



**Indigenous and Municipal Relations**

Inland Port Special Planning Area

Community and Regional Planning Branch

610-800 Portage Avenue, Winnipeg, Manitoba, Canada R3G 0N4

T 204-794-3817 F 204-945-5059

www.manitoba.ca

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**File No.: 13-2-172-2016-0076**

**INLAND PORT SPECIAL PLANNING AUTHORITY**

**RE: INLAND PORT SPECIAL PLANNING AREA BY-LAW 2-16 TO RE-ZONE PART E ½ 28-11-2E  
FROM INLAND PORT RURAL ZONE TO "I2" INDUSTRIAL GENERAL ZONE  
(DERRICK'S SANDBLASTING - APPLICANT)**

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The intent of this application is to re-zone two existing parcels totalling +/- 2.41 acres and legally described as part E ½ 28-11-2E from Inland Port Rural Zone to "I2" Industrial General Zone to establish parking for highway tractors, trailers, roll off garbage bins and a service shop that will be used for the business directly (not the general public). There is an existing residence (1000 sq.ft.), a four car garage (1632 sq.ft.) and a shop (2400 sq.ft.) currently on site. There are no new structures or additions proposed as part of the application.

**INLAND PORT SPECIAL PLANNING AREA REGULATION 48/2016:**

**Development Plan:**

Policies within the Inland Port Special Planning Area Regulation support businesses that benefit from access to tri-modal transportation.

The area proposed for re-zoning 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. It should be noted the proposal is on the edge of the Service-Oriented Industrial designation which is where smaller and medium scale industrial development including warehousing, logistics, manufacturing, trucking operations and other similar industries should be located. "I2" Industrial General uses are permissible in both of these designations.

Policies that address existing development state existing residential dwellings are considered non-conforming uses and are expected to be transitioned out of the plan area as market demand for industrial development evolves. New industrial uses should reduce potential impact on nearby existing uses by incorporating fencing, a tree line or earth berm to screen or separate land uses.

Little Mountain Park is directly northeast of the proposed re-zoning and the area is designated as Open Space. One of the objectives of this designation is to ensure the preservation of Little Mountain Park. The intensity of development on the proposed site is limited by the size of the lot and is not expected to significantly impact Little Mountain Park.

Little Mountain Sportsplex is located directly north of the site but is designated as Manufacturing and Logistics Industrial and is considered a non-conforming use.

Multiple policies within the Development Plan (Open Space, Existing Development) encourage screening and separation of land uses, including fencing, earth berms and/or vegetation. The existing lot is already well treed, with a shelter belt on the north, south and west sides of the property as well as some tree coverage on the east side facing Klimpke Road. The requirement for fencing or berms could be considered.

Klimpke Road is identified as an Expressway as it will be the future extension of CentrePort Canada Way (CCW) where it will meet up with the extension of Chief Peguis Trail north of the property. Exact routing will be determined in a future detailed highway planning and design process but should reduce the impact on Little Mountain Park and existing development. As individual applications are made, the appropriate amount of right-of-way for the expressway should be obtained. It is anticipated that, at a minimum, 50 m. (164 ft.) of additional right-of-way on the west side of the Klimpke Road will be required. This could be obtained by Rosser as a condition of re-zoning or an alternative could be that development be restricted within this area in anticipation of establishment of the future right-of-way. Private access from an expressway would also be prohibited and access may need to be altered when the expressway is built. This may include access via a service road or from future development adjacent to the property.

The extension of CentrePort Canada Way (Klimpke Road) is also identified as an Active Transportation (AT) Corridor, which may mean that additional right-of way may be required to establish and AT pathway in the future.

The development will be required to hook up to municipal services (water and wastewater) when available. Costs for this, outlined in the Capital Lot Levy By-law, will be applied as part of the Development Agreement to be entered into with the RM of Rosser.

#### **Zoning By-law:**

The subject property is currently zoned Inland Port Rural Zone. This zone was established as a holding zone to allow existing uses to continue until such time as development is proposed.

The proposed zone is "I2" Industrial General Zone. Land uses within this zone are to be oriented towards industrial uses, including manufacturing and distribution uses with substantial large cargo truck activity and high cube warehouses. Streetscapes shall be comprised of utilitarian frontages, including loading docks, facilities for movement of large cargo trucks and service and delivery vehicles, and trees planted for shade.

