Minute No. 475
Report - Standing Policy Committee on Property and Development - June 6, 2006

Item No. 16 Subdivision and Rezoning - 660 and 780 Marion Street (former Canada Packers site)
File DASZ 15/2006

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

The Executive Policy Committee concurred in the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee, both amended, and submits the following to Council:

1. That the plan of subdivision proposed under File DASZ 15/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2006 dated May 23, 2006, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2006 dated May 23, 2006, to an "M2" Industrial District and a "C2" Commercial District.

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 by-law in accordance with the above.

6. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

7. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

Report - Standing Policy Committee on Property and Development - June 6, 2006

8. That in the event the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

9. 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.

Minutes - Executive Policy Committee – June 21, 2006

Report - Standing Policy Committee on Property and Development – June 6, 2006

DECISION MAKING HISTORY:

Moved by Councillor De Smedt,

That the recommendations of the Standing Policy Committee on Property and Development and the Riel Community Committee be concurred in with the following amendment, namely:

- Delete Recommendation 4 in its entirety and renumber the remaining recommendations,

and forwarded to Council.

Carried

STANDING COMMITTEE RECOMMENDATION:

On June 6, 2006, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submitted the matter to the Executive Policy Committee and Council.

COMMUNITY COMMITTEE RECOMMENDATION:

On May 30, 2006, the Riel Community Committee concurred in the administrative recommendation and submitted its recommendation to the Standing Policy Committee on Property and Development.

RE: **Subdivision and Rezoning - 660 and 780 Marion Street (former Canada Packers site)**
File DASZ 15/2006

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

Prepared by: **Marc Pittet, Clerk,**
Riel Community Committee

Report date: **June 1, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On May 30, 2006, the Riel Community Committee concurred in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision proposed under File DASZ 15/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 15/2006, dated May 23, 2006, for registration in the Winnipeg Land Titles Office.

2. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

3. That The Winnipeg Zoning By-law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File DASZ 15/2006, dated May 23, 2006, to an "M2" Industrial District and a "C2" Commercial District.

4. That a ten (10%) percent 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 market value of the land and the creation of additional sites, (if applicable).

5. 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.

6. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

7. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

8. That the Plan of Subdivision shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

9. That in the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

10. 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 Riel Community Committee provided the following supporting reason for its recommendation:

1. The Riel Community Committee agreed with the administrative comments contained in the revised report from the Planning and Land Use Division dated May 29, 2006.

PUBLIC HEARING SUMMARY

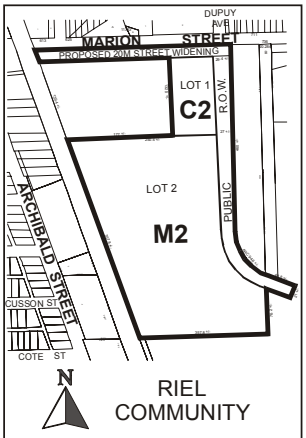
File: DASZ 15/2006

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Magnifico

Public Hearing: May 30, 2006
Council Building, 510 Main Street

Applicant: The City of Winnipeg (Ed Dolhun)

Subject:



APPLICANT : CITY OF WINNIPEG
FILE: DASZ 15/06
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. 6400/94 by rezoning the land shown outlined above from an "M3" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT and an "M2" INDUSTRIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : VILLE DE WINNIPEG
N° DE RÉFÉRENCE : DALZ 15/06
PROJET : Demande d'approbation par le Conseil du plan de lotissement indiqué ci-dessus et proposition de modification du *Règlement municipal n° 6400/94* visant à changer le zonage des sols délinéés ci-dessus qui passeraient de la catégorie M3 (SECTEUR INDUSTRIEL) aux catégories C2 (SECTEUR COMMERCIAL) et M2 (SECTEUR INDUSTRIEL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 660 and 780 Marion Street (former Canada Packers site)
4228

Exhibits Filed:

1. Application dated April 25, 2006
2. Notification of Public Hearing dated April 20, 2006
3. Manitoba Certificate of Titles 213812 and 496825
4. Title Search(s) No. 1023197; 1023160; 1225777and 1530773
5. Deed of Land dated July 12, 1912
6. Letter of authorization dated April 12, 2006 from Mike Hyder, Manager, Real Estate Marketing, Canadian Pacific Railway, to the City of Winnipeg
7. Site Plan
8. Plan No. 12658/4
9. Report from the Planning and Land Use Division dated May 23, 2006
10. Revised Report from the Planning and Land Use Division dated May 29, 2006
11. Inspection Report

REPRESENTATIONS:

In Support:

Ed Dolhun, Non-City Staff, Land Enhancement Program, Planning, Property and Development Department
Jim Paterson, Manager of Economic Development, Planning, Property and Development Department

In Opposition

Nil

For Information:

Philip Cesario
Michael Falk, Terracon Development Ltd.

