

RM of EAST ST. PAUL
ZONING BY-LAW 2009-04
CONDITIONAL USE FILE NO. 10, 2024
PUBLIC HEARING

We are
Listening.

**Public
Hearing**

**Tuesday,
April 30th 2024
5:30 pm
Council Chambers
3021 Birds Hill Rd.
East St. Paul, MB**

Phone:

**(204) 669-8880
1-800-876-5831**

Fax:

(204) 669-8882

E-Mail:

info@rrpd.ca

Website:

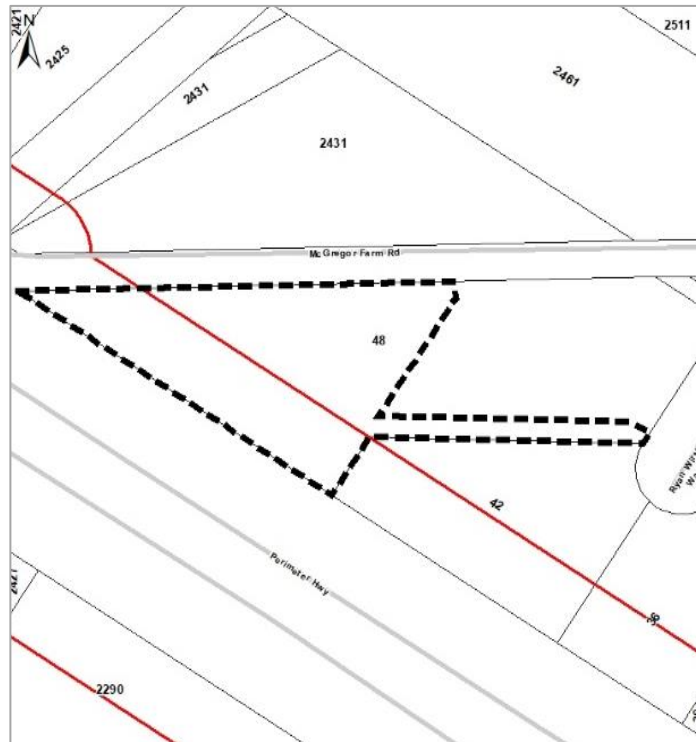
redriverplanning.com



As per *The Planning Act*, any person can make representation on the matter at the meeting.

What is CU 10, 2024 about?

To allow for the following uses to operate on the subject property in the "CH" Commercial Highway Zone: General Contractor Establishment, Limited Contractor Service, Warehouse sales and Light Industrial.



(46 Ryan Wirth Way, Roll 100650)

For those that wish to attend virtually please contact the RM of East St. Paul office at (204) 668-8112 by 4:00 pm on April 30th 2024.

For more information, please contact the Red River Planning District.

Red River Planning District
2978 Birds Hill Rd. East St. Paul, MB
Mon-Fri*
8:30am-4:15pm

**excludes all statutory holidays*

Note: Property owners are responsible for notifying "tenants"

Date: April 17, 2024
File: CU 10, 2024
To: Council, R. M. of East St. Paul
From: Santan Singh, MCP
Location: 46 Ryan Wirth Way; Roll 100650
Lot 1, Plan 73039 WLTO in OTM LOT 113 PARISH OF ST PAUL

Zoning: “CH” Commercial Highway, East St. Paul Zoning By-Law 2009-04

Purpose:

To allow for a “General Contractor Establishment, Limited Contractor service, Warehouse sales and & Light Industrial” uses on the subject property.

Background:

The subject property is +/- 3.93 ac. in size, and is currently an undeveloped property. The property is zoned “CH” Commercial Highway in the Zoning By-law and designated “GD” – General Development in the Development Plan.

According to the applicant’s letter of intent, they intend to construct at +/- 30,000 sq. ft. structure with 30 units, each will be approximately 1000 sq.ft for purchase.

The surrounding area is as follows:

North: McGregor Farm road

East: A property zoned “CH” Commercial Highway that has received similar conditional use approval.

South: The Perimeter Highway.

