pedestrian scale; and*

c. *Encouraging the extension of adjacent local roads and paths into the site to enhance permeability and to enable future connection opportunities, where possible.*

5.4 Require that proposals to add residential uses in Mixed Use Centres limit negative shadow impacts experienced by rear- and side-adjacent residential properties, by ensuring adequate sunlight penetration through appropriate building massing, setbacks, and building design

5.5 Require that, where appropriate, the introduction of residential uses be designed in a way that will not create land use conflicts with existing commercial uses.

- The proposed development aligns with these policies in that it accommodates a mix of uses within the "Kenaston & Sterling Lyon" Regional Mixed Use Centre, at a scale that is generally compatible with the surrounding area.
- The proposed residential multi-family buildings are located within a large commercial site with a network of private streets.
- Further, it the proposed residential multi-family site is located within 135 metres (442 feet) from Sterling Lyon Parkway, and located approximately 62 metres (204 feet) from transit stops. Transit service at these stops feature regular daily transit routes with connections to other significant destinations, including the University of Manitoba Fort Garry Campus and the Polo Park shopping centre.

SUBDIVISION

- As noted above, the subject site is currently made up of four (4) separate parcels, Parcel A, B, C, and D. Subdivision is required in order to reconfigure these parcels. Access to the proposed Parcel B will be through a cross-access agreement. Please refer to Figure 3, below.

