

Item No. 11.1.6

Halifax Regional Council
August 17, 2021

TO: Chair and Members of the Halifax Regional Council

SUBMITTED BY:

Original Signed by 

Jacques Dubé, Chief Administrative Officer

DATE: June 14, 2021

SUBJECT: **Case 21639: Margeson Drive Master Plan - Margeson Drive and the Highway #101 Interchange, Middle Sackville – Public Participation Program**

SUPPLEMENTARY REPORT

ORIGIN

On December 4, 2018, the following motion of Regional Council was put and passed:

That Halifax Regional Council direct staff to:

1. *Initiate a process to consider amendments to the Regional Municipal Planning Strategy, the Regional Subdivision By-law, the Secondary Municipal Planning Strategies and Land Use By-laws for Sackville and Beaver Bank, Hammonds Plains and Upper Sackville to enable mixed use residential, commercial, institutional and recreational development on lands surrounding the Highway 101 Interchange at Margeson Drive, Middle Sackville as shown on Maps 1-4 of the staff report dated October 26, 2018; and*
2. *Follow the public participation program as set out in Attachment D of the staff report dated October 26, 2018.*

LEGISLATIVE AUTHORITY

Halifax Regional Municipality Charter (HRM Charter), Part VIII, Planning & Development

- (1) This Section applies to a community council if the Council so provides in the policy establishing the community council.
- (2) A community council may appoint a planning advisory committee for the community and Part VIII applies with all necessary changes.

Administrative Order 48, the *Community Council Administrative Order* (Community Council Administrative Order), subsections 3(3)(4), as follows:

RECOMMENDATION ON PAGE 2

- 3 A Community Council shall create no more than two planning advisory committees.
- (4) If a Community Council creates a planning advisory committee, the terms of reference for the planning advisory committee shall be as set out in Schedule 3 of this Administrative Order.

RECOMMENDATION

It is recommended that Halifax Regional Council:

1. Repeal the Public Participation Program adopted by Council on December 4, 2020 as set out in the staff report dated October 26, 2018 and replace it with the Public Participation Program set out in Attachment A of this report; and
2. Direct North West Community Council to create a Public Participation Committee for Case 21639, which shall be substantially similar per the terms of reference as set out in Attachment B of this report.

BACKGROUND

On December 4, 2018, Regional Council directed staff to undertake a master planning exercise of the lands around the Highway 101 Interchange at Margeson Drive in Middle Sackville. This exercise would result in the creation of planning policies and regulations for the area illustrated on Attachment A-Map 1 to allow a mix of residential, commercial, institutional and recreational uses in a comprehensive fashion.

Based on discussions with the applicant for this project regarding the timing of various required studies and the possibility of considering more minor changes to the plan in advance of the broader master plan, staff are recommending changes to the previously approved public participation program adopted by Regional Council on December 4, 2018.

| | |
|----------------------------------|--|
| Subject Lands | PIDs 41293036, 40281479, 40123598, 41287137, 41287129, 40123606, 0045281, 41453135, 41453143 |
| Location | Highway 101 Interchange at Margeson Drive, Middle Sackville |
| Regional Plan Designation | Rural Commuter |
| Community Plans (Map 1) | Rural Residential and Mixed Use C (MUC) |
| Zoning By-laws (Map 2) | Comprehensive Development District (CDD), Mixed Use 2 (MU2) and R-1 (Single Unit Dwelling) Zone |
| Size of Area | Approximately 59 hectares (146 acres) |
| Street Frontage | Margeson Drive north and south of the Interchange |
| Current Land Use(s) | Vacant – Residential subdivision |
| Surrounding Use(s) | North quadrant – Residential land uses, Highway 101 South quadrant – Residential subdivision, vacant lands, Highway 101 and Sackville River McCabe Lake |

Proposed Master Plan

The Margeson Drive Master Plan Project (Master Plan Project) is divided into 3 Phase areas and they are as follows:

Phase #1: Growth Control Policies on Indigo Shores Lands – (Area #7 on Attachment A-Map 1)

Indigo Shores subdivision (known as McCabe Lake) is restricted to developing 25 lots per year in accordance with the Growth Management (GMA) policies (Area #7 on Map 1). These policies were put in place during the creation of the 2006 Regional Plan and were intended to restrict growth in areas not

serviced with central water and sanitary sewer services. As part of this Master Planning Project, these growth control policies for the Indigo Shores Subdivision are being reviewed to determine if the continued application of the GMA policies appropriately achieve their original intent, given the specific characteristics of these lands. Staff believe that this review (Phase #1) of the Master Plan Project can be completed in the first nine (9) months and could be the first deliverable for Council's consideration.

