

INLAND PORT SPECIAL PLANNING AUTHORITY

REPORT AND RECOMMENDATION

Recommendation Date: November 17, 2021

File No.: 13-2-172-2021-0156

MATTER: Zoning By-law Amendment

BY-LAW NO.: 2-21

HEARING DATE: November 17, 2021, virtual hearing

PANEL: Frances Smee, Chair
Marina James, Member
Kelvin Stewart, Member
Linda McFadyen, Member

PARTIES AND APPEARANCES: *for the applicant*

Kari Schulz

for the Community Planning Branch

Holly Ervick-Knote, Planner, CentrePort

presenters

Ian Corbett
Gill Gurmeet
Larry Wandowich

INTRODUCTION

On behalf of the owner, 10036479 MB Ltd, the applicant WSP Canada Group Ltd. has made applications to re-zone and subdivide ± 51.1 acres of land legally described as Lot 2 Plan 68218 WLTO in Pt. NE ¼ 03-12-02 EPM. The subject lands are roughly located to the south of the Perimeter Highway (Provincial Trunk Highway 101), to the west of Brookside Blvd. and to the north of a Manitoba Hydro transmission corridor.

The applicant is proposing to re-zone the land from the Inland Port Rural Zone to "I2" Industrial General Zone to accommodate the establishment of a parking use on the residual (± 15.4 acre property) and allow the creation of 11 new lots plus public roads. The proposed lots range in size from ± 1.5 acres to ± 6 acres. The applicant proposes to utilize service the lots with wells and on-site wastewater management systems (e.g. holding tank or septic field).

ISSUE AND LEGISLATION

The issue before the Board is to make a recommendation to the minister on whether to approve the proposed re-zoning, with or without conditions, or reject the proposed re-zoning.

Section 12.2(1)(a) of the *The Planning Act* states that the mandate of a special planning authority, in respect of its special planning area, is to hold hearings to consider, among other things, any amendment to a zoning by-law.

Section 12.2(2) of the *The Planning Act* states that after holding a hearing on a matter set out in (1)(a), the special planning authority must provide the minister with a report on the hearing that includes the minutes of the hearing, the record of all representations made at the hearing and its recommendations on the matter considered at the hearing.

Section 12.2(5) of *The Planning Act* states that in carrying out its mandate, a special planning authority is to act in accordance with the regulations, being the *Special Planning Areas Regulation 49/2016* and the *Inland Port Special Planning Areas Regulation 48/2016*, being the Development Plan and Zoning By-law for the Inland Port Special Planning Area.

PUBLIC PRESENTATIONS

Holly Ervick-Knote, Planner from the Community Planning Branch presented the planning report.

Kari Schulz spoke in support of the application as the representative of the owner (10036479 MB Ltd).

Public attendees Ian Corbett, Gill Gurmeet and Larry Wandowich also spoke at the hearing.

Community Planning Branch:

Holly Ervick-Knote, Planner, presented the planning report. Ms. Ervick-Knote confirmed the land proposed for re-zoning is predominantly designated in the Development Plan as a Service-Oriented Industrial Area and partly as a Manufacturing & Logistics Area. Policies within these two designations support the establishment of a broad range of industrial uses, which should be seamlessly connected to the surrounding transportation network. Ms. Ervick-Knote indicated that the Development Plan's phasing policies state that new development should, with few exceptions, be contiguous to existing serviced development to allow for the logical and orderly extension of municipal services.

The proposed "I2" Industrial General Zone is intended for industrial uses such as manufacturing and distribution uses with substantial large cargo truck activity and high cube warehouses. Buildings within the "I2" Zone are to have the second largest footprint within the inland port, limited to three stories in height.

The Community Planning branch circulated the applications for review and comment. The following comments were received:

1. Manitoba Infrastructure **objected** to the application as proposed due to the applicant's intent to use a service road originally designed for agricultural users to provide access to intensive commercial and/or industrial development. MI recommended that an overall conceptual plan be prepared for the entire surrounding area prior to development.
2. City of Winnipeg requested that the applicant satisfies their conditions regarding the discharge of wastewater to the City's system.
3. Manitoba Conservation and Climate - Drainage and Water Rights Licencing requested that the applicant prepares a drainage plan to their specifications and obtains any applicable licences.
4. The Property Registry (Land Titles Office) requested a multi-lot Plan of Subdivision, if the subdivision is approved.
5. Easements Agreements were requested by Manitoba Hydro, Centra Gas, Shaw Communications and BellMTS.

Ms. Ervick-Knote noted that the subject land is currently not contiguous to any serviced development and approval of the re-zoning and subdivision has the potential to cause demand for servicing at a location that may not be logical at this time.

Ms. Ervick-Knote indicated that if the applications are approved despite the above that the applicant should be required to enter into a development agreement with the RM of Rosser as a condition of approval for the subdivision.

In Support of the Application:

Kari Schulz spoke on behalf of the owner, 10036479 Mb Ltd. (Gill Gurmeet), and in support of the application. The purpose of this application is to rezone and subdivide ± 51 acres. Ms. Schulz indicated that the applicant is amenable to conditions that may apply to the application. However, she requested that the conditions associated with the City of Winnipeg comments be revised. She explained that in the past they have had issues with satisfying City of Winnipeg conditions in a timely manner.

Ian Corbett spoke on behalf of the owner, 10036479 Mb Ltd. (Gill Gurmeet), and in support of the application. Mr. Corbett indicated that in his opinion this application is similar to a previously approved proposal located within the Inland Port. As such, Mr. Corbett believes that given the similarities there shouldn't be any issues with approval of this current application.

Gill Gurmeet (property owner) spoke in support of the application. He indicated that this proposal would allow him to expand his business, which has outgrown the location it is currently located at.

In Objection to the Application:

No objections were received at the public hearing.

ANALYSIS AND CONCLUSION

The Board has carefully considered the evidence presented at the hearing.

The Board indicates that the Development Plan policies indicate that, with few exceptions, new development must be contiguous to existing serviced development to allow for the cost-effective, rational and orderly extension of municipal services. The Board notes that the nearest serviced land is over a mile to the south of the subject lands.

The Board acknowledges the objection submitted by the Department of Infrastructure, which indicated that the service road that the applicant is proposing to use to provide access to the subject lands was

originally designed for agricultural users. As such, MI deems this service road inadequate to provide access to an intensive commercial and/or industrial development.

The Board also notes that the application has not provided clear indication how the subject lands will be connected to neighbouring lands and be effectively integrated to the transportation network to contribute to the establishment of a comprehensively planned and functional inland port.

Overall, the Board does not deems the re-zoning and subdivision applications to conform with the *Inland Port Special Planning Area Regulation 48/2016*.

THEREFORE, THE BOARD RECOMMENDS

That the Minister of Municipal Relations reject the re-zoning application AND that the Approving Authority (Director of Community Planning Branch) reject the subdivision application.

Submitted by:

A handwritten signature in black ink, appearing to read 'Frances Smee', is centered on the page. The signature is fluid and cursive.

Frances Smee
Chair, Inland Port Special Planning Authority

Attachments

- c.: Kari Schulz, applicant
- Gill Gurmeet
- Ian Corbett
- Larry Wandowich
- Diane Gray