

TITLE: BY-LAW NO. 7134 - TO REZONE PROPERTY LOCATED AT 6701 & 8055 RICHMOND AVENUE EAST FROM DR DEVELOPMENT RESERVE ZONE TO IH INDUSTRIAL HEAVY ZONE OWNER: VITERRA INC. APPLICANT: FEDERATED CO-OPERATIVES LIMITED (AARON ROHRKE)			
PRESENTER: Andrew Mok, BES MCIP		Page 1 of 3	
DEPARTMENT: Planning & Building Safety		ATTACHMENTS: A. By-law No. 7134 B. Application related documents C. Map, air photo & drawings D. Planning Commission minutes E. Development agreement	
CLEARANCES: <i>Original Signed By</i> <u>R. Nickel</u> Principal Planner		DATE: April 1, 2016	
APPROVALS:			
<i>Original Signed By</i> <u>L. Garbo</u> Director of Planning & Building Safety		<i>Original Signed By</i> <u>S. Hildebrand</u> City Manager	
<u>04/05/16</u> Date		<u>04/06/16</u> Date	

REQUEST:

The applicant, Aaron Rohrke of Federated Co-Operatives Limited, on behalf of the property owner, Viterra Inc., is applying to rezone a property located at 6701 and 8055 Richmond Avenue East from the DR Development Reserve Zone to the IH Industrial Heavy Zone. Approval of this application will allow for the development of a bulk granular fertilizer storage facility.

BACKGROUND:

Development Context

The subject site is currently undeveloped and is located northeast of the intersection of Richmond Avenue East and 65th Street East. The site is generally level and sloping towards the Assiniboine River in the northeastern direction; it consists of primarily open field with some woodlots on the south side of the site and along the Canadian Pacific Railway line to the east. The site is surrounded by undeveloped land to the north, east, and south, as well as the Maple Leaf Foods hog processing plant to the west, and chemical storage and production facilities to the southeast.

ANALYSIS:

Approval of this rezoning will accommodate the development of a bulk granular fertilizer storage facility. The facility will have both rail and truck access for the shipping of the fertilizer; the truck access is proposed to be provided by 65th Street East along the western edge of the subject site, and rail access will be accommodated by constructing a spur line connecting to the Canadian Pacific Railway line to the east. The facility will include a concrete and fabric structure with a storage capacity of 27,500 tonnes. A stand-alone 278.7m² building across from the storage facility will house the main office of this proposed development. All buildings are proposed to be centrally located as shown on the conceptual site plan (Attachment B-2).

Only a portion of the subject site will be developed for this facility; the northernmost part of the site, approximately 204.8m measured from the quarter-section line between SW¹/₄ 15-10-18 WPM and NW¹/₄ 15-10-18 WPM, is not part of this rezoning application and will remain undeveloped. The site plan also identifies two areas, the southwestern corner and the southeastern corner, not being part of this rezoning application. The southwestern corner parcel is owned by a different property owner. The area in the southeastern corner is already zoned IH Industrial Heavy Zone.

The application was submitted prior to the new Zoning By-law No. 7124 adopted by City Council on January 18, 2016. Under the new Zoning By-law, the acronym for the Industrial Heavy Zone was amended from “MH” to “IH” to better reflect the zoning district. Furthermore, the applicant advised that Federated Co-Operatives Limited successfully purchased the subject site from Viterra Inc. after City Council gave first reading to this amending by-law (By-law No. 7134). The changes in acronym and ownership will not have any effect on the validity of this application.

Consistency with the Brandon and Area Planning District Development Plan, 2013

The proposed development conforms to Policy 4.1.1 of the Development Plan, which states that industrial development within the City will be required to locate in industrial areas as shown on Map One of the Brandon and Area Planning District Development Plan, 2013. The intent of this policy is to ensure industrial developments are not located in areas of the City that are not compatible with adjacent uses. The subject site is located within an area designated as “Industrial” in Map One. The eastern portion of the subject site, located east of the Canadian Pacific Railway line, is designated “Parks/Open Space” in the Development Plan to separate the Assiniboine River from industrial developments and to ensure development does not occur in the floodplain. The “Parks/Open Space” designated lands are not affected by this rezoning, as all of the proposed development will be west of the Canadian Pacific Railway line.