Phase #2 - Halifax Transit and Cobequid Cultural Society Lands (Area #5 on Attachment A-Map 1)

Halifax Transit has identified lands in this area for a Park and Ride facility in the five-year Capital Plan. The Cobequid Cultural Society is a non-profit organization and registered charity that is proposing to build a \$10 - 15 million state of the art visual and performing arts center. The centre would include a 700-seat purpose-built performance space and concert hall, multi-purpose space, art gallery, dance studio, dinner theatre, and administrative space. Both facilities are intended to be located on an 8.8 acre (3.6 hectare) parcel of land and shown as Area 5 of Map 1.

Phase #3 - Remainder of the Master Plan (Areas #1, #2, #3, #4, #6 on Attachment A-Map1)

Staff have developed a list of preliminary land use scenarios for each of the Parcels in Phase 3. These land uses include commercial and residential mixed use, recreational land uses and multiple unit residential inclusive of seniors housing. This future development plan is in accordance with the Community Vision for this area. Infrastructure studies have been commissioned to determine the carrying capacity for the lands for these scenarios. Once the result of these studies is known, staff will assist the Margeson Drive Master Plan Committee in refining the Development Plan for each of the land use scenarios.

It is anticipated that the studies necessary to commence the bulk of the Master Plan will be submitted within four to six months of the writing of this report. These include infrastructure studies and land use suitability assessments. It is anticipated that the Master Plan Committee will be a key stakeholder in the review of this proposal for land use on the aforementioned parcels as shown on Map 1.

The initiation report for this Master Plan Project can be found at the following link:

<https://www.halifax.ca/sites/default/files/documents/city-hall/regional-council/181204rc1411.pdf>

In early 2019, after the planning process had been initiated, Armco, the main proponent and provider of the studies required to commence the Margeson Drive Master Planning process (Master Plan Project), placed the project in abeyance citing a reordering of their corporate priorities due to changing market conditions. In fall of 2020, staff began a new round of discussions with Armco concerning the Master Plan Project and in December of 2020, Armco indicated that they wished to reconvene the planning process and provided a timeline for when the required studies could be submitted.

DISCUSSION

Public Participation Program (PPP)

The *HRM Charter* (Section 219) requires that a public participation program be adopted to carry out this type of planning process. In the approved Public Participation Program for this Master Plan Project (December 18, 2020), a subset of the North West Planning Advisory Committee (NWPAC) was required to form with the purpose being to oversee the planning process under the existing Terms of Reference for NWPAC. This required a subcommittee be formed from members of the existing NWPAC and that the Master Plan Project scope of work be conducted on the regular NWPAC agenda. Shortly thereafter, based on changing market conditions the project was placed into abeyance. In the fall of 2020, the project recommenced. At this time staff noted an increase in the work schedule of the NWPAC. Based on these conditions staff are proposing to create an Area Advisory Committee for the purpose of processing Phases #2 and #3. Staff advise this change is necessary to ensure that the NWPAC has sufficient time and resources to manage their primary duties.

Summary of Conditions that Warrant Changes to PPP:

The conditions that prompted a proposed change to the PPP are as follows:

- Shortly after Public Participation Program was adopted in Dec 18, 2018 the Master Plan project was put into abeyance at the request of the Developer;
- In the fall of 2020, the project recommenced;
- A review of the workplan prompted the decision to create three separate phases of the project with three separate deliverables (recommendations) to Council;
- By this time a substantial increase to the NWPAC agenda had been noted;
- Staff determined that NWPAC could not process the Master Plan and continue their regular work on the same agenda; and
- As a consequence, staff are seeking to create an Area Advisory Committee whose sole mandate is to process Phase #2 and #3 of the Master Plan Study area as shown on Attachment A, (Map 1).

