Minute No. 31
Report - Standing Policy Committee on Property and Development - November 2, 2004

Item No. 6 Rezoning - 1032 Wilkes Avenue
File DAZ 245/2004

COUNCIL DECISION:

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

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 245/2004 dated October 12, 2004, to an "RM-3" Residential District, subject to the following:

   A. That the developer be required to enter into Servicing Agreement AG 245/2004 in accordance with the Administrative Coordinating Group report dated September 1, 2004.

2. That prior to the issuance of a development permit the owner provide the City with evidence that a caveat has been registered against the condominium titles advising purchasers that industrial uses are present in the area that may impact property enjoyment.

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 the 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 City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

Report - Standing Policy Committee on Property and Development - November 2, 2004

COUNCIL DECISION (continued)

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

7. That the City Solicitor/Manager of Legal Services 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 - November 2, 2004

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,
That the recommendation of the Standing Policy Committee on Property and Development be adopted by consent.

Carried

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On November 17, 2004, 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 November 2, 2004, 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 RECOMMENDATION:

On October 19, 2004, the City Centre Community Committee concurred in the revised administrative recommendation dated October 12, 2004, and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Rezoning - 1032 Wilkes Avenue**
File DAZ 245/2004 [c/r DAV 318710/2004D]

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

Prepared by: **Josie Marques, Clerk,**
City Centre Community Committee

Report date: **October 22, 2004**

COMMUNITY COMMITTEE RECOMMENDATION:

On October 19, 2004, the City Centre Community Committee concurred in the revised administrative recommendation dated October 12, 2004, and recommends to the Standing Policy Committee on Property and Development:

1. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DAZ 245/2004 dated October 12, 2004, to an "RM-3" Residential District, subject to the following:

   A. That the developer be required to enter into Servicing Agreement AG 245/2004 in accordance with the Administrative Coordinating Group report dated September 1, 2004.

2. That prior to the issuance of a development permit the owner provide the City with evidence that a caveat has been registered against the condominium titles advising purchasers that industrial uses are present in the area that may impact property enjoyment.

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 the 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 City Solicitor/Manager of Legal Services be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

7. That the City Solicitor/Manager of Legal Services 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 reasons for its recommendation:

1. The City Centre Community Committee agreed with the administrative comments contained in the report of the Manager of Planning and Land Use dated October 12, 2004, and in the report from the Administrative Coordinating Group dated September 1, 2004.

2. The requirement of a caveat, as outlined in Recommendation 2, satisfies the concerns raised by the delegations.

PUBLIC HEARING SUMMARY

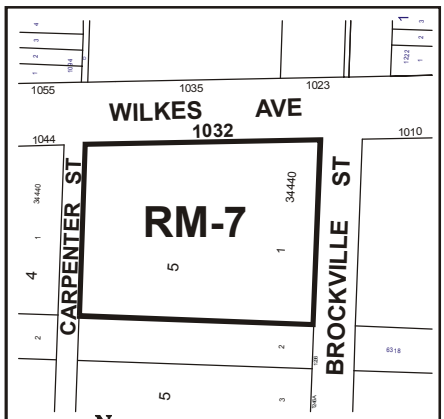
File: DAZ 245/2004 [DAV 31871/2004D]

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

Public Hearing: September 21, 2004
Council Chamber
Council Building, 510 Main Street

Applicant: MMP Architects (Orest Sedum)

Subject:



APPLICANT : MMP ARCHITECTS
FILE : DAZ 245/04
PROPOSAL : To rezone the land shown outlined above from an "A" AGRICULTURAL DISTRICT to an "RM-7" MULTIPLE-FAMILY DISTRICT. **For information, phone Mr. R. Mitchell, Planner at 986-5017.**

Premises Affected: 1032 Wilkes Avenue

Exhibits Filed:
1. Application dated July 27, 2004,
2. Notification of Public Hearing dated July 30, 2004
3. Manitoba Status of Title1501975

4. Letter of authorization dated July 8, 2004 from Marc Kevin Sekundiak to 4949596 Manitoba Ltd.
5. Extract of Atlas Sheet AF21
6. Plans (5 pages)
7. Report from the Manager of Planning and Land Use dated August 17, 2004
8. Report from the Administrative Coordinating Group dated September 1, 2004
9. Communication dated September 14, 2004, from Orest Sedun, Principal, MMP Architects Inc., requesting that the application be adjourned to the October 19, 2004 City Centre Community Committee meeting.
10. Revised application dated October 4, 2004
11. Manitoba Status of Title 2042686
12. Revised plans (8 pages)
13. Revised Report from the Manager of Planning and Land Use dated October 12, 2004
14. Letter of authorization dated October 19, 2004, from Denis Beauchesne to Orest Sedun, MMP Architects.

REPRESENTATIONS:

In Support:

Orest Sedun, MMP Architects

In Opposition:

Stuart Vernon

For Information:

Mr. and Mrs. Ray Anseeuw

For the City:

Mr. R. Mitchell, Senior Planner, Planning, Property and Development Department

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

September 21, 2004

No persons registered with respect to the application.

October 19, 2004

The applicant, Orest Sedun, MMP Architects, appeared in support of the application and gave a brief overview of the proposal.

Stuart Vernon appeared in opposition to the application. Mr. Vernon stated he was the owner of the property just south of the proposal. Mr. Vernon also stated concerns with there not being a master plan for the area.

Mr. and Mrs. Anseeuw appeared for information. They stated they were the owners of the property on the west side of the proposal and inquired as to the size of the development.

In rebuttal, Mr. Sedun, stated that this was an area that was going to have development. Mr. Sedum also stated the set backs and height of the building. Mr. Sedum further stated that the owners of the proposed condominiums would be aware of the surrounding businesses and that the creation of a master plan was up to the City of Winnipeg.