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Jim Paterson and Ed Dolhun appeared in support of the application and provided an overview of the proposal.

In response to a question from Councillor Swandel, Mr. Paterson stated that he could not speculate whether or not conditions of financing on the offer to purchase from Roseau River First Nation would be met. In response to a further question from Councillor Swandel, Mr. Dolhun responded that the proposal will comply with current standards but was unsure as to whether or not it would be retroactive should new standards be adopted after its approval.

Michael Falk, Terracon Developments Ltd., appeared for informational purposes and asked the following questions:

- Should the City act as developer or should this role be left to the private sector?
- Were economic justification or financial analysis studies done as part of the proposal?
- Does the City understand what is involved in developing this land?

In rebuttal, Mr. Dolhun stated that the City of Winnipeg has been trying to develop the lands in question for over thirty (30) years and that a plan for said land has been approved by Council. Mr. Dolhun further stated that an "expression of interest" for the remaining lands will be made public in the near future.

In response to a question from Councillor Swandel, Mr. Dolhun stated that the City will facilitate the development of the entire site in stages as doing so all at once would not be economically viable for most developers.

Exhibit "10" referred to in File DASZ 15/2006

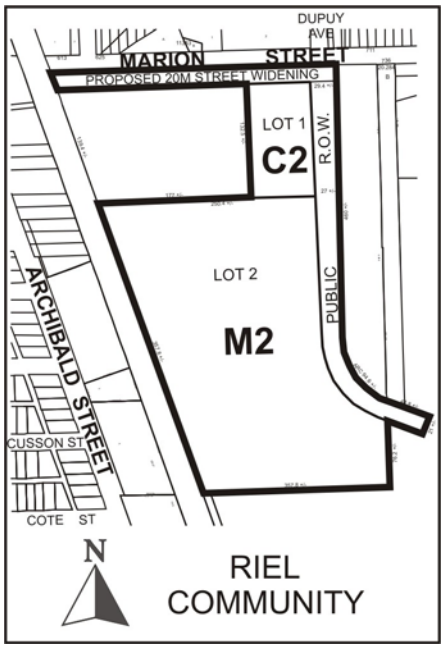
Planning, Property and Development Department Report

To the Riel Community Committee

Date: May 29/06
File: DASZ 15/06
Related Files: N/A
Subject: To rezone the subject property from an " M3" Industrial category to an " M2 " Industrial and "C2" Commercial categories for purposes of future economic development.

Location: 660 & 780 Marion Street

Legal Description: All that portion of lot 310 plan 433 WLTO bounded as follows: on the north by the southern limit of block "B" plan 3766 WLTO, on the south by a line drawn south of, parallel with and perpendicular distant 1188.75 from the southern limit of Marion Street, plan 1422 WLTO , on the west by a line drawn east of, parallel with and perpendicular distant 35 feet from the eastern limit of the land taken for Canadian Pacific Railway right-of –way plan 71 WLTO and on the east by a line drawn SLY at right angles to the said southern limit of Marion Street from a point in the same distant ELY 1241.25 feet from the said eastern limit in Roman Catholic Mission Property subject to any subsisting reservations contained in the Crown Lands Act.