It is recommended that Regional Council direct North West Community Council to create an area advisory committee called the Margeson Drive Master Plan Committee (MDMPC) to advise the NWPAC. Subject to Section 216 of the *HRM Charter*, the Municipality may establish an area planning advisory committee to advise the planning advisory committee on planning matters affecting a specific area. An area advisory committee must include members of the public and be appointed by Council. Under subsection 30 of the HRM Charter, Regional Council may delegate the authority to the Community Councils to create planning advisory committees. Under section 3 of, the Community Council Administrative Order, Regional Council has done so and granted to each Community Council the power to create no more than two planning advisory committees. North West Community Council currently has one planning advisory committee.

The purpose of the MDMPC will be to provide the forums needed to engage the community and affected groups in the formation of a proposed Master Plan Project. The MDMPC will report back to the NWPAC, who will participate in formal public engagements for community feedback and the NWPAC will make a recommendation to Community Council. The scope and proposed terms of reference for the MDMPC are outlined in Attachments A and B of this report. Given the change in structure of the Master Plan Project, staff is recommending that membership on the MDMPC be first offered to the members of NWPAC, followed by members of the public from the community of Middle Sackville and nearby areas.

The mandate of the MDMPC will be to:

- review studies, review draft policy and regulations and provide advice to staff and consultants throughout the process;
- help to ensure that members of the public have an opportunity to participate and express their opinion through the MDMPC;
- make recommendations to the NWPAC; and,
- review the study results within the context of established Priorities #2 and #3 (understanding that these priorities may overlap) in order to achieve key deliverables in order to complete the overall project.

Project Update: Timing of Deliverables

Phase #1: Growth Control Policies on Indigo Shores Lands – Parcel(s) 7 (Map 1)

As described previously, development of the Indigo Shores subdivision (known as McCabe Lake) is restricted to developing 25 lots per year in accordance with the Interim Growth Management policies that were put in place during the creation of the 2006 Regional Plan for areas not serviced with central water and sanitary sewer services. As part of this Master Planning Project, these growth control policies for the Indigo Shores Subdivision are being reviewed. This matter requires the review of a traffic study and an understanding of the impact to future road connections from the Margeson Drive interchange. Accordingly,

staff believe this part (Phase #1) of the Master Plan Project can be completed in the first nine (9) months and could be the first deliverable to Council given that the land use form has already been determined to be residential single unit dwelling and the consideration is about the rate of build-out of the few remaining phases of the subdivision. Therefore, staff is recommending that Phase #1 proceed outside the scope of the MDMPC.

Phase #2 - Halifax Transit and Cobequid Cultural Society Lands (Parcel 5) (Map 1)

Halifax Transit has identified lands in this area for a Park and Ride facility in the five-year Capital Plan. The Cobequid Cultural Society is a non-profit organization and registered charity that is proposing to build a 700-seat purpose-built performance space and concert hall, multi-purpose space, art gallery, dance studio, dinner theatre, and administrative space. Within the Master Plan program, the development of a comprehensive Master plan for the area allows consideration of the proposed Cultural Centre in the context of the Regional Plan and the goals of the Community Vision. Council initiated the land use program to review matters of function and land use for the proposed Cultural Centre, including the shared parking agreement with Halifax Transit and the property conveyance be completed as part of the Master Planning process. While the development of the Halifax Transit Park and Ride site has been considered through a different municipal process, the community centre will require review through the MDMPC once it has been struck.

Phase #3 - Remainder of the Master Plan (Parcels 1, 2, 3, 4, 6) (Map1)

It is anticipated that the studies necessary to commence the bulk of the Master Plan will be submitted within four to six months of the writing of this report. These include infrastructure studies and land use suitability assessments. It is anticipated that the MDMPC will be a key stakeholder in the review of this proposal. A preliminary set of land use scenarios follows:

| Parcel | Preliminary land use scenarios - Map 1 |
|---------------------------|---|
| Parcel 1: | HRM Parkland to be considered comprehensively as a potential common area and/or gathering place |
| Parcel 2: | Highway Commercial interchange development for office, retail or grocery |
| Parcels 3 & 4: | Multiple Unit Residential and Seniors housing |
| Parcel 6: | Commercial residential mixed-use development (4.1 residential units per acre, proposed) |

COMMUNITY ENGAGEMENT

The community engagement process is consistent with the intent of the HRM Community Engagement Strategy. The level of community engagement is proposed in Attachment A.

