Minutes – Executive Policy Committee – June 18, 2024

REPORTS

Item No. 15 Subdivision and Rezoning – North of Devonshire Drive West, East of Peguis Street, and West of Edward Schreyer Parkway ROW (Transcona Ward)
File DASZ 18/2024

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendation of the East Kildonan-Transcona Community Committee and recommended to Council:

1. That the subdivision proposed under Development Application No. DASZ 18/2024 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor for registration in the Winnipeg Land Titles Office in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated May 28, 2024 and attached as Schedule "C" to this report, as amended in accordance with the report of the Administrative Coordinating Group, dated May 9, 2024, and attached as Schedule "B" to this report, and with such other minor changes as may be required.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R2" Residential Two-Family District and an "R1-S" Residential Single Family (Small) District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated May 28, 2024 and attached as Schedule "C" to this report.

3. That the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated May 9, 2024 to the satisfaction of the Director of Planning, Property and Development.

4. 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 18/2024 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

5. 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 recommendations 1 and 2 (the "By-law") and bring same directly to Council by way of communication for first reading.

EXECUTIVE POLICY COMMITTEE RECOMMENDATION (continued):

6. 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 Fee 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.

7. That Development Application No. DASZ 18/2024 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 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.

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

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

10. That the By-law will be repealed without coming into force 1 year following the date it is enacted if the Plan is not registered in accordance with recommendation 8, unless the developer applies for an extension of time before the expiration of that 1 year period and Council approves the extension.

11. That Development Application No. DASZ 18/2024 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.

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

DECISION MAKING HISTORY:

Moved by Councillor Browaty,

That the recommendation of the East Kildonan-Transcona Community Committee be concurred in and forwarded to Council.

Carried

COMMUNITY COMMITTEE RECOMMENDATION:

On May 28, 2024, the East Kildonan-Transcona 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.

PUBLIC HEARING SUMMARY

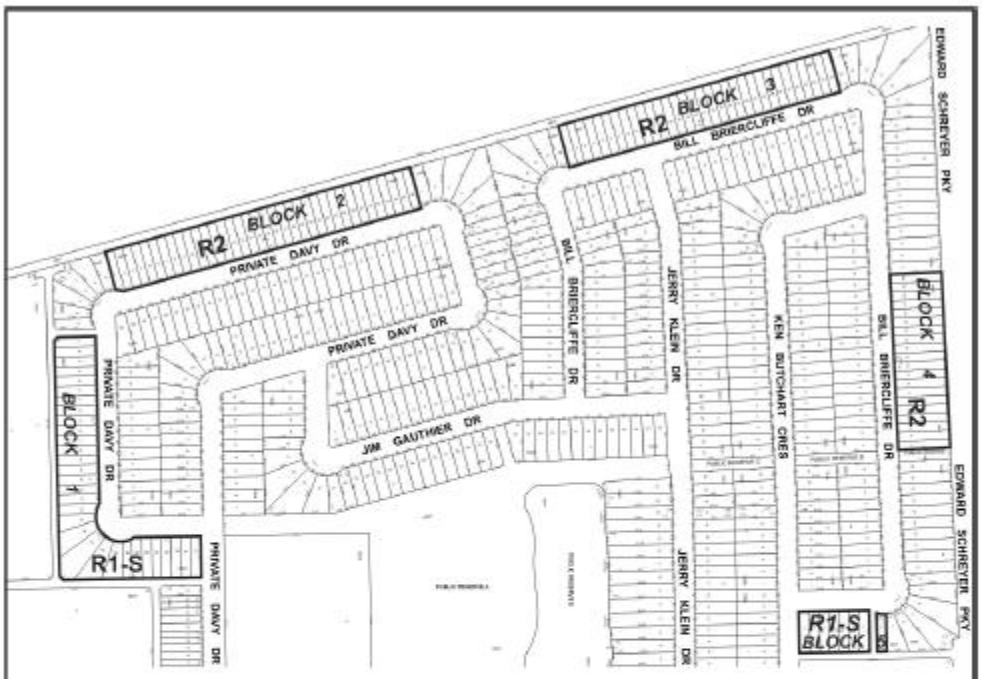
File: DASZ 18/2024

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

Public Hearing: May 28, 2024
Council Building, 510 Main Street

Applicant: Genstar Development Company (Marc Brown)

Subject:



APPLICANT: Genstar Development Company (Marc Brown)
FILE : DASZ 18/2024
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 land shown outlined above from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT and an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to facilitate the establishment of residential building lots. **For information, phone D. Chyz-Lund Planner at 204-986-8289**

Premises Affected:	North of Devonshire Drive West, East of Peguis Street, and West of Edward Schreyer Parkway ROW
For submission to:	Executive Policy Committee
Prepared by:	B. Harris, Committee Clerk East Kildonan-Transcona Community Committee
Report date:	May 30, 2024

Community Committee Recommendation:

On May 28, 2024, the East Kildonan-Transcona 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 18/2024 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor for registration in the Winnipeg Land Titles Office in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated May 28, 2024 and attached as Schedule "C" to this report, as amended in accordance with the report of the Administrative Coordinating Group, dated May 9, 2024, and attached as Schedule "B" to this report, and with such other minor changes as may be required.

2. That the Winnipeg Zoning By-law No. 200/2006 be amended by rezoning the subject land to an "R2" Residential Two-Family District and an "R1-S" Residential Single Family (Small) District in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated May 28, 2024 and attached as Schedule "C" to this report.

3. That the Developer shall meet all terms and conditions as outlined in Schedule "B", the report of the Administrative Coordinating Group, dated May 9, 2024 to the satisfaction of the Director of Planning, Property and Development.

4. 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 18/2024 (the "Dedication Fee"), as determined by the Director of Planning, Property and Development.

5. 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 recommendations 1 and 2 (the "By-law") and bring same directly to Council by way of communication for first reading.

6. 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 Fee 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.

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

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

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11. That Development Application No. DASZ 18/2024 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.

