

NOTICE OF PUBLIC HEARING

REZONING AMENDMENT APPLICATION

Rural Municipality of East St. Paul

Under authority of *The Planning Act*, the municipal Council will hold a public hearing at the time and location listed below to hear from those who wish to speak in support or objection, or to ask questions. For more info on how to register for the public hearing please contact the municipality at 204 668-8112.

Tuesday
April 22nd, 2025
5:30pm

Council Chambers
3021 Birds Hill Road
RM of East St. Paul, MB

Note: property owners are responsible for notifying "tenants"

APPLICATION INFORMATION

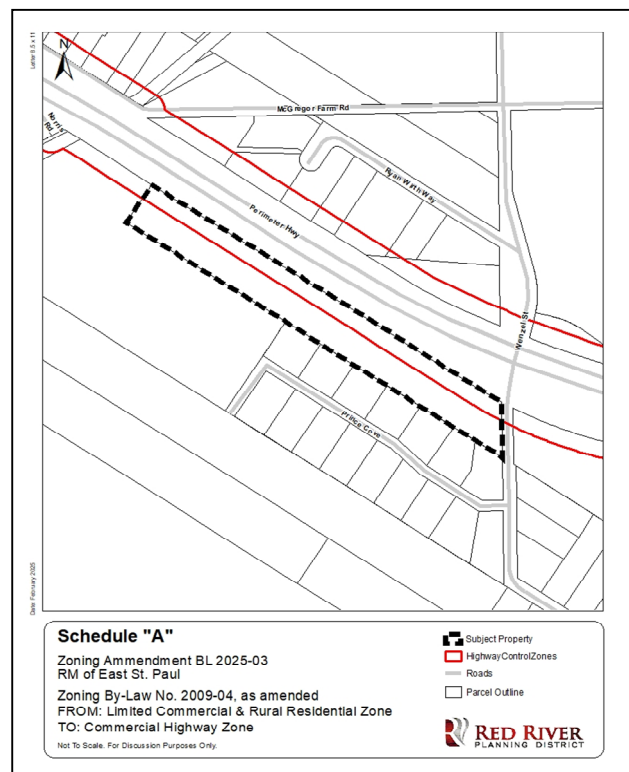
Application File: ZBA 2025-03

Applicant: Derek Dewitt

Property Location: 2290 Wenzel Street
Roll# 101200

Application Purpose:

The applicant proposes to rezone the property to a "CH" Highway Commercial Zone, in order to establish commercial businesses.



A copy of the above-noted proposal and supporting material is available on the Red River Planning District website at <https://www.redriverplanning.com/hearings.php> or by contacting the Red River Planning District in person during normal business hours Monday to Friday at 2978 Birds Hill Road, East St. Paul, by phone at 204 669-8880, or by email at info@rrpd.ca