Circulation

RM of ESP

- *CAO:* I have reviewed the public hearing package and do not have any comments or concerns with this application.
- *Operations Manager:* Public Works has reviewed the application and has no comments.
- *Planner:* I have reviewed the conditional use application and recommend the following:
 1. Auto body repair and paint shops are not permitted on the property.
 2. Applicant/owner to install fencing along the site line adjacent to the Perimeter Highway and along McGregor Farm Rd. As per the standards identified in the Purchaser’s Agreement:
 - a. A 6 ft. high, colour treated black anodized aluminum chain link fence with woven black weather inserts 1 foot from the lot boundary for the length of the boundary adjacent to the Perimeter Highway and McGregor Farm Rd.
- *Fire Department:* The fire department has no concerns as it does not impact on the delivery of emergency services.

Manitoba Infrastructure: No comments received at the time of this report.

Analysis:

The applicant is proposing to construct a +/- 30,000 sq. ft. building with 30 units, for purchase. The neighbouring property has similar approval by the Council of ESP from 2021 via conditional use application CU 23, 2021. RRPD notes that the owner recently subdivided 48 Ryan Wirth Way into two (2) lots of 3.93 acres and 2.73 acres in this zone under subdivision application S22-2979. The subject property under this conditional use is the 3.93-acre lot resulting from subdivision.

As per the *Planning Act*, Conditional Use approvals can be approved if they are compatible with the general nature of the surrounding area, do not negatively impact the surrounding properties, and are generally consistent with the Development Plan and Zoning By-law.

Applicant's Proposed Uses

1. General Contractor Establishment Use

This use allows for the provision of contractor services including building construction, landscaping, plumbing, drilling, road construction, or similar services that require on-site storage space for materials, equipment or vehicles.

2. Limited Contractor Service

This use allows for provision of contractor services that are primarily intended to service individual households, such as painting, plumbing, heating, with no additional "manufacturing activities" and no more than two service vehicles. Storage of materials is generally expected to be indoors.

3. Warehouse Sales

Warehouse Sales means a development used for the wholesale or retail sale of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer. This Use Class includes developments where principal goods being sold are such bulky items as furniture, carpet, major appliances and building materials.

4. Light Industrial Use (Not including auto body or paint shop)

This use allows for commercial processing and manufacturing uses, including auto body repair and paint shops that do not generate "unusual fire, explosion or safety hazards," noise or other nuisance factors. The applicant is not proposing to allow for auto body repair and / or paint shops as part of their proposal.

Development Plan Objectives and Policies

The subject property is designated as General Development in the Development Plan. This designation is largely intended for residential development where piped services do not yet exist, commercial development intended to support local neighbourhoods, and commercial uses that require large sites, which should be located adjacent to provincial highways.

Policies in this designation include ensuring adequate water supply and wastewater disposal, protection from flooding and other hazards, adequate surface water drainage and minimizing potential conflicts with adjacent uses and natural areas. Policy 4.7.7 provides criteria that can be evaluated as part of a proposal for new development, and includes:

- Ensuring sufficient demand for a proposed development, and not being wasteful of land;

- Ensuring land protected from and / or not subject to flooding or other hazards, and that adequate surface water drainage is provided;
- Linking proposed roadways to the existing transportation network, ensuring that proposed lots have frontage to an all-weather road;
- Providing adequate water and wastewater services without negatively affecting existing adjacent development;
- Municipal services (waste disposal, fire protection services, bus service etc.) can be provided efficiently;
- Compatibility with adjoining land uses and minimizing potential conflicts with natural areas, wildlife and / or riparian habitats.

The subject property is part of a subdivision that created two (2) from 48 Ryan Wirth Way and has frontage onto an all-weather road, which is connected to the existing road network, and is adjacent to the Perimeter Highway.

