

INLAND PORT SPECIAL PLANNING AUTHORITY

REPORT AND RECOMMENDATION

Recommendation Date: May 3, 2021

File No.: 13-2-172-2021-0020

MATTER: Zoning By-law Amendment

BY-LAW NO.: 1-21

HEARING DATE: April 15, Winnipeg

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

PARTIES AND APPEARANCES: *for the applicant*

Meagan Boles

for the Community Planning Branch

Fernando Velarde Trejo, Planner, CentrePort

presenters

Alan Fetterly
Diane Grey
Brent Burley
Bette Holtman

INTRODUCTION

On behalf of Her Majesty the Queen in Right of the Province of Manitoba (HMQ-MB), the applicant WSP Canada Group Ltd (representing the developer Focus Equities) proposed to rezone approximately 621 acres of land legally described as part of sections 30-11-02 EPM, NE ¼ 19-11-02 EPM, S ½ 29-11-02 and Parcels C, D, H and J of Plan 50401 (WLTO) . The subject lands are roughly located west of CentrePort Canada Way and south of the Canadian Pacific Carberry right-of-way. Provincial Road (PR) 221 (Rosser Road) bisects the proposed rail park, as does Omand's Creek.

The applicant is proposing to re-zone the lands from "IPZ" Inland Port Rural Zone to "I3" Industrial Heavy Zone to allow for the eventual establishment of a rail park. However, it is understood that there are currently no plans to develop the lands and the application is for financing and marketing reasons, as it would provide increased assurances to potential lenders and buyers.

A concept plan involving four phases was received as part of the application. However, it is understood the concept plan is subject to change based on the future tenants of the rail park. As such, future development would require subsequent re-zoning and subdivision applications prior to any approvals.

ISSUE AND LEGISLATION

The issue before the Board is to make a recommendation to the minister 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

Fernando Velarde Trejo, Planner from the Community Planning Branch presented the planning report.

Meagan Boles spoke in support of the application as the representative of the owner (HMQ-MB) and the developer (Focus Equities).

Public attendees Alan Fetterly, Diane Grey, Brent Burley and Bette Holtman also spoke at the hearing.

Community Planning Branch:

Fernando Velarde Trejo, Planner, presented the planning report. He confirms the land proposed for re-zoning is designated as Rail Serviced Industrial. Policies within this designation supports the development of rail-oriented and heavy industrial developments with large site area requirements. Developments within this designation should be designed with sufficient space to accommodate the transfer of heavy goods and materials from truck to rail and vice versa. The development should also be well connected to the surrounding lands and to the road and active transportation networks.

The proposed "I3" Industrial Heavy Zone is intended for heavy industrial uses such as manufacturing and distribution activity, including multi-modal, inter-modal and specialized shipping facilities. Buildings within the "I3" zone are to have the largest footprint within the inland port, limited to three stories in height and may be situated anywhere within the lot.

The Community Planning branch circulated the application for review and comment. However, it was determined that recommendations made by the commenting departments and agencies would not be applicable until there are concrete plans for development. At such time, future tenants/developers will be required to comply with the Industrial Corridor Overlay standards, the applicable bulk requirements and implement the minimum number of sustainable development measures required prior to any new re-zonings, subdivisions or permits being issued for the subject lands.

In Support of the Application:

Meagan Boles spoke in support of the application as the representative of the owner (HMQ-MB) and the developer (Focus Equities). Ms. Boles stated that the purpose of the application is to re-zone approximately ± 621 acres of land to offer the developer additional financing and marketing opportunities. However, she stated that there are no current plans for development. Ms. Boles indicated that the developer is willing to work with the municipality to address any conditions or requirements that might be applicable to the re-zoning.

Alan Fetterly spoke in support of the application and asked if any traffic impact or drainage studies were submitted as part of the application. Mr. Velarde Trejo explained that no studies have been completed yet due to the application being intended for financing and marketing purposes and involving no development. Mr. Fetterly was assured that when develop/construction is proposed on the subject lands the tenants/developers would be required to comply with applicable requirements.

Diane Grey spoke in support of the application and indicated that the eventual development of these lands would generate significant economic benefits. Ms. Grey also indicated that this re-zoning is critical for the development of CentrePort as a multi-modal inland port.

Bette Holtman spoke in support of the application. However, she noted that development of the subject lands will likely require closure of public roads that neighbouring residents currently use. Ms. Holtman asked that notification be provided when said roads need to be closed. The Chairperson, Ms. Smee, confirmed that any property owners impacted by a road closure will received notification in accordance with Provincial regulations.

In Objection to the Application:

Brent Burley objected to the proposed re-zoning based on the number of accesses and railway crossings shown in the conceptual plan submitted as part of the application. Mr. Burley also noted that one of the roads bordering the subject lands was a school route. Mr. Velarde Trejo explained that the application involves no development at this time and highlighted that a traffic impact study would be required before any development is approved. If necessary, the traffic impact study will identify measures that can be implemented to address any safety concerns.

ANALYSIS AND CONCLUSION

The Board has carefully considered the evidence presented at the hearing and the public objection.

The proposed re-zoning is being undertaken for financing and marketing reasons and involves no development at this time. The re-zoning will increase the likelihood that the developer will be able to secure potential lenders and/or buyers for the land on behalf of the owner, HMQ-Manitoba.

The Board has given serious consideration to the objections raised by Mr. Burley and believes that they can and will be addressed when subsequent applications for re-zoning and subdivision are made.

Additionally, it is noted that the property is owned by the Province of Manitoba and as such the Board feels confident that the applicable requirements and processes will be followed prior to any development taking place.

Overall, the Board is satisfied that the application is generally in keeping with the *Inland Port Special Planning Area Regulation 48/2016*.

THEREFORE, THE BOARD RECOMMENDS

That the approving authority approves the rezoning application.

Submitted by:

A handwritten signature in black ink, appearing to read "Frances Smee", is written over a horizontal line.

Frances Smee
Chair, Inland Port Special Planning Authority

Attachments

c.: Meagan Boles, applicant