Zoning By-law Amendment RM of East St. Paul ZBA No. 2025-03

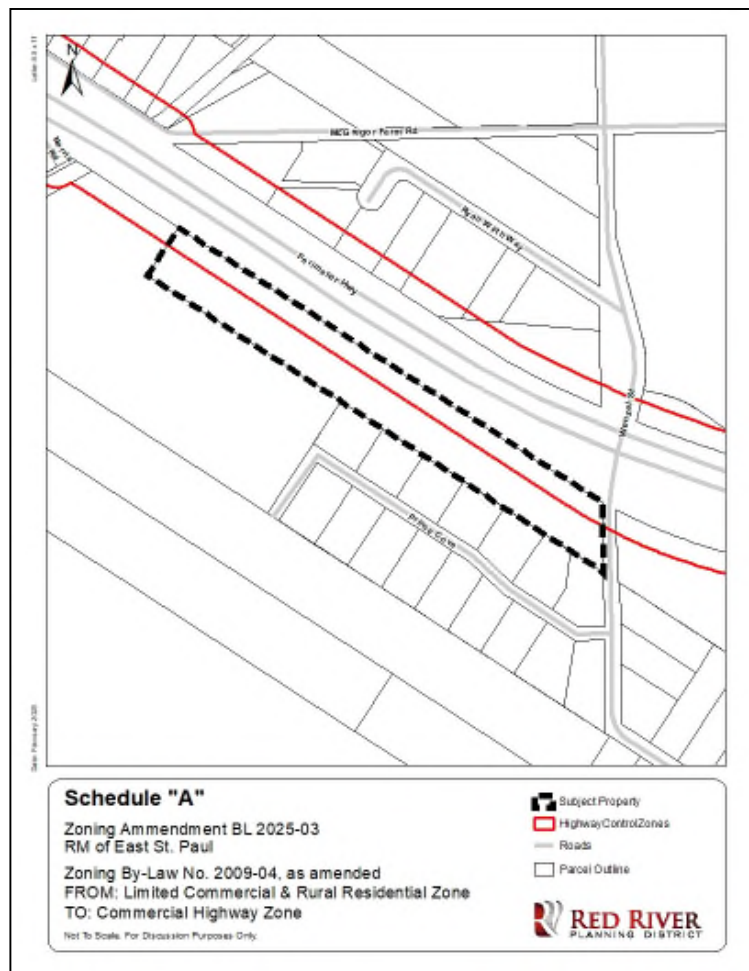
Date: April 7, 2025

File: By-law No. 2025-03
Zoning By-Law Amendment (Public Hearing Report)

To: RM of East St. Paul
(Council)

From: Derek Eno, MCIP, RPP
Manager of Planning Services

Location: 2290 Wenzel Street (Roll No. 101200)
RM of East St. Paul



1.0 ISSUE:

To amend the R.M. of East St. Paul Zoning By-law No. 2009-04 by rezoning the subject property located at 2290 Wenzel Street from “LCR” Limited Commercial / Residential Mixed Use Zone and “RR-2” Rural Residential Zone to “CH” Highway Commercial Zone. The applicant notes (in their letter of intent) the proposed rezoning would allow the establishment of commercial shops.

2.0 BACKGROUND:

2.1 Application Timeline

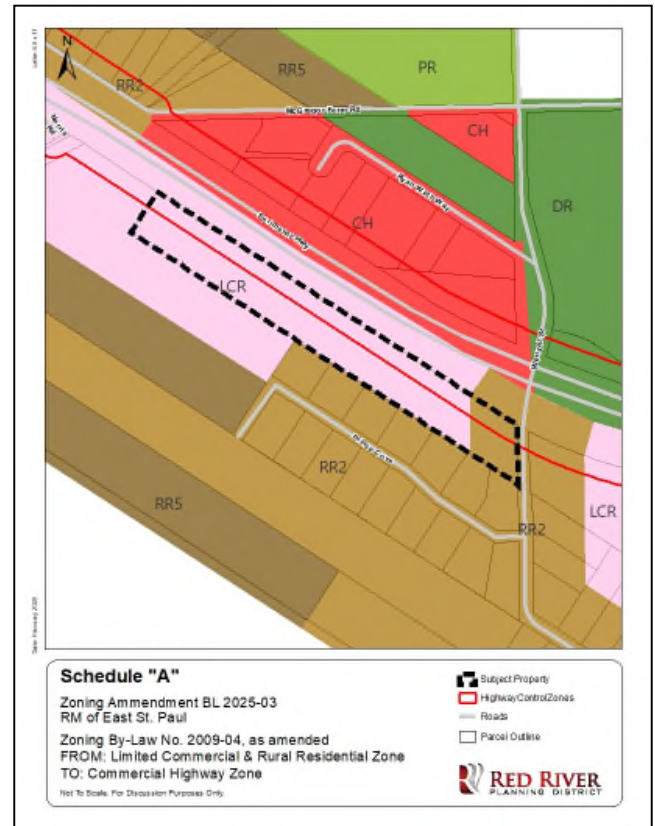
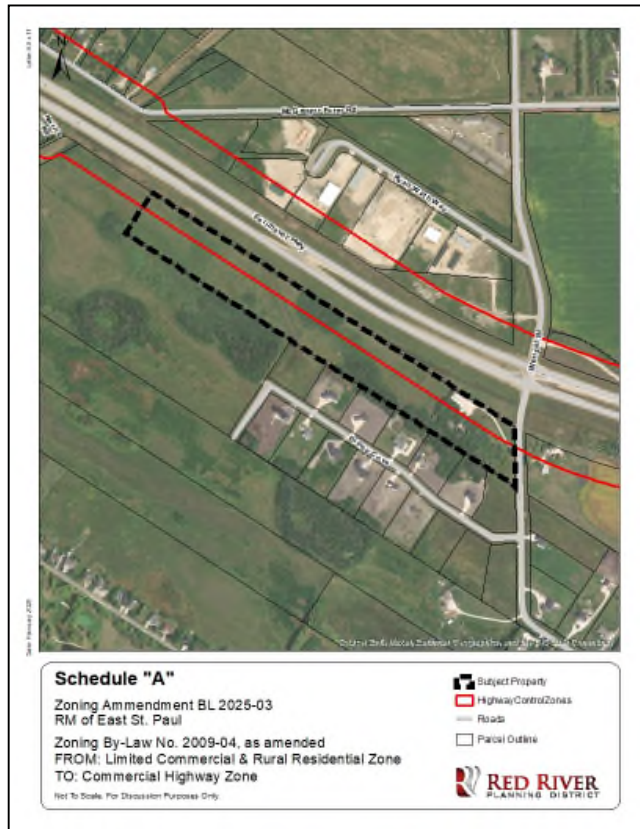
The proposed zoning by-law amendment application was given First Reading by Council at their meeting on February 25, 2025, and subsequently circulated to government agencies and neighbouring municipalities, as required by *The Planning Act*.

