Agenda - Executive Policy Committee - January 17, 2007

Report - Standing Policy Committee on Property and Development - January 9, 2007

Item No. 24 Subdivision and Rezoning - 759 Camiel Sys Street
File DASZ 40/2006

STANDING COMMITTEE RECOMMENDATION:

On January 9, 2007, the Standing Policy Committee on Property and Development concurred in the recommendation of the Riel Community Committee and submits the following to Council:

1. That the plan of subdivision under File DASZ 40/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2006 attached to the report from the Planning and Land Use Division dated November 30, 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 40/2006 attached to the report from the Planning and Land Use Division dated November 30, 2006, to an "M2" Industrial District subject to the following conditions:

    A. That the land shall be used only as a Public Works Yard or for any use permitted in the "MP-2" Industrial District.

    B. That development of the land shall maintain the following yards:

        i. No buildings to be located within the first forty (40) feet of the front yard.

        ii. A side yard of fifteen (15) feet.

    C. That all portions of the land except those used for buildings, parking, loading and storage shall be landscaped and maintained in good condition.

    D. That where fencing of the chain link type is used it shall be bordered by trees or an evergreen hedge that will reach a height not less than the height of the fence along those portions of the fence that abut a street.

Report - Standing Policy Committee on Property and Development - January 9, 2007

E. That all operations, servicing and processing shall be conducted wholly within a completely enclosed building except for the permitted outside storage of goods and materials plus accessory off-street parking and loading areas.

F. That outside storage of goods and materials shall comply with the following:

i. Storage shall be enclosed by an ornamental fence, wall or chain link fence that shall be maintained in good condition and repair and be not less than six (6) feet in height, with said storage not to project above the height of said fence.

G. That any building, storage facility, parking or loading area shall only be constructed according to plans approved by the Riel Community Committee.

H. That should the City sell the land, that sale shall be subject to the above conditions.

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.

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.

Agenda - Executive Policy Committee - January 17, 2007

Report - Standing Policy Committee on Property and Development - January 9, 2007

DECISION MAKING HISTORY:

STANDING COMMITTEE RECOMMENDATION:

On January 9, 2007, 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 December 5, 2006, the Riel Community Committee did not concur in the administrative recommendation and recommended to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 40/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2006 attached to the report from the Planning and Land Use Division dated November 30, 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 40/2006 attached to the report from the Planning and Land Use Division dated November 30, 2006, to an "M2" Industrial District subject to the following conditions:

   A. That the land shall be used only as a Public Works Yard or for any use permitted in the "MP-2" Industrial District.

   B. That development of the land shall maintain the following yards:

      i. No buildings to be located within the first forty (40) feet of the front yard.
      ii. A side yard of fifteen (15) feet.

   C. That all portions of the land except those used for buildings, parking, loading and storage shall be landscaped and maintained in good condition.

Report - Standing Policy Committee on Property and Development - January 9, 2007

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

D. That where fencing of the chain link type is used it shall be bordered by trees or an evergreen hedge that will reach a height not less than the height of the fence along those portions of the fence that abut a street.

E. That all operations, servicing and processing shall be conducted wholly within a completely enclosed building except for the permitted outside storage of goods and materials plus accessory off-street parking and loading areas.

F. That outside storage of goods and materials shall comply with the following:
   i. Storage shall be enclosed by an ornamental fence, wall, or chain link fence that shall be maintained in good condition and repair, and be not less than six (6) feet in height, with said storage not to project above the height of said fence.

G. That any building, storage facility, parking or loading area shall only be constructed according to plans approved by the Riel Community Committee.

H. That should the City sell the land, that sale shall be subject to the above conditions.

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.

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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 - January 9, 2007

DECISION MAKING HISTORY (continued):

COMMUNITY COMMITTEE RECOMMENDATION (continued):

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.