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

The East Kildonan-Transcona Community Committee provided the following supporting reason for its recommendation:

1. It's consistent with the secondary plan.

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 March 6, 2024 2. Notification of Public Hearing dated April 25, 2024 3. Manitoba Status of Title 2816614/1, 2816677/1, 3274195/1, 3274196/1, 3274198/1 4. Letter of authorization dated February 26, 2024 from Genstar Titleco Ltd. (David Boles) to Genstar Development Company 5. Caveats 4672767/1, 4672766/1, 5592800/1, 5592802/1 6. Plans (4 pages) 7. Report from the Urban Planning Division dated May 8, 2024 8. Inspection Report

REPRESENTATIONS:

In Support:

Marc Brown

In Opposition:

Nil

For Information:

Nil

For the City:

D. Chyz-Lund, Planner, Planning, Property and Development, Department
K. Kowalyk, Land Development Engineer, Planning, Property and Development Department

Exhibit "7" referred to in File DASZ 18/2024

ADMINISTRATIVE REPORT

Title: DASZ 18/2024 – North of Devonshire Dr. W, East of Peguis St., and West of Edward Schreyer Parkway ROW

Issue: For consideration at the public hearing of a subdivision and rezoning application to subdivide and rezone the subject site from the "R1-M" Residential Single-Family (Medium) District to the "R1-S" Residential Single-Family (Small) District and the "R2" Residential Two-Family District for the establishment of 39 "R1-S" lots and 88 "R2" lots.

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

AUTHORIZATION

Author	Division Head	Department Head	CFO	CAO
Dylan Chyz-Lund, MCP	n/a	n/a	n/a	

RECOMMENDATIONS

1. That the subdivision proposed under Development Application No. DASZ 18/2024 be approved for preparation as a plan of subdivision (the "Plan") by a Manitoba Land Surveyor for registration in the Winnipeg Land Titles Office in accordance with the proposed by-law attached as Appendix "B" to this report and as shown on the map dated May 28, 2024 and attached as Schedule "C" to this report, as amended in accordance with the report of the Administrative Coordinating Group, dated May 9, 2024, and attached as Schedule "B" to this report, and with such other minor changes as may be required.

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

REASON FOR THE REPORT

- The applicant wishes to subdivide and rezone the existing lots to create a total of 127 residential lots, of which 39 would be "R1-S" and 88 would be "R2". This is for the purpose of building 44 two-family dwellings subdivided down the party wall, and 39 single-family dwellings.
- Subdivision and rezoning applications require a public hearing as per the *Development Procedures By-law* and *The City of Winnipeg Charter.*
- The report is being submitted for the Committee's consideration of the development application at the public hearing.

IMPLICATIONS OF THE RECOMMENDATIONS

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

CONSULTATION

In preparing this report there was consultation with:

N/A

SUBMITTED BY

Department	Planning, Property and Development
Division	Urban Planning
Prepared By:	Dylan Chyz-Lund, MCP
Date:	May 8, 2024
File No.	DASZ 18/2024

List of Schedules and Appendices

- Schedule A – Planning Discussion
- Schedule B: Report of the Administrative Coordinating Group, dated May 9, 2024
- Schedule “C” of File No. DASZ 18/2024, East Kildonan – Transcona Community Committee, dated May 28, 2024

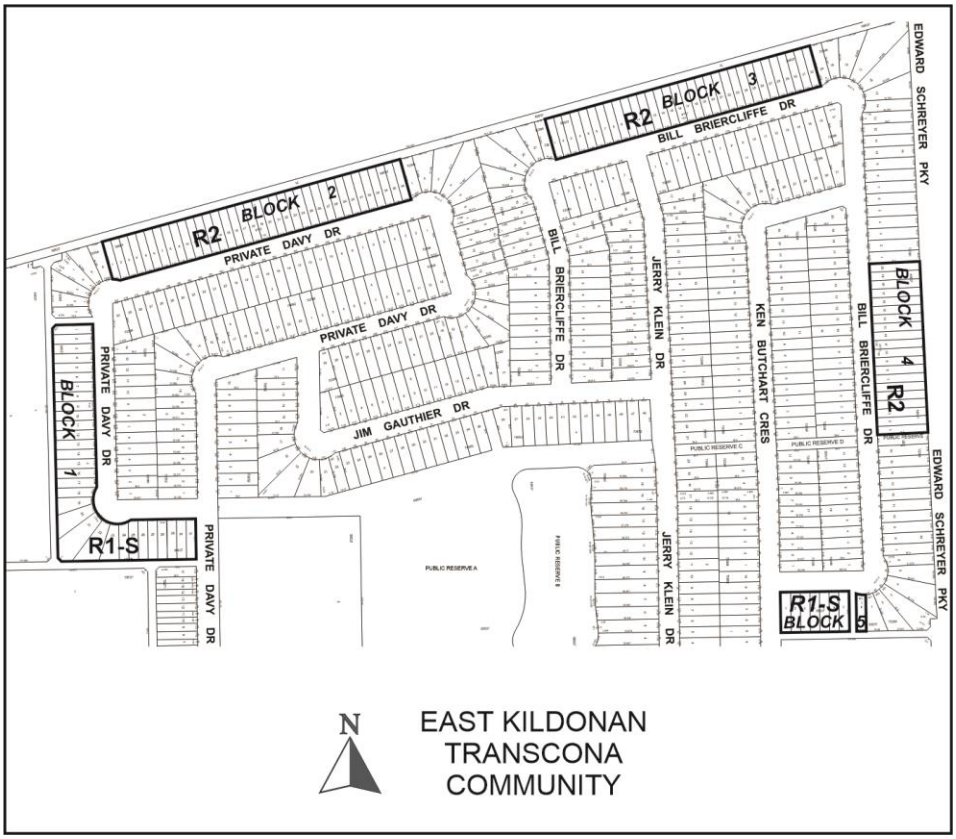
- Appendix B: Draft by-law

SCHEDULE 'A'- PLANNING DISCUSSION

DATE:	May 8, 2024
FILE:	**DASZ 18/2024**
RELATED FILES:	N/A
COMMUNITY:	East Kildonan - Transcona Committee
NEIGHBOURHOOD #:	Peguis - 417

SUBJECT: For consideration at the public hearing of a subdivision and rezoning application to subdivide and rezone the subject property from the "R1-M" Residential Single-Family (Medium) District to the "R1-S" Residential Single-Family (Small) District and the "R2" Residential Two-Family District for the establishment of 39 "R1-S" lots and 88 "R2" lots.