A public hearing has been advertised and scheduled for April 22, 2025.

2.2 Subject Property and Surrounding Area

The subject property is 24 acres (+/-) in area, is located adjacent (south) to the Perimeter Highway, has frontage along Wenzel Street and is split-zoned with a 3 acre (+/-) portion along Wenzel Street zoned “RR-2” Rural Residential, and the remainder of the property zoned “LCR” Limited Commercial / Residential Mixed Use. The property is surrounded by the following:

To the North:	Perimeter Highway (HWY 101), then commercial lots zoned “CH” Highway Commercial
To the South:	Residential lots (2 acres in size) along Prince Cove zoned “RR2” Rural Residential.
To the East:	Wenzel Street, then rural properties split zoned “RR-2” Rural Residential, and “LCR” Limited Commercial / Residential Mixed Use
To the West:	Undeveloped land zoned “LCR” Limited Commercial / Residential Mixed Use



2.3 Proposed Zoning By-law Amendment

Under this application, the applicant is proposing to amend the R.M. of East St. Paul Zoning By-law No. 2009-04 by rezoning the subject property located at 2290 Wenzel Street from “LCR” Limited Commercial / Residential Mixed Use Zone and “RR-2” Rural Residential Zone to “CH” Highway Commercial Zone. The applicant notes (in their letter of intent) the proposed rezoning would allow the establishment of commercial shops.

The ZBA, maps, along with the applicants’ letter of intent is provided in the Appendix.

3.0 ANALYSIS:

The Planning Act (Section 68) outlines that zoning by-laws, and their amendments, are to be “generally consistent with the development plan by-law and any secondary plan by-law in effect in the municipality”. Therefore, the RRPD’s current Development Plan (*Red River Planning District Development Plan By-law No. 272/19*) and the municipality’s Secondary Plans are reviewed to determine if the proposed zoning by-law amendment application is consistent with the policy direction found in the documents. There is no

municipal secondary plan applicable to this area. It should be noted that not all of the policies are relevant at the zoning by-law amendment application stage.

3.1 The Red River Planning District Development Plan (By-law No. 272/19)

The Development Plan organizes the RM of East St. Paul into a range of land use designations, such as *Rural Residential*, *Settlement Centre*, and *General Development Park*, just to name a few. Each land use designation prescribes related policies for future development to follow. In addition, the Development Plan lists a series of general policies that address development related topics such as transportation, site servicing and infrastructure, flood protection, land drainage, etc.

The subject property is currently designated as “*GD*” *General Development* in the Red River Planning District’s Development Plan By-Law 272/19. The Development Plan outlines in the designation description that the “*GD*” *General Development* designation is meant

“...for areas where significant residential development exists or is planned, and where the extension of centralized wastewater services are planned. Neighbourhood commercial development that offer local residents with goods and services, small retail and food service establishments, and limited higher density residence may be appropriate at major nodes or along major transportation corridors”. (RRPD Development Plan, pg 39)

In addition, policy 4.6.7 outlines that “*Small-scale commercial uses may be appropriate in the General Development areas...*”, and policy 4.6.13 outlines that “*small scale institutional use...*” may also be allowed so long as in both cases they serve the local population.

