

INLAND PORT SPECIAL PLANNING AUTHORITY

REPORT AND RECOMMENDATION

Recommendation Date: June 29, 2016

File No.: 13-2-172-2016-0107

MATTER: Subdivision and Zoning By-law Amendment

BY-LAW NO.: 3-16

HEARING DATE: June 29, 2016, Winnipeg

PANEL: Frances Smee, Chair
Serge Scrafield, Co-Chair
Kelvin Stewart, Member
Marina James, Member
Linda McFadyen, Member

PARTIES AND APPEARANCES: *for the applicant*

Tom Janzen

for Community and Regional Planning Branch

Meagan Boles, Senior Planner, CentrePort

presenters

Diane Gray
Ian Corbett
Doug Kroll

INTRODUCTION

Maple Leaf Construction Ltd. (c/o Tom Janzen) has proposed to subdivide and re-zone one +/- 20.06 acre parcel from a +/- 98.72 acre parcel legally described as Pt. SE ¼ 33-11-2E and owned by Maple Leaf Construction Ltd. The lot is intended for general industrial use, being a new corporate headquarters for Maple Leaf Construction including a combined office building (46,656 ft² over two levels) and indoor equipment storage/shop (54,251 ft²) and a separate outbuilding (6,200 ft²). This site will accommodate approximately 250 employees and an extensive equipment fleet. The property is located at the northwest corner of the intersection of Farmer Road and Klimpke Road and the "I2" Industrial General zone is proposed.

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. Tom Janzen spoke in favour of the application on behalf of the applicant, Maple Leaf Construction Ltd. Diane Gray and Ian Corbett also spoke in support of the application. Doug Kroll spoke in objection to the proposed development.

Community and Regional Planning Branch:

Meagan Boles, Senior Planner presented the planning report. She confirms 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. "I2" Industrial General type uses are permissible in this designation and general industry and warehousing/storage are permitted uses within this zone.

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. 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, 100 m. (328 ft.) of right-of-way, likely centred on Klimpke Road will be required. Ms Boles noted that private access from an expressway would be prohibited and access may

need to be altered when the expressway is built. The extension of CCW is also identified as an Active Transportation (AT) Corridor. AT infrastructure could be accommodated within a 100 m. right-of-way. There may also be requirements for additional right-of-way at the junction of Klimpke Road and Chief Peguis Trail to allow for intersection improvements that may affect the residual land. The details of the right-of-way required and exact location of this corridor should be determined in discussions with the RM of Rosser, the City of Winnipeg and Manitoba Infrastructure.

New industrial uses should attempt to reduce the potential impact on nearby existing uses. This may include locating key access points away from existing uses, conforming to performance standards outlined in the Zoning By-law and screening or separating land uses, which may include fencing, earth berms and/or vegetation. Existing uses surrounding the subject site include Little Mountain Sportsplex and Little Mountain Park to the south and existing residential properties to the east and north, although the residence to the north is owned by the proponent. The application illustrates the intent to establish planting buffers on the south and east edges of the property. The City of Winnipeg noted that the proposed buffers would meet their requirements in separating the proposed land use from Little Mountain Park.

The Development Plan also requires that any development fronting on an AT corridor should provide additional landscaping or a site design that helps create an appealing environment for the AT facility.

Ms. Boles recommended as a condition that the developer submit their proposal for meeting the Sustainable Development Measures.

Ms. Boles indicated a technical review of the applications was completed. The RM of Rosser stated that Farmer Road will have to be paved, a traffic impact study will be required that will look at, but not be limited to, any signalization requirements at the intersection of Farmer Road and Route 90. The developer will also have to meet Rosser's drainage study requirements, including lot grade approvals. A development agreement will have to be entered into which, among other things, will address payment of Capital Lot Levy's.

During the technical review, MI also recommended a traffic impact study be prepared to determine the impact that the additional traffic will have and identify the type of improvements that may be required. Additional information regarding drainage must also be provided to MI to determine if drainage from this site will adversely affect the provincial highway drainage system.

The Department of Sport, Culture and Heritage (Historic Resources Branch) noted the potential to impact significant heritage resources has been deemed high in this area and the Branch requires a Heritage Resources Impact assessment (HRIA) of the proposed development location, in order to identify and assess any heritage resources that may be negatively impacted by development.