LOCATION: North of Devonshire Dr. W, East of Peguis St., and West of Edward Schreyer Parkway ROW



LEGAL DESCRIPTION: LOT 3, BLK 1,PLAN 58537; LOT 2, BLK 9, PLAN 58537; LOT 5, BLK 1, PLAN 58537; PTLOT 7 BLK 1, PLAN 58537 AND PTLOT 1, BLK 9 PLAN 58537

APPLICANT: Genstar Development Company (Marc Brown)
1371 Kenaston Blvd
Winnipeg, MB R3P 2T5

OWNER: Genstar Titleco Ltd.

RECOMMENDATION: **Approval with conditions**

SITE DESCRIPTION

The subject site includes five separate blocks that are together located east of Peguis Street, west of the Edward Schreyer Parkway ROW, north of Devonshire Drive W, and south of the railroad line. Two blocks (one “R1-S” and one “R2”) are located along the north and west sides of Private Davy Drive. The remaining three blocks (two “R2” and one “R1-S”) are located along the north, east, and south sides of Private Davy Drive.

The site is located in the Peguis Neighbourhood of the Transcona Ward.

The subject site is currently zoned “R1-M” Residential Single-Family (Medium) District.

The subject site is located in an Established Neighbourhood – Recent Community policy area as designated in *Complete Communities 2.0*.

The subject site is also located in both the “Proposed Medium Density Residential” and the “Proposed Low Density Residential” policy areas of the *Transcona West Area Structure Plan*.

The combined area of the sites is approximately 9.7 acres.

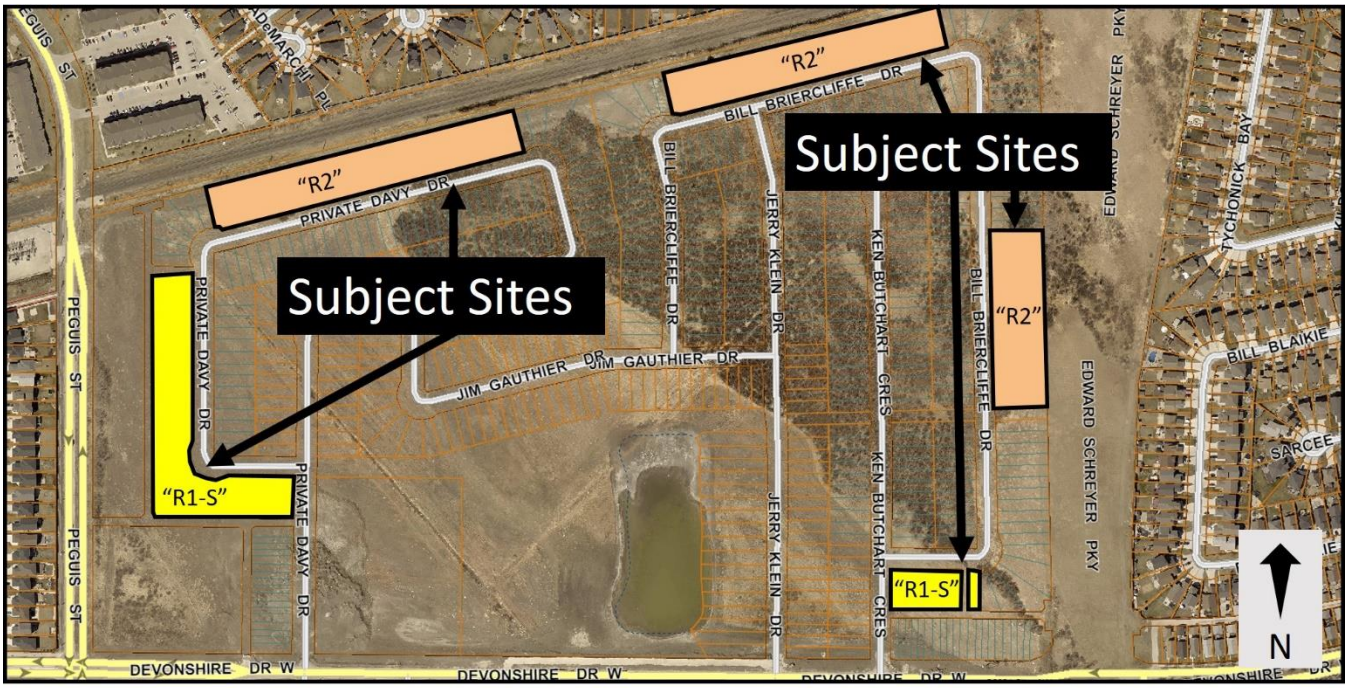


Figure 1: Subject site and surrounding area (flown 2021).

SURROUNDING LAND USE AND ZONING (See Figure 2)

North: Railway line, then single-family dwellings zoned “R1-L” Residential Single-Family (Large) District and multi-family dwellings zoned “RMF-L” Residential Multi-Family (Large) District.

East: The Edward Schreyer Parkway Right of Way, then single-family dwellings zoned “R1-M” Residential Single-Family (Medium) District.

South: Vacant lands that are zoned “RMF-M” Residential Multi-Family (Medium) District, “RMF-S” Residential Multi-Family (Small) District, “PR1” Parks and Recreation – Passive Neighbourhood/Community District, and “R1-M” Residential Single-Family (Medium) District.

