

RM of EAST ST. PAUL
ZONING BY-LAW 2009-04
CONDITIONAL USE FILE NO. 14, 2024
PUBLIC HEARING

We are
Listening.

**Public
Hearing**

Tuesday,

July 16th 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:

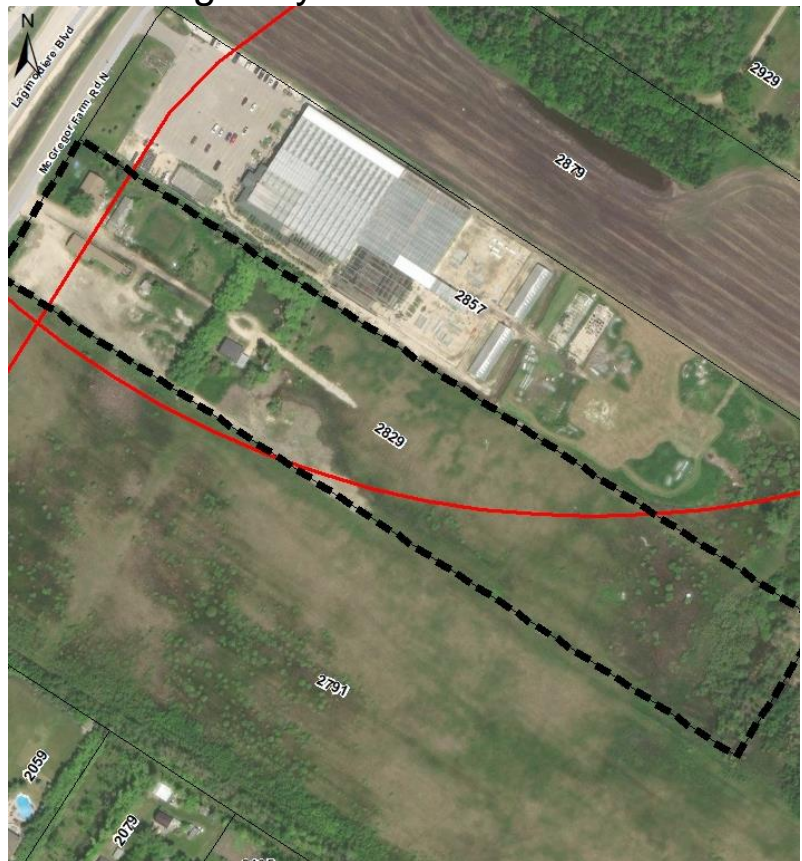
redriverplanning.com



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

What is CU 14, 2024 about?

To allow **General Contractors establishment** to operate on the subject property in the “CH” Commercial Highway Zone



2829 McGregor Farm Rd (Roll 94500)

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 July 16th 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”



2978 Birds Hill Rd
East St. Paul, Manitoba R2E 1J5
Toll Free: 1-800-876-5831
Phone: 204-669-8880
Fax: 204-669-8882

CONDITIONAL USE APPLICATION

Date: June 17, 2024
File: CU 14, 2024
To: Council, RM of East St. Paul
Prepared by: Jennifer Asaim, Student Planner, Red Planning District
From: Santan Singh, RPP, MCIP
Location: 2829 McGregor Farm Rd
Roll No. 94500
OT103-PA-0

Property Zoning:

"IG" Industrial General Zone
R.M. of East St. Paul Zoning By-Law

Property Zone	Conditional Use Request	Proposed by Applicant
Industrial General Zone	General Contractor Service	To establish a General Contractor Service

Purpose:

The applicant is seeking a conditional use approval in order to allow for a General Contractor Service to be established on the subject property. A site plan and letter of intent has been submitted by the applicant, which is attached to this report.

Background:

The subject property is approximately 8.95 acres in site area and approximately 260.7ft in site width, is currently developed with one dwelling, and is surrounded by the following.

To the North: Properties, zoned Development Reserve Zone.

To the South: Properties, zoned Development Reserve Zone.