Exhibit "7" referred to in File DAZ 245/2004

In reply please refer to / Référence à rappeler :

James Veitch CSLA
(204) 986-7728
Fax / Téléc. : (204) 986-7524

File No. DAZ 245/04
Our c/f CP 500 (.667)

August 17, 2004

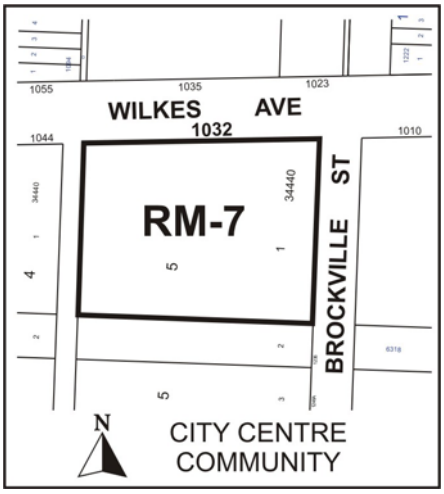
Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
1032 Wilkes Avenue southwest corner at Brockville
City Centre Community Committee
File No. DAZ 245/04

An application has been received from MMP Architects (Mr. Orest Sedum) on behalf of owner Mr. Marc Sekundiak, to amend By-Law No. 6400/94 by rezoning the land shown below from an "A" Agricultural District to an "RM-7" Multiple Family District to allow for the construction of two 7-storey apartment towers with underground parking.

RELATED FILES: DAV 04-318710D (pending)



SITE DESCRIPTION:

Site Area, Existing Land Use and Zoning:

The subject property is currently zoned 'A' Agricultural and is occupied by a large abandoned plywood shed. The overall site area is approximately 104,280 square feet or 2.39 acres, (9,687 square metres).

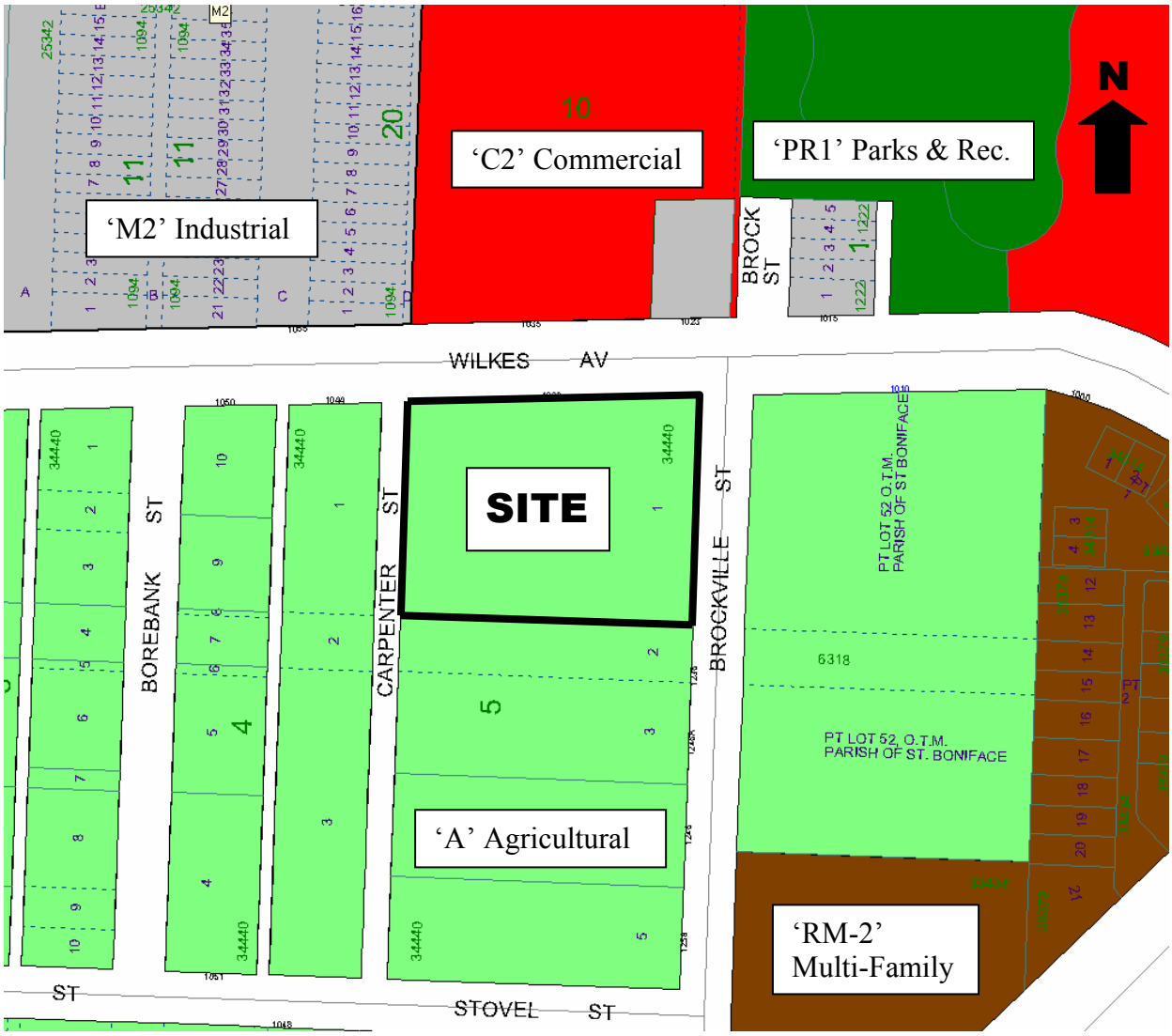


Figure 1: Subject Site Existing Zoning

Surrounding Land Use and Zoning:

North: Wilkes Avenue then 'C2' Commercial, a 55 plus apartment building exists on the property.