In Support of the Application:

Tom Janzen spoke in support of the application on behalf of the applicant, Maple Leaf Construction Ltd. Mr. Janzen explained the company's plan of development and indicated that, if approved, Maple Leaf will work with the municipality and other approval agencies to work through the conditions. Mr. Janzen indicated that the development is complementary to and will support development in CentrePort and is in keeping with the vision of CentrePort.

Diane Gray spoke in support of the application. Ms. Gray confirmed that CentrePort Canada is in favour of the development and is of the opinion it is in keeping with the vision of CentrePort.

Ian Corbett spoke in support of the application.

In Objection to the Application:

Doug Kroll raised concerns about increased traffic to the property. Mr. Kroll also noted concerns regarding the establishment of an aggregate operation or an asphalt plant on site.

ANALYSIS AND CONCLUSION

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

The most significant consideration with respect to this application is the future extension of CentrePort Canada Way (CCW). It is recommended that a minimum 100 m. right-of-way be taken as public reserve to accommodate the extension of CCW and the AT corridor with the intent that it will be opened as public road in the future. Additional land may be required for intersections at Klimpke Road/Farmer Road and Klimpke Road (CCW)/Chief Peguis Trail. Inevitably, this will mean that the buildings and layout of the site will likely have to be oriented further west than is shown on the proposed site plan. All of this will have to be done in consultation with Rosser, the City of Winnipeg and MI and the result will have to be agreeable to all parties.

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. The applicant has proposed significant landscaping buffers to screen from Little Mountain Sportsplex and Little Mountain Park that would meet the requirements of the Development Plan and Zoning By-law. Additional landscaping alongside the future AT corridor is also recommended. The landscaping would be detailed in the Development Agreement to ensure the plantings are established as proposed.

The Board considered the representation at the hearing made with respect to increased traffic. The proposed development will increase traffic significantly to the site. Upgrades to roadways in the area will be required to accommodate the traffic. The traffic impact study will serve to look at that issue and make recommendations on any improvements needed. Furthermore, given that all of CentrePort is designated for industrial development, increased traffic is inevitable; although it does have to be planned for and accommodated appropriately. The Board is satisfied that the traffic impact study will identify the upgrades required.

The Board also discussed the concern raised that an aggregate operation or asphalt plant could be established on site without any controls. The "I2" Industrial General zone does not permit either of those uses on site. The owner would not be able to establish those uses on the proposed site or the residual land unless an application to re-zone to "I3" Industrial Heavy zone was approved.

The Board agrees 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 subdivision application, subject to the following conditions:

1. That the applicant/owner enter into a development agreement with the municipality to ensure consistency with the *Inland Port Special Planning Areas Regulation 48/2016* and to cover any other such matters as deemed necessary by Council. The Development Agreement will include, but not be limited to, extension of sewer and water services, road upgrades, establishment of proposed landscaping, a traffic impact study and application of the Capital Lot Levy By-law.
2. Confirmation from Manitoba Infrastructure that drainage onsite will not adversely affect the provincial highway system.

3. Confirmation from Manitoba Infrastructure that a Traffic Impact Study has been provided and any items identified have been addressed appropriately.
4. Confirmation from Manitoba Infrastructure, the RM of Rosser and the City of Winnipeg that appropriate right-of-way has been obtained for the future extension of CentrePort Canada Way and any required intersection improvements at Klimpke Road/Farmer Road and Klimpke Road (CCW)/Chief Peguis Trail.
5. Confirmation that an Easement Agreement has been entered into with Manitoba Hydro.
6. Confirmation that an Easement Agreement has been entered into with MTS Inc.
7. That the developer submits a revised site plan illustrating how any additional right-of-way requirements may be accommodated and to illustrate how additional landscaping or a site design that helps create an appealing environment for the AT facility will be accommodated.
8. That the developer submits their proposal to meet the minimum of five Sustainable Development Measures outlined in the Zoning By-law.
9. That a heritage resource impact assessment has been completed and that any mitigation, if necessary, has been addressed.

The Board also recommends that the minister approve the re-zoning application. No additional conditions are recommended that are specific to the re-zoning application as all of the conditions have been applied to the subdivision application. The re-zoning will not proceed until the conditions outlined for the subdivision have been met.

Submitted by:

Frances Smee
Chair, Inland Port Special Planning Authority

Attachments

c.: Tom Janzen, applicant