Similar Uses in the Surrounding Area

Other establishments in the vicinity encompass Fleet Service Use, General Contractor Establishments, Limited Contractor Establishments, and Light Industrial operations such as manufacturing. To the north, at 2476 Wenzel, lies a multi-building site comprising multiple units, each of which has garnered several conditional use approvals. These approvals encompass a variety of uses including "Automotive and Equipment Repairs," "Automotive and Recreational Vehicle Sales," "Light Industrial," "Funeral Services," "Specialized Agriculture," "Private and Public Education," "Small Animal Obedience Training," and "Mobile Catering Services," all of which run with the land.

By-law Requirements

The applicant's site plan serves as a preliminary overview of the proposed future building. However, a commercial site development permit will be necessary to ensure compliance with the Zoning By-law requirements, such as parking, landscaping, loading, and access, before any development can proceed on the site. It is important to note that as new tenants occupy the site, there is a possibility that parking and loading requirements may change, potentially necessitating additional variances.

Within the "CH" Commercial Highway Zone, certain activities like parking, loading, storage, trash collection, and outdoor service or display areas are prohibited within 15 feet of a required front yard, as stipulated in Section 18.6.2. Moreover, loading, storage, and trash collection must be situated at the rear or sides of the principal building, screened from the view of adjacent sites and public roadways, as outlined in sections 18.6.2 and 58.2. Additionally, all commercial development must adhere to Section 64.0 Commercial Development Standards, which includes regulations regarding exterior storage and performance/design standards for building image, materials, and location.

Conditional Use Approval to "Run With the Land"

The applicant is proposing for approval to "run with the land." This allows for new businesses to open on the site, and existing businesses to expand or intensify (including addition of accessory structures) without returning to Council for additional approvals. This would be similar to conditional use approval (CU 23, 2021) at 48 Ryan Wirth Way (prior to subdivision S22-2979). The condition of approval would read as follows:

The Conditional Use approval be limited to the "General Contractors Establishment,"

“Limited Contractor Service, “Warehouse Sales”, “Light Industrial” (excluding auto body repair and auto body paint shop) uses as proposed within this application, including all associated accessory uses / structures; This conditional use will run with the land, meaning the uses could be expanded and / or intensified, and / or new structures be built without further Council approval.

Summary and Recommendation

The applicant is proposing “General Contractors Establishment”, “Limited Contractor”, “Warehouse Sales” and “Light Industrial” uses to run with the land. The proposed uses are generally consistent with the General Development Land Use Designation, while any outstanding requirements for the Zoning By-law can be addressed at the permitting stage. These proposed uses are similar to other uses in the surrounding area, and are generally consistent with policies in the Development Plan for this area. The RM has requested specific fencing requirements, but other than that, no concerns or objections were received from the commenting agencies.

If Council wishes to approve the proposed conditional uses, the RRPD recommends that approval be subject to the conditions outlined below.

Options:

Under section 106(1) of the Planning Act, on completion of the public hearing, Council may:

- (a) reject the application; or
- (b) approve the application if the conditional use proposed in the application
 - (i) will be compatible with the general nature of the surrounding area,
 - (ii) will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area, and
 - (iii) is generally consistent with the applicable provisions of the development plan bylaw, the zoning by-law and any secondary plan by-law.

Recommendation:

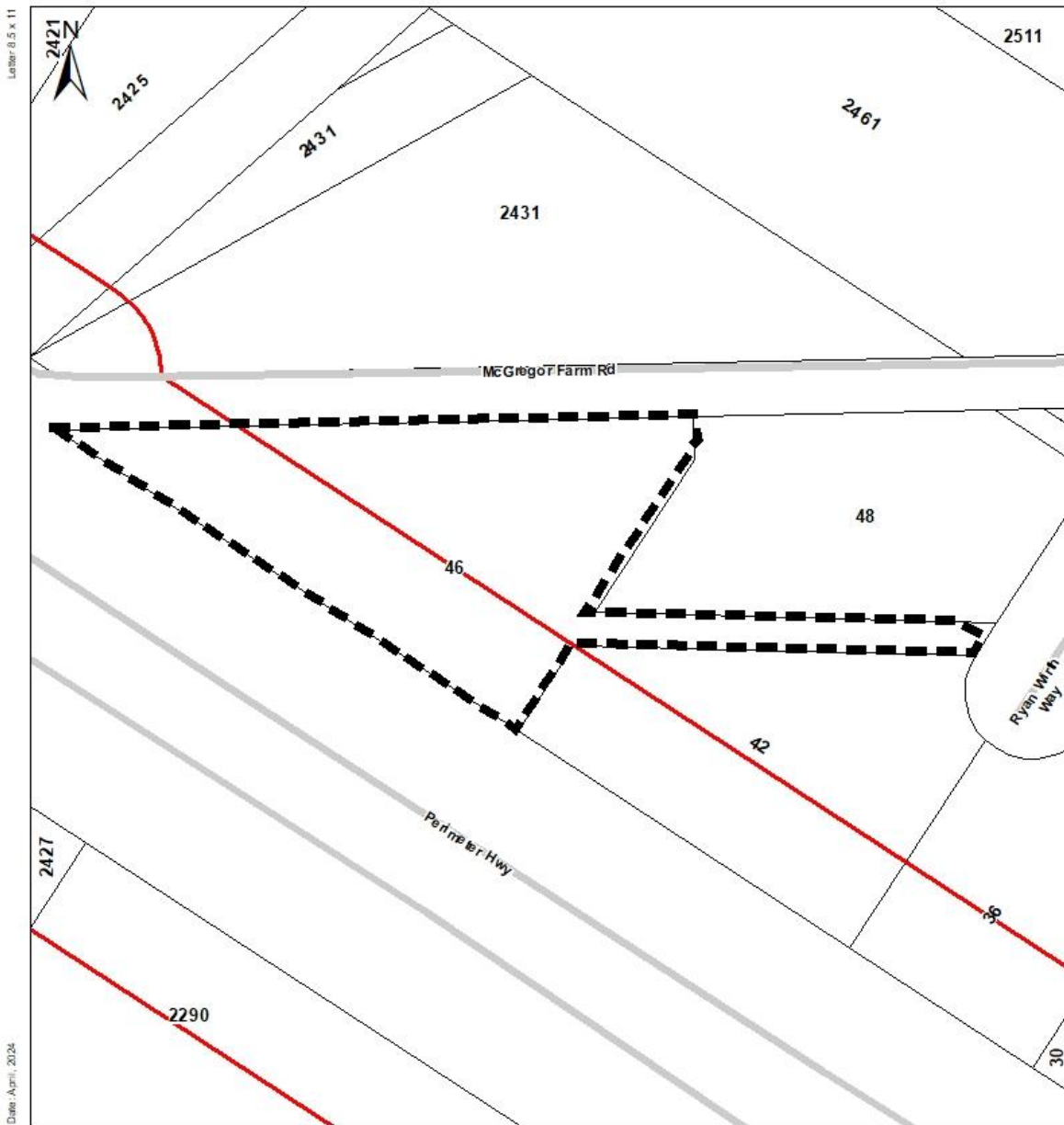
Should Council approve the proposed conditional uses, the RRPD recommends the following conditions of approval:

1. The Conditional Use approval be limited to the “General Contractors Establishment,” “Limited Contractor service,” “Warehouse Sales,” “Light Industrial” (excluding auto body repair and auto body paint shop), uses as proposed within this application, including all associated accessory uses / structures; This conditional use will run with the land, meaning the uses could be expanded and / or intensified, and / or new structures be built without further Council approval.
2. Applicant/owner to install fencing along the site line adjacent to the Perimeter Highway and along McGregor Farm Rd. As per the standards identified in the Purchaser’s Agreement:
 - a. A 6 ft. high, colour treated black anodized aluminum chain link fence with woven black weather inserts 1 foot from the lot boundary for the length of the boundary adjacent to the Perimeter Highway and McGregor Farm Rd.
 - b. Exterior storage of materials shall not exceed the height of the fencing with the exception of trees.
3. The applicant / owner obtain all required permits / approvals from the Red River Planning

District, RM of ESP, and Manitoba Infrastructure – if required.