South: 'A' Agricultural, the land immediately south is occupied by a lumberyard and the surrounding properties are typically various contracting and landscaping operations.

East: Brockville Street then 'A' Agricultural and 'RM-2' Multi-family. A condominium project is under construction on the 'RM-2' Land.

West: Carpenter Street then 'A' Agricultural, currently occupied by Anseeuw Brothers Landscape Contractors.

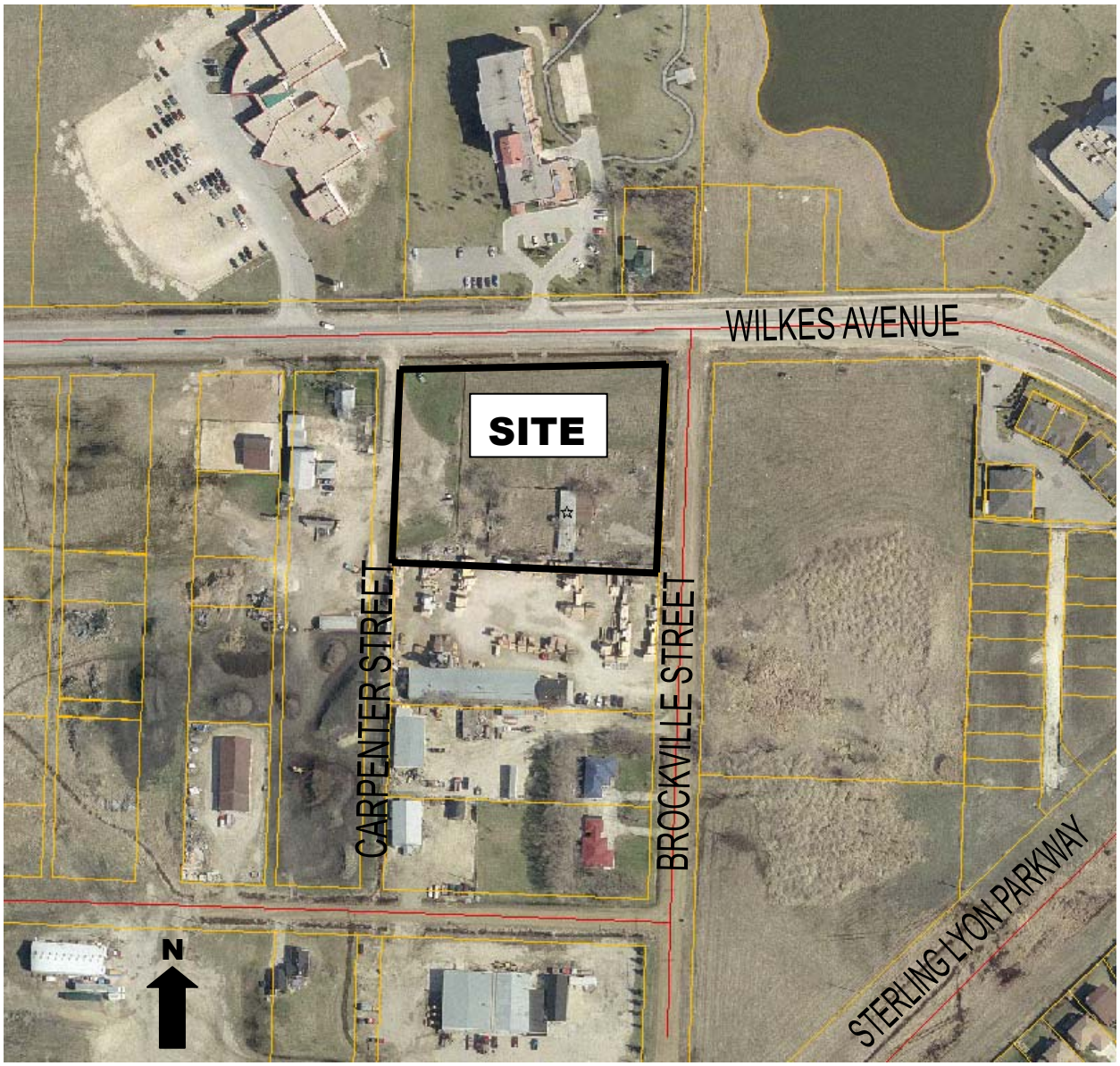


Figure 2: Aerial Photograph - Existing Conditions (flown 2002)

DEVELOPMENT DESCRIPTION:

The applicant is requesting rezoning of the subject site from an "A" Agricultural District to an "RM-7" Multiple Family District to allow for the construction of two 7-storey condominiums. The two blocks are 74' 8" in height and contain 32 units for a total of 64 units. Thirty-two underground parking stalls will be provided beneath each building. Surface parking is also shown for visitors (10 stalls) and residents (22 stalls). Access is proposed from Brockville on the east (gravel surface) and Carpenter on the west (unimproved). The Servicing Agreement will require that both streets be upgraded to the point of site entry.

The applicant has also applied for a related use variance to permit the establishment of seven (7) accessory off street visitor parking stalls for with a front yard (Wilkes Ave.) of 8 feet instead of 30.2 feet (DAV 04-318710D). The Division is supporting the variance.