West: Vacant lands zoned “RMF-M” Residential Multi-Family (Medium) District.

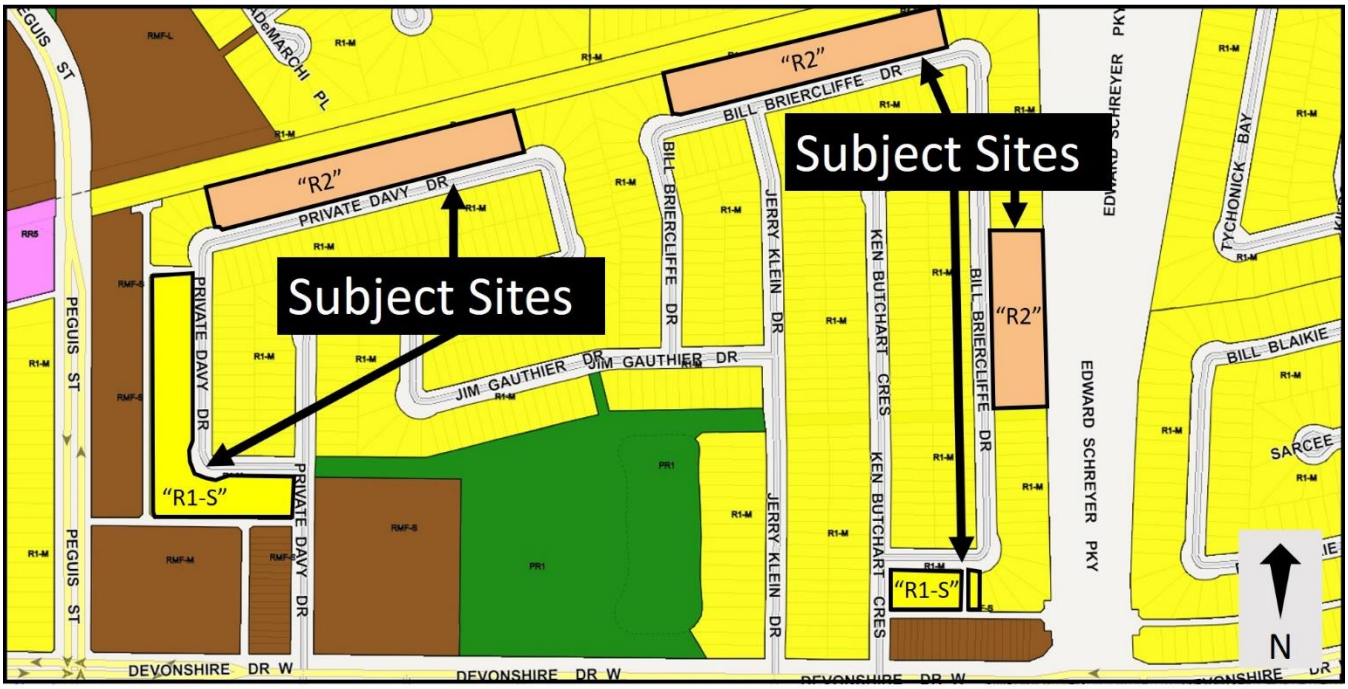


Figure 2: Zoning of the site and surrounding area.

DESCRIPTION OF THE PROPOSED DEVELOPMENT

- The applicant wishes to subdivide and rezone the subject property for the establishment of 88 “R2” Residential Two-Family lots and 39 “R1-S” Residential Single-Family (Small) lots. This would enable the future construction of 44 two-family dwellings subdivided down the party wall, and 39 single-family dwellings.
- All lots would be a minimum of 25’ in width, with the two-family dwellings located across two lots.
- The “R1-S” Residential Single-Family (Small) lots located along the south and west portion of Private Davy Drive, and the “R1-S” Residential Single-Family (Small) lots located along the south portion of Bill Briercliffe Drive, will have access to a rear lane
- The “R2” Residential – Two-Family lots will not take access from a rear lane.

REASON FOR APPLICATION

- The subject lands were previously subdivided and rezoned under File No. DASZ 12/2013. At this time, blocks of “R1-M” Residential Single-Family (Medium) District were proposed.
- The applicant has revised their intentions for the area, and is now proposing to rezone some of the lots to the “R2” Residential Two-Family “R1-S” Residential Single-Family (Small) Districts for the purpose of constructing two-family dwellings and single-family dwellings on smaller lots.
- To create the individual lots, to enable smaller single-family lots that do not require a lot area variance, and to enable two-family dwellings on the lands, a subdivision and rezoning to the “R1-S” and “R2” Districts is necessary.
- No variances are required for the proposal.

ANALYSIS AND ISSUES

OURWINNIPEG

OurWinnipeg is the City of Winnipeg’s long-range development plan. Applicable Policies for Recent Communities include the following:

6.1 Sustainable Urban Growth

- *The City must accommodate physical development that reflects this Plan’s goals, and achieves a continuum of complete and connected communities over the lifecycle of the Plan.*

The proposed development application **aligns** with *OurWinnipeg* for the following reasons:

- It facilitates residential intensification that is compatible with surrounding properties and is consistent with the policies of *OurWinnipeg*.

COMPLETE COMMUNITIES DIRECTION STRATEGY 2.0

- The *Complete Communities Direction Strategy 2.0* (*CCDS 2.0*) is one of four direction strategies supporting *OurWinnipeg 2045*, the city’s long-range development plan, and has

statutory authority as a secondary plan. The strategy guides land use and development in Winnipeg.