4. Applicant / owner provide written confirmation that the Municipality has approved a landscaping plan.

RRPD LOCATION MAPS



Letter 8.5 x 11

Date: April, 2024

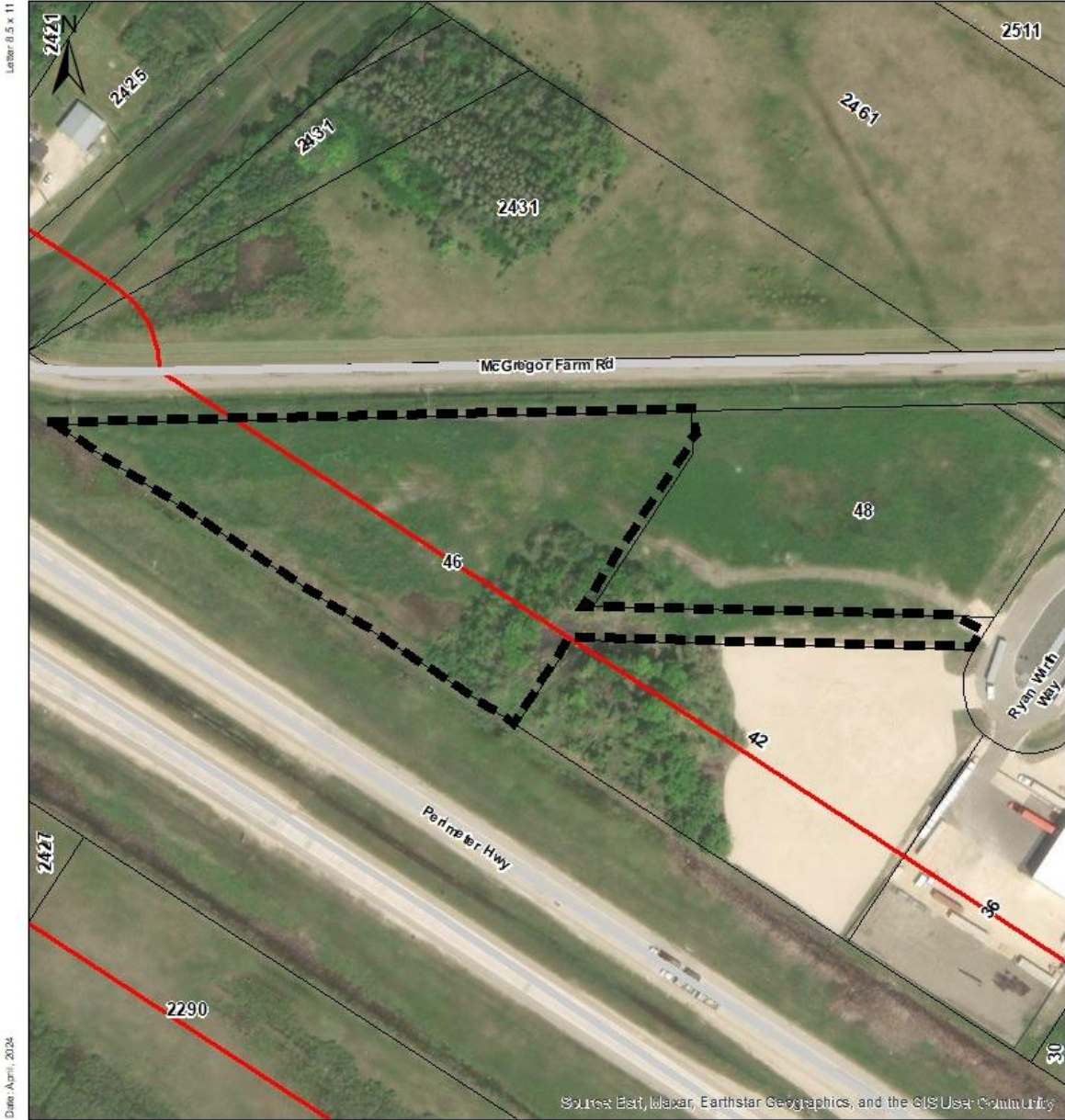
SUPPORTIVE MAPPING

Conditional Use Application CU 10, 2024
46 Ryan Wirth Way, RM of East St. Paul

Designation: "GD" General Development
Zoning: "CH" Commercial Highway

Please refer to applicant's Site Plan. Not To Scale. For Discussion Purposes Only.