To the West: McGregor Farm Road and then PTH #59 followed by properties, zoned Business Limited/ Residential Mixed-Use Zone.

To the East: Properties, zoned Development Reserve Zone.

Circulation:

The application was circulated to the RM of ESP and the provincial department of highways for comments. The comments received are below:

- **RM of ESP**

CAO: I have reviewed the application and do not have any concerns relating to the condition use; however, the 2023 property taxes on this property are outstanding. It is recommended that the taxes plus applicable penalties be paid as a condition of approval.

Planning: I have reviewed the variance application and have no concerns with a use of 'General Contractor Services' on this site since it is both designated and zoned for Industrial Uses. The properties to the north and south of this property are also designated as Industrial.

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

- **Manitoba Transportation and Infrastructure – Roadside development**

No comments received at the time of this report.

Analysis:

The subject property is designated as "I" Industrial in the RRPD Development Plan, which may be considered an appropriate fit for the "General Contractor Services" use. Policies within this designation include, but are not limited to:

- Ensuring compatibility with adjoining land uses
- Minimizing potential conflicts with surrounding land uses through buffering or other appropriate measures
- Providing adequate surface water drainage
- Ensuring access to direct frontage and legal access to an all-weather road

The subject property has direct frontage and legal access to an all-weather road connected to PTH#59. It is mainly surrounded by undeveloped lots. However, there is a greenhouse/market garden operation on the adjacent property directly to the north. Therefore, the Council must determine if allowing a "General Contractor Services" use may create a conflict. If approved, the Council may consider requesting additional measures such as buffers and/or screening between the dwelling and any industrial operations on the site.

Planning applications on the subject property include:

- A zoning by-law amendment rezoning the subject property from a "DR" Development Reserve Zone to an "IG" Industrial General Zone (**third reading given in 2020**).
- A conditional use application for the contractor's establishment (**CU 39, 2020**).

Below are the permit applications on record for the Council's consideration:

- **September 2022:** Demolition permit issued for an existing single-family dwelling.
- **September 2022:** Demolition permits issued for accessory structures.
- **January 2023:** Building permit for the relocation of a greenhouse previously in Headingly, MB (application expired due to incomplete information).
- **May 2023:** Building permit issued for a commercial building (greenhouse area 8,136 sq. ft.). The permit was issued after the operations department of ESP issued the lot grade permit and advised to proceed with issuing the building permit.

Previous conditional use approval [CU 39, 2020]

RRPD notes that a conditional use application for a similar use on the subject property was previously approved by the Council (CU 39, 2020), with the requirement of a development agreement between the RM of East St. Paul and the applicant. The RM of East St. Paul has confirmed that the owner/applicant of CU 39, 2020 has not been able to enter into a development agreement with the municipality, and therefore has not met the conditions of approval for CU 39, 2020.

Additionally, the conditional use approved in 2020 involved landscaping materials (soil, gravel) and the storage of several vehicles, such as a skid steer, two trailers, and two dump trucks on-site. Given that the current proposed use may not align with the use approved in 2020, it was advised that a new application be presented to the Council to formally address the current scenario.

Conditional Use Approval to “Run with the Land”

The applicants/owners have indicated that they have several operating companies and would like to include the following activities as part of the General Contractor’s establishment use:

- Landscaping
- Excavation
- Drilling (horizontal directional)
- Sewer or similar construction services requiring on-site storage space for materials
- Construction equipment or vehicles normally associated with contractor services

In their letter of intent, the applicants also state their intention to establish an 8,000 sq. ft. structure, with the property surrounded by fencing and landscaping features. They further clarified that they do not intend to allow any auto or truck repair businesses on the site.

RRPD advises the Council to add a condition of approval to address landscaping and drainage requirements, subject to RM’s approval. Additionally, RRPD recommends that the conditional use should run with the land and not be tied to any specific structure or portion of the subject property. This would allow the applicant/owner to expand or intensify the proposed general contractor’s use, and construct new primary or additional structures, without needing further Council approval.

Council may consider adding a condition to ensure that any new structures or intensifications of use meet the Municipality’s development standards.