- The subject site is located in an Established Neighbourhood – Recent Community policy area of *CCDS 2.0*. Certain goals and policies of *CCDS 2.0* apply to the proposal.
- Goal 1 - *Encourage compatible residential development within Established Neighbourhoods to build more Complete Communities and align with the City's residential intensification target.*
    - *1.1 Encourage residential development that positively contributes to neighbourhood character while expanding housing options for residents in a manner that is sensitive and complementary to existing development.*
    - *1.2 Increase the population within Established Neighbourhoods to contribute to the physical renewal and revitalization of older neighbourhoods.*
    - *1.3 The subdivision of land or the consolidation of land may occur when it is done in a context-sensitive manner, and only when in compliance with policy section 9.1 of the Strategic Infrastructure and Resources section.*

The proposed subdivision and rezoning will provide the opportunity to further intensify the future residential development in this neighbourhood by enabling mixture of single-family dwellings and two-family dwellings. This will enable different lot sizes and different housing typologies for future residents.

TRANSCONA WEST AREA STRUCTURE PLAN

- The subject site is in both the Proposed Low Density Residential policy area and the Proposed Medium Density Residential policy area of the Transcona West Area Structure Plan. Key policies include:
    - Policy 5.1.2

      (1) Composition of Proposed Residential Areas

      (a) Subject to the policies of this Plan,

      (i) single family and two family residential uses shall be the predominant use of land within the Residential Area.
    - Policy 6.1.2

      (1) Low Density Residential Areas

      (a) The required residential density to be achieved within the low density residential areas shall be a minimum of 10.0 units per gross developable hectare (4 units per gross developable acre) and a maximum of 17.3 units per gross developable hectare (7.0 units per gross developable acre).
    - Policy 6.1.2

      (2) Medium Density Residential Areas

      (a) The required residential density to be achieved within the medium density residential areas shall be a minimum of 24.7 units per gross developable hectare (10 units per gross developable acre).

The proposed single and two-family buildings are consistent with the policies of the *Transcona West Area Structure Plan*, as they meet the density range and the building typology prescribed by the plan.

ZONING BY-LAW 200/2006

- The “R2” Residential Two-Family District is intended to enable the development of single and two-family units, while the “R1-S” Residential Single-Family (Small) District is intended to enable the development of single-family dwellings on lots as small as 2500 square feet.
- The subject site is located in an area characterized by a mixture of zoning districts, including “RMF-M” Residential Multi-Family (Medium) District, “RMF-S” Residential Multi-Family (Small) District and “R1-M” Residential Single-Family (Medium) District.
- The “R2” Residential Two-Family District and “R1-S” Residential Single-Family (Small) District are appropriate zoning districts for this area, and can accommodate the intended two-family and single-family development.

ADDITIONAL CONSIDERATIONS

Variances

- There are no variances required for this proposal.

Site Servicing

- The proposed development will be required to meet the conditions outlined in the report by the Administrative Coordinating Group (ACG) as outlined in Schedule B of this report.
- No new Development or servicing agreement is required, as the previous development agreement created under DASZ 12/2013 is satisfactory.

SUMMARY

The Urban Planning Division recommends a**pproval** for the following reasons:

- The Subdivision and rezoning will result in the establishment of a residential development that is consistent with policies in *OurWinnipeg 2045*, *Complete Communities 2.0*., and the *Transcona West Area Structure Plan*.

RECOMMENDATION

The Urban Planning Division recommends this application be **approved** and the subject property be Subdivided and rezoned to the “R2” Residential Two-Family District and the “R1-S” Residential Single-Family (Small) District.

This Report Submitted by:

Planning, Property and Development Department
Urban Planning Division

Report Prepared by: Dylan Chyz-Lund, MCP
PPD File # DASZ 18/2024

SCHEDULE B

REPORT OF THE ADMINISTRATIVE COORDINATING GROUP

RE: PROPOSED REZONING OF LAND LOCATED AT BILL BRIERCLIFFE DRIVE AND LAND LOCATED ON PRIVATE DAVY DRIVE (DEVONSHIRE PARK)

The Administrative Coordinating Group (ACG) reviewed the servicing requirements for DASZ 18/2024. The applicant should take into consideration the following comments and amend the proposed plan in accordance with the Plan Considerations:

Section I – General Comments

The Water and Waste Department advises that provided the Developer adheres to the obligations of development agreement AG 12/13, they have no objections or additional conditions of approval for the referenced development application.
The Developer is also reminded to pay and submit actual costs for the construction of regional land drainage works under AG 12/13. The regional land drainage facilities constructed by the developer is to be credited against this charge, as determined by and to the satisfaction of the Director of Water and Waste.

Section II – Plan Considerations

The Developer shall, at no expense to the City, legally open property required for a 3.0m x 3.0m corner cut where the two public lanes intersect, to the satisfaction of the Director of Public Works.

THIS REPORT SUBMITTED BY:

Administrative Co-ordinating Group
File No. DASZ 18/2024
May 9, 2024

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

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

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

SCHEDULE "C" OF FILE DASZ 18/2024, East Kildonan – Transcona Community Committee,
Dated May 28, 2024