RE: **Subdivision and Rezoning - 759 Camiel Sys Street**
File DASZ 40/2006 [c/r DAV 155928/2006D]

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

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

Report date: **December 14, 2006**

COMMUNITY COMMITTEE RECOMMENDATION:

On December 5, 2006, the Riel Community Committee did not concur in the administrative recommendation and recommends to the Standing Policy Committee on Property and Development:

1. That the plan of subdivision under File DASZ 40/2006 be approved for preparation as a plan of subdivision by a Manitoba Land Surveyor in accordance with Schedule "A" for File DASZ 40/2006 attached to the report from the Planning and Land Use Division dated November 30, 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 40/2006 attached to the report from the Planning and Land Use Division dated November 30, 2006, to an "M2" Industrial District, subject to the following conditions:

   A. That the land shall be used only as a Public Works Yard or for any use permitted in the "MP-2" Industrial District.

   B. That development of the land shall maintain the following yards:

      i. No buildings to be located within the first forty (40) feet of the front yard;

      ii. A side yard of fifteen (15) feet.

   C. That all portions of the land except those used for buildings, parking, loading and storage shall be landscaped and maintained in good condition.

   D. That where fencing of the chain link type is used it shall be bordered by trees or an evergreen hedge that will reach a height not less than the height of the fence along those portions of the fence that abut a street.

E. That all operations, servicing and processing shall be conducted wholly within a completely enclosed building, except for the permitted outside storage of goods and materials, plus accessory off-street parking and loading areas.

F. That outside storage of goods and materials shall comply with the following:

i. Storage shall be enclosed by an ornamental fence, wall, or chain link fence that shall be maintained in good condition and repair, and be not less than six (6) feet in height, with said storage not to project above the height of said fence.

G. That any building, storage facility, parking or loading area shall only be constructed according to plans approved by the Riel Community Committee.

H. That should the City sell the land, that sale shall be subject to the above conditions.

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.

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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.

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.

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

1. The Riel Community Committee did not agree with the administrative comments contained in the report of the Planning and Land Use Division dated November 30, 2006.

2. The project will result in savings for the City of Winnipeg by consolidating seven (7) existing sites.

PUBLIC HEARING SUMMARY

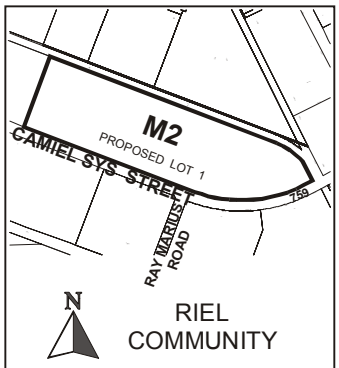
File: DASZ 40/2006 [c/r DAV 155928/2006D]

Before: Riel Community Committee
Councillor Swandel, Chairperson
Councillor Steeves
Councillor Vandal

Public Hearing: December 5, 2006
Council Building, 510 Main Street

Applicant: UMA Engineering Ltd. (Don Hester)

Subject:



APPLICANT : UMA ENGINEERING LTD.
FILE: DASZ 40/06
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 "MP-2" INDUSTRIAL DISTRICT to an "M2" INDUSTRIAL DISTRICT. **For information, phone Mr. K. Lalor, Planner at 986-5069.**
DEMANDEUR : UMA ENGINEERING LTD.
N° DE RÉFÉRENCE : DALZ 40/06
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 MP-2 (SECTEUR INDUSTRIEL) à la catégorie M2 (SECTEUR INDUSTRIEL). **Pour plus de renseignements, veuillez communiquer avec M. K. Lalor, urbaniste, au 986-5069.**

Premises Affected: 759 Camiel Sys Street

Exhibits Filed:

1. Application dated October 13, 2006
2. Notification of Public Hearing dated November 1, 2006
3. Manitoba Status of Titles 1073038 and 1416836
4. Letter of authorization dated November 16, 2006 from the Manager of Real Estate Division, Planning, Property and Development Department, to the City of Winnipeg Civic Accommodations Division and UMA Engineering Division Ltd.
5. Plans, Sheets 1 to 3 inclusive, for File DASZ 40/2006 dated October 17, 2006
6. Report from the Planning and Land Use Division dated November 30, 2006
7. Inspection Report
8. Communication dated December 5, 2006, from Louise Hedman in opposition to the application.
9. Communication dated December 5, 2006, from Craig A. McIntosh, President and CEO, Acrylon Plastics Inc. and Acrylon Properties Inc. in opposition to the application
10. Presentation and supporting documentation submitted by Don Hester, UMA Engineering Ltd., at the Public Hearing

REPRESENTATIONS:

IN SUPPORT (APPLICANT):

Jerry Comeau, Manager of Civic Accommodations, Planning, Property and Development Department
Don Hestor, UMA Engineering Ltd.
Bonnie Konzelman, Contract Coordinator, Planning, Property and Development Department
William Woroby, Staff Engineer, Public Works Department

IN OPPOSITION (APPLICANT):

Kevin Lalor, Senior Planner, Planning, Property and Development Department

IN OPPOSITION:

Louise Hedman
Craig A. McIntosh, President and CEO, Acrylon Plastics Inc. and Acrylon Properties Inc.

SUMMARIZATION OF REPRESENTATIONS AND SUBMISSIONS
MADE AT THE PUBLIC HEARING

Don Hestor, UMA Engineering Ltd., appeared in support of the application, gave a brief overview of the proposal and submitted supporting documentation, filed as Exhibit 10. Mr. Hestor did not concur in the administrative recommendation in the report from the Planning and Land Use Division dated November 30, 2006 and stated that the proposal for the site is compatible with the St. Boniface Industrial Park.

In response to questions from Committee, Mr. Hestor stated:

- Sand and salt will be stored in a covered building;
- There is no need to construct a stormwater retention pond to service the site;
- The area around the salt and sand storage building will drain to the sanitary/wastewater sewer system.

Kevin Lalor, Senior Planner, Planning, Property and Development appeared in opposition to the application and reiterated the points outlined in the report from the Planning and Land Use Division dated November 30, 2006.

Mr. Hestor and Jerry Comeau, Manager of Civic Accommodations, Planning, Property and Development Department returned in rebuttal. Mr. Comeau stated concurrence with the conditions of approval contained in the report from the Planning and Land Use Division dated November 30, 2006, with the exception of the requirement to maintain a front yard of forty (40) feet and the requirement to limit storage to the rear half of the lot.

Exhibit "5" referred to in File DASZ 40/2006 [c/r DAV 155928/2006D]

Winnipeg

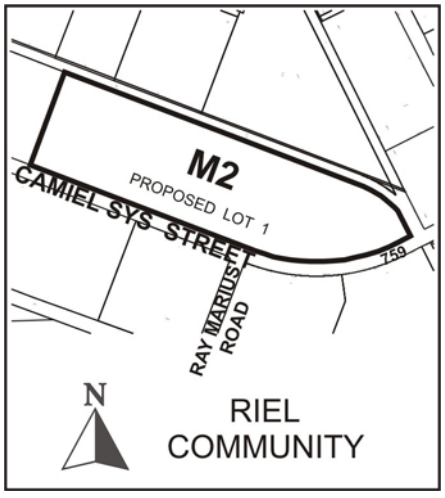
Planning, Property and Development Department Report

To the Riel Community Committee

Date: November 30/2006
File: DASZ 40 /06
Related Files: DAV 06 155928D

Subject: The consolidation of six (6) adjoining lots into one parcel and the rezoning of said parcel to an "M2" Industrial designation for purposes of establishing a Public Works Yard.