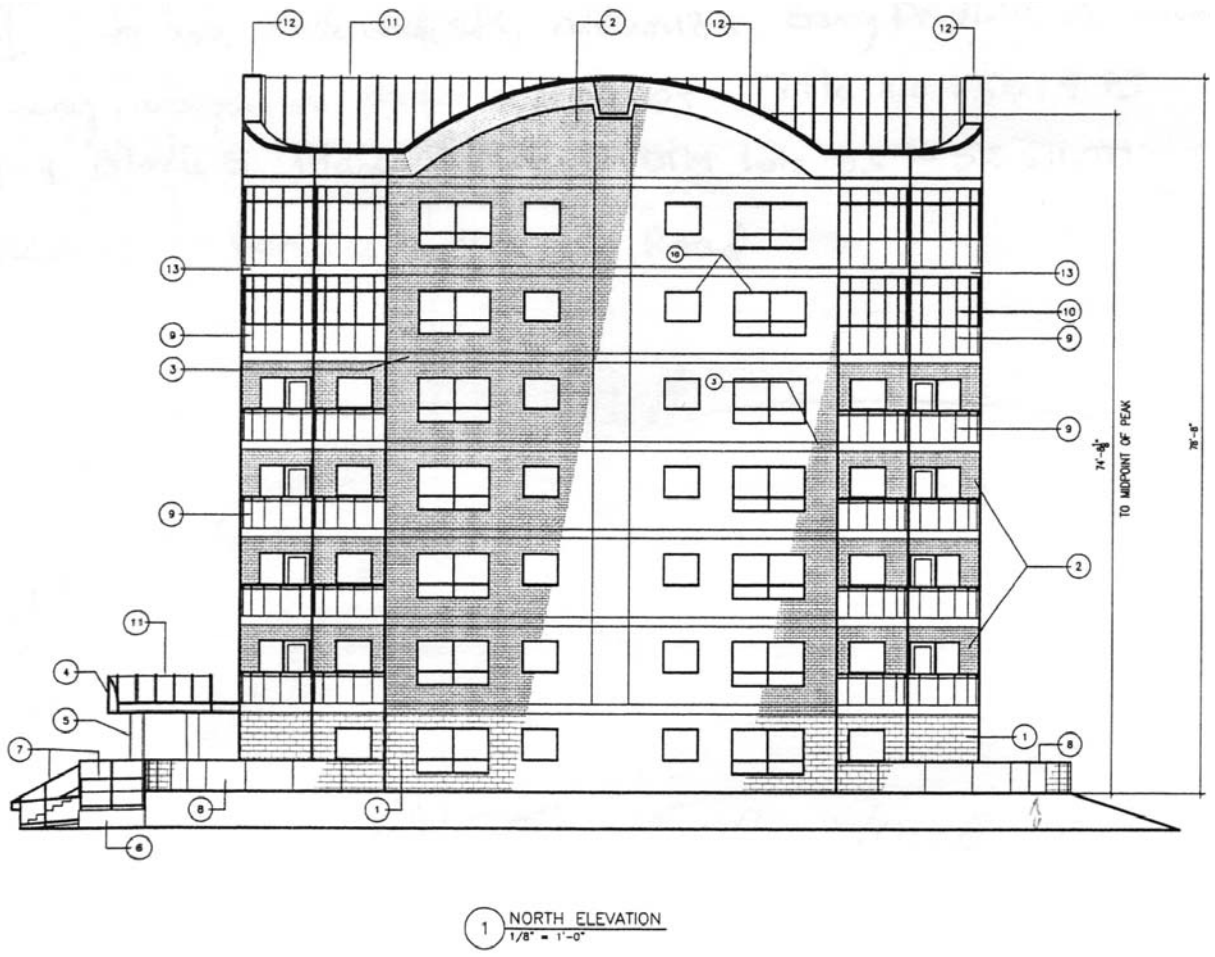


Figure 3: Proposed North Elevation of Condos

PLAN WINNIPEG:

The Brockville Neighbourhood was redesignated under the 1993 Plan Winnipeg review and update from an Industrial Policy Area to a Neighbourhood Policy Area. The application therefore complies with Plan Winnipeg. This redesignation reflected the residential/institutional development that has occurred in the area in recent years, and signals the City's intention that the area transition from its existing quasi rural/industrial character to a residential neighbourhood with a mix of apartments, ground-related condos, and single-family houses. There is no timetable for the removal of the existing industrial land uses. These uses have a right to remain in place. However, the City would not support any intensification of uses not in compliance with the existing zoning regulations and relevant Plan Winnipeg policies. For the time being, therefore, the housing and industrial uses must co-exist.

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Division is prepared to support the rezoning of the subject lands to **"RM-3" Multiple-Family Residential District**, as opposed to the "RM-7" district applied for. In terms of density, the "RM-3" district regulations permit 1 residential unit per 1,000 square feet of lot area. This density would allow about 100 units on the subject lands, in comparison to the 60 units being applied for. In comparison, the "RM-7" district regulations would allow for 260 units on the subject site. The "RM-3" zoning category is therefore more in keeping with the proposed density. However, the height limit in "RM-3" zones is only 45 feet or about 4 storeys, whereas the height limit in "RM-7" is 100 feet, or about 10 storeys. The subject buildings are about 75 feet height, which would require varying under the "RM-3" district regulations. However, regardless of the need to vary the height of the proposed buildings, the Division is of the opinion that the "RM-3" zoning category is more appropriate in suburban neighbourhoods and consistent with the proposed density, whereas the "RM-7" zoning category is more appropriate in the downtown. The related zoning variance application would have to be laid over to the October 19th City Centre Community Committee hearing in order to repost the property.

The Brockville neighbourhood is in transition from industrial to residential land use. Recently approved housing projects on the east side of Brockville south of Wilkes include a 80-unit townhouse development under DAZ 242/03, and a 20-unit, semi-detached bungalow condo development under DAV 03-342187/C. Across Wilkes, immediately opposite to the subject site, is the 5 storey, 60 unit Italian Canadian seniors apartment. In addition, a concept plan has been prepared for the single-family development of the westerly portion of the Brockville neighbourhood involving surplus City lands. The subject project is therefore appropriate considering that the area has been designated as a Neighbourhood Policy Area under Plan Winnipeg and several residential projects are underway or in the planning stages. This rezoning and associated development will make use of a vacant piece of land and will compliment the emerging residential character of the area.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 245/04, attached hereto and dated, August 17, 2004, to an "RM-3" Residential District, subject to the following:

   A. That the developer be required to enter into Servicing Agreement AG 245/04 in accordance with the Administrative Coordinating Group's report dated September 1, 2004.