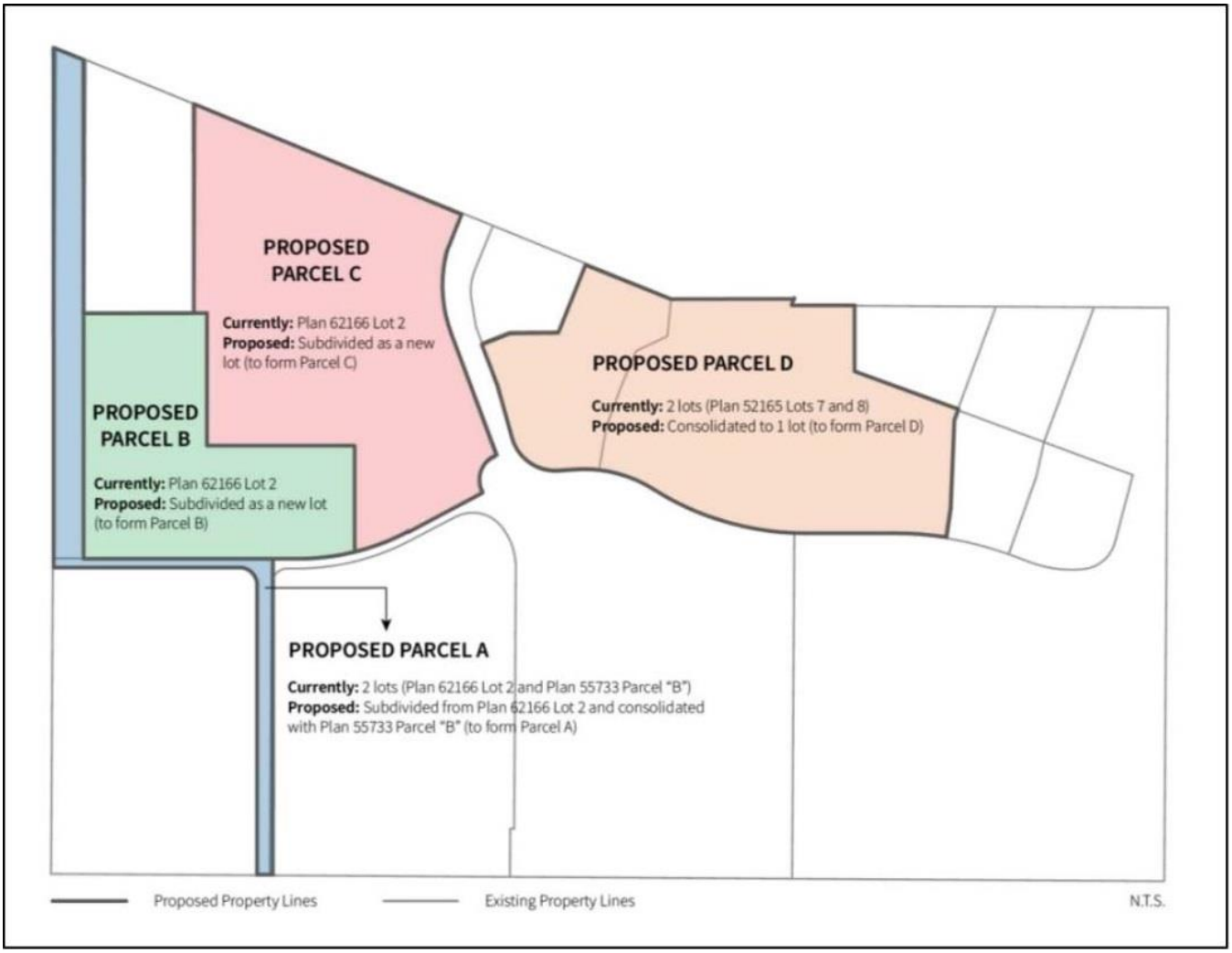


Figure 3: Plan of proposed parcels. Submitted by the applicant.

REZONING

- As noted above, the entire subject site is currently zoned “C4” Commercial Regional District. The applicant is proposing to rezone proposed Parcels A and B to the “RMU” Residential Mixed Use district.
- The “RMU” District is intended to facilitate the development of primarily medium- to higher-density residential development, though it may also contain limited small-scale commercial, institutional, recreational, and service facilities needed to support residential development. The area, site, or building should retain a predominantly residential character. Development in the “RMU” district should provide convenient access for pedestrians and transit users from the public street, and should facilitate pedestrian travel between residential and non-residential uses. This district is often part of Community or Regional Mixed Use Centres, Major Redevelopments, and Rapid Transit Corridors.
- Generally, the “RMU” district allows taller buildings and greater residential densities. For example, the maximum building height in the “RMU” district is 100 feet, and the maximum density is 500 square feet of lot area per dwelling.

- The applicant proposes building heights of approximately 60 feet, and a lot area per dwelling unit of 1,113 square feet. As such, the proposal is within the dimensional standards of the “RMU” districts.
- Parcels C and D would retain the existing “C4” zoning.

COMPATIBILITY WITH THE SURROUNDING AREA

- The surrounding area is generally characterized by commercial uses under the “C4” District, as well as nearby existing multi-family development under the “RMU” Residential Mixed Use District, and vacant land zoned “A” Agricultural District.
- Given this surrounding context, the creation of an “RMU” zoning district on proposed Parcels A and B is considered compatible with the surrounding area, and will not have an adverse effect on existing and future development in the surrounding area.

Active Transportation

- The applicant has submitted an active transportation plan for the subject development site in relation to existing and sidewalks and shared pathways (cycling and pedestrians).
- This plan shows both proposed multi-family buildings will have sidewalk connections that lead to Sterling Lyon Parkway, and to existing sidewalks that service the developed portions of the Seasons of Tuxedo site. Additionally, the plan shows a future shared active transportation pathway is expected to extend to the southern end of the subject site in the future. (Please refer to Figure 4, below.)
- In this manner, the subject site will provide pedestrian connection to commercial amenities in the surrounding area, as well as to public sidewalks on Sterling Lyon Parkway.



Figure 4: Subject site in relation to existing and future active transportation in area

Plan Approval

- Plan Approval by the Director of Planning, Property and Development and the Assiniboia Community Committee is required by the existing Zoning Agreement on the land, per file no. DASZ 37/2008. Detailed final plans showing proposed building elevations, landscaping, active transportation connections, and other design details will be subject to Plan Approval.

CONDITIONS OF APPROVAL

Land Dedication

- As a condition of rezoning or subdivision of a parcel of land, a developer is required to contribute a portion of the land to be developed to the City of Winnipeg for parks purposes. The amount of land is not less than 10 percent.
- In the case of the subject proposed subdivision and rezoning, the Planning, Property and Development Department is recommending that the developer provide 'cash in lieu' of a dedication of land for the appraised value of the subject site.

RECOMMENDATION

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

- The subdivision and rezoning is consistent with policies guiding development in Regional Mixed Use Centres under the *Complete Communities Direction Strategy 2.0,* which

support multi-family residential development that is compatible with the surrounding area.

