

INLAND PORT SPECIAL PLANNING AUTHORITY

REPORT AND RECOMMENDATION

Recommendation Date: August 23, 2016

File No.: 13-2-172-2016-0125

MATTER: Subdivision and Zoning By-law Amendment

BY-LAW NO.: 5-16

HEARING DATE: August 18, 2016, Winnipeg

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

PARTIES AND APPEARANCES: *for the applicant*

Paul Benjamin, P.B. Rentals Inc.
Dave Palubeski, Lombard North Group

for Community and Regional Planning Branch

Meagan Boles, Senior Planner, CentrePort

presenters

nil

INTRODUCTION

P. B. Rentals Inc. has proposed to subdivide and re-zone two +/- 10.0 acre lots (totaling +/- 20.0 acres) from a +/- 39.66 acre parcel legally described as Pt. SW ¼ 3-12-2E and owned by Ernest M. Futros Jr. The lots are intended for general industrial use, being the establishment of a storage container and trailer business and construction equipment rentals. The proposal includes the construction of a 9,600 ft² office/repair shop which would be located on proposed Lot 1. The business employs 6 staff. Lot 2 would be retained for future expansion. The property is located on the east side of Klimpke Road and north of Mollard Road. The lots are to be serviced with onsite water and wastewater until such time as municipal servicing is available.

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. Dave Palubeski spoke in favour of the applications on behalf of the applicant, Paul Benjamin of P.B. Rentals Inc.

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.

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 without an overall concept plan. This would allow for the development of the area while ensuring the function of an integrated inland port as well as allow for the cost-effective installation/extension of municipal services. 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. The intent in this location is that road networks would be proposed by the developer as part of an overall development or as part of a concept plan for future development.

Servicing policies state that 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.

Ms. Boles indicated a technical review of the applications was completed. The RM of Rosser expressed concern that Klimpke Road and Mollard Road were not built to withstand additional traffic at this location and will require significant upgrades. 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.

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

In Support of the Application:

Dave Palubeski spoke in support of the application on behalf of the applicant, Paul Benjamin of P.B. Rentals Inc. Mr. Palubeski asked questions of clarification on the Sustainable Development Measures, the level of RTAC standards that would be required by the municipality for road upgrades and indicated that the applicant is willing to develop a concept plan for the adjacent areas.

Mr. Palubeski explained that Mr. Benjamin owns property north of the perimeter as well as other sites in Winnipeg and is looking to consolidate his operations at this site. As this type of use is land intensive, it is difficult to establish in Winnipeg. Mr. Palubeski noted that in order to address concerns about road upgrades/haul routes and reduce impact on Klimpke Road, traffic would be directed to Mollard Road via an easement agreement with the existing owner of the property. He stated that the applicant hopes to negotiate, or at least phase, costs associated with the Capital Lot Levy By-law with the municipality as part of the Development Agreement.

ANALYSIS AND CONCLUSION

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

The Board acknowledges the presentation made at the hearing and that the applicant was willing to address the conditions recommended in the planning report. This includes development of a concept plan for the area, entering into a Development Agreement with Rosser to address a variety of items and meeting the Sustainable Development Measures. Although relevant, these were not the most pertinent aspects of the application to the Board. Of greater concern is the fact that the development proposal is non-contiguous to any existing (or near future) 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 that 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 that "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).

The Board observes that there are several lots in the Phase 1 Stage 1A area of the inland port that are available, or will soon be available, where this type of use may be directed. Although it is possible that the sale price of individual lots in these areas may be higher on a per acre basis, the cost is reflective of the cost of development. At this point, other than the relatively lower cost of land, there is no demand for development of this parcel. Furthermore, once the costs of development would have been applied to this application (required road improvements and the Capital Lot Levy By-law), the economics of the proposal would likely be less attractive.

The Board also questions whether the proposed use for storage containers, a trailer business and construction equipment rentals reflects the highest and best type of industrial uses envisioned for an inland port. It observes that these types of land intensive uses can be accommodated in many locations throughout the Capital Region.

Therefore, the Board is of the opinion that both the subdivision and re-zoning application are not in keeping with the vision for CentrePort or the *Inland Port Special Planning Area Regulation 48/2016*.

THEREFORE, THE BOARD RECOMMENDS

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

The Board would like to note a concern raised by Community Planning and Development regarding the fact there have been several inquiries about development in areas that may lead to demand for servicing where it is not logical or orderly or result in premature development of land, preventing a comprehensively planned and functionally integrated inland port. While the phasing statements in the Development Plan are clear as to where un-serviced development will be directed, the Board is of the opinion that the type of un-serviced development envisioned for an inland port needs to be better defined. It also recommends that the policies in the Development Plan be reviewed and expanded as necessary to require that the direction and pattern of development approved in the inland port support the strategic and economical provision of water, sewer and related transportation and energy infrastructure. The Board also recommends that the plan establish criteria for evaluating the location and types of un-serviced development.

Submitted by:

Frances Smee
Chair, Inland Port Special Planning Authority

Attachments

c.: P.B. Rentals Inc.