Options:

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

- (a) reject the application; or

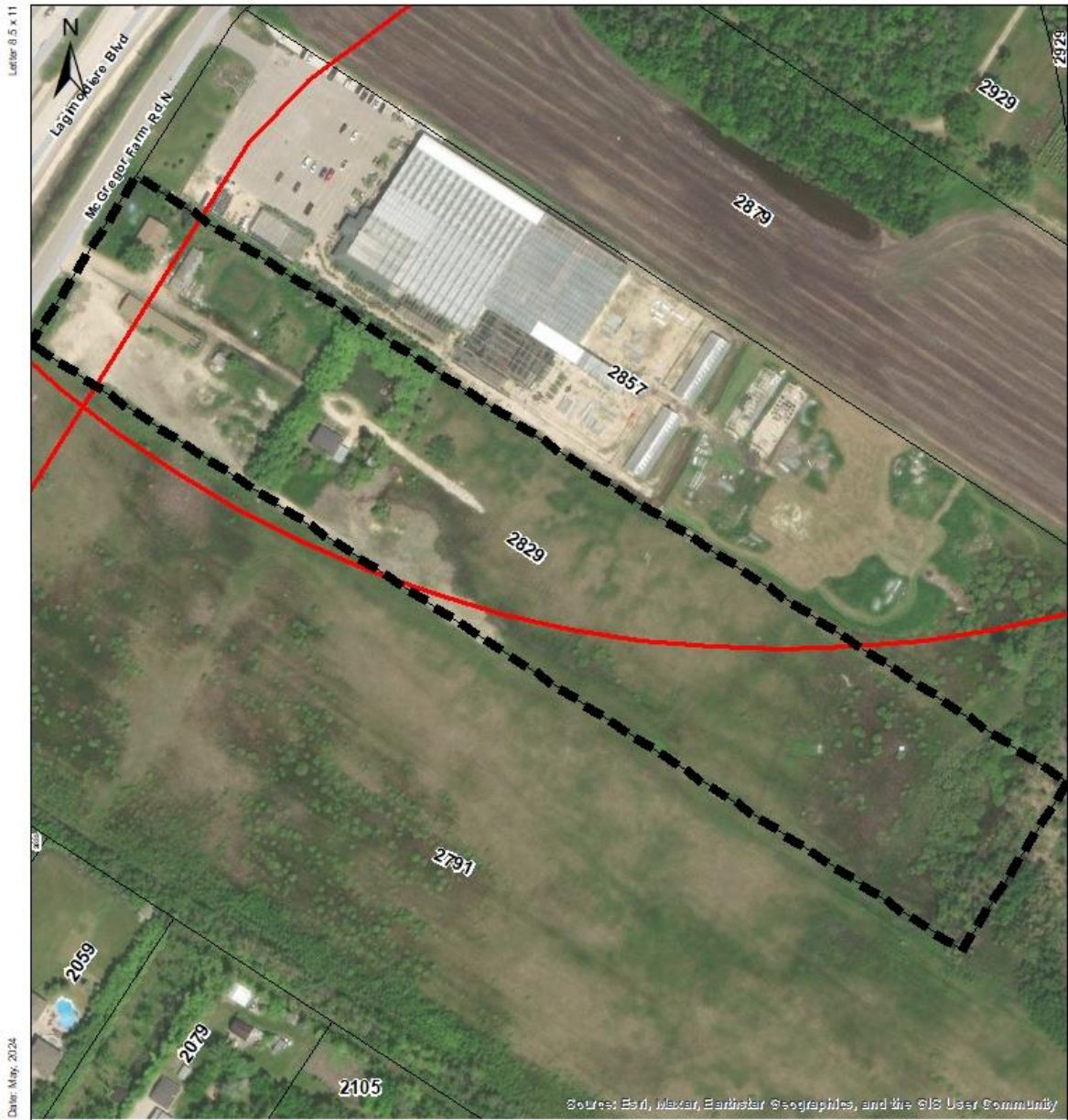
- (b) approve the application if the conditional use proposed in the application
- (i) will be compatible with the general nature of the surrounding area,
 - (ii) will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties 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(s):