By-Law No. _____

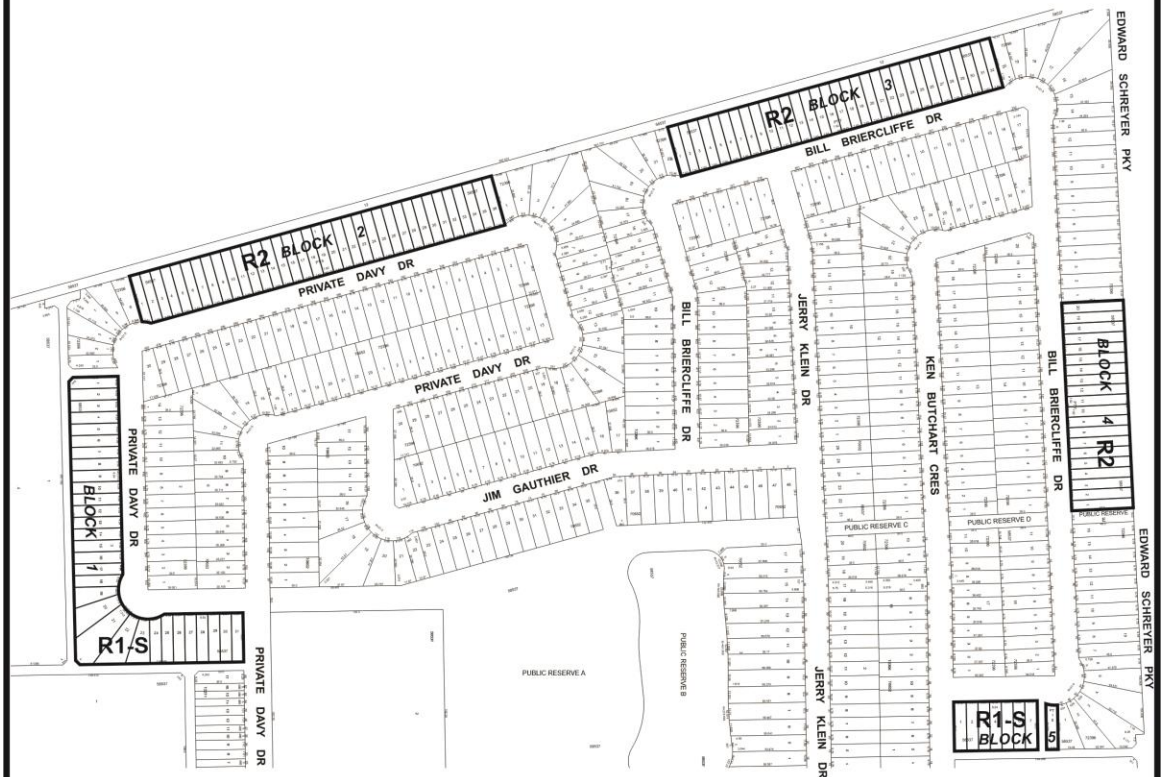
File No. **DASZ 18/2024**

Atlas Sheet No. **W32**

EAST KILDONAN TRANSCONA COMMUNITY

Explanation

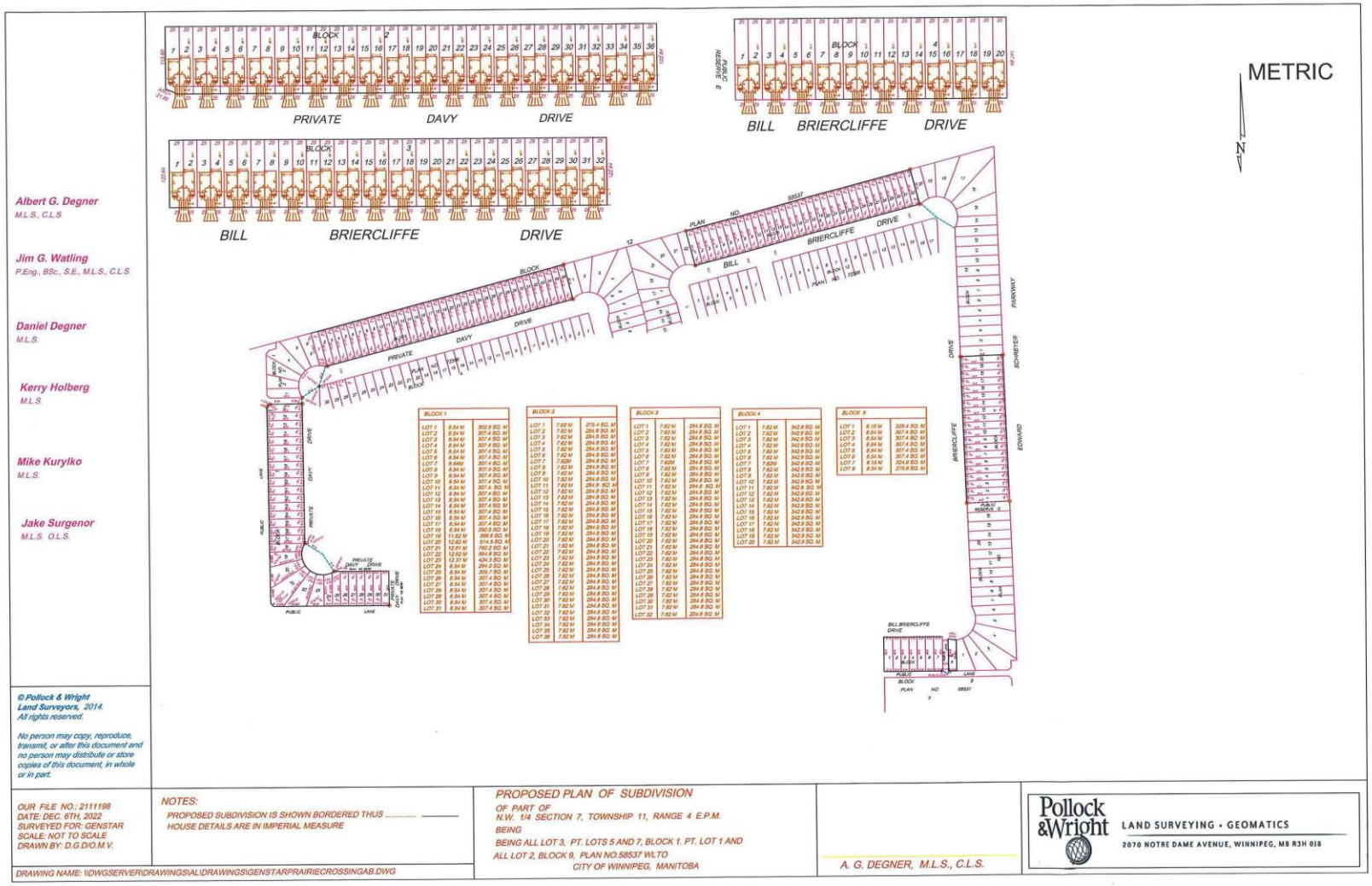
An application for the approval of the plan of subdivision shown outlined below and for a proposed zoning change to By-law No. 200/2006 by rezoning land located on Bill Briercliffe Drive and Private Davy Drive, north of Devonshire Drive, from an "R1-M" RESIDENTIAL SINGLE-FAMILY (MEDIUM) DISTRICT to an "R1-S" RESIDENTIAL SINGLE-FAMILY (SMALL) DISTRICT and an "R2" RESIDENTIAL TWO-FAMILY DISTRICT to facilitate the establishment of residential building lots.

