

# INLAND PORT SPECIAL PLANNING AUTHORITY

## REPORT AND RECOMMENDATION

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Recommendation Date: November 24, 2021

File No.: 13-2-172-2021-0165

**MATTER:** Zoning By-law Amendment

**BY-LAW NO.:** 3-21

**HEARING DATE:** November 24, 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*

Alan Fetterly

## **INTRODUCTION**

On behalf of the owner, 10021630 MB Ltd, the applicant WSP Canada Group Ltd. has made applications to re-zone and subdivide ± 230 acres of land legally described as part of 29-11-02 EPM. The subject lands are roughly located north of PR 221 (Rosser Road) and the Canadian Pacific Rail line, east of Summit Road and west of Sturgeon Road.

The applicant proposes to re-zone the subject land from the Inland Port Rural Zone to “I2” Industrial General Zone to accommodate a subdivision proposing to create 48 new lots (plus residual, public reserve and two pathways), ranging in size from ± 2.3 acres to ± 6.5 acres. The proposed subdivision includes an internal public road network with two connections to Sturgeon Road to the east and one connection to Summit Road to the west, with access points to the north and west for future development. There are no proposed accesses onto PR 221 (Rosser Road).

## **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 attendee Alan Fetterly 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 Manufacturing & Logistics Area and partly as Open Space. The Manufacturing and Logistics Industrial designation is intended for heavier industrial development near the railway lines or the Airport. “I2” Industrial General type uses are permitted in this designation. 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.

Land uses within the proposed “I2” Industrial General Zone are to be oriented towards industrial uses such as manufacturing, truck activity, warehousing and distribution. 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 requested conditions of approval be included related to drainage, a Traffic Impact Study, and to obtain a permit to modify the intersection at Summit Road and PR 221.
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 showing public roads, public reserves and pathways, 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 may be considered contiguous since the recent rezoning approval of the Rail Park directly to the south of the subject land, but noted that it is not known when services will be available.

Ms. Ervick-Knote indicated that if the applications are approved despite the uncertainty regarding the availability of services 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, 10021630 Mb Ltd., and in support of the application. The purpose of this application is to rezone and subdivide ± 230 acres. Ms. Schulz acknowledged that a previous joint re-zoning and subdivision applications had been submitted for these lands and were rejected. However, Ms. Schulz explained that in the opinion of her client the concerns expressed by the Board regarding contiguity of the lands have now been addressed due to the recent approval of a re-zoning for nearby lands (Amendment By-law 1-21 for Rail Park). 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. Additionally, Ms. Schulz requested that if the application is approved that the conditions associated with permits (Manitoba Infrastructure and Manitoba Conservation and Climate - Drainage and Water Rights Licencing) be included as information instead as she deems these conditions hard to satisfy at this stage of development.

Alan Fetterly (10021630 MB Ltd.) spoke in support of the application. Mr. Fetterly confirmed that they were in agreement with the information provided by Ms. Schulz and confirmed they were prepared to perform upgrades to the roads immediately adjacent to the subject lands, if necessary.

#### **In Objection to the Application:**

No objections were received at the public hearing.

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## **ANALYSIS AND CONCLUSION**

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

The Board notes 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 acknowledges that an application to re-zone the nearby vacant lands, commonly known as the Rail Park lands, from Inland Port Rural Zone to "I3" Industrial Heavy Zone was recently approved. However, the Board notes the Rail Park re-zoning was intended for marketing and financing purposes, not development.

The Board recognizes that the subject lands are adjacent to the re-zoned, but undeveloped, Rail Park lands. The Board points out that no development of the Rail Park lands is expected until the sale is finalized and ownership is transferred from HMQ-Manitoba (the Province) to a private developer.

The Board indicates that given the complexity associated with the sale and development of the Rail Park lands the extension of services to this general area of the Inland Port is not expected immediately.

The Board disagree with the assessment by the developer, and its consultant, that the subject lands are contiguous to existing serviced development due to the nearby Rail Park lands still being vacant.

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:



Frances Smee  
Chair, Inland Port Special Planning Authority

### Attachments

c.: Kari Schulz, applicant  
Diane Gray  
Larry Wandowich  
Marcel Zettler  
Clayton Belt  
Alan Fetterly  
Gord Broda