- The surrounding area is characterized by a mix of uses, including existing multi-family residential uses.
- The subject site is located in close proximity to regular transit service, and plans submitted show the site will connect to existing active transportation networks.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division

Report Prepared by: Robert Galston, MCP
PPD File #: DASZ 26/2023

Schedule "B" for File DASZ 26/2023, Assiniboia Community Committee, dated December 20, 2023

By-Law No. _____

File No. **DASZ 26/2023**

Atlas Sheet No. **J10C3**

N

ASSINIBOIA COMMUNITY

Explanation

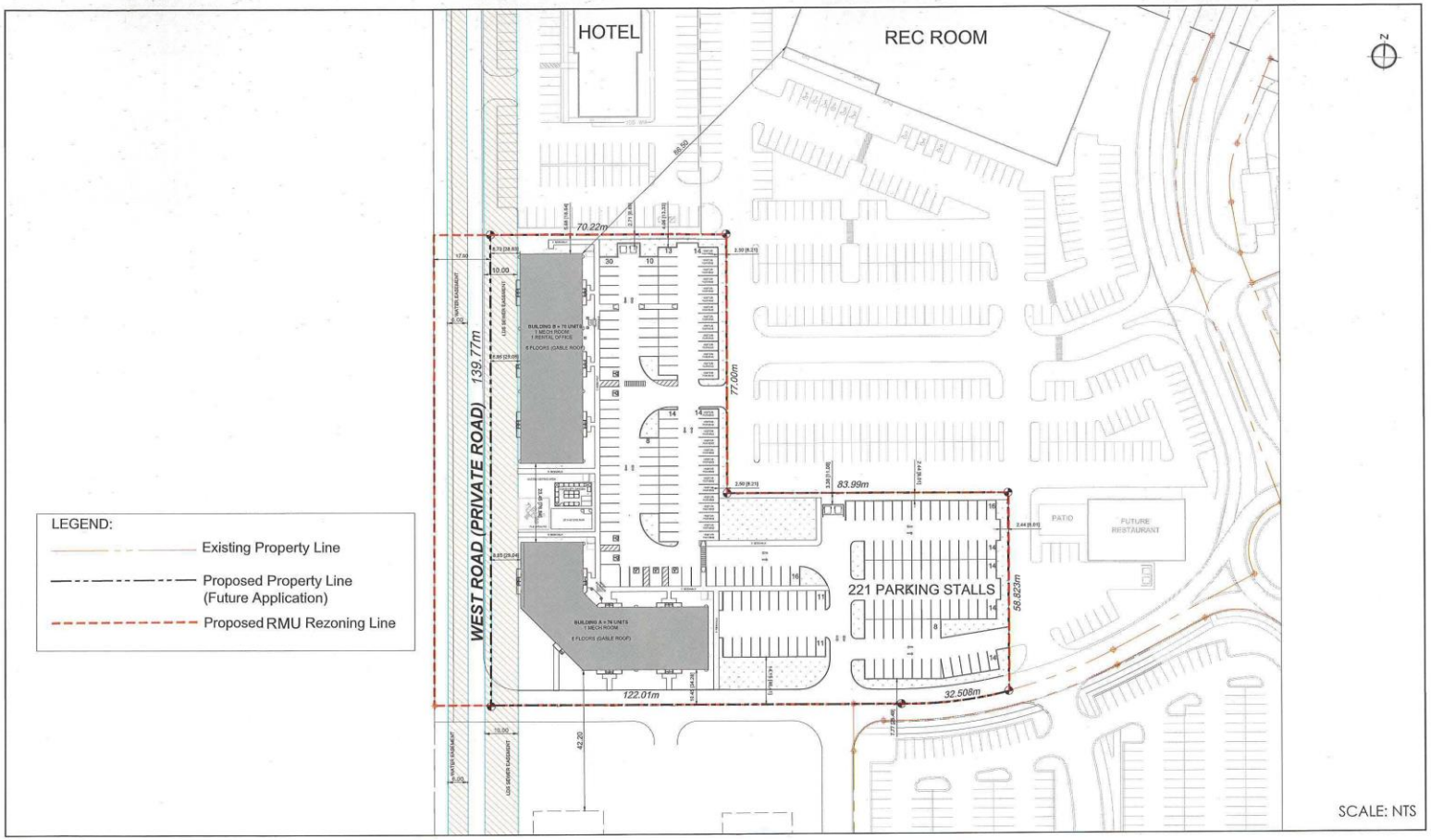
An application for the approval of the plan of survey shownoutlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning the land located south of Sterling Lyon Parkway, west of Kenaston Boulevard from a "C4" COMMERCIAL REGIONAL DISTRICT to a "CMU" COMMERCIAL MIXED-USE DISTRICT to facilitate the creation of parcels and allow construction of a Multi-Family Dwelling use.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