Should Council approve the requested zoning variances, we recommend the following conditions:

1. The Conditional Use approval be limited to the “*General Contractor’s Establishment*” use; This conditional use will run with the land, meaning the *General contractor establishment use* could be expanded and / or intensified, and / or new structures be built without further conditional use approval from the Council.
2. Applicant / owner obtains all required approvals and permits from the Red River Planning District, RM of ESP and the Manitoba Highways, if required;
3. The applicant provides confirmation from the RM of ESP administration that the following items have been addressed to the satisfaction of the RM:
 - a. Taxes on the land for the 2023 and for the current year have been paid,
 - b. That a lot grading plan and storm water management plan have been submitted and approved by the Municipality, if required,
 - c. Exterior storage,
 - d. landscaping, parking, siting and design standards, timing of construction, use of land / buildings) and,
 - e. Municipal Services (e.g. sewer and water, waste pickup, access, connections to services, drainage).

RRPD LOCATION MAP



SUPPORTIVE MAPPING

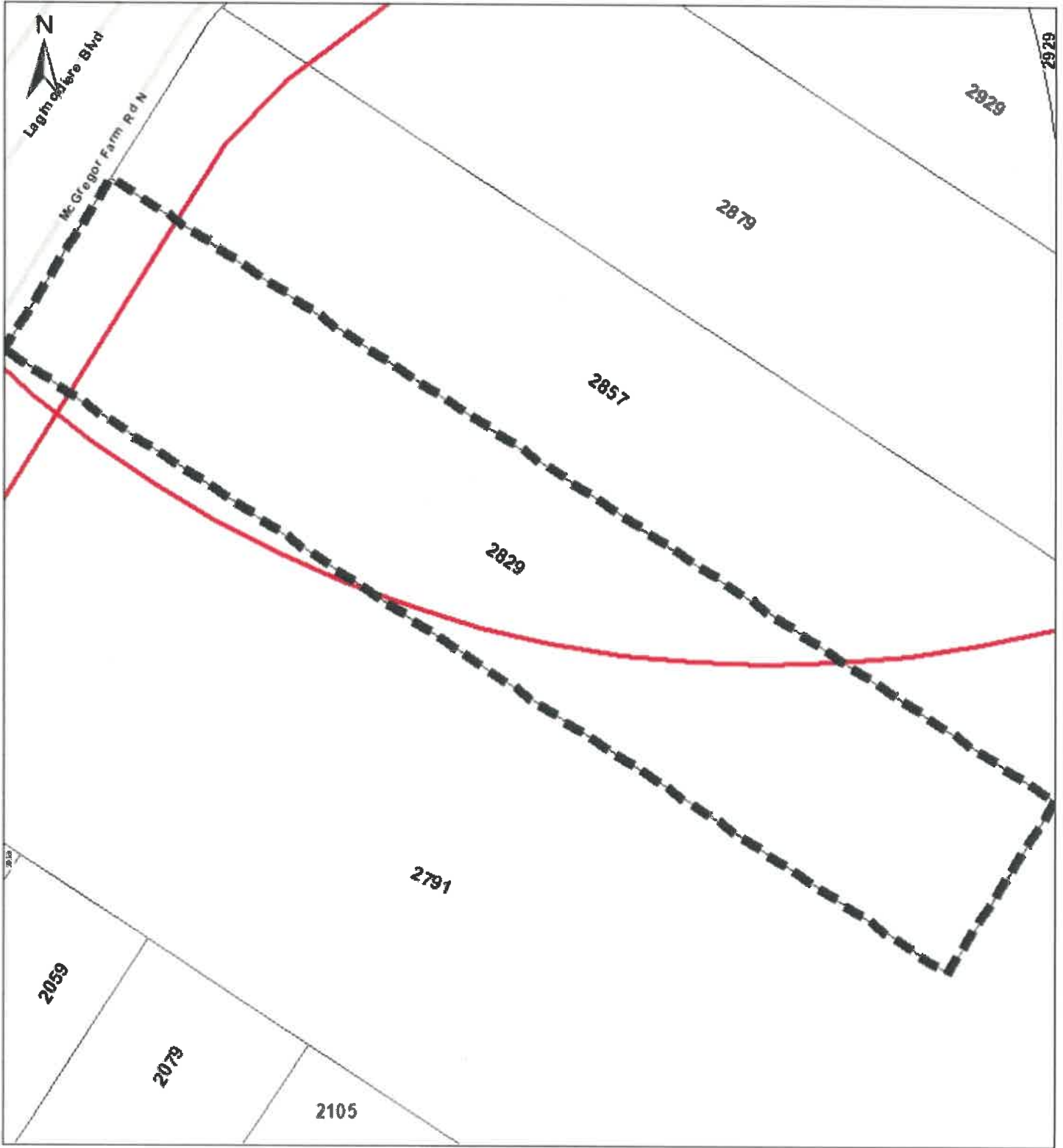
Conditional Use Application CU2024-14
 2829 Mcgregor Farm Rd, RM of East St. Paul