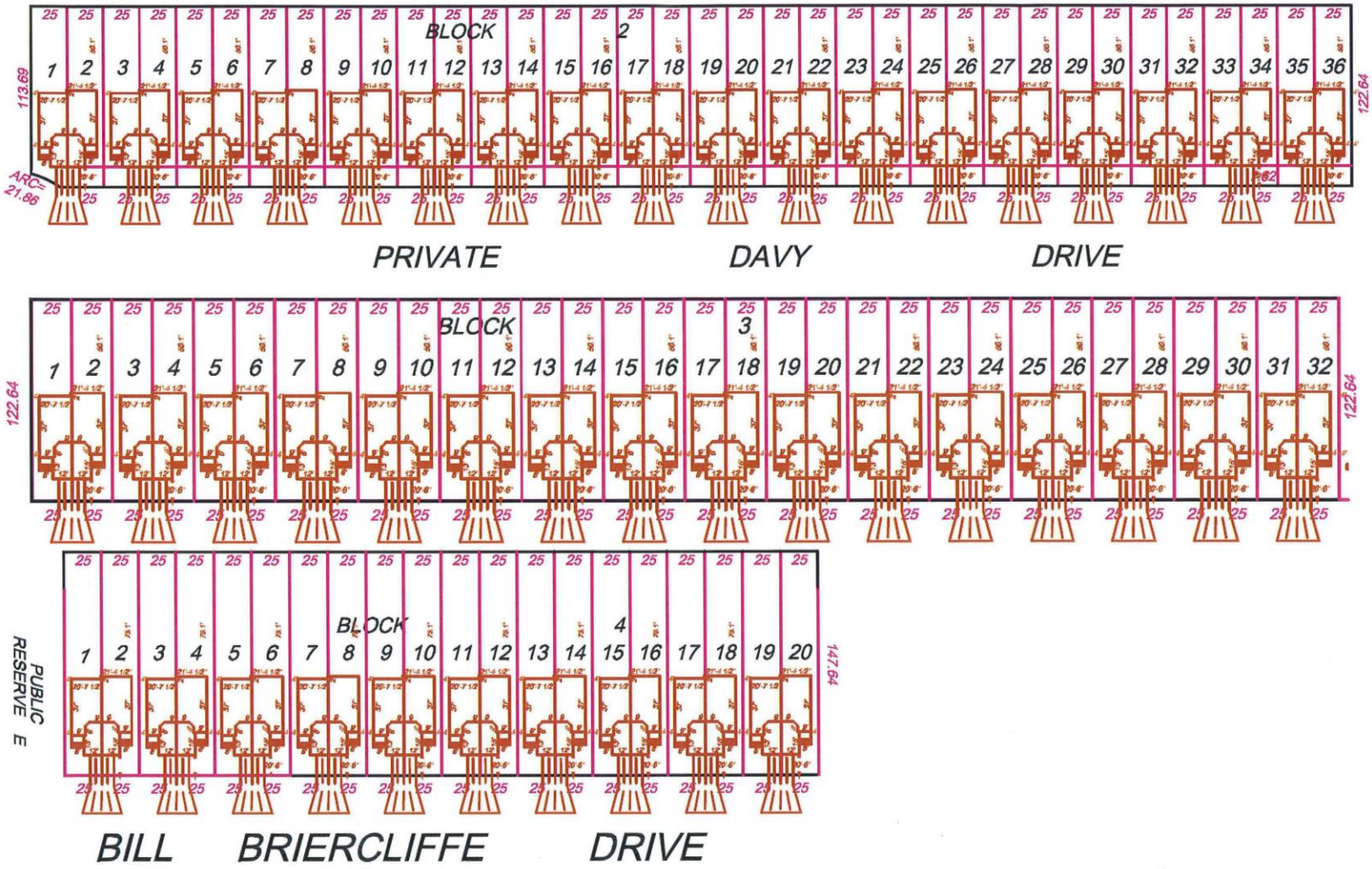


THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

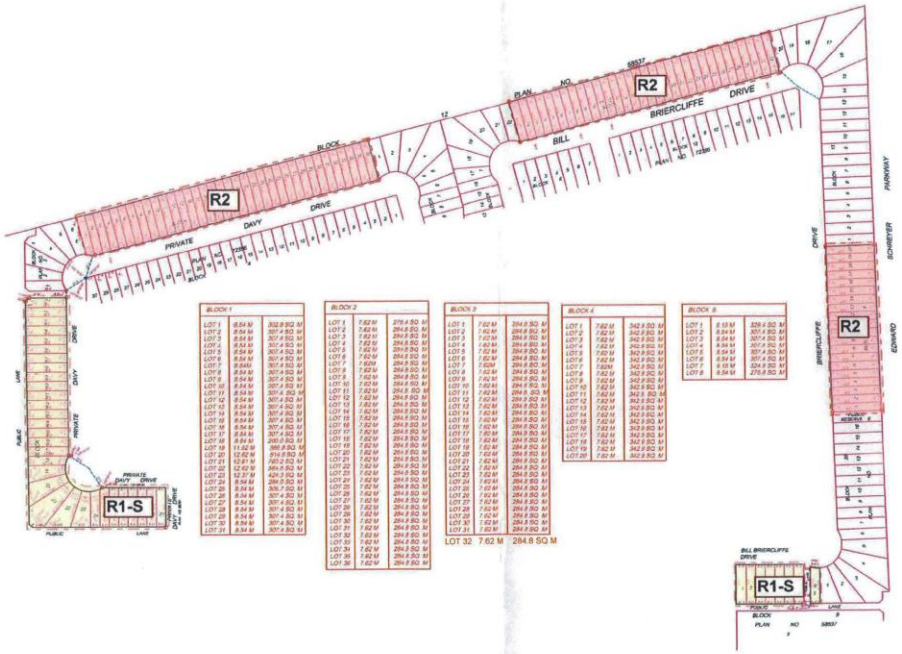
Exhibit “6” referred to in File DASZ 18/2024