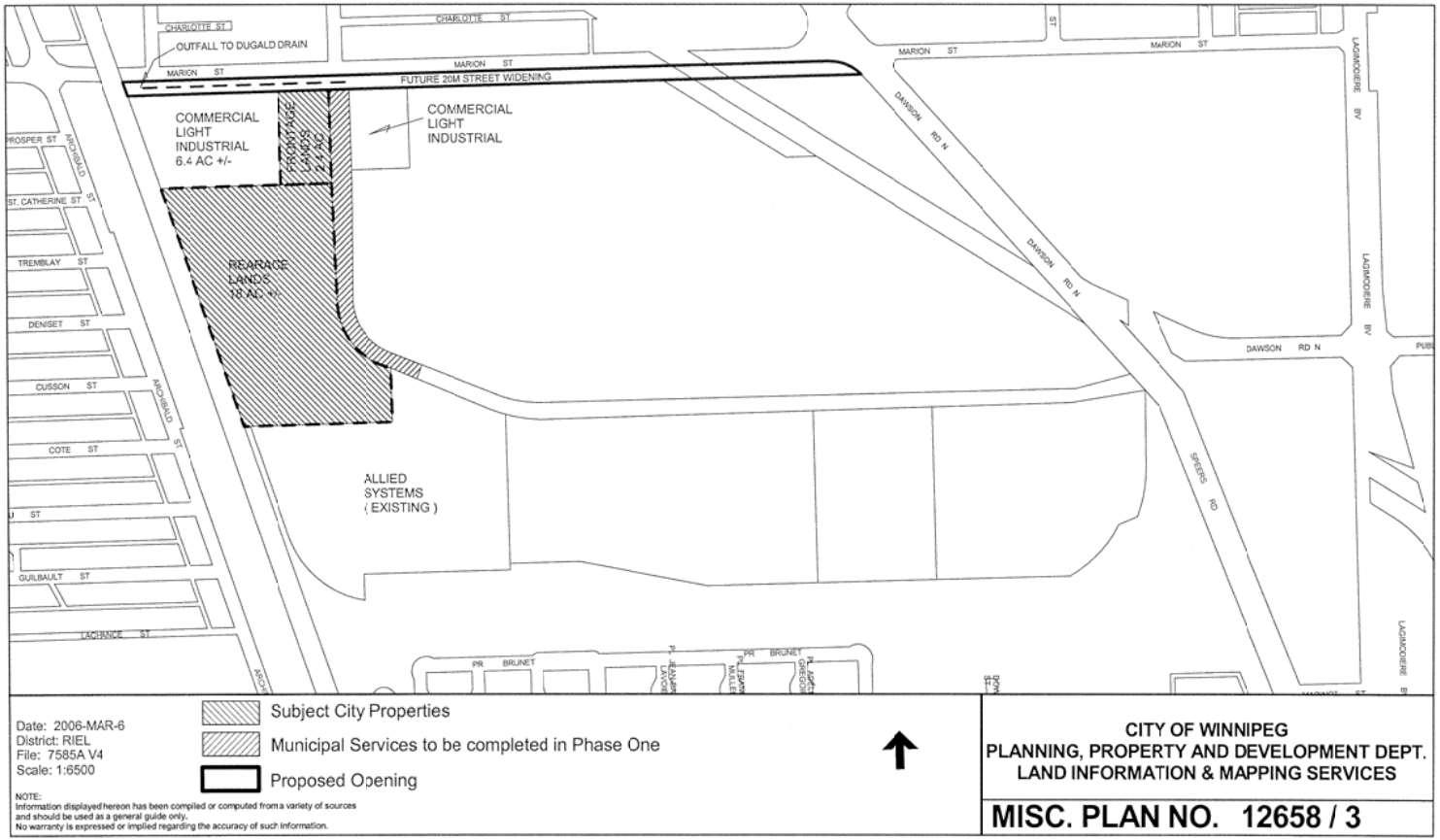


Applicant: City of Winnipeg
Owner: Same as above

Recommendation: (Approved with Conditions)

Site Description

The proposed area to be sold consists of 2.4 acres of future commercial frontage lands and 18 +/- acres of rearage lands to be retained as 'M2' Industrial to the southwest of Marion Street and Dupuy Avenue (see Misc. Plan 12658/3 attached). The subject properties are currently zoned "M3" Industrial and were the site of the recently demolished Canada Packers buildings. With the exception of the inter-modal rail to truck transfer facility, Allied Systems, most of the lands to the immediate south and east are vacant and zoned "M3 "Industrial. To the north are a mix of heavy industrial businesses and to the west of the CPR right-of-way are commercial businesses and residential neighbourhoods. Primary access to the site is via Marion Street.