As already noted, the applicant is proposing to rezone the subject land to a “CH” Highway Commercial Zone. The Zoning By-law outlines that the purpose of the “CH” Highway Commercial Zone is to “*...establish a zone for high quality commercial development along major roadways*”. The “CH” Highway Commercial Zone allows for regional-oriented types of commercial uses (e.g. self-storage, spectator entertainment establishment, non-accessory parking, general retail, government services, hotel, light industrial, contractor service, trucking establishment, etc.), which are either listed as a permitted or conditional use.

Taking into account the above-noted, the “CH” Highway Commercial Zone does not align with the Development Plan’s “*GD*” *General Development* designation. A zone that caters to neighborhood commercial uses, such as the municipality’s “CN” Neighborhood Commercial Zone, would align better.

Contrary to the *General Development* policies only supporting the establishment of small scale development / businesses that serve the local population, policy 4.6.8 outlines commercial uses that cater to highway traffic (e.g. motels, gas stations, etc.) could be considered within the *General Development* designation, but shall be located adjacent to provincial highways, and shall be designed to least interfere with traffic flows. This policy should be taken into consideration with transportation policy 3.2.8 which outlines that where new or expanded development is proposed along a major transportation corridor, development shall be directed to the same side of the corridor to maintain maximum safety conditions. On that note, the subject property is located on the south side HWY 101 off of Wenzel Street.

Council should note that there is an existing established commercial area, zoned “CH” Highway Commercial, located immediately north of HWY 101 with access off of Wenzel Street. This area has been zoned “CH” since the adoption of the Zoning By-law in 2009. Therefore, the opportunity to develop highway-oriented commercial on one side of the PTH 101 has already occurred in this area. With that in mind, the policies don’t support the development of the subject property into commercial uses that cater to highway traffic or the proposed rezoning to a “CH” Highway Commercial zone.

With the above noted in mind, the proposed zoning by-law amendments is not consistent with the Development Plan.

3.2 Provincial and Municipal Comments

This application has been circulated for comments as per *The Planning Act* to Provincial Departments and adjacent municipalities. This affords Provincial Departments an opportunity to ensure that the proposal conforms to provincial policies, and provides adjacent municipalities an opportunity to comment on any negative impacts that the application may have on their municipality. Comments received by our office are summarized below. Complete copies of the comments are attached to this report in the Appendix.

COMMENTING AGENCY	REMARKS
Provincial Agency / Municipality / Utility	
MB Municipal and Northern Relations (Community Planning Branch)	No comments receive at time of publishing the report.
MB Infrastructure (Highway Design Branch)	No comments receive at time of publishing the report.

MB Agriculture (Sustainable Agriculture Branch)	No comments receive at time of publishing the report.
MB Business Mining Trade and Job Creation (Mines Branch)	No comments receive at time of publishing the report.
MB Environment & Climate (Drainage and Water Rights Branch)	No comments receive at time of publishing the report.
MB Sport, Culture Heritage and Tourism (Heritage Resources Branch)	No comments receive at time of publishing the report.

3.3 Further Required Approvals

Should Council approve this zoning by-law amendment application, no other Council approvals are required to facilitate the development of commercial shops, which is part of the applicant's stated intent.

If Council wishes to address development and infrastructure standards to ensure that any proposed development complies with applicable policies of the Development Plan and other applicable municipal policies, they can require a development agreement as part of the rezoning approval.