Location: 759 Camiel Sys Street
Legal Description: Lots 35-40, Block 6, Plan 13723

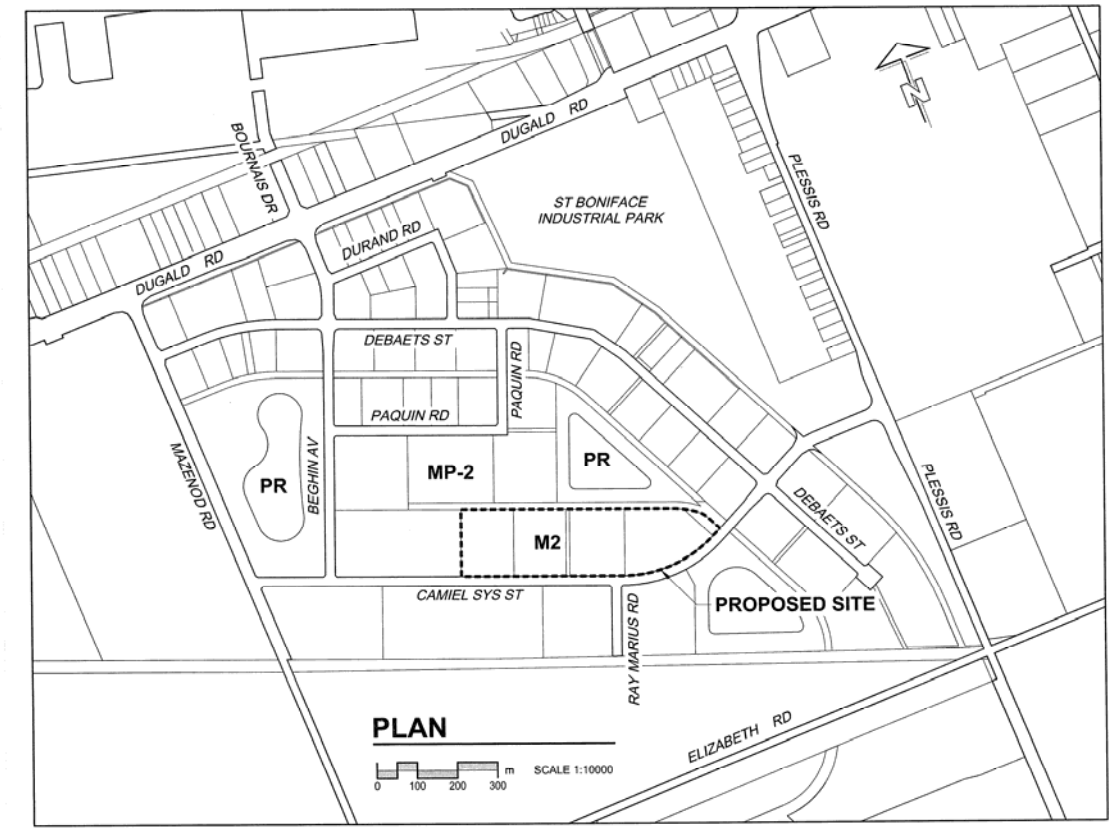


Applicant: UMA Engineering Ltd.
Owner: City of Winnipeg

Recommendation: Denial of the proposed rezoning.

3422

Site Description



Collectively the six parcels which make up this application total 24.2 acres in area and are all currently zoned "MP-2" Industrial Park. The subject parcel is situated on the north side and midway along Camiel Sys close to the southern boundary of the Park. It can be accessed either via Mazenod and Dugald Road or from Plessis Road. The surrounding lots are zoned 'MP-2' and 'PR' (a stormwater retention basin just to the north). The site is bordered by a rail spur to the east, a hydro easement and lake to the north and a private industrial park lot to the west. Immediately to the south of the Park are extensive 'M3' lands which may be developed by Olywest, pending an environmental review.

Background

On March 22/2006, City Council made two significant motions, the first of which was to effectively remove any reference of a new Public Works Yard in the newly endorsed Conceptual Land Use Plan for the Public Market lands. In a follow-up motion, Council then recommended that the Public Works East Yards Consolidation Project be located in the St. Boniface Industrial Park.