CHARLOTTE ST
OUTFALL TO DUGALD DRAIN
MARION ST
FUTURE 20M STREET WIDENING
COMMERCIAL LIGHT INDUSTRIAL 6.4 AC +/-
FRONTAGE LANDS 2.4 AC
REARAGE LANDS 18 AC +/-
COMMERCIAL LIGHT INDUSTRIAL
ALLIED SYSTEMS (EXISTING)
DAWSON RD N
SPEERS RD
LAGIMODIERE BV
PROSPER ST
ST. CATHERINE ST
TREMBLAY ST
DENISET ST
CUSSON ST
COTE ST
GUILBAULT ST
LACHANCE ST
ARCHIBALD ST
PR BRUNET
Subject City Properties
Municipal Services to be completed in Phase One
Proposed Opening
Date: 2006-MAR-6
District: RIEL
File: 7585A V4
Scale: 1:6500
NOTE:
Information displayed hereon has been compiled or computed from a variety of sources and should be used as a general guide only.
No warranty is expressed or implied regarding the accuracy of such information.
CITY OF WINNIPEG
PLANNING, PROPERTY AND DEVELOPMENT DEPT.
LAND INFORMATION & MAPPING SERVICES
MISC. PLAN NO. 12658 / 3

Background

The subject site forms part of the overall Public Markets Site.

Site Information:

Location: The Public Markets Site was formerly comprised of Canada Packers, Swifts and Public Markets (Union Stock Yard) lands in St. Boniface – referred to herein as the Public Markets.

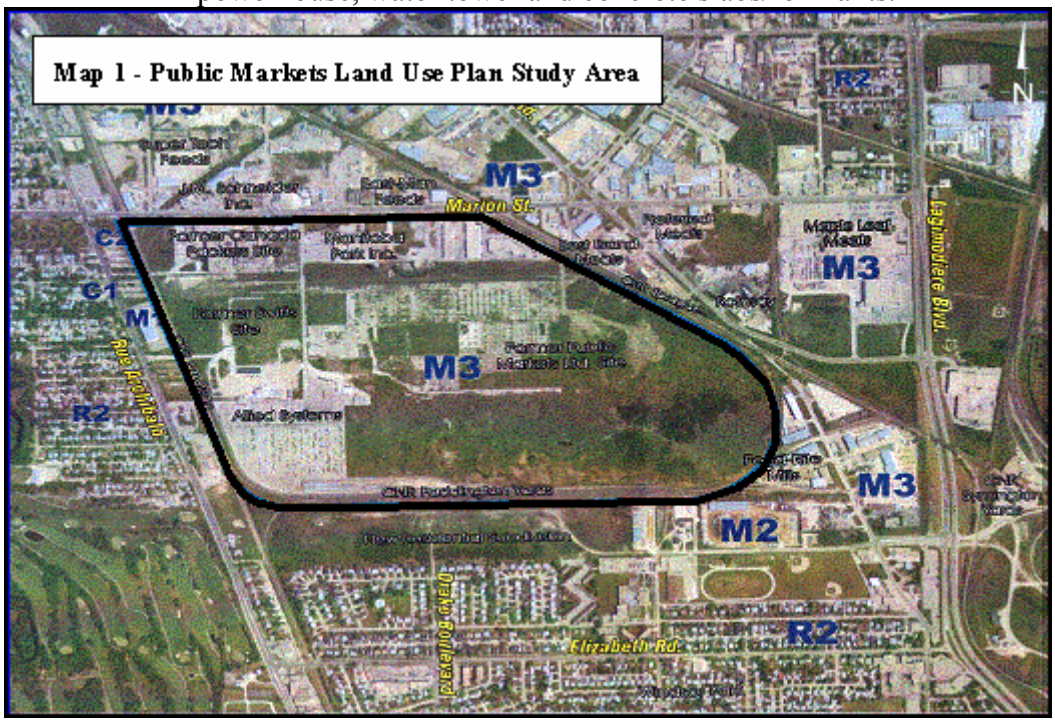
Study Area: Bounded by Marion Street to the North; CN Sprague to the East; Paddington Yards to the South; and CP Emerson/rue Archibald to the West .

Size: City of Winnipeg owned land totals 171 acres.

Zoning: Existing zoning – M3 industrial. Plan Winnipeg designation – Industrial.

Land Uses: Immediately adjacent to the site along Marion and Archibald are commercial and industrial businesses. A 24-hour inter-modal rail-to-truck transfer facility (Allied Systems) is located within the site boundaries. Industrial uses (many are heavy industries) are found to the north and east, and the residential neighbourhoods of Windsor Park and Archwood are found to the south and west respectively.

Status: Primarily vacant land except for Public Markets administration building, powerhouse, water tower and concrete slabs/remnants.



For eighty years prior to the 1980s, much of the Public Markets site had been used for livestock related industries. The City of Winnipeg acquired property in this vicinity through direct acquisition and tax sale. All buildings on the site have been removed with the exception of the Public Markets administrative building, powerhouse and water tower (all three structures are proposed to be listed on the City of Winnipeg's historic buildings inventory). Concrete remnants of the former holding pens also remain.