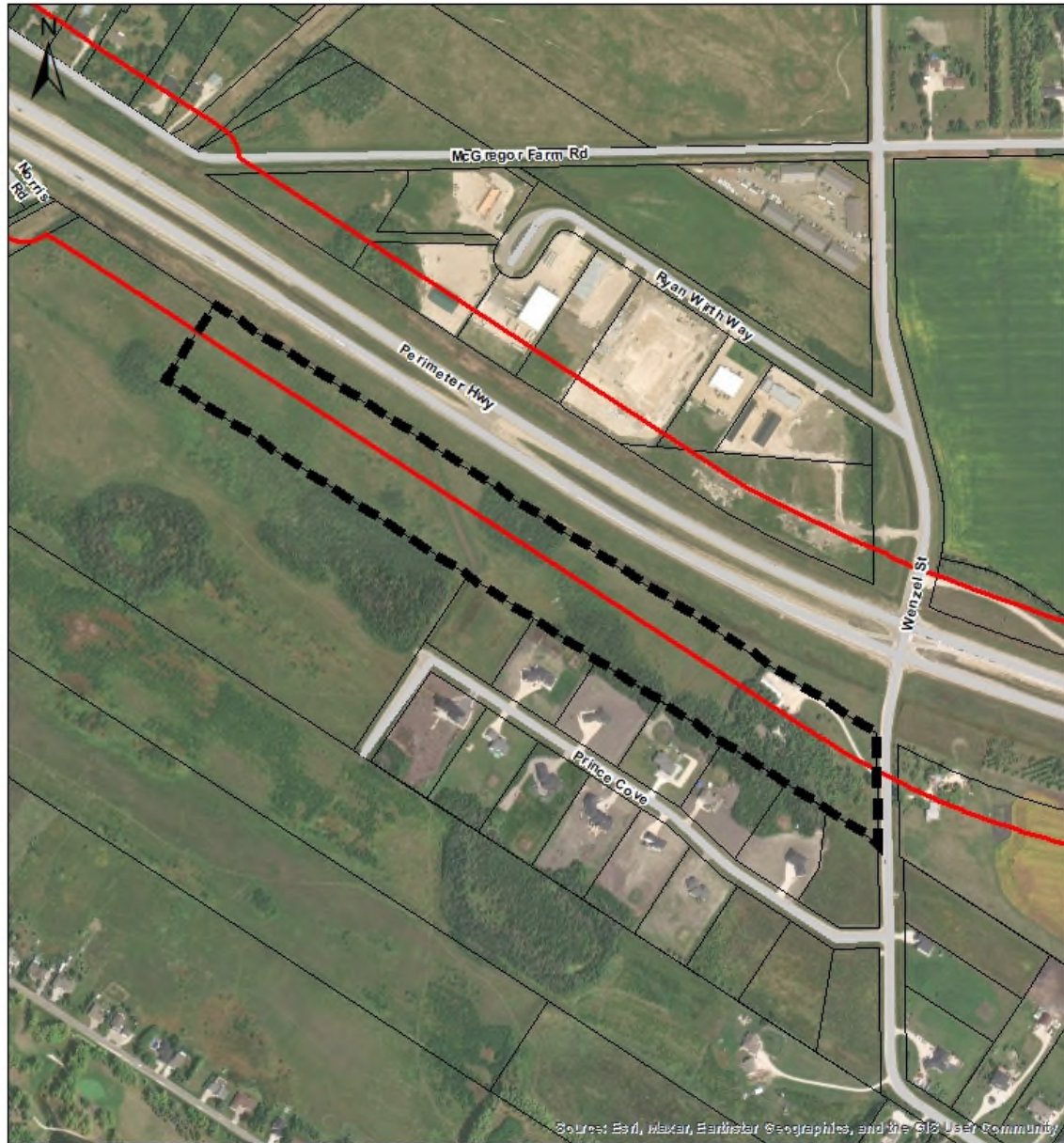
4.0 RECOMMENDATION:

As already noted in the report, *The Planning Act* (Section 68) outlines that zoning by-laws are to be “*generally consistent with the development plan by-law and any secondary plan by-law in effect in the municipality*”. Based on the information provided in the application and the information noted within this report, the RRPD concludes that the proposed zoning by-law amendment application appears to not be consistent with the RRPD Development Plan. Therefore, the RRPD recommends that this application **not be approved.**

Please note that if Council does decide to give the application Second Reading, if there are sufficient objections Council may not give Third Reading to the by-law until the required time-frame has allowed for second objections to be confirmed, or until such time as an appeal hearing has denied the objection(s). As per Section 73.1(3) of *The Planning Act*, sufficient objections are either 25 eligible persons, or, 50% of the total number of owners of properties located within 100 metres of the affected property.