II. That a 10 per cent 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 the market value of the land.

III. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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.

IV. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

VI. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: _____
James Veitch, CSLA, Planner
(Assiniboia/City Centre Community)
986-7728

/jc

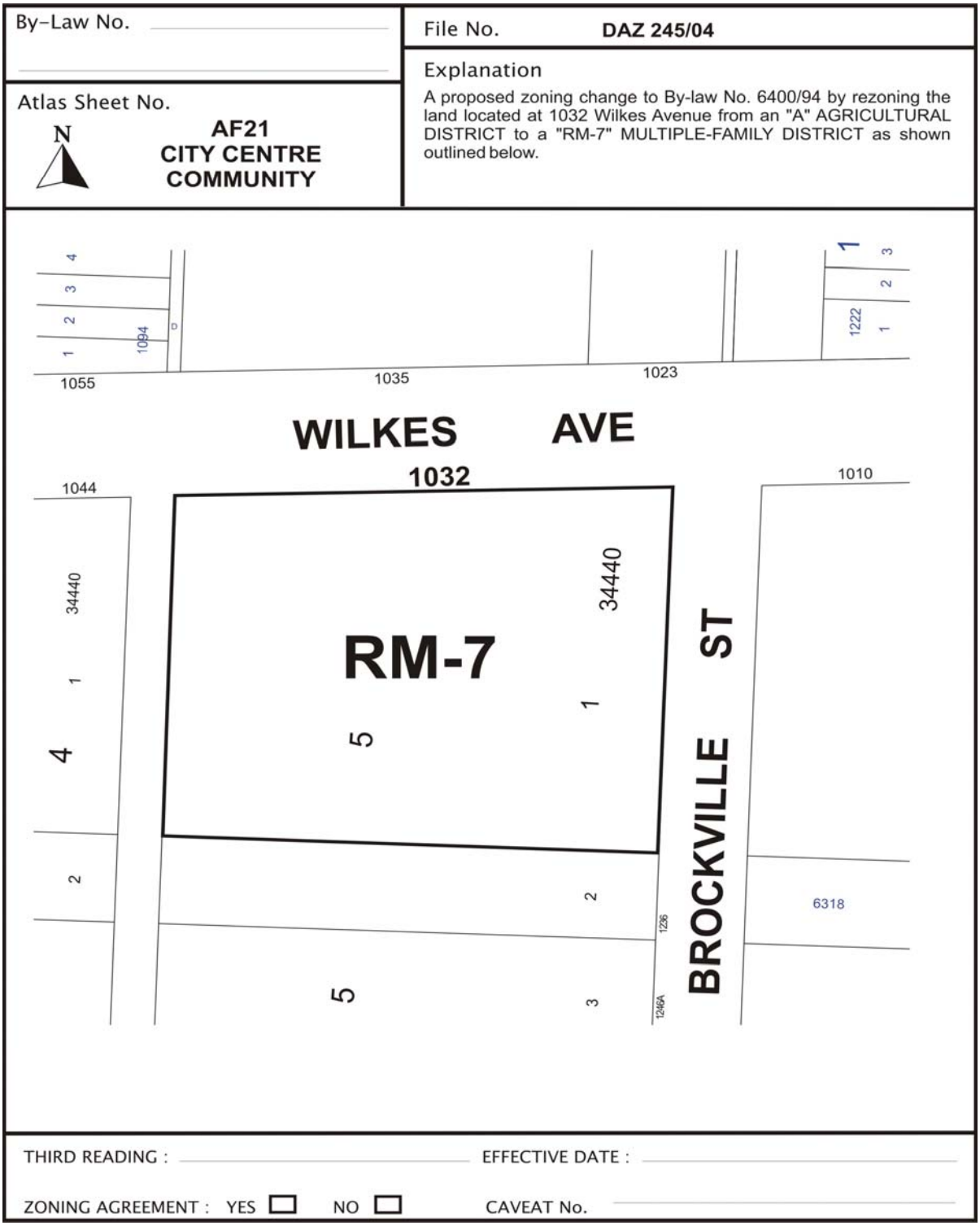


Figure 4: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 245/04, dated August 17, 2004.

Exhibit "8" referred to in File DAZ 245/2004

Re: Proposed rezoning of land located on the south side of Wilkes Avenue between Brockville Street and Carpenter Street – DAZ 245/04

An application has been submitted by MMP Architects to rezone land located on the south side of Wilkes Avenue between Brockville Street and Carpenter Street.

It is recommended that the Applicant dedicate a 0.9415m widening along Brockville Street and a 3.971m widening to Carpenter Street abutting the subject property.

It is also recommended that approval of this application be subject to the Developer entering into a Servicing Agreement as follows:

1. a) The Developer shall pay on an area basis its share of the cost of surface improvements to be installed by the City in Wilkes Avenue in the future as determined by the Director of Public Works.
   b) The Developer shall pay its share of the cost of the Sterling Lyon Parkway as determined by the Director of Public Works.

2. The Developer shall pay its share of the cost of land drainage trunk services benefiting the proposed development as follows:

   i) The Wilkes North TSR (2004 rate - $11,517.00/acre)
   ii) The Somerville Trunk User Charge (2004 rate - $251.80/acre)
   iii) The Lindenwoods Trunk User Charge (2004 rate - $616.28/acre)

3. The Developer shall construct and/or pay its share of the cost of construction of a full range of services in Brockville and Carpenter Streets, as determined by the Director of Public Works and the Director of Water and Waste:

   a) The Developer's total share of the cost of constructing a full range of services in Brockville and Carpenter Streets will be set by multiplying the Developer's frontage on Brockville and Carpenter Streets by the Local Improvement rates, in effect at that time;
   b) The Developer constructing services as may be required to serve the subject development in Brockville and Carpenter Streets from Wilkes Avenue to points to be determined to the south of Wilkes Avenue;
   c) The cost of b) will be credited against the Developer's share as determined in a) above.