Designation: "I" Industrial
 Zoning: "IG" Industrial General Zone

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



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



SUPPORTIVE MAPPING

Conditional Use Application CU2024-14
2829 McGregor Farm Rd, RM of East St. Paul

Designation: "I" Industrial
Zoning: "IG" Industrial General Zone

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



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

APPLICANT PROVIDED INFORMATION

Monday, April 22, 2024

Re: Letter of Intent — 2829 McGregor Farm Road

Dear Sir/Madam,

We are planning to build roughly 8000 square feet on 2829 McGregor Farm Road. While the site plan is tentative, our plan is to build a structure loosely 80x100 with a similar setback to the adjacent development at Schriemer's Market Centre. The entire property will be surrounded by a security fence, with irrigated sod and landscaping features to beautify along McGregor Farm Road.

We would like to apply for 'General Contractor' use to be permitted for this property. We intend to build an owner/operator building for our business and will never allow any sort of auto or truck repair business to be a part of the site. We would intend the appearance of the site to reflect the tidy, professional image we work hard to establish for our corporation, and for the use of the site to be clean and respectful, and in fitting with our presence in the local community.

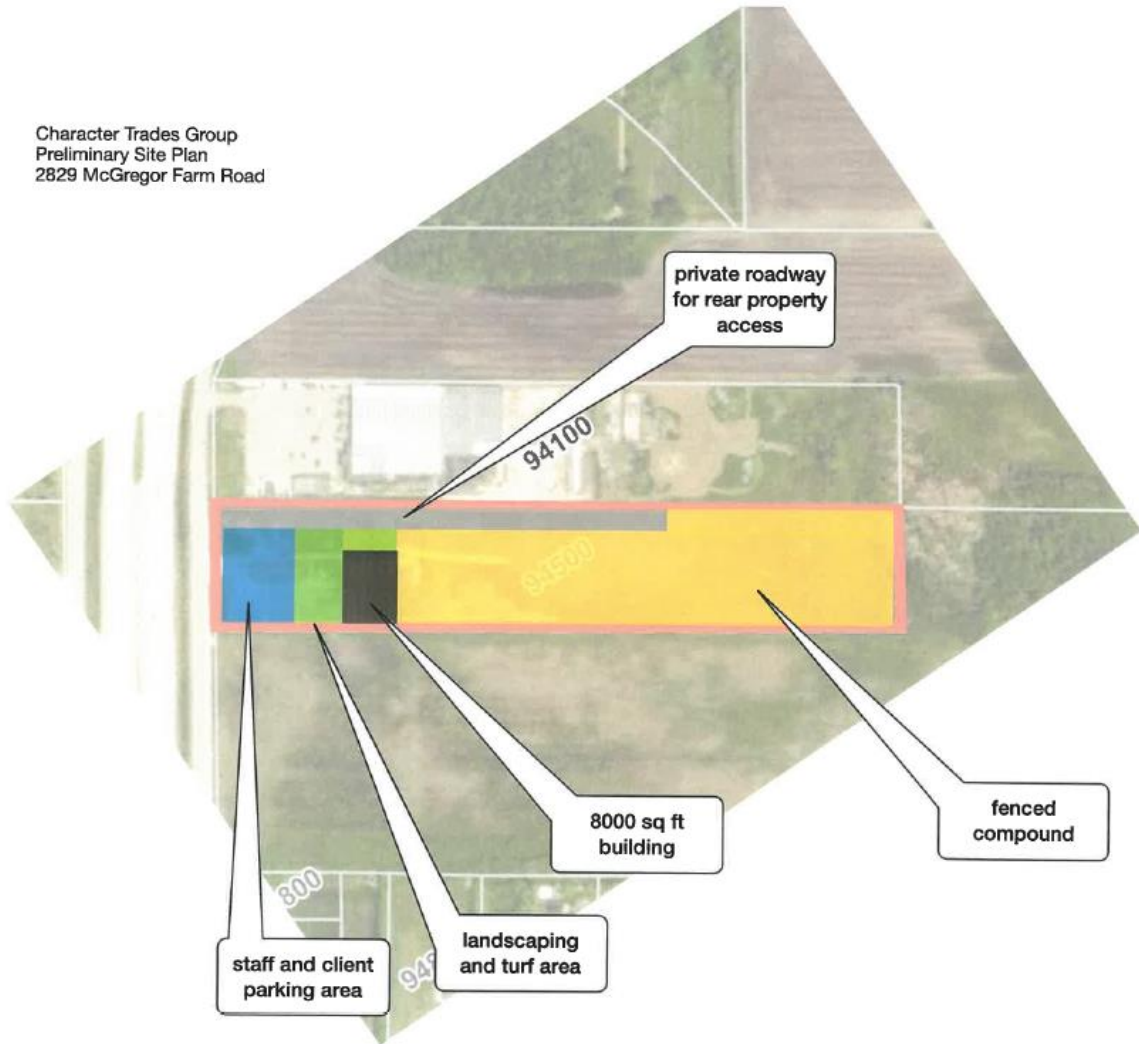
Sincerely,



Lee Klassen

Character Trades Group

Character Trades Group
Preliminary Site Plan
2829 McGregor Farm Road



Santan Singh

From: Santan Singh