The multifaceted nature and vagueness of the use proposed in the application makes it difficult to assign to a particular use category. However, parking, general industry and warehousing/storage are all permitted uses within this zone and the Industrial Corridor Overlay standards apply:

Use	Parking	Building Height	Building Setbacks			Parking Access	Site Coverage
			Front	Side	Rear		
Parking	n/a	3 stories maximum	1.5 m. (5 ft.)	6.1 m. (20 ft.)	6.1 m. (20 ft.)	9.1 m. (30 ft.) from corner	70% maximum
Industry, General	1/3 of employees						
Warehousing and Distribution							

No additional buildings or renovations are proposed for the site. Due to the existing property lines, the site does not conform to the parking access setback or the side yard setback for the four car garage. The side yard setback for the existing shop at the rear of the property may also not be met. As this is proposed to be used as a single site, it is recommended that as a condition of approval, the parcels be consolidated onto a single title and then the majority of the setback requirements of the proposed zone would be met. To address the side setback of the existing shop, it is recommended that the applicant confirm by means of a Building Location Certificate (or other acceptable method) that the side yard setback is met. If it is not met, a variance must be obtained.

The existing residence would no longer be able to be used as a residence but the building could be utilized for business related uses on site (i.e.: office). As a condition of the re-zoning, it is recommended that the residence be de-commissioned in a manner that it cannot be utilized as a residence. Alternatively, the development agreement may detail restricted uses to ensure that it is not used as a residence.

The Zoning By-law requires that any new industrial building must be separated from any existing residential building by 61 m. (200 ft.) in the Industrial General Zone. There are no new industrial buildings proposed but the existing residence located on the neighbouring property to the south will limit placement of any new industrial buildings on the site. This raises further concern as the re-zoning will be turning the existing buildings into an industrial use within the 200 ft. separation distance that is established in the Zoning By-law. This separation distance was established to protect existing residences.

The Zoning By-law also requires that building frontages within the proposed zone have a portion (i.e.: common entry) that is 30% clear glass. This requirement will not be met as no new structures or major renovations are proposed. A variance would have to be obtained to avoid this requirement.

It is recommended the developer submit their proposal for meeting the Sustainable Development Measures as a condition of zoning. In this case, it may be difficult for the applicant to meet the Sustainable Development Measures due to the use of an existing site and existing buildings. If the applicant cannot meet the five Sustainable Development Measures, a variance would have to be obtained.

#### **DEVELOPMENT REVIEW COMMITTEE:**

The application was reviewed by the Development Review Committee for the Inland Port Special Planning Area. The following requirements/comments were received:

**RM of Rosser:** Lot grade plan will be required, drainage requirements will have to be met, approach may have to be upgraded due to increased traffic loads, development will be subject to a development agreement including application of the capital lot levy by-law. The applicant will also be responsible for any legal and engineering fees incurred by the municipality as a result of the development.

**South Interlake Planning District:** the de-commissioning of and/or restriction on the use of the existing residence will be dealt with in the Development Agreement, upgrades may be required to meet Building Code for the changes in use to the existing buildings on site. Upgrades may also be required to the existing onsite wastewater system.

#### **Sustainable Development:**

- Forest and Peatlands: Any trees are removed, damaged or destroyed must be disposed of properly to prevent the spread of insects and disease. No pruning of trees identified as American Elm between April 1 and August 31. See Forest Health Protection Act, Forest Health Protection Regulations.
- Water Control Works and Drainage Licensing Section have no concerns at this time.
- The proposed development of a transport truck lot and garage may not be suitable development for this area. The area appears to be rural residential with family residences within close proximity to the proposed shop. Little Mountain Sportsplex is located to the north and west of the property consisting of soccer fields and baseball diamonds with the nearest soccer field located less than 61 m. (200 ft.) from the proposed shop. Little Mountain Park is located to the northeast of the property just across the street. It may not be suitable to have a transport truck lot and garage in such close proximity to this developed rural residential neighbourhood.



**Office of the Fire Commissioner:** A plan for the parking areas would be helpful to determine where exactly trucks/trailers may be parking in relation to adjacent existing uses (residential), storage of hazardous goods on site was raised as an issue and discussed as a potential concern.