It should be noted that Council had previously approved the Public Works/ Water & Waste Facilities Master Plan in 2001, which recommended consolidation of Departmental operations in fewer, and more strategic locations to save the City money. Both Departments were and still are operating out of buildings that are reaching the end of their economic life and are not strategically located for existing operations. The plan consolidates the departments from existing locations into two main locations; Pacific Avenue near the existing civic buildings and, if approved, the new East Yards site located on the City owned property in St. Boniface Industrial Park.

From the perspective of the Public Works Department, consolidating a public works yard in a single service delivery facility on the City's eastside results in seven vacated properties and a number of benefits to the City. These benefits include: closing existing yards that are often in residential neighbourhoods, moving yards to more appropriate land use areas, higher proceeds from disposition from non-strategic civic properties, lower long-term repair and life cycle costs for existing buildings, and strategic operational benefits to the Public Works Department.
The existing yards locations that will become surplus and/ or available for sale as part of the Public Works East Yards consolidation are:

1. 1500 Plessis/849 Ravelston
2. 590 St. Anne
3. 1201 Archibald
4. 401 Pandora
5. 370 Daly
6. 565 Watt
7. 825 Tache

In accordance with the above noted instructions of City Council, the City's Civic Properties Department hired a Consulting Firm (UMA) to conduct the necessary traffic impact analysis and complete a comprehensive building design and site plan including landscaping details. UMA was also delegated the task of initiating the necessary application process and facilitating a public informational meeting. A rezoning application, it should be noted, was required, because the current "MP-2" Industrial Park zoning does not make provision for Public Works Yards.

Description of the Proposed Development

The purpose of the subject application is to first consolidate six separate but adjoining parcels into a single 24.2 acre site. Secondly, a rezoning to an "M2" Industrial category will permit the installation of offices, a garage, shops and storage facilities for the following City of Winnipeg Public Works Department Branches serving the east side of the Red River: Streets Maintenance, Bridge Operations, Safety and Equipment Training, East Area Parks Services, Centralized Park Services, Forestry, and Landscape Development. Fleet Management will also have shop facilities and a refueling station on the site serving Police, Fire, Ambulance and other City operations.

The site design incorporates a large 75,500 sq.ft. L shaped office, garage and shops complex central to the site, with employee parking in front of the building and a large marshalling yard for equipment behind the building. The office component of the building will be two –story, the

garages will be one –story, some with mezzanines. The building will be designed to provide an attractive façade toward the public street.

The building will contain large storage yards for the different Public Works Divisions located in the facility, as well as a 28,000 sq.ft. vaulted (fully enclosed) salt/ sand storage building, which is set to the back (north side) of the site, easily accessible from the maintenance garages. The front, side and rear yards will be fenced and the front 25' will be landscaped with a mix of large trees and scrubs.

Employee parking will total 154 serviced and 157 un-serviced stalls. Employees will include a number of seasonal workers, and some workers will be on shifts. Some co-location of parking for winter and summer employees is assumed. Equipment and vehicles will exit and return to the site at various times during the day, depending on the season. Winter operations related to the salt/sand building will sometimes be 24 hour, for example. There will be approximately 25 trucks and heavier pieces of equipment stored on the site. In addition, equipment for some private operators will be marshaled on the site during major snow events. There are two major access points to the garages , shops and yard spaces, including the salt/sand building from Camiel Sys, one situated at the eastern periphery of the site and one central to the site.