In 2002, the Planning, Property and Development Department contracted ND Lea Engineers and Planners (along with Royal LePage Stevenson Advisors) to undertake a land use concept plan for the lands commonly referred to as the Public Markets – *The Public Markets Land Use Plan*. The plan examined three different land use options, their potential development costs, and potential impacts: 1) a primarily Residential option (Option 1); 2) a Recreational / Institutional option (Option 2); and 3) an Industrial option (Option 3). Based upon the findings of the study and additional analysis, the Administration recommended that a hybrid of the Industrial (Option 3) and Recreational / Institutional (Option 2) land use concepts be pursued. An important factor in this recommendation was the lack of availability of large M3 Industrial lands for redevelopment, and the unique characteristics of the site. The site is one of the few remaining large M3 Industrial lands available for redevelopment, and the only one with immediate access to both CN & CP rail lines, the only joint CN / CP yard in the city, an existing inter-modal facility on-site, ease of access to major road networks, and existing infrastructure located immediately adjacent to the site.

On November 2, 2004, the Standing Policy Committee on Property and Development concurred with administrative recommendation, and directed the Administration to form a working group to further develop the land use concept, and pursue possible funding and cost-sharing opportunities. The Administrative Working Group has met several times since November 2004, and its recommendations are presented below.

<u>Infrastructure Improvements:</u>
A single primary access road services the site, entering from a signalized intersection at Marion & Dupuy, running south to provide access to the Allied Systems property, then east to connect the site to Speers Road and/or Dawson Road. The use of a single access road will reduce costs, while also allowing for more flexibility through larger parcels for development by third-parties. Moreover, the City has a legal obligation to provide access and service connections to the Allied Systems site. All roads will be improved to industrial street standards, per the City's requirements. In addition, approximately five hundred (500) metres of street rehabilitation work will be required on Speers Road in order to provide access to a signalized intersection at Maginot Street and Lagimodiere Boulevard.

Services such as water, wastewater, and storm-water lines, will be provided throughout the site within the street right-of-way. Additional capacity for storm-water lines may be required to service the proposed retention basin area(s), which will serve to meet the on-site and regional drainage requirements of the surrounding area.

Development Phasing:

Phasing of development on the Public Markets site will be tied to the location and timing of road improvements and service extensions.

- The initial phase will involve lands immediately adjacent to Marion Street and the Dupuy Avenue extension, concurrent with Phase 1a and Phase 1b road and infrastructure improvements . Lands to the east or west of the Dupuy Avenue extension may be developed in this phase subject to providing services to the Allied Systems property and the removal of the access easement and private service lines currently serving that property.

- Phase 2 road and infrastructure improvements will also allow for the development of the medium industrial lands on the southern portion of the site, and the development of the remaining lands on the eastern portion of the site will be facilitated by road and infrastructure improvements in Phase 3, with improved access from the site to Lagimodiere Boulevard via Speers Road and Maginot Street being provided with Phase 3b.

Storm-water retention basin improvements will occur in a phased manner, and in accordance with their function. The northern basin will function for on-site retention, and will be constructed concurrent with the first development on-site. As additional development occurs, the northern basin will be expanded to meet requirements. The southern retention basin area is to address regional retention issues and will be constructed in the later phases of the project.

Sales and Marketing

1. The Department will continue to proceed with the acquisition of required adjoining properties where necessary (i.e. some CPR properties) , subdivision and rezoning applications and the phased servicing and marketing of the subject lands. In addition, the Department would also initiate proceedings to acquire the property currently registered in the name of the now dissolved Public Markets Limited. Funds required for the enhancement of the site would be financed through the Land Operating Reserve. An updated Cost/Benefit Analysis of the proposed Conceptual Land Use Plan recently prepared by the City's Consultants indicates that a positive benefit would accrue to the City in sales revenues. Any new development on the site would also produce new tax revenue for the City.

Recent History:

On October 20, 2004, the Executive Policy Committee concurred with a recommendation for the Director of the Planning, Property and Development Department to undertake discussions, within the context of the MAPS policy framework, with the Assembly of Manitoba Chiefs (AMC), for the sale of a portion of certain City-owned lands located south of Marion Street, commonly known as 'The Public Markets'.