BLOCK 2
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36
113.99
122.64
ARC
21.86
PRIVATE
DAVY
DRIVE
BLOCK 3
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32
122.64
122.64
BLOCK 4
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20
PUBLIC RESERVE E
147.64
BILL
BRIERCLIFFE
DRIVE

Proposed Land Uses

METRIC



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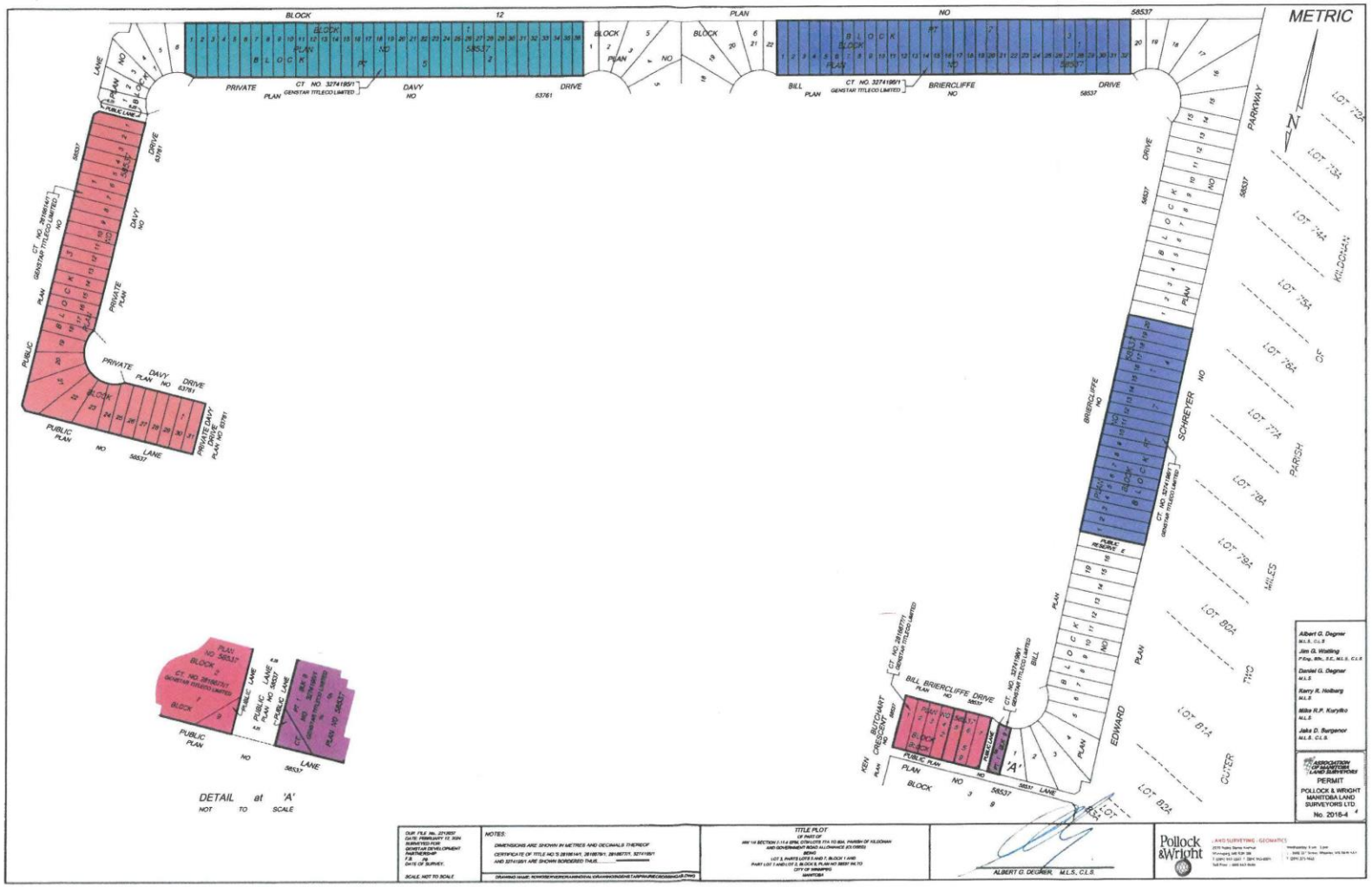
NOTES:
PROPOSED SUBDIVISION IS SHOWN BORDERED THUS ..... ——
HOUSE DETAILS ARE IN IMPERIAL MEASURE

DRAWING NAME: \\DWGSERVER\DRAWINGS\AL\DRAWINGS\GENSTARPRAIRIECROSSINGAB.DWG

PROPOSED PLAN OF SUBDIVISION
OF PART OF
N.W. 1/4 SECTION 7, TOWNSHIP 11, RANGE 4 E.P.M.
BEING
BEING ALL LOT 3, PT. LOTS 5 AND 7, BLOCK 1, PT. LOT 1 AND ALL LOT 2, BLOCK 9, PLAN NO.58537 WLTO
CITY OF WINNIPEG, MANITOBA

A. G. DEGNER, M.L.S., C.L.S.

Pollock & Wright
LAND SURVEYING • GEOMATICS
2070 NOTRE DAME AVENUE, WINNIPEG, MB R3H 0J8


METRIC
DETAIL at 'A'
NOT TO SCALE
NOTES:
TITLE PLOT
ALBERT G. DEGNER, M.L.S., C.L.S.
Pollock &Wright
PERMIT
POLLOCK & WRIGHT
MANITOBA LAND
SURVEYORS LTD.
No. 2018-4