The proposed development also conforms to Policy 4.1.2 of the Development Plan, which states that industries that require railway service will be encouraged to locate in the eastern portion of Brandon. The intent of this policy is to ensure industries requiring railway service are located appropriately. The subject site is also located on a section of railway line that is far from the residential areas of the City.

Consistency with the Zoning By-law

The DR Zone provides for the preservation of existing agricultural sites in an unfragmented state for future development consistent with the Development Plan and any applicable Secondary Plan. The intent of the IH Zone is to provide for the widest range of industrial uses, including industrial operations that have the potential to generate significant levels of nuisance emissions, as well as those uses that incorporate extensive outdoor operations and storage as part of their normal operations. These uses are to be located as far from residential areas as possible. The subject site is located near the eastern edge of the City; it is an appropriate location for a fertilizer storage facility, as it is one of the farthest sites possible from the City’s residential areas.

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

A development agreement will be required to ensure the site is developed as proposed; any deviation from the proposal deemed significant by the City will be subject to further review by the City. Further, some issues will need to be addressed under the building permit application stage, including but not limited to compliance with the Manitoba Building Code, servicing of the site, drainage of the site, and facilitating development of the subject site despite it currently being under two separate titles.

Notification

In accordance with Section 168 of The Planning Act, notice of the public hearing was sent to owners of property within 100 metres (328 feet) of the subject property. Notice has also been posted on the subject property and advertised in the Brandon Sun on February 25, 2016 and March 3, 2016.

Public Outreach

In accordance with section 13 of the Zoning By-law, the applicant contacted surrounding property owners by mail for feedback on the proposed development. The only question received from one property owner pertained to the potential adverse impacts on the property values as a result of the proposed development.

Public Hearing Held

In accordance with Section 36(2) of The Planning Act, the Planning Commission held a public hearing on March 16, 2016 (please see attached minutes of the hearing on Attachment D). The Planning Commission questioned the applicant on environmental considerations with the proposed use and the status of approvals through Manitoba Conservation and Water Stewardship. Upon public testimony, the Planning Commission recommended that City Council approve By-law No. 7134, subject to the owner or successor entering into a development agreement with the City of Brandon.

May Consider Third Reading

The required development agreement has been signed, and since no objections were registered at the public hearing, in accordance with Section 75 of The Planning Act, City Council may consider giving this by-law third reading immediately upon second reading.

RECOMMENDATIONS:

That By-law No. 7134, to rezone 6701 and 8055 Richmond Avenue East (Pt. SW¼ 15-10-18 WPM and Pt. SE¼ 15-10-18 WPM) from DR Development Reserve Zone to IH Industrial Heavy Zone, be read a second time.

That the by-law be read a third and final time.

BY-LAW NO. 7134

BEING A BY-LAW of the City of Brandon to amend Zoning By-law No. 7124.

WHEREAS Section 47(2) of The Planning Act provides that a zoning by-law may be amended;

NOW THEREFORE the Council of the City of Brandon, duly assembled, enacts as follows:

- 1. The land described as the SW ¼ and SE ¼ of Section 15, Township 10, Range 18 WPM commonly known as 6701 and 8055 Richmond Avenue East, and identified on the map attached hereto as Schedule "A" is hereby reclassified:

FROM: DR Development Reserve Zone
TO: IH Industrial Heavy Zone**
- 2. Map 5, being part of Schedule B of By-law No. 7124, is hereby amended in accordance with Section 1 of this by-law.**
- 3. This by-law shall come into full force and take effect on the day following its passage.**