Initial discussions with the AMC lead to more direct negotiations for the sale of the subject lands with Roseau River First Nation. By way of letter dated July 26, 2004, addressed to the City, Roseau River Anishinabe First Nation Government advised that it received a resolution from the AMC in support of their project. The AMC confirmed its resolution supporting further negotiations directly with Roseau River.

Plan Winnipeg *Vision 2020*, the City's long-range policy document and guide for City decision-making, identifies a City commitment towards Winnipeg's Aboriginal community. Policy Statement 2A-03 states that the City shall "Promote Self-Reliant Aboriginal Communities" by, among other things:

> *i) "supporting the creation of links between the City and Aboriginal Communities to ensure appropriateness of services and to increase participation in City Affairs;*

identifying and pursuing joint ventures between the City and the private sector or non-governmental organizations that increase or enhance job opportunities and economic development for Aboriginal people in Winnipeg." The ***First Steps: Municipal Aboriginal Pathways Strategy*** (MAPS) was created under the auspices of Plan Winnipeg *Vision 2020* policies, to promote self-reliant Aboriginal communities and was passed by Council unanimously in 2003.

MAPS identifies a series of "pathways" which are essentially policy platforms, each containing a series of strategic initiatives, that commit the City of Winnipeg to concrete action in five specific areas: Employment, Economic Development, Safety, Quality of Life, and Outreach and Education.

One such initiative identified was the creation of '*Aboriginal Economic Development Partnerships*', wherein the City utilizes municipal levers including its property development function to encourage the participation of Winnipeg's Aboriginal Community in economic development opportunities.

Council approved the Public Markets Conceptual Land Use Plan on March 22, 2006. The use of the land contemplated by the Roseau River Anishinabe First Nation appears to be consistent with the intent of both the Concept Plan and the strategic initiatives of MAPS.

Roseau River First Nation:
On August 30, 2005, the Department received an Offer to Purchase dated August 29, 2005 , from Roseau River for a portion of the Public Markets Site identified as "Subject City Property" on Misc. Plan No. 12658. The Offer also included provisions for the purchase of additional City-owned property identified as "Optioned Lands" on the said Misc. Plan.

On October 4, 2005, the Department advised that it was interested in continuing discussions with Roseau River in regard to the potential sale of a portion of the City-owned property at the Public Markets site. The Department explained that prior to concluding negotiations, it would be necessary to obtain City Council approval for a conceptual plan for the Public Market site as a whole, as well as for the City to acquire the inactive Canadian Pacific Railway spur lands. In the interim, negotiations have been concluded on the purchase of these lands.

Description of the Proposed Subject Development

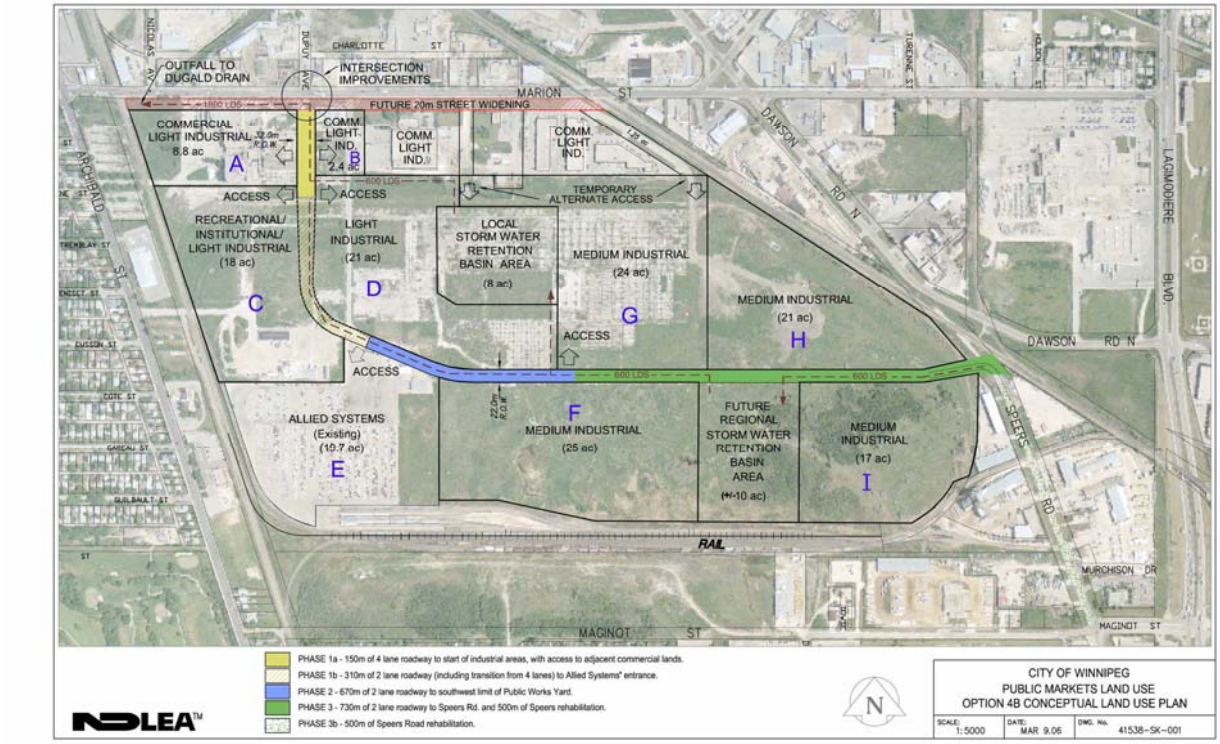
The Planning, Property and Development Department is in receipt of an Offer to Purchase a portion of the Public Markets land situated west of the southerly extension of Dupuy Avenue. The offer has been submitted by PM Associates Ltd. on behalf of Roseau River First Nation

