

# INLAND PORT SPECIAL PLANNING AUTHORITY

## REPORT AND RECOMMENDATION

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Recommendation Date: May 17, 2017

File No.: 13-2-172-2017-0067

**MATTER:** Subdivision and Zoning By-law Amendment

**BY-LAW NO.:** 1-17

**HEARING DATE:** May 17, 2017, Winnipeg

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

**PARTIES AND APPEARANCES:** *for the applicants*

Dean Kostiw

*for Community and Regional Planning Branch*

Meagan Boles, Senior Planner

*presenters*

Blake Russell  
Bette Holtman

## **INTRODUCTION**

Dean Kostiw and Dr. Gerald Hoy have proposed to subdivide six +/- 3.0 acre lots plus public road from two lots legally described as Lots 23 and 24 Plan 1249 Pt. SE ¼ 18-11-2E in the Rural Municipality of Rosser. The applicants own the parcels and have concurrently applied for re-zoning of the area from "Inland Port Rural Zone" to "I2 – Industrial General Zone". The lots are intended for general industrial use as part of a proposed industrial park and indigenous economic zone to be called Summit Oaks.

## **ISSUE AND LEGISLATION**

The first issue before the Board is to make a recommendation to the approving authority to approve the proposed subdivision, with or without conditions or reject the proposed subdivision.

The second 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, subdivision applications and 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**

Meagan Boles, Senior Planner from the Community and Regional Planning Branch presented the planning report. Dean Kostiw, the applicant, spoke in favour of the applications. Bette Holtman and Blake Russell also spoke in support of the applications.

### **Community and Regional Planning Branch:**

Meagan Boles, Senior Planner confirms the area proposed for development is designated Manufacturing and Logistics Industrial according to the Development Plan. Policies within this designation support development of heavier industrial uses, including those that accommodate large-scale vehicles and those that may generate higher levels of nuisance. "I2" Industrial General type uses are permissible in this designation and general industry and warehousing/storage are permitted uses within this zone.

While the area is designated appropriately for the use, based on the phasing statements in the Development Plan, Ms. Boles expressed her opinion that it may be premature to develop this area. Phasing policies state that the logical and orderly phasing of development will generally follow the extension of municipal services. The first phases of development will be within or immediately adjacent to developed areas or within the rail serviced industrial designation. Deviations from this approach may be considered in order to provide opportunities for un-serviced development. Un-serviced development should be directed to the lands along the west or northwest side of the inland port, north of the CPR rail line and adjacent to the Perimeter highway. Ms. Boles stated that this application is not within the areas defined for un-serviced development.

Transportation related policies state that developers should be responsible for improving the transportation network to meet the needs of development and that individual projects must accommodate future road connections at strategic locations to provide seamless connections to future development. There is no road layout defined in the Development Plan for the area proposed for development, likely because development in this area was not contemplated so immediately. Currently, Selkirk Avenue (east) has no access to CentrePort Canada Way and Manitoba Infrastructure plans to close connections to the Perimeter Highway at Selkirk Avenue (west) and at the municipal road to the north. Once rail infrastructure is established in the Rail Park, Summit Road access to PR 221/Rosser Road will be severed. Manitoba Infrastructure do not recommend approval of this proposal at this time as there is no conceptual future road network plan that would identify alternative access routes for this property or others in the area once connections to the Perimeter Highway are closed.

### **In Support of the Application:**

Dean Kostiw, the applicant spoke in support of the application. He wishes to establish this development as part of an indigenous economic zone and, if approved, there is interest from adjacent land owners in developing their lots.

Bette Holtman spoke in favour of the application. Mrs. Holtman owns the property directly to the north and requested that drainage be addressed (as the existing drain is currently on Holtman property), noise from truck traffic (engine brakes) be minimized and requested a solid fence and trees on the north side of the property.

Blake Russell spoke in favour of the application. Mr. Russell represents indigenous companies and entrepreneurs, has been working with the applicants and is in support of the project.

See Hearing Minutes for additional details.

### **ANALYSIS AND CONCLUSION**

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

Of foremost concern to the Board is access to the proposed development. Manitoba Infrastructure states that it plans to close connections to the Perimeter Highway at Selkirk Avenue and at the municipal road to the north. Once rail infrastructure is established in the Rail Park, Summit Road access to Rosser Road will also be severed. This leaves the area with poor access. The Board acknowledges that there are existing residences and businesses in the area that will have to be provided access once these road connections are closed; however, the Board does not wish to exacerbate the issue by approving more development in the vicinity. In future, if a municipal road network plan identifying alternative access routes for this property or others in the area is developed, it would help answer these significant access concerns. The Board notes that turning lanes from the Perimeter onto Selkirk Avenue were constructed to allow for truck access during the construction of CentrePort Canada Way, not because Manitoba Infrastructure expected to retain the access in the future.

A second pertinent concern of the Board is the fact that this development is non-contiguous to any existing development in the inland port. The Board is of the opinion that it is premature to develop these lands. This opinion is supported by the Development Plan which states the general objective is “*to protect, enhance and promote land use and development that will contribute to the establishment of a comprehensively planned and functionally integrated inland port...*” (1.1.1 Guiding Policies, General, Objective) and “*un-serviced development should be directed to the lands along the west/northwest side of the plan area, north of the CPR rail line and adjacent to the Perimeter Highway*” (7.1 Phasing). While the demand for municipal servicing may not be high initially with this particular application, this type and scale of development is well suited for municipal sewer and water servicing. If this application was to be approved, there may be demand for additional development in the area which would increase the demand for servicing in an area where extension of servicing would not be logical or orderly.

The Board supports the concept of providing opportunities for indigenous economic development that was discussed by the presenters and acknowledges this concept aligns well with and would enhance the vision of CentrePort. The Board observes that there are several lots in the Brookside Industrial Park and Inkster Industrial Park (Phase 1 Stage 1A) of the inland port that are available, or will soon be available, where this type of use may be directed. The size and orientation of the lots available are similar to those applied for in these applications. Although it is possible that the sale price of individual lots in Phase 1 Stage 1A may be higher on a per acre basis, the cost is reflective of the cost of development. Once the costs of development would have been applied to these proposed lots (Capital Lot Levy By-law, upgrades to Summit Road and Selkirk Road which would be required and construction of Kostiw Road and Hoy Road), the economics of the proposal would change.

For the reasons noted, the Board is of the opinion that both the subdivision and re-zoning applications are not in keeping with the *Inland Port Special Planning Area Regulation 48/2016*.

**THEREFORE, THE BOARD RECOMMENDS**

That the approving authority reject the subdivision and re-zoning applications.

Submitted by:

Frances Smee  
Chair, Inland Port Special Planning Authority

Attachments

c.: Dean Kostiw and Gerald Hoy, applicants