4. The Developer shall, at no expense to the City, provide underground electrical and telephone services to serve the proposed development and will pay the full cost to convert any existing overhead services within the proposed development to underground.

5. The Developer shall pay all costs associated with the installation and/or relocation of street lights and other utilities made necessary as a result of or required to accommodate works, which are required by the Developer to serve the proposed development, as determined by and to the satisfaction of the Director of Public Works.

6. The Developer shall be responsible to control and to initiate the clean up of litter and refuse from the contractors and builders for this development, both on-site and off-site, during the installation of services and construction of buildings, until substantial completion of all construction. The clean up of litter and refuse shall be done on a regular basis as determined by the Director of Public Works. This shall include initiating action and assuming any costs in remedying the situation to the satisfaction of the Director of Public Works.

7. The Developer shall ensure that construction traffic uses access routes as determined by the Director of Public Works. The Developer shall maintain, at no expense to the City, the access routes in a clean, dust free and safe condition, free of dropped and tracked-on mud and shall undertake regular scraping and sweeping of streets until building construction, including landscaping is complete, all as determined by and to the satisfaction of the Director of Public Works.

8. The Developer shall pay the cost of engineering services provided by or on behalf of the City in connection with the installation of services required to serve the proposed development.

9. The Developer shall pay $1,200.00 per acre in lieu of the City's administration and related costs associated with the preparation and implementation of the servicing agreement.

THIS REPORT SUBMITTED BY:

Administrative Coordinating Group
File No. AG 245/04
September 1, 2004

"Original signed by E.L. Carrière"
Land Development Engineer

"Original signed by K.T. Raban"
Water and Waste Department

"Original signed by R.J. Hartmann"
Public Works Department
Transportation Division

Exhibit "13" referred to in File DAZ 245/2004

In reply please refer to / Référence à rappeler :

Ross Mitchell
(204) 986-5017
Fax / Téléc. : (204) 986-7524

File No. DAZ 245/04 (Revised) October 12, 2004
Our c/f CP 500 (.667)

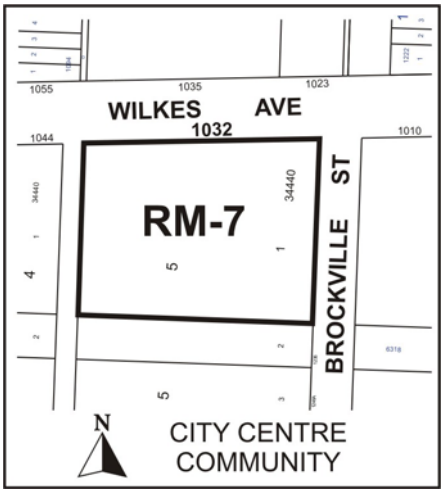
Ms. Josie Marques, Clerk
City Centre Community Committee
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

Dear Ms. Marques:

REZONING
1032 Wilkes Avenue southwest corner at Brockville
City Centre Community Committee
File No. DAZ 245/04

An application has been received from MMP Architects (Mr. Orest Sedun) on behalf of owner Mr. Marc Sekundiak, to amend By-Law No. 6400/94 by rezoning the land shown below from an "A" Agricultural District to an "RM-7" Multiple Family District to allow for the construction of a 5-storey, 54 unit apartment tower and underground parking.

RELATED FILES: DAV 04-318710D (pending)



SITE DESCRIPTION:

Site Area, Existing Land Use and Zoning:

The subject property is currently zoned 'A' Agricultural and is occupied by a large abandoned plywood shed. The overall site area is approximately 104,280 square feet or 2.39 acres, (9,687 square metres).

Surrounding Land Use and Zoning:

North: Wilkes Avenue then 'C2' Commercial, a 55 plus apartment building exists on the property.

South: 'A' Agricultural, the land immediately south is occupied by a lumberyard and the surrounding properties are typically various contracting and landscaping operations.

East: Brockville Street then 'A' Agricultural and 'RM-2' Multi-family. A condominium project is under construction on the 'RM-2' Land.

West: Carpenter Street then 'A' Agricultural, currently occupied by Anseeuw Brothers Landscape Contractors.

DEVELOPMENT DESCRIPTION:

The applicant is requesting rezoning of the subject site from an "A" Agricultural District to an "RM-7" Multiple Family District. Initially, the application involved the construction of two, 7-storey, 74.7 foot high condominiums, containing a total of 64 units with thirty-two underground parking stalls beneath each building. Surface parking was also shown for visitors (10 stalls) and residents (22 stalls). Access was proposed from Brockville on the east (gravel surface) and Carpenter on the west (unimproved).

The applicant is now proposing to construct one tower of 54 units, with a height of 48 feet, underground parking for 46 cars and surface parking for 41 cars. Access is now proposed from Wilkes Avenue only, with one entrance leading to the underground parking and service area and one entrance leading to the main building entry and the 6-stall visitor parking area.

The proposed development requires zoning variances for a height of 48 feet instead of 45 feet, for a reduction in the front yard from 25 feet to 17 feet, for a reduction in the rear yard from 25 feet to 22.7 feet, for allowing parking in the front yard, and for allowing 6 visitor stalls instead of the required 8 visitor stalls (DAV 04-318710D). The Division is supporting the variances. The height variance was determined too late to be posted for the October 19th meeting of the City Centre Community Committee, and it is recommended that the variance hearing be laid over to the November 16th meeting.