Trust AKI Property Holdings , which anticipates developing the subject twenty – one (21) acres as an Economic Development Zone to accommodate commercial, office and light industrial uses. More specifically, 2.4 acres is to be allocated along the Marion Street frontage for commercial uses such as a gas bar, carwash, convenience store etc. The 18.72 acres remaining will likely be divided up into 10-12 independent light industrial parcels to accommodate light manufacturing, retail, warehousing, and a range of office uses.

The sale of the subject property will provide capital funding to finance part of the construction costs of the municipal services. The balance of these costs would be funded by the Land Operating Reserve Fund, with reimbursement occurring at the time of sale of any other benefiting lands. The Department has prepared a preliminary estimate of costs to provide full municipal services for Phase 1 (development of all subject lands outlined under DASZ 15/06) and those costs include contingency and potential costs for major intersection improvements at Marion and Dupuy Avenue. These Phase 1 costs will facilitate development of the subject properties outlined in the current application and potentially additional City – owned lands located to the south and east of the subject property.

Analysis

The subject application conforms with the overall conceptual land use plan for the Public Markets site (see below) which has been approved by City Council. The concept plan allows for heavier industrial uses on the eastern portion of the site, while tapering down in intensity towards the west and south western portions of the site.



It should be noted, however, that in the initial first phase of development, no institutional or recreational uses are being contemplated. What is being contemplated is a range of light industrial uses on the larger eighteen (18) acre portion of the site and standard highway commercial development on the smaller 2.4 acre frontage parcel. It is the view of this Department that the subject application be approved for the following reasons:

1) The proposed use and location of both the defined future commercial & industrial areas is in accordance with the overall conceptual plan for the 171 acre Public Markets.

2) The subject Development Proposal does not, in any way, adversely affect existing businesses to the north or east. Nor will it have any negative impact on residential neighbourhoods to the west or south.

3) The sale and subsequent development of the subject lands will facilitate the installation of services for the overall development plan.

4) The sale and eventual development of the site will act as a catalyst in promoting further sales and the development of phases 2 & 3 in accordance with the overall preferred land use and development plan.

5) The proposed sale and subsequent development of the subject twenty –one acre site will help support Aboriginal Economic Development.

Recommended Conditions of Approval

I. That the plan of subdivision proposed under File No. DASZ 15/06 be approved for preparation as a plan of subdivision or a plan of survey by a Manitoba Land Surveyor in accordance with Schedule "A" for File No. DASZ 15/06, attached hereto and dated May 23/06, for registration in the Winnipeg Land Titles Office.

II. That the Director of Planning, Property and Development be authorized to certify any documents in connection therewith.

III That The Winnipeg Zoning By-Law No. 6400/94 be amended by rezoning the subject land as shown on Schedule "A" for File No. DASZ 15/06, attached hereto and dated May 23/06, to an "M2" Industrial District and a "C2" Commercial District.

IV. 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.

V. That the City Solicitor/Manager of Legal Services be requested to prepare the necessary by-law in accordance with the above.

VI. That the zoning section of the by-law shall come into force and effect when the Plan of Subdivision has been registered in the Winnipeg Land Titles Office.