APPENDIX A

(RRPD Maps)



Schedule "A"

Zoning Amendment BL 2025-03
RM of East St. Paul

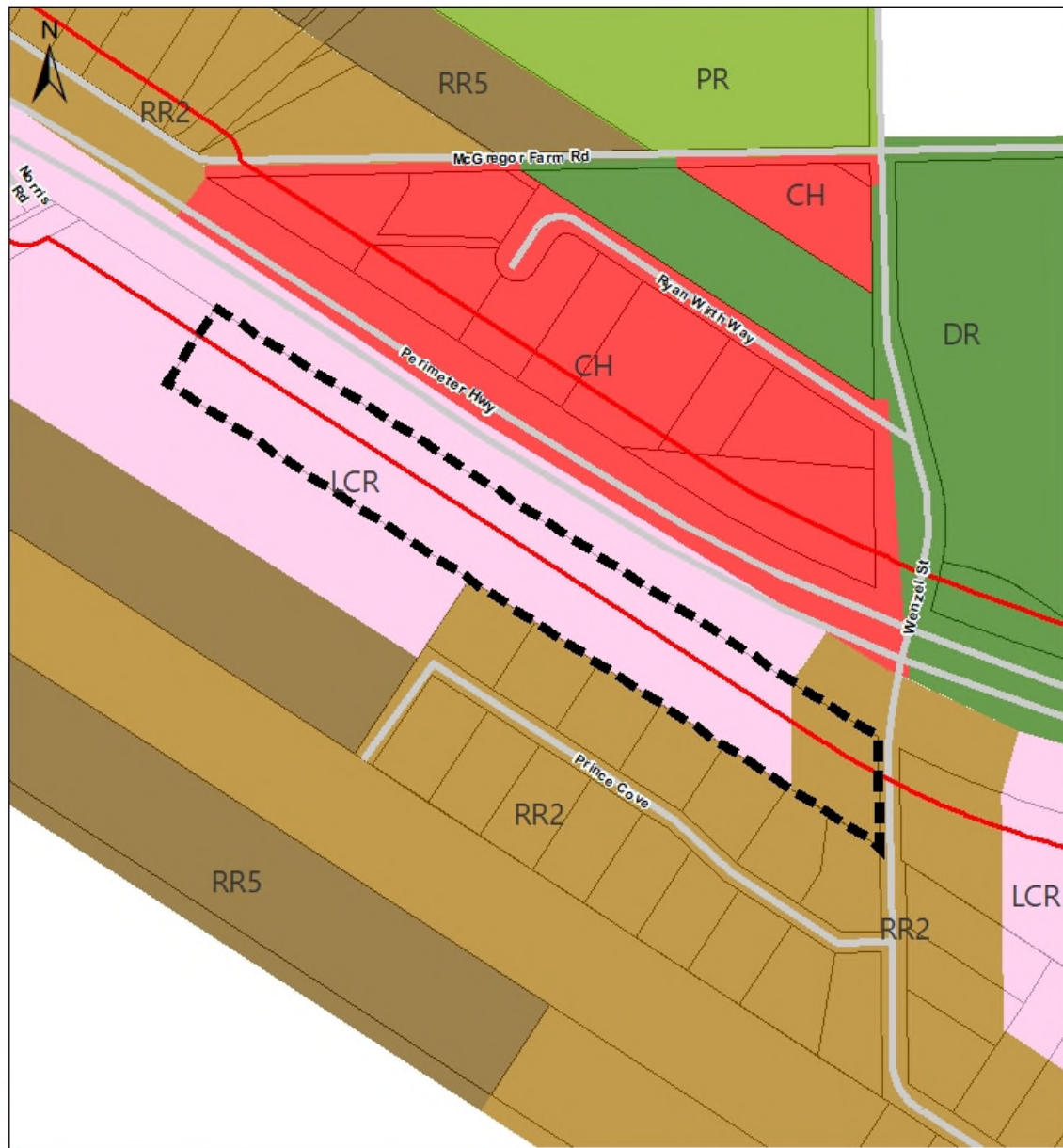
Zoning By-Law No. 2009-04, as amended
FROM: Limited Commercial & Rural Residential Zone
TO: Commercial Highway Zone

Not To Scale. For Discussion Purposes Only.

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



Letter 8.5 x 11



Date: February 2025

Schedule "A"

Zoning Amendment BL 2025-03
RM of East St. Paul

Zoning By-Law No. 2009-04, as amended
FROM: Limited Commercial & Rural Residential Zone
TO: Commercial Highway Zone

Not To Scale. For Discussion Purposes Only.