Sent: May 8, 2024 2:12 PM
To: Lee Klassen
Cc: Ryan Munt; Cara Nichols; Matt Schriemer
Subject: RE: Conditional Use Application - 2829 McGregor Farm Rd - East St Paul

Hi Lee,

Thank you for sending the list of proposed uses on the site, We will use this as part of the letter of intent.



Santan Singh, RPP, MCIP
Community Planner
Red River Planning District

2978 Birds Hill Rd. East St. Paul, MB R2E 1J5

Tel: 204-669-8880 Fax: 204-669-8882

Direct: 204-661-7606

www.redriverplanning.com

Planning and Development Services for the Municipalities of:
Dunnottar – East St. Paul – St. Andrews – St. Clements – West St. Paul

From: Lee Klassen <lee.klassen@charactertrades.ca>
Sent: May 8, 2024 1:13 PM
To: Santan Singh <santan@rrpd.ca>
Cc: Ryan Munt <Ryan.Munt@cwstevenson.ca>; Cara Nichols <planning@eaststpaul.com>; Matt Schriemer <matthewschriemer@gmail.com>
Subject: Re: Conditional Use Application - 2829 McGregor Farm Rd - East St Paul

You don't often get email from lee.klassen@charactertrades.ca. Learn why this is important

Hi Santan,

Thank you, here is a bit more commentary on how we would fit into General Contractor Establishment.

We have a few operating companies, and from the list of activities you provided that encompass General Contractor, here are the ones that would apply to us:

- landscaping
- excavation
- drilling (horizontal directional)
- sewer or similar services of a construction nature which require on-site storage space for materials
- construction equipment or vehicles normally associated with the contractor service

I hope that helps, happy to provide additional information if that is helpful.