VII. The Plan of Subdivision or plan of survey shall be approved and signed by the Director of Planning, Property and Development within two (2) years of the date of passage of the aforementioned by-law.

VIII. In the event that the necessary City of Winnipeg mylar approval signatures have not been secured within twenty-four (24) months after adoption of the by-law, the matter shall be deemed to be concluded and shall not be proceeded with unless Council extends that time.

IX. 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.

This Report Submitted by:
Planning, Property and Development Department
Planning and Land Use Division

Report Prepared by: (Kevin Lalor)
PPD File # (.539)

4240

By-Law No. _____

File No. **DASZ 15/06**

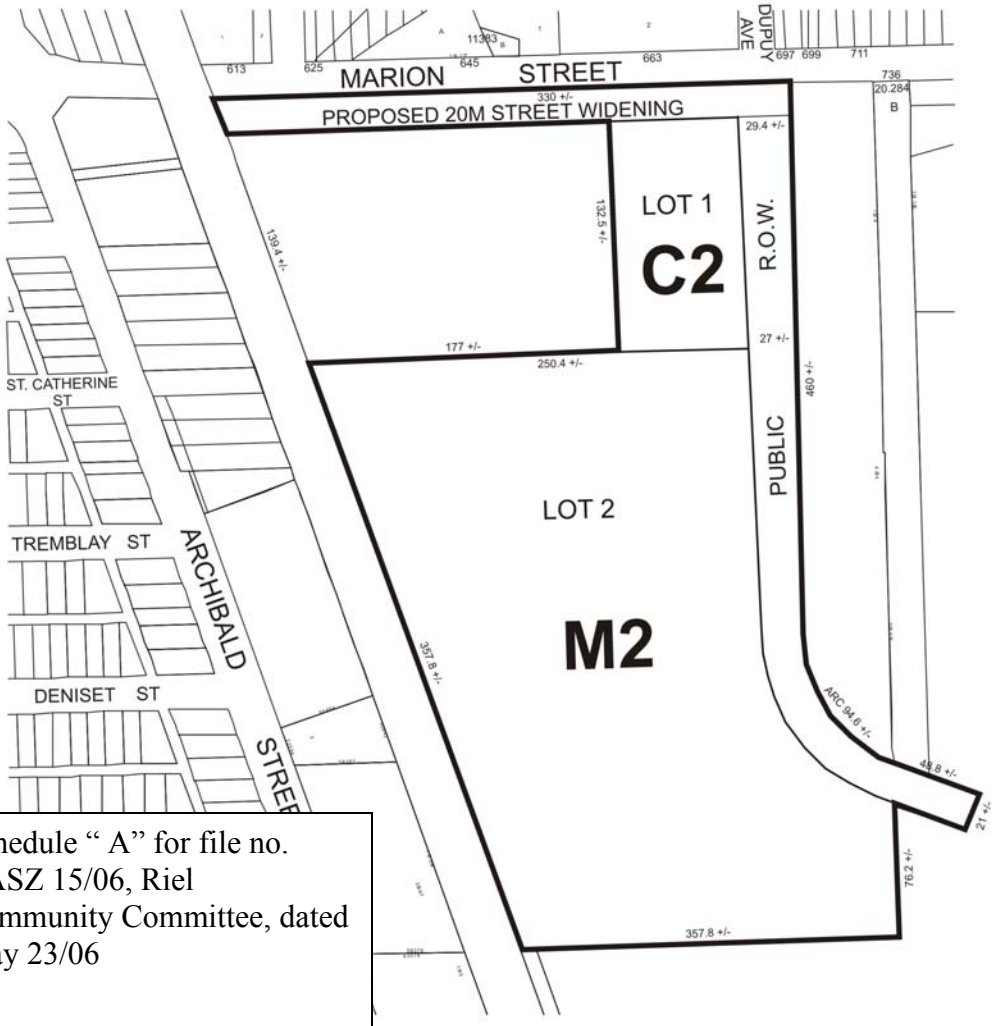
Atlas Sheet No.

N

AB28
RIEL
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. 6400/94 by rezoning the land located on the south side of Marion Street, east side of Archibald Street from an "M3" INDUSTRIAL DISTRICT to a "C2" COMMERCIAL DISTRICT and an "M2" INDUSTRIAL DISTRICT as shown outlined below.



Schedule " A" for file no. DASZ 15/06, Riel Community Committee, dated May 23/06

THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____