**Infrastructure:** The exact location of the extension of CentrePort Canada Way has yet to be determined for the area and this makes it difficult to review the application. Manitoba Infrastructure has significant concerns with the application and is investigating highway plans for the area in order to comment further.

*\*Comments will be available in time for the public hearing.*

**Winnipeg Airports Authority:** Height limit for buildings is 45.7 m. (150 ft.)

**City of Winnipeg:** Recommends an additional 50 m. (164 ft.) on the west side of the Klompke Road right-of-way be reserved for the future right-of-way for CentrePort Canada Way, which will meet up with the Chief Peguis Trail extension north of the subject site.

**Sport, Culture and Heritage (Historic Resources Branch):** If future development is planned in which construction activities may impact the landscape or cause ground disturbances, the Historic Resources Branch requests that prior notification is given so that any possible impacts to heritage resources can be determined and mitigated as necessary.

No concerns: **MTS Inc., Transport Canada, Manitoba Hydro.**

No comments were received from **Agriculture or Growth, Enterprise and Trade (Mineral Resources).**

#### **COMMENTS/RECOMMENDATION:**

In general, the proposed re-zoning is in keeping with the policies of the Manufacturing and Logistics Industrial designation. The proposed use does not specifically adhere to the intent of CentrePort as a multi-modal inland port; however, the business may benefit from the location from a logistics perspective. The proposal is positive in that it transitions a non-conforming residential use to an industrial use.

Policies state new industrial uses should reduce potential impact on nearby existing uses by incorporating fencing, a tree line or earth berm to screen or separate land uses. For this particular application, existing and nearby uses include Little Mountain Park, Little Mountain Sportsplex and several rural residential sites in the area. The existing lot is already well treed, with a shelter belt on the north, south and west sides of the property as well as some tree coverage on the east side facing Klompke Road. Coupled with the fact the intensity of development on the proposed site is limited by the size of the lot, it is not expected to significantly impact Little Mountain Sportsplex and Little Mountain Park.

The most significant considerations with respect to this application are the future extension of CentrePort Canada Way (CCW) and the impact on surrounding residential uses.

Exact routing of CCW along Klompke Road is unknown. Policy states that it should reduce the impact on existing development; however, given the location of the property, it is possible that the future right-of-way could significantly impact this site. At the very least, the easterly portion of the property will be required for future road right-of-way. Another issue is the fact that access to the future expressway will be restricted, although this issue exists with or without the present proposal. Given that the timing of the construction of the road is significantly in the future, it may not be reasonable to prevent the transition of a residential property to industrial use; however, it is practical to restrict any future construction of structures on site that may be located within future road right-of-way.

The Zoning By-law requires a separation between any new industrial buildings from any existing residential building. While there are no new industrial buildings proposed, this proposal is transitioning and intensifying the existing use on site. The 200 ft. separation distance was established to protect

existing residences. The public hearing will allow the Board to determine if there is objection from adjacent property owners.

While the use proposed seems multifaceted and vague, each of the uses identified are generally in keeping with the uses permitted in the "I2" industrial General Zone. Because the proposal is utilizing an existing site and existing buildings, many of the Zoning By-law requirements may be difficult to meet. This may result in the several variances having to be issued. There is a separate application process for a variance and decisions on applications cannot be guaranteed.

It is recommended the Board consider the issues with respect to the extension of CCW, including any additional requirements from Manitoba Infrastructure and any representation on the impact of the development on adjacent rural residential properties made at the public hearing.

If the Board decides to recommend approval of the application, it should be conditional on the following:

1. That a Development Agreement be entered into with the RM of Rosser to address drainage, lot grading, approach upgrades and the application of the Capital Lot Levy By-law. The Development Agreement will also address the de-commissioning of and/or restriction on the use of the existing residence and restrictions on construction of any new structures within any future road right-of-way.
2. That the two existing titles have been consolidated to a single title.
3. That the existing buildings meet the zoning requirements, and if they do not, that a variance has been obtained.
4. That the developer submits their proposal to meet the minimum of five Sustainable Development Measures outlined in the Zoning By-law. If the Sustainable Development Measures cannot be met, a variance has to be obtained.

There may need to be additional conditions pending the receipt of comments from Manitoba Infrastructure.

  
Meagan Boles  
Senior Planner, CentrePort

c.: Derrick's Sandblasting, applicant