FINANCIAL IMPLICATIONS

The applicant will be responsible for all costs, expenses, liabilities and obligations imposed under or incurred in order to satisfy the terms of this development agreement. The administration and resourcing of the Margeson Drive Public Participation Committee will be carried out within the approved 2021-2022 operating budget for Planning and Development.

RISK CONSIDERATION

There are no significant risks associated with the recommendations contained within this report.

ENVIRONMENTAL IMPLICATIONS

No environmental implications are identified.

ALTERNATIVES

1. Regional Council may choose to refuse to adopt the revised Public Participation Program and direct staff to work under the existing terms of reference for the North West Planning Advisory Committee.
2. Regional Council may choose to direct staff to amend the revised Public Participation Program. In doing so staff may have to return to Regional Council with a supplementary report for their consideration.

ATTACHMENTS

Attachment A Revised Public Participation Program

Attachment B Terms of Reference Margeson Drive Master Plan Committee

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

Report Prepared by: Shayne Vipond, Planner, 902.237.5395

Attachment A

North West Planning Advisory Committee's Public Participation Committee: Margeson Drive Master Plan Committee

This Attachment repeals and replaces the Public Participation Program adopted by Regional Council on December 4, 2018 for Case 21639.

Margeson Drive Master Plan Committee (MDMPC)

This Committee implements the Public Participation Program as per Section 219 of the *HRM Charter* by providing the means of seeking the opinions of the public respecting amendments to Municipal Planning Strategies (SMPS') and Land Use By-laws (LUBs) to enable a residential and commercial mixed-use development on the lands near the Highway 101 interchange at Margeson Drive, Middle Sackville. All amendments to the SMPS are within the sole jurisdiction of Regional Council and require a Public Hearing prior to approval, but the North West Community Council shall review any amendments and provide recommendations to Regional Council.

Study Area (Map 1)

Map 1 shows the Margeson Drive Master Plan Study Area. Enabling development of the Master Plan Study Area will be processed in three phases. The portions of the Study Area subject to each Phase of the Master Plan and the preliminary lands uses proposed for each Phase are as follows:

Phase #1: Growth Control Policies on Indigo Shores Lands – Parcels 7 on Map 1

Phase #1 involves lifting the growth control policies that limit the number of residential lots that can receive final subdivision approval per year for remaining lands of Indigo Shores subdivision, north of McCabe Lake. Residential subdivision of these lands has already approved in concept.

Phase #2 - Halifax Transit and Cobequid Cultural Society Lands – Parcels 5 on Map 1

Halifax Transit has identified lands in this area for Park and Ride facility in their five-year Capital Plan. The Cobequid Cultural Society is a non-profit organization and registered charity that is proposing to build a \$10 - 15 million state of the art visual and performing arts center. The centre would include a 700-seat purpose-built performance space and concert hall, multi-purpose space, art gallery, dance studio, dinner theater, and administrative space. Both facilities are intended to be located on an 8.8 acre (3.6 hectare).

Within the Master Plan program, the initial concept of the proposed Cultural Centre plan is consistent with Regional Plan policies and the goals of the Community Vision. Council initiated the land use program for the Cultural Centre lands to review matters of function and land use including the shared parking agreement with Halifax Transit. The development of the Halifax Transit Park and Ride site has been considered through a different municipal process. However, the community centre will require review through the Master Plan Committee once it has been struck.

Phase #3 - Remainder of the Master Plan - Parcels #1, #2, #3, #4, #6 on Map 1

Staff have developed a list of preliminary land use scenarios for each of the Parcels in Phase 3. These land uses include commercial and residential mixed use, recreational land uses and multiple unit residential, inclusive of seniors housing. This future development plan is in accordance with the Community Vision for this area. Infrastructure studies have been commissioned to determine the carrying capacity of the lands for these scenarios. Once the result of the studies are known, staff will assist the Margeson Drive Master Plan Committee in refining the Development Plan for each of the land use scenarios.