Analysis

St. Boniface Industrial Park- An Overview

The 94 hectare (232 acre) Park was established in 1977 and struggled in the first decade and a half of its existence to attract new tenants. Only five years ago, more than half of the Park's land was still waiting to be developed. Since then, that number has been reduced to less than a third or about 30 hectares. At the current rate of development, the Park should be fully developed within eight to ten years. Serviced land in the Park sells for $ 85,000 an acre and is available in sizes from .4 to 12 hectares. The City either sells the land directly to businesses that want to build or to developers such as Sun-X Properties who erect buildings and then lease them to other businesses. Part of the reason for the Parks recent success lies in the fact that it lies adjacent to Symington Yards and its inter-modal facilities. It is also within a mile of the Trans Canada Highway which provides its tenants with fast and easy access to suppliers and customers in eastern Canada. And finally it realizes its purpose as an Industrial Park; it attempts to achieve a higher standard of building design and site development than is customarily found in conventional industrial areas

Some of the major firms who have gravitated to the Park over the years and make up the eighty (80) odd light manufacturing, printing, warehousing and food businesses include Vita Health Products, Gateway Publishing. Polar Ray-O-Max Windows, Namasco Ltd., Phillips Paint Products, Vantage Foods and New Flyer Industries.

Land Use Perspective

Industrial Park lands are zoned "MP-2". The "MP-2" District contains design standards for buildings, fencing and landscaping, as well as regulations limiting outdoor storage. The intent of the "MP-2" District has always been to encourage the development of high quality industrial sites within an employment park setting. A Public Works Yard, on the other hand, is permitted under the more permissive "M2" Industrial District. The "M2" District permits more intensive industrial uses with outdoor operations and storage, uses which are usually incompatible with most Industrial Park Uses.

The proposed zoning change represents the only departure from the "MP-2" zoning that has existed in the St. Boniface Industrial Park since its creation in 1977. The Industrial Park is approximately 80% developed at this time with all development occurring under the existing zoning and in accordance with established standards. The City's Real Estate Division has indicated that it will continue marketing the remaining lands for higher quality industrial development.

However the Planning Division has serious concerns that the establishment of the "M2" use would be inconsistent with the character and intent of the St. Boniface Industrial Park. The proposed Public Works Yard would introduce an anomaly into the Industrial Park, since it would involve outdoor activities, storage and significant volumes of traffic through the park on a 24 hour basis. Further, approval of the proposed zoning could impede the absorption and marketability of the remaining properties and could possibly set a precedent for further erosion of not only the St. Boniface Industrial Park but other Industrial Parks throughout the City.

Recommendation

The Planning and Land Use Division recommends **denial** of the proposed rezoning and subdivision for the following reasons:

- While the need for a new Public Works Yard in the south -east quadrant of the City is acknowledged, the establishment of the subject facility (at the scale outlined) in the midst of the St. Boniface Industrial Park would have a potentially detrimental effect on existing businesses.

- Should the proposed rezoning be approved, a precedent would, in our view, be set which could destabilize Industrial Parks throughout the City by opening the door to more rezoning applications of a similar type.

For the reasons identified, the Administration does not support this rezoning of Industrial Park land to an"M2" classification. However, if the Community Committee decides to approve this proposed rezoning/subdivision application, then given its location in the St Boniface Industrial Park and the manner in which this area has developed, it would be appropriate to establish

conditions that respect the "MP2" zoning and the character of existing and future "MP2" development in this area. The following conditions are recommended:

1. The land shall be used only as a Public Works Yard or for any use permitted in the MP2 zone.

2. Development of the land shall maintain the following yards:
    a. A front yard of 40 feet.
    b. A side yard of 15 feet.

3. All portions of the land except those used for buildings, parking, loading and storage shall be landscaped and maintained in good condition;

4. Where fencing of the chain link type is used it shall be bordered by trees or an evergreen hedge that will reach a height not less than the height of the fence along those portions of the fence that abut a street.

5. All operations, servicing and processing shall be conducted wholly within a completely enclosed building, except for the permitted outside storage of goods and materials, plus accessory off-street parking and loading areas.

6. Outside storage of goods and materials shall comply with the following:
    a. Storage shall be permitted in the rear one-half (½) of the lot, but not in any yard abutting a street; and
    b. Storage shall be enclosed by an ornamental fence, wall, or chain link fence that shall be maintained in good condition and repair, and be not less than six (6) feet in height, with said storage not to project above the height of said fence.