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



APPENDIX B
(Zoning By-law Amendment)

R.M. OF EAST ST. PAUL

BY-LAW NO. 2025-03

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF EAST ST. PAUL to amend the R.M. of East St. Paul Zoning By-Law 2009-04, as amended.

WHEREAS Sections 80(1) of *The Planning Act*, and amendments thereto (the "*Act*") provides that a Zoning By-Law may be amended;

AND WHEREAS it is deemed necessary and expedient to amend the RURAL MUNICIPALITY OF EAST ST. PAUL ZONING BY-LAW NO. 2009-04 as amended;

NOW THEREFORE, the Council of the R.M. of East St. Paul, in meeting duly assembled, enacts as follows:

1. That the Zoning Map attached to and being part of the R.M. of East St. Paul Zoning By-Law No. 2009-04, is amended by rezoning:

PARCEL ONE: ALL THAT PORTION OF OTM LOT 115 PARISH OF ST PAUL BOUNDED AS FOLLOWS: ON THE NORTH BY THE SOUTHERN LIMIT OF PUBLIC ROAD PLAN 9436 WLTO; ON THE SOUTH BY THE SOUTHERN LIMIT OF SAID LOT; ON THE EAST BY THE WESTERN LIMIT OF WENZEL STREET PLAN 2548 WLTO AND ON THE WEST BY A LINE DRAWN SOUTHERLY AT RIGHT ANGLES TO THE NORTHERN LIMIT OF OTM LOT 114 OF SAID PARISH FROM A POINT IN THE SAME DISTANT EASTERLY THEREON 409.7 FEET FROM THE EASTERN LIMIT OF POWER TRANSMISSION LINE RIGHT-OF-WAY PLAN 2794 WLTO

PARCEL TWO: ALL MINERAL OIL AND NATURAL GAS WHICH MAY BE FOUND UNDER THE FOLLOWING DESCRIBED LAND:

ALL THOSE PORTIONS OF OTM LOTS 114 AND 115 PARISH OF ST PAUL SHOWN AS PUBLIC ROAD PLAN 9436 WLTO LYING TO THE WEST OF THE WESTERN LIMIT OF SAID PLAN 2548 WHICH LIES TO THE EAST OF THE EASTERN LIMIT OF SAID PLAN 2794 WLTO

EXC OUT OF SAID PARCEL TWO ALL THAT PORTION LYING TO THE WEST OF THE WESTERN LIMIT AND ITS STRAIGHT PRODUCTION NORTHERLY OF THE WESTERN LIMIT OF THE LAND DESCRIBED IN PARCEL ONE ABOVE WHICH LIES TO THE SOUTH OF THE SOUTHERN LIMIT OF THE MOST NORTHERLY 33 FEET OF SAID OTM LOT 114

2290 Wenzel Street (Roll No. 101200)
CT # 1603315/1

as indicated on attached map hereto and marked as Schedule "A" of this By-Law

From: "LCR" Limited Commercial / Residential Mixed Use Zone and "RR-2" Rural Residential Zone

To: "CH" Highway Commercial Zone

DONE AND PASSED by the Council of the R.M. of East St. Paul, in the Province of Manitoba this ____ day of _____, A.D. 2025.