It is anticipated that the studies necessary to commence the bulk of the Master Plan will be submitted within four to six months of the writing of this report. These include infrastructure studies and land use suitability assessments. It is anticipated that the Master Plan Committee will be a key stakeholder in the review of this proposal for land use on the aforementioned Parcels as shown on Map 1.

Purpose of the MDMPC

- To gather feedback from residents, stakeholders and potential community groups about possible amendments to the planning documents to the Municipal Planning Strategies for Sackville and Beaver Bank, Hammonds Plains and Upper Sackville.
- To create a set of planning policies and land use regulations for the Study Area lands, which will become known as the Margeson Drive Master Plan Project. The study area is shown on Map 1 of this Attachment. The process will establish policy consistent with the Regional Municipal Planning Strategy for consideration by Regional Council.
- Committee will make recommendations to the North West Planning Advisory Committee (NWPAC). The NWPAC will make recommendations to the North West Community Council (NWCC) to ensure the community is represented through the Margeson Drive Master Planning Project as per the duties noted in the included Terms of Reference (TOR). Ultimately, the NWCC will make a recommendation to Regional Council for their decision on each of the Phases.

HRM will post proposal details, technical studies, and the record of the community engagement process on the halifax.ca website(s). On behalf of the North West Planning Advisory Committee, HRM will invite nearby property owners and residents to public meetings by regular mail. In addition, HRM will also invite public comment via mail submissions, online submissions, and by email.

Scope of the MDMPC

The Margeson Drive Master Plan Area will be processed through two committees: North West Planning Advisory Committee (NWPAC) and the Margeson Drive Master Plan Committee (MDMPC). Phase #1 of the Master Plan is outside the scope of the MDMPC and Phases #2 and #3 are within the scope of the MDMPC.

Phase #2 – Review of the Halifax Park and Ride and the Proposed Cobequid Cultural Center

A review by the MDMPC of the study area will include, at a minimum:

- (i) an updated traffic impact study and transportation analysis that considers site access for people using all modes of transportation;
- (ii) General land use, form and intensity;
- (iii) update studies on transportation related infrastructure as required by TIR and the Municipality;
- (iv) updated studies on piped municipal water service, as required by Halifax Water and the Municipality;
- (v) an analysis of potential environmental impacts to McCabe Lake and any other impacted water bodies;
- (vi) recommended stormwater management goals and approach; and
- (vii) any other matter of planning concern, for example, building form, site design and layout with alternative options.

Additional studies may be required, based on the findings of the ongoing project. Staff will reserve the right to report back to Council as necessary.

When the applicant has completed all necessary technical studies, a **public meeting** will be held in the community to:

- present the findings of technical studies;
- to receive feedback and answer questions;
- and to discuss planning goals and principles for the subject site and study area.

Following the Phase #2 public meeting and the subsequent required analysis, the Committee will prepare a recommendation to the NWPAC. The NWPAC will then make a recommendation to the North West Community Council who, in turn, will make a recommendation to Regional Council.

Phase #3

Following the Council update, a **public meeting** for Phase #3 will be hosted. This may be a workshop. The intention is to meet with the community to hear their goals and concepts for the subject site(s) and study area. A key goal will be to discuss appropriate land uses, building heights and density for the subject site.

Following the Phase #3 meeting, staff will begin to write policy and regulations for the subject site(s) and the study area. This work will be based on the public participation program and technical studies. This policy would be consistent with the Regional Plan's characteristics for Urban Local Growth Centres. Policy will address several factors, which may include:

- (i) building lot sizes, building heights and appropriate density;
- (ii) appropriate land uses;
- (iii) appropriate heritage considerations;
- (iv) building design and urban design;
- (v) transportation options, including walking, cycling, transit and street connections;
- (vi) phasing of development, based on servicing capacity and transportation impacts;
- (vii) parks, natural areas and buffers for water bodies;
- (viii) detailed infrastructure planning; and,
- (ix) stormwater management best practices and standards for the quality and quantity of run-off generated by development.

When staff has finished policy and regulations, they may hold an optional **additional public meeting** to present these to the community. After this meeting, the standard application review process will take place, as outlined in the HRM Charter.

Following the public meeting(s) for Phase #3 and the subsequent required analysis, the Committee will prepare a recommendation to the NWPAC. The NWPAC will then make a recommendation to the North West Community Council, who in turn, will make a recommendation to Regional Council.