PLAN WINNIPEG:

The Brockville Neighbourhood was redesignated under the 1993 Plan Winnipeg review and update from an Industrial Policy Area to a Neighbourhood Policy Area. The application therefore complies with Plan Winnipeg. This redesignation reflected the residential/institutional development that has occurred in the area in recent years, and signals the City's intention that the area transition from its existing quasi rural/industrial character to a residential neighbourhood with a mix of apartments, ground-related condos, and single-family houses. There is no timetable for the removal of the existing industrial land uses. These uses have a right to remain in place. However, the City would not support any intensification of uses not in compliance with the existing zoning regulations and relevant Plan Winnipeg policies. For the time being, therefore, the housing and industrial uses must co-exist.

ADMINISTRATIVE COMMENTS:

The Planning and Land Use Division is prepared to support the rezoning of the subject lands to **"RM-3" Multiple-Family Residential District**, as opposed to the "RM-7" district applied for. In terms of density, the "RM-3" district regulations permit 1 residential unit per 1,000 square feet of lot area. This density would allow about 100 units on the subject lands, whereas 54 units are being applied for. In comparison, the "RM-7" district regulations would allow for 260 units on the subject site. The "RM-3" zoning category is therefore more in keeping with the proposed density. Also, at about 48 feet, the height of the proposed building is only a slight variance from the permitted height of 45 feet and 5 storeys. In comparison, the height limit in "RM-7" is 100 feet, or about 10 storeys. In summary, the Division is of the opinion that the "RM-3" zoning category is more appropriate in suburban neighbourhoods and consistent with the proposed density, whereas the "RM-7" zoning category is more appropriate in the downtown. As previously mentioned, the related zoning variance application would have to be laid over to the November 16th City Centre Community Committee hearing in order to allow for property reposting.

The Brockville neighbourhood is in transition from industrial to residential land use. Recently approved housing projects on the east side of Brockville south of Wilkes include a 80-unit townhouse development under DAZ 242/03, and a 20-unit, semi-detached bungalow condo development under DAV 03-342187/C. Across Wilkes, immediately opposite to the subject site, is the 5 storey, 60 unit Italian Canadian seniors apartment. In addition, a concept plan has been prepared for the single-family development of the westerly portion of the Brockville neighbourhood involving surplus City lands. The subject project is therefore appropriate considering that the area has been designated as a Neighbourhood Policy Area under Plan Winnipeg and several residential projects are underway or in the planning stages. This rezoning and associated development will make use of a vacant piece of land and will compliment the emerging residential character of the area.

RECOMMENDATION:

I. That By-law 6400/94 be amended by rezoning the subject land as shown on Schedule "A", for file DAZ 245/04, attached hereto and dated, October 12, 2004, to an **"RM-3"** Residential District, subject to the following:

   A. That the developer be required to enter into Servicing Agreement AG 245/04 in accordance with the Administrative Coordinating Group's report dated September 1, 2004.

II. That, prior to the issuance of a development permit, the owner provide the City with evidence that a caveat has been registered against the condominium titles advising purchasers that industrial uses are present in the area that may impact property enjoyment.

III. That a 10 per cent 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 the market value of the land.

IV. That, in the event this application is not proceeded with expeditiously and the by-law is not enacted within twenty-four (24) months after adoption of this 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.

V. That the City Solicitor be requested to prepare the necessary rezoning by-law and forward same to Council for all three readings.

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

VII. That the City Solicitor be requested to do all things necessary for implementation in accordance with the terms of The City of Winnipeg Act.