Mayor

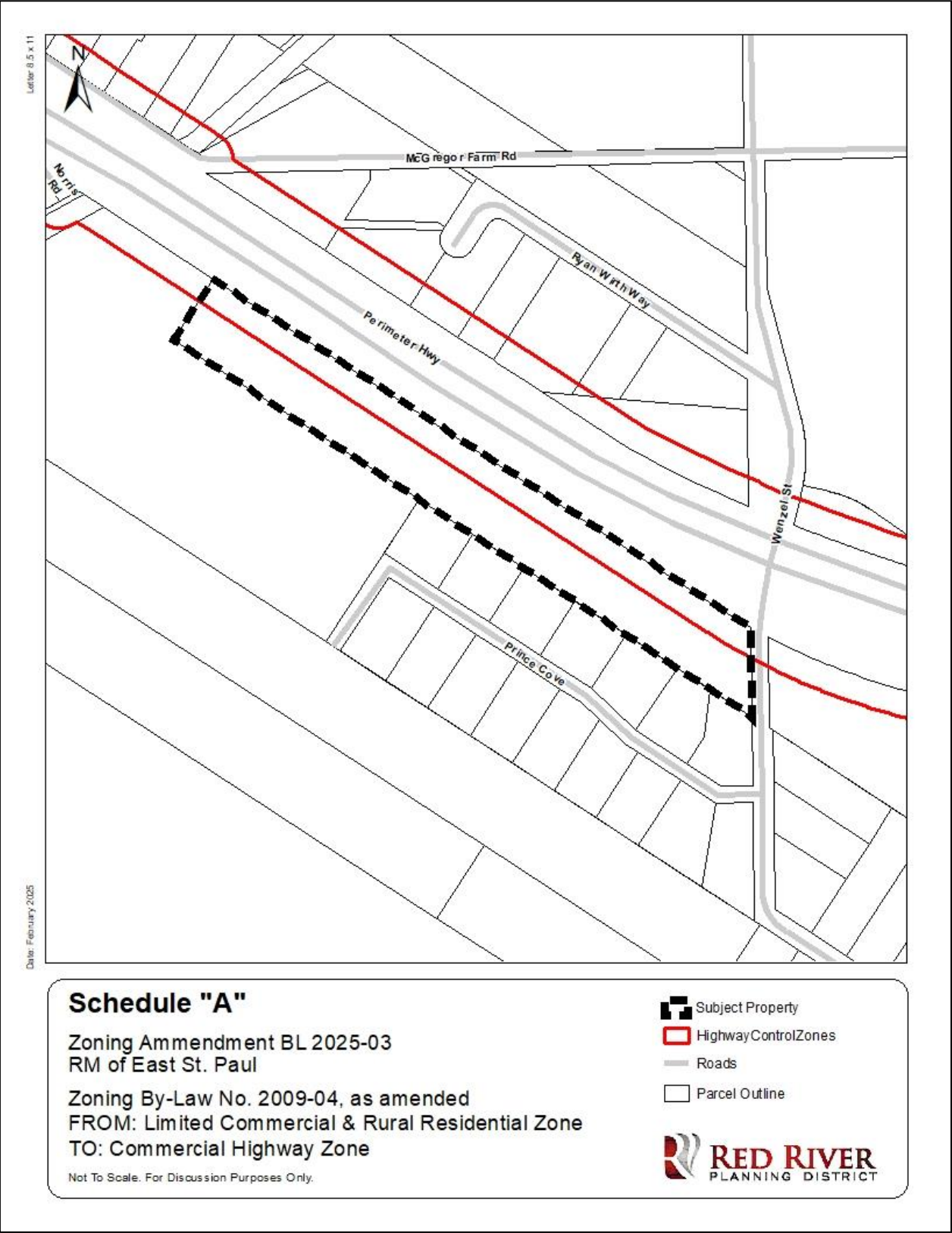
Chief Administrative Officer

Read a First time this _____day of _____ A.D. 2025.

Read a Second time this _____ day of _____, A.D. 2025.

Read a Third and Final time this _____ day of _____, A.D. 2025.

Schedule “A”



APPENDIX C
(Info from Applicant)

January 9, 2024.

From: Derek And Judith Dewitt

To: Whom it may concern

We request the change of Zoning on the property know as 2290 Wenzel St. from Rural Residential (the front 3 acres) and Limited Commercial Residential to fully Commercial Highway. This would match the zoning on the other side of the 101 highway. The 23 acre site running along the perimeter is approximately 100 x 800 meters. The land would then be able to be used for multiple or larger shops backing on the residential properties of Prince cove. Currently the land has a small greenhouse. We believe the shops would act as a sound barrier for the residential area and because of the zoning limits, northern location and the proximity of access to the perimeter would not interfere with the resident's quality of life. The no truck route limitations on Wenzel St. would also mean no trucks would be driving toward the residential areas. At the time a building permit is applied for improvement to the site access could be stipulated. Currently access to the perimeter has lights and turning lanes in all directions. Other considerations are the future planning of either a clover leaf overpass or a diamond interchange at the Wenzel and 101 hwy intersections. Either interchange would make the current residence unlivable. All future building would be built beyond the highways use area. Access could still be made from Wenzel or there is a road allowance from Norris Rd that could possibly be extended to reach the property.

If you have any questions please contact Derek at 204. [REDACTED] or email [REDACTED].

PM

East St. Paul Public Access Map

East St. Paul Public Access Map



APPENDIX D
(Circulation Comments)