- Subject Property
- Highway Control Zones
- Roads
- Parcel Outline



SUPPORTIVE MAPPING

Conditional Use Application CU 10, 2024
46 Ryan Wirth Way, RM of East St. Paul

Designation: "GD" General Development
Zoning: "CH" Commercial Highway

Please refer to applicant's Site Plan. Not To Scale. For Discussion Purposes Only.

-  Subject Property
-  Highway Control Zones
-  Roads
-  Parcel Outline



APPLICANT PROVIDED INFORMATION
(Letter of intent, Site Plan, Other information)

February 21, 2024

Re: Letter of Intent – 46 Ryan Wirth Way

To whom it may concern,

We are planning to build approximately 30,000 square feet on 46 Ryan Wirth Way. The site plan is still tentative but it will consist of one building with 30 units, each will be approximately 1,000 square foot units for purchase. The entire property will be secured and fenced-in, with professional landscaping. We have attached some photos of a similar development already completed in the RM of Headingley with the submission.

We would like to apply for general contractor establishment, limited contractor service, warehouse sales and light industrial use to run with the land and apply to the site. We will not allow any third party auto or truck repair businesses as we want to keep the site organized with clean uses.

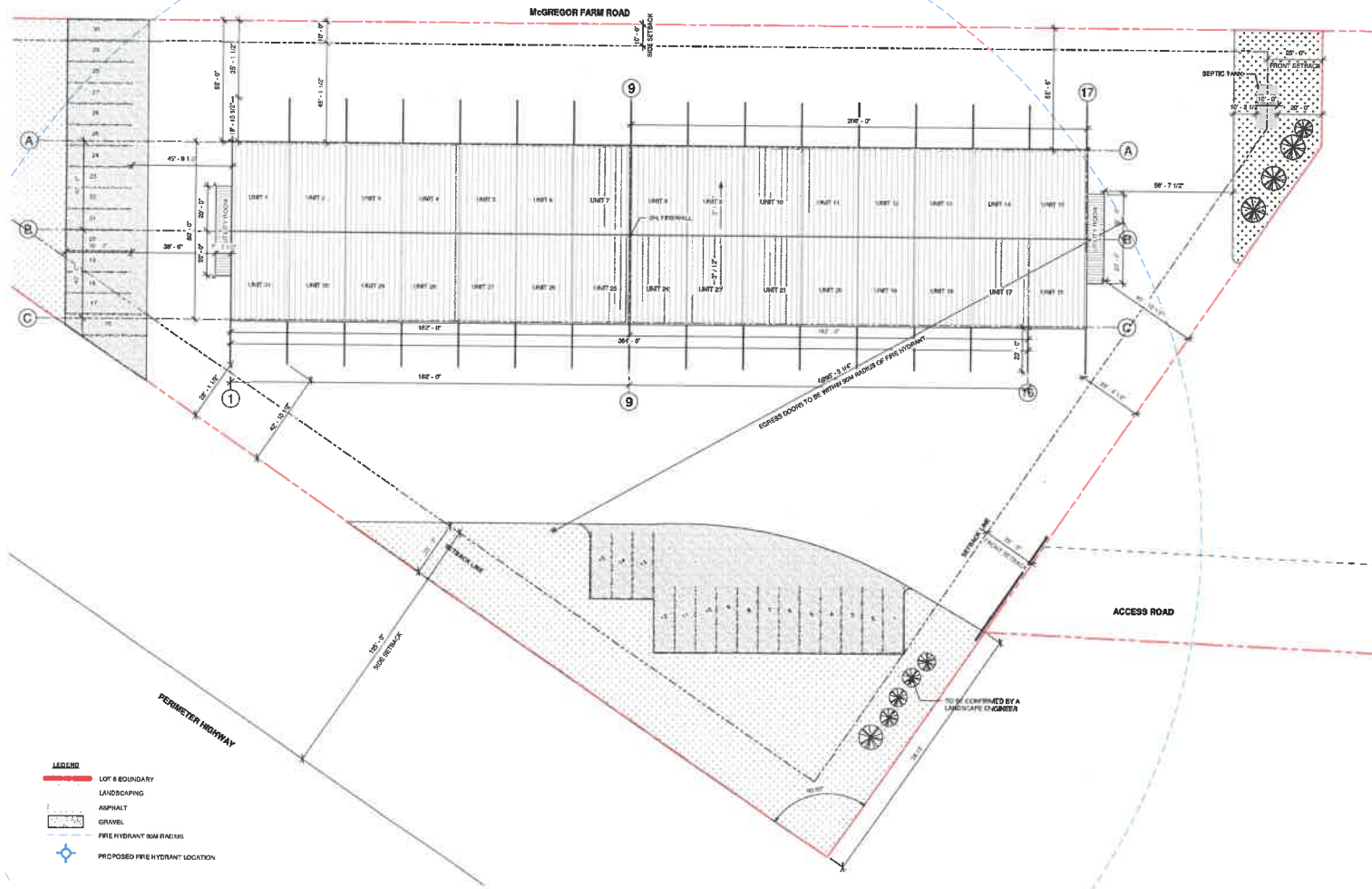
Sincerely,



O'Neil

MMI Asset Management

DRAFT SITEPLAN



- LEGEND**
- LOT & BOUNDARY
 - LANDSCAPING
 - ASPHALT
 - GRAVEL
 - FIRE HYDRANT ROOM RADIALS
 - PROPOSED FIRE HYDRANT LOCATION

1 SITE PLAN
A1.1 SCALE: 3/4" = 1'-0"



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CLIENT:
mmi

CONTRACTOR
PCL
CONSTRUCTION

CONSULTANT

#	DATE	REVISION/ISSUANCE
1	09/20/24	PRELIMINARY DESIGN