Yours truly,

C. Knoll
Manager of Planning and Land Use

Per: Ross Mitchell, Senior Planner
(Assiniboia/City Centre Communities)
986-5017

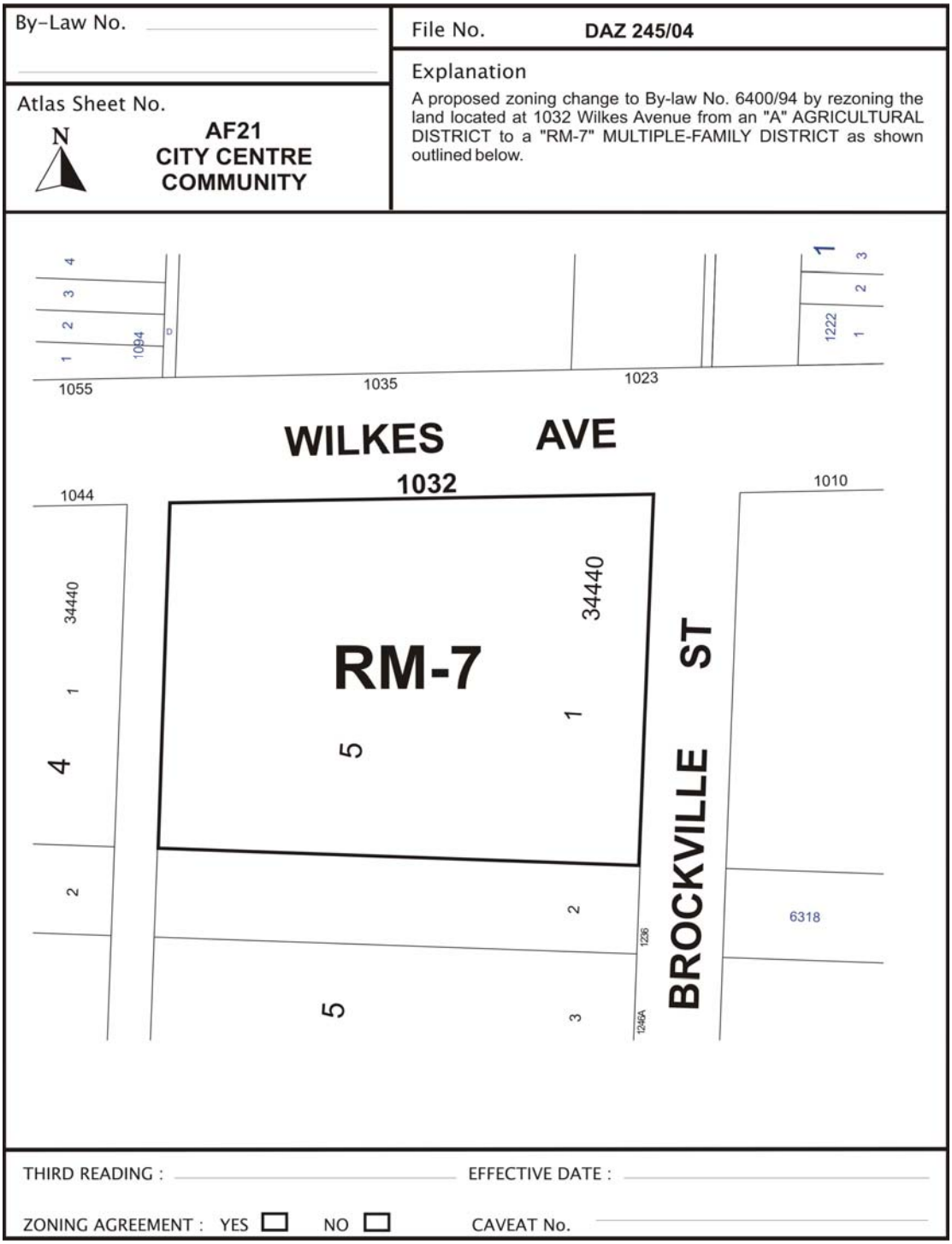


Figure 1: Schedule "A" to the report to the City Centre Community Committee for File No. DAZ 245/04, dated October 12, 2004.

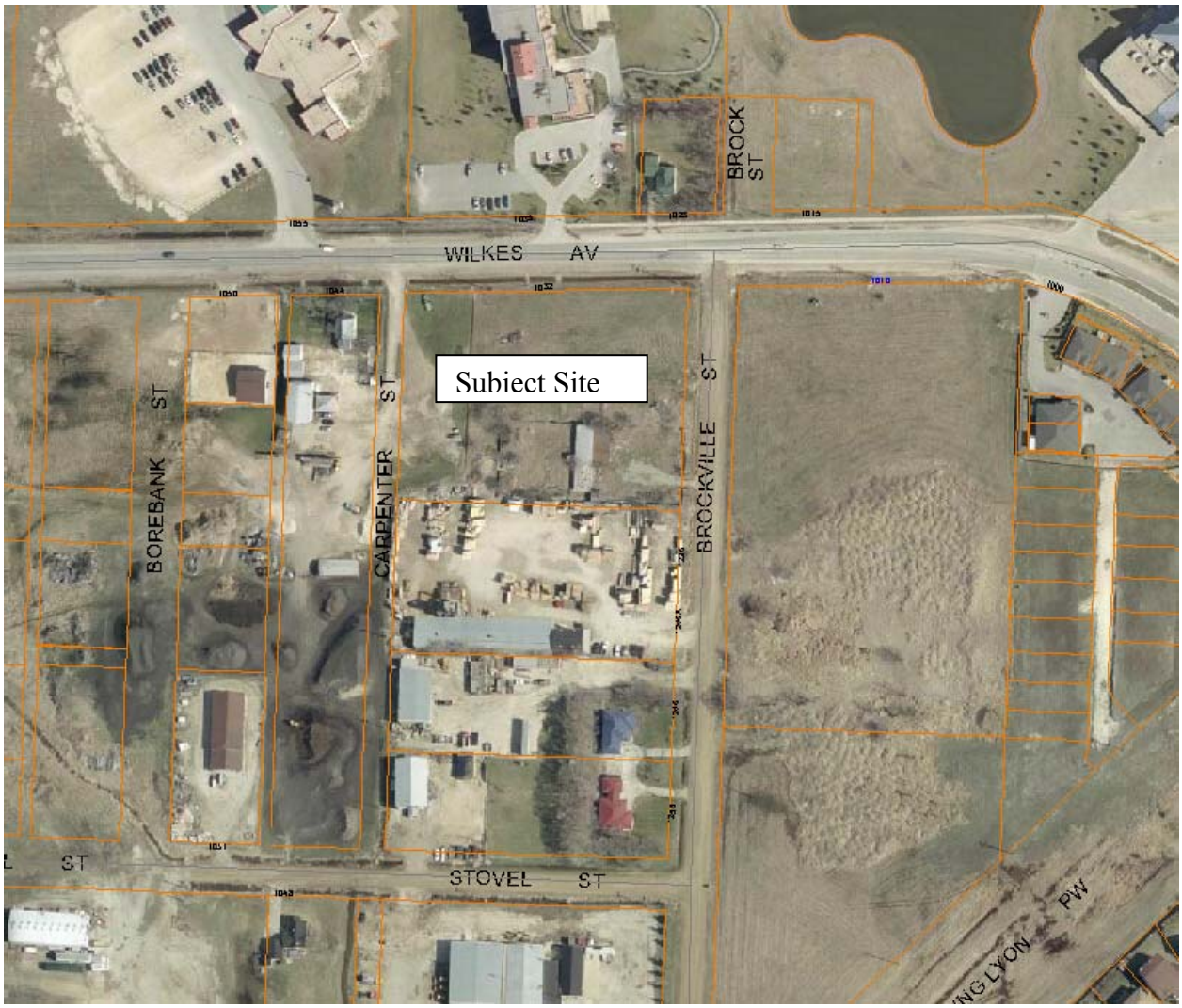


Figure 2: Air Photo of Area.