Thank you.

Lee

Lee Klassen, President
Character Trades Group
charactertrades.ca
204-963-6390



On May 8, 2024, at 11:45 AM, Santan Singh <santan@rrpd.ca> wrote:

Hello Lee,

Thank you for sending the site plan, and Ryan, thank you for sending the application.

I would like to request specifications regarding the uses proposed on the site. Could you please provide more detailed information?

The proposed use of a *General Contractors establishment* encompasses a wide range of activities. Below is the definition of a contractors establishment from the Zoning by-law. Please consider it and provide us with the list of proposed uses on the site. This comprehensive list will assist the Council in understanding all the proposed uses and also help us review whether they align with the previous approvals on the property.

General Contractor Establishment means a development used for the provision of building construction, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, construction equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal Contractor Services Use only.

Also, the status of title needs to be within 30 days of the application, so please get us the new copy from the land titles.

Feel free to reach out for any questions/concerns.

Thanks,

<image004.png> **Santan Singh, RPP, MCIP**
Community Planner
Red River Planning District

2978 Birds Hill Rd. East St. Paul, MB R2E 1J5

Tel: 204-669-8880 Fax: 204-669-8882

Direct: 204-661-7606

www.redriverplanning.com

Planning and Development Services for the Municipalities of:

Dunottar – East St. Paul – St. Andrews – St. Clements – West St. Paul

From: Lee Klassen <lee.klassen@charactertrades.ca>

Sent: May 8, 2024 11:22 AM

To: Ryan Munt <Ryan.Munt@cwstevenson.ca>

Cc: Santan Singh <santan@rrpd.ca>; Cara Nichols <planning@eaststpaul.com>; Matt Schriemer

<matthewschriemer@gmail.com>

Subject: Re: Conditional Use Application - 2829 McGregor Farm Rd - East St Paul

You don't often get email from lee.klassen@charactertrades.ca. [Learn why this is important](#)

Hello Santan,

I have attached a preliminary site plan as well. I will drop off a cheque for the conditional use application later today.

Thank you.

Lee

Lee Klassen, President
Character Trades Group
charactertrades.ca
204-963-6390

<image001.png>

On May 7, 2024, at 4:02 PM, Ryan Munt <Ryan.Munt@cwstevenson.ca> wrote:

Hi Santan, hope all is well!

Please find attached the conditional use application for 2829 McGregor Farm Road. Lee Klassen is the applicant and will work through a site plan so you have something more to present to council. He would like this application to run with the land. Let me know if you have any questions.

Thanks,

Ryan Munt, B. Comm. (Hons.)
Executive Vice President
Ryan Munt Personal Real Estate Corporation

Direct: +1 204 928 5015
Mobile: +1 204 298 1905
ryan.munt@cwstevenson.ca

<image001.png>

55 Donald Street Unit 200
Winnipeg, MB R3C 1L8 | Canada
cwstevenson.ca
[Let's Connect on LinkedIn](#)

<Conditional Use Application - Signed.pdf><Letter of Authorization - Signed.pdf><2829 McGregor Farm Rd - Title.pdf><Site Plan.pdf><Letter of Intent.pdf>

OTHER INFO
(Government Comments, etc.)



RURAL MUNICIPALITY OF EAST ST. PAUL

May 31, 2024

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

To Santan Singh

RE: Municipal Comments

CU 14, 2024

Please see the comments below for Variance application CU 14, 2024 for 2829 McGregor Farm Rd.

COMMENTS:

CAO: I have reviewed the application and do not have any concerns relating to the condition use; however, the 2023 property taxes on this property are outstanding. It is recommended that the taxes plus applicable penalties be paid as a condition of approval.

Planning: I have reviewed the variance application and have no concerns with a use of 'General Contractor Services' on this site since it is both designated and zoned for Industrial Uses. The properties to the north and south of this property are also designated as Industrial.

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

Cara Nichols
Community Development Planner