DATE ISSUED

SEALS

PRELIMINARY
FOR CONSTRUCTION

PRELIMINARY
FOR CONSTRUCTION

PROJECT NAME
WENZEL PARK (DRAFT)
LOT 1E, RYAN WERTH WAY, EAST ST. PAUL, MB

PROJECT NUMBER
2339B

SHEET TITLE
SITE PLAN & DETAILS

A1.1



15

16

17

18

19

20



224

OTHER INFO

(Government Comments, other relevant information)



RURAL MUNICIPALITY OF EAST ST. PAUL

April 15, 2024

Red River Planning District
2978 Birds Hill Rd.
East St. Paul, MB
R2E 1J5

To Santan Singh

RE: CU 10, 2024

Please see the comments below for Conditional Use application CU 10, 2024 for Lot 1, Plan 73039 WLTO in the RM of East St. Paul.

COMMENTS:

CAO: I have reviewed the public hearing package and do not have any comments or concerns with this application.

Operations Manager: Public Works has reviewed the application and has no comments.

Planning: I have reviewed the conditional use application and recommend the following:

1. Auto body repair and paint shops are not permitted on the property.
2. Applicant/owner to install fencing along the site line adjacent to the Perimeter Highway and along McGregor Farm Rd. As per the standards identified in the Purchaser's Agreement:
 - a. A 6 ft. high, colour treated black anodized aluminum chain link fence with woven black weather inserts 1 foot from the lot boundary for the length of the boundary adjacent to the Perimeter Highway and McGregor Farm Rd.

Fire Department: The fire department has no concerns as it does not impact on the delivery of emergency services.

Cara Nichols
Community Development Planner

East St. Paul is a distinctive rural community with urban advantages dedicated to maintaining a safe environment with a superior level of public services.