Map 1: Proposed Margeson Drive and Highway 101 Master Plan Study Area

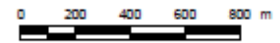
HALIFAX

■ Subject Area

- ① Halifax Regional Municipality
- ② Arcco Capital Inc.
- ③ Arcco Capital Inc.
- ④ Arcco Capital Inc.

- ⑤ Halifax Regional Municipality
- ⑥ Arcco Capital Inc.
- ⑦ Arcco Capital Inc. Indigo Shores
(Potential Removal of Interim
Growth Control on all Lands
Subject to Policies)

- ▨ Urban Service Area
- ▤ Water Service Area
- ▩ Serviced (Sewer Only)



The accuracy of any representation on this plan is not guaranteed.

Attachment B
Terms of Reference
Area Planning Committee
Margeson Drive Master Plan Committee

1. Membership

- (a) Membership shall consist of 8 members from the existing members of the North West Planning Advisory Committee (NWPAC) and if necessary, members of the public who are not members of the NWPAC may make up the balance of the membership should 8 members of North West Planning Advisory Committee not express an interest participating.

2. Appointments

- (a) Term of Appointment:

The Margeson Drive Master Plan Committee shall be dissolved once their report has been tabled with the North West Planning Advisory Committee and a decision has been made by the Regional Council on the proposed amendments to the applicable Municipal Planning Strategies and Land Use By-laws;

- (b) Appointments shall be made by the North West Community Council, and the term of such appointment may extend beyond the term remaining on a member's appointment to the NWPAC; and

- (c) The Committee shall elect a Chair and Vice Chair.

3. Re-appointment of Members

Not applicable.

4. Legislated Duties

- (a) To advise the NWPAC by preparing a report/summary with respect to the development proposal for the Margeson Drive Master Plan Project, as set out in Attachment A of the August 17, 2021 staff report to Regional Council, and highlight the proposed amendments to the applicable Municipal Planning Strategy and Land Use By-law for Areas 1,2,3,4,5, and 6 shown on Map 1 attached by

- (i) gathering feedback from residents, stakeholders and potential community groups about possible amendments to the planning documents to the Municipal Planning Strategies for Sackville and Beaver Bank, Hammonds Plains and Upper Sackville; and
- (ii) creating a set of planning policies and land use regulations for the Study Area lands, which will become known as the Margeson Drive Master Plan Project.

- (b) The Committee shall provide a forum in which the landowner/developer, HRM staff, and appointed citizens collaborate to comment and review the proposal Master Plan Project.

5. Additional Duties

None.

6. Meetings

- (a) The Margeson Drive Master Plan Committee shall meet monthly or as required to conduct the business of the Committee. Additional meetings may be scheduled at the discretion of the Chair in consultation with staff.

- (b) Members shall advise the HRM Current Planning staff by 12 noon on the day of the meeting if they are unable to attend any scheduled meeting.
- (c) The quorum for regular meetings shall be four (4) members of the Committee in accordance with Section 132 of Administrative Order One, the Procedure of Council Administrative Order, Quorum of Committee.
- (d) Any member of the Committee who fails to attend three (3) consecutive meetings, without having been excused by the Committee shall vacate the member's seat in accordance with subsection 3 of section 86 of AO1 and subsection 22 of the *Halifax Charter*.
- (e) All Margeson Drive Master Plan Committee meetings shall be open to the public, or as allowed under Part VII Section 218 (1) of the *Halifax Charter*.

7. Procedure

Meeting procedures shall be governed by the HRM Administrative Order One, the Procedure of Council Administrative Order, as it relates to Committee Procedures.

8. Remuneration

Remuneration shall be paid related to travel for attendance at meetings at rates established by Halifax Regional Municipality.

9. Resignation

A member may resign from the Committee at any time in accordance with Section 68 of Administrative Order One, the Procedure of Council Administrative Order, Vacating of Position on Committee.

Adopted by North West Community Council

Date:



Map 1: Proposed Margeson Drive and Highway 101 Master Plan Study Area

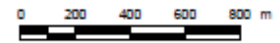
HALIFAX

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(Potential Removal of Interim
Growth Control on all Lands
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