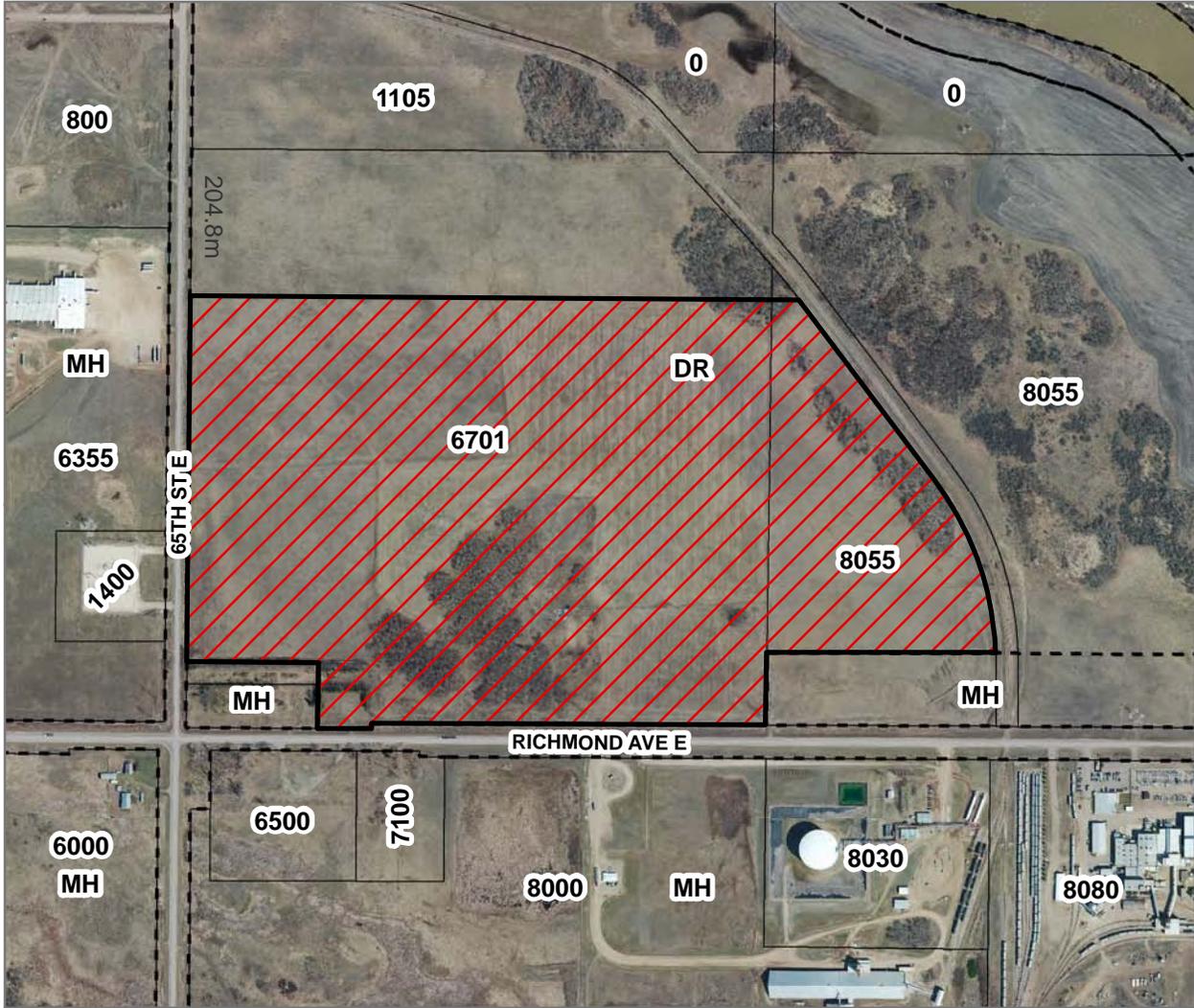
DONE AND PASSED by the Council of the City of Brandon duly assembled this day of A.D. 2016.

MAYOR

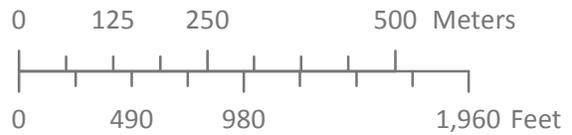
CITY CLERK

Read for a first time this ^{1st} day of *February* A.D. 2016
Read for a second time this day of A.D. 2016
Read for a third time this day of A.D. 2016

Schedule "A"



By-Law No. 7134
 Amending Appendix A of By-Law No. 6642
 Zoning By-Law Amendment Z-04-15-B
 6701 & 8055 Richmond Avenue East
 (Pt. SW & SE 1/4 15-10-18 WPM)



LEGEND

 Proposed lot(s) to be rezoned from DR to MH

DR - Development Reserve Zone
 MH - Industrial Heavy Zone

**City of Brandon
 Planning & Building
 Safety Department**



Map Created: 12/29/15
 Revised: 1/14/16