

INLAND PORT SPECIAL PLANNING AUTHORITY

REPORT AND RECOMMENDATION

Recommendation Date: April 13, 2022

File No.: 13-2-172-2021-0169

MATTER: Zoning By-law Amendment

BY-LAW NO.: 4-21

HEARING DATE: April 13, 2022, 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

Doug Kroll

INTRODUCTION

On behalf of the owner, Brookport Business Park Phase Three Ltd. (c/o Sam Sidhu), the applicant WSP Canada Group Ltd. has made an application to re-zone ± 29.5 acres of land legally described as Lot 43 Plan 68592 WLTO in SW ¼ 34-11-2E in Rural Municipality of Rosser. The subject lands are roughly located directly to the east of Brookport Business Park Phase Three, to the west of Klimpke Road.

The applicant proposes to re-zone the subject land from the Inland Port Rural Zone to “I2” Industrial General Zone to accommodate container storage on the northern portion of the lot and storage of construction equipment on the southern portion. The northern portion of the lot would be accessed through Lot 13 Plan 68592 (Brookport Phase 3); the southern portion would be accessed through Lot 12 Plan 68592. No permanent structures will be erected on the subject land. The proposed uses for the subject land would be accessory to the uses on Lots 12 and 13 of Plan 68592. The proposal states that the subject lot being re-zoned will not be serviced. There are no existing buildings or structures on the subject property.

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 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 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 (Brookport Business Park Phase 3 Ltd).

Public attendee Doug Kroll 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 designated in the Development Plan as a Manufacturing & Logistics Area. The Manufacturing and Logistics Industrial designation is intended for heavier industrial development. “I2” Industrial General type uses are permitted in this designation. Ms. Ervick-Knote indicated that the Development Plan policies state that unserviced development should be directed to the lands along the west or northwest side of the plan area, north of the CPR rail line and adjacent to the Perimeter Highway.

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" Industrial General Zone are to have the second largest footprint within the inland port and are limited to three stories in height.

An extension of the Chief Peguis Trail is proposed going through the north and northwest portion of the subject land. The applicant has previously entered into a temporary use agreement with the Rural Municipality of Rosser and is proposing to do the same for this lot. The temporary use agreement will allow for the northwestern portion of the lot to be used for container storage until such time as the Chief Peguis Trail extension is constructed.

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

1. Manitoba Agriculture had no objections.
2. Manitoba Infrastructure requested conditions of approval be included related to drainage and a Traffic Impact Study.
3. Manitoba Environment, Climate and Parks had no concerns.
4. Natural Resources and Northern Development, Mineral Tenure and Regulatory Services suggested the applicant amend the rezoning application to allow for a possible extraction use.
5. City of Winnipeg required that drainage into the City of Winnipeg resulting from the proposed development cannot exceed the pre-development discharge rate.
6. The Rural Municipality of Rosser requested a condition be included to require a Development Agreement to be entered into. Additionally, Rosser requested a solid fence be installed by the developer to act as a noise barrier, and prohibiting stacking of containers, due to proximity of a residence.
7. Easements Agreements were required by BellMTS.

Ms. Ervick-Knote noted that the subject land is contiguous to existing development (Brookport Business Park Phase 3), and that according to the Development Plan, new development should be serviced in this area.

In Support of the Application:

Kari Schulz spoke on behalf of the owner, Brookport Business Park Phase 3 Ltd., and in support of the application. Ms. Schulz stated that if the rezoning is given conditional approval, the applicant intends to apply for a subdivision. Ms. Schulz suggested that because the proposed lot is being used as accessory uses to existing lots, the Development Plan servicing policies do not apply.

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 Rural Municipality of Rosser and the City of Winnipeg be revised. Ms. Schulz agreed to buffering through fencing, landscaping and setbacks to be negotiated in the Development Agreement.

Doug Kroll, who was registered in objection to the proposal, indicated that a number of his questions/criticisms had been addressed. His primary outstanding concern was regarding drainage. Runoff from the subject lands flow onto his land and he is concerned that adding packed gravel would exacerbate it. Mr. Kroll requested that a full hydrological study of the land be required and a copy provided to him.

ANALYSIS AND CONCLUSION

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

The Board notes the Development Plan policies require new development in this area of the Inland Port Special Planning Area to be serviced. The Board also recognizes that, as permanent structures will be prohibited on the sections of the subject lands to be protected for the future Chief Peguis Trail extension, and as no permanent structures are planned to be built anywhere on this lot, this may not be the final use of the subject lands.

The Board feels that drainage and any other conflicts created by the proposed use to the adjacent municipality will be sufficiently mitigated through the Development Agreement term and conditions, and by conditions of approval related to drainage.

Overall, the Board 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 approve the re-zoning application subject to the conditions outlined in the Inland Port Special Planning Authority's resolution 4-21.

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
- Meagan Boles, applicant
- Larry Wandowich
- Doug Kroll
- Lloyd Johnson