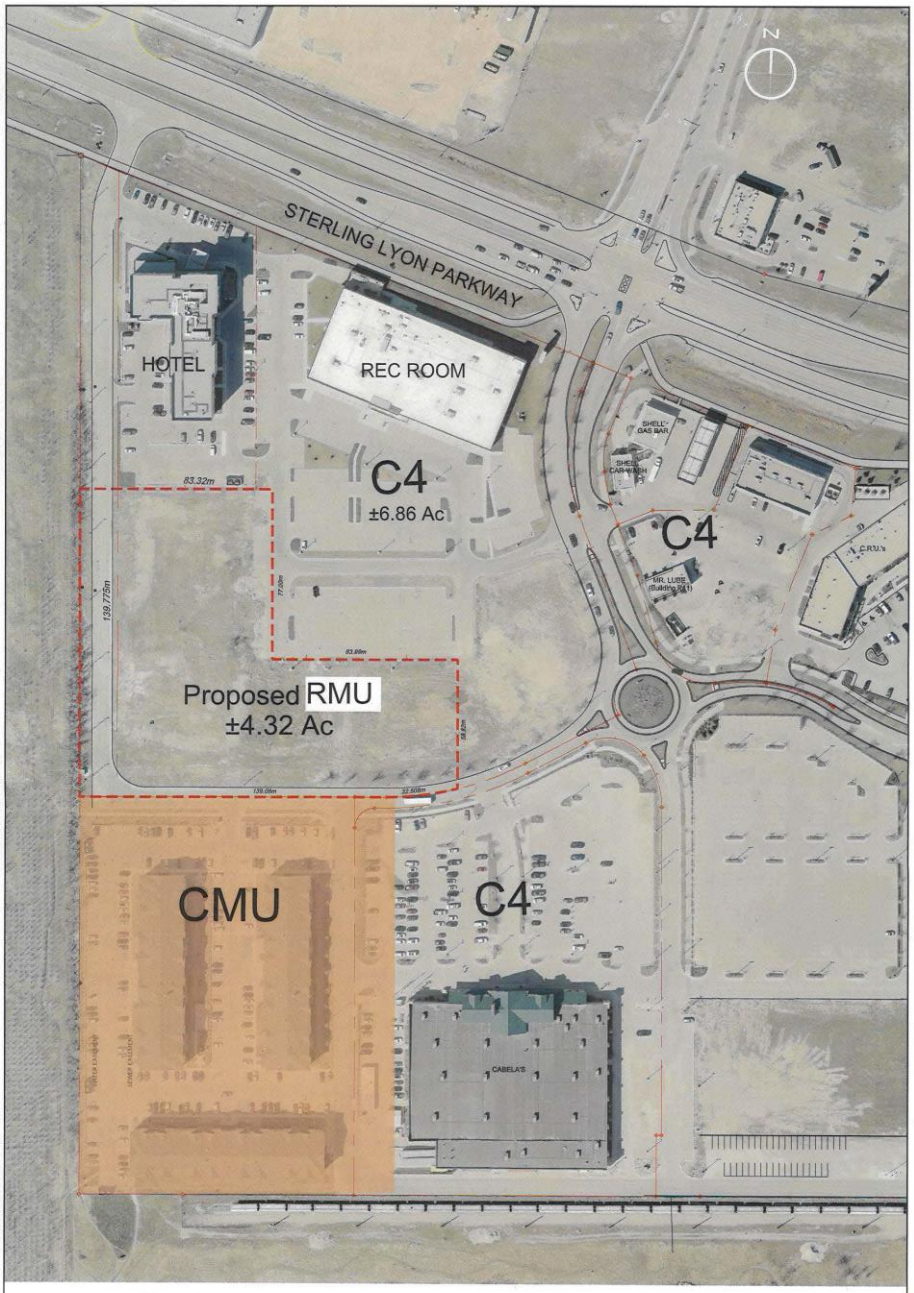
Exhibit “14” referred to in File DASZ 26/2023



NOTE:
DIMENSIONS SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE

NADG
SITE PLAN
SEASONS OF TUXEDO

NADG Site Plan 2023.06.29.dwg_Site


N
STERLING LYON PARKWAY
HOTEL
REC ROOM
C4
±6.86 Ac
C4
Proposed RMU
±4.32 Ac
CMU
C4
CABELA'S
LEGEND
Existing Property Line
Proposed Zoning
NOTE:
DIMENSIONS SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE
Scale: NTS
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NADG
Rezoning Plan
Seasons of Tuxedo
NADG Plan of Rezoning 2023.05.24.dwg_Layout1