

TITLE: BY-LAW NO. 7177 TO REZONE PROPERTY LOCATED AT 1890 - 65TH STREET EAST OWNER / APPLICANT: SEAL-ON PAVING LTD.			
PRESENTER: Samuel van Huizen, BES		Page 1 of 3	
DEPARTMENT: Planning Property and Buildings		ATTACHMENTS: A. Application related documents B. Map, air photo & drawings C. Draft by-law	
CLEARANCES: Chief Planner		MEETING DATE: July 5, 2017	
APPROVALS:  Community Planner		 Chief Planner	
June 22, 2017 Date		June 23, 2017 Date	

REQUEST:

The applicant, Dean Arnill of Seal-on Paving Ltd., is applying to rezone a property located at 1890-65th