7. Any building, storage facility, parking or loading area shall only be constructed according to plans approved by the Riel Community Committee.

8. Should the City sell the land, that sale shall be subject to the above conditions.

In situations where, during a rezoning process, the City wishes to impose additional conditions on the use and development of land, beyond those provided for by that zone, Council generally requires that the owner of the land enter into a Zoning Agreement to be registered against the title to the land. However, since the City is the owner of this land it cannot register such a restrictive caveat against its own property. As an alternative it is suggested that, concurrent with the rezoning/ subdivision of this property, Council pass a resolution containing the above conditions and instructing the Administration to develop and use this land only as directed in that resolution.

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

Report Prepared by: Kevin Lalor
PPD File # 5.537

By-Law No. _____

File No. **DASZ 40/06**

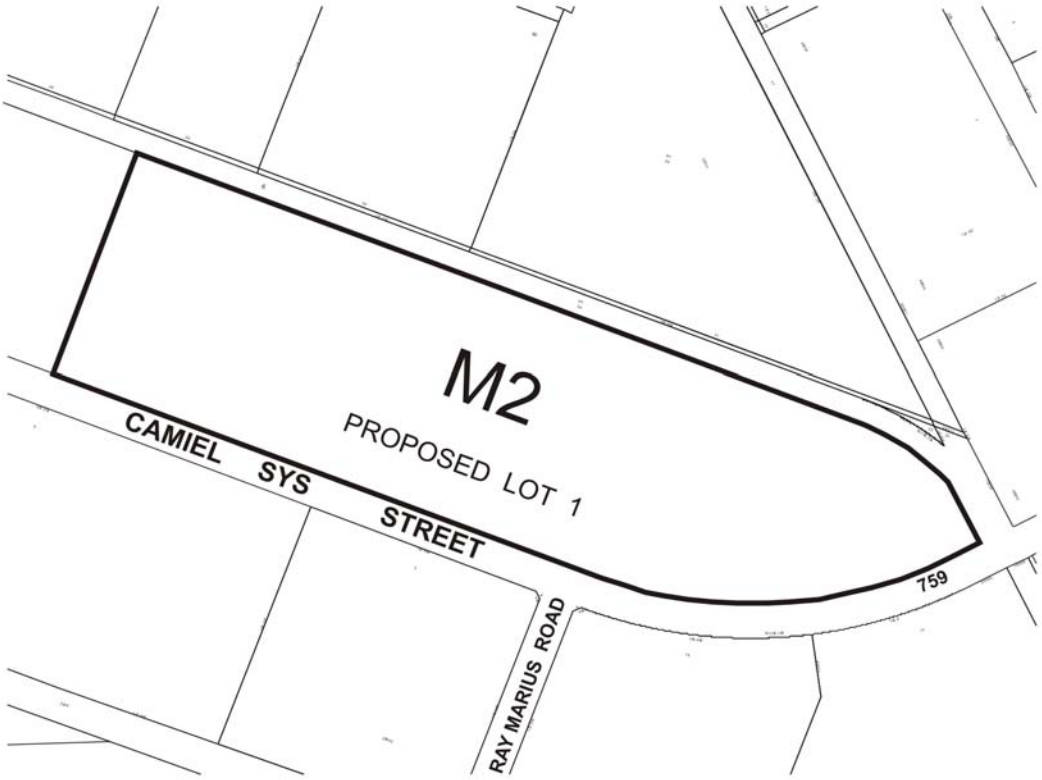
Atlas Sheet No.

N

AB32
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 at 759 Camiel Sys Street from an "MP-2" INDUSTRIAL DISTRICT to an "M2" INDUSTRIAL DISTRICT as shown outlined below.



THIRD READING : _____ EFFECTIVE DATE : _____

ZONING AGREEMENT : YES ☐ NO ☐ CAVEAT No. _____

Schedule "A" to the report to the Riel Community Committee for File DASZ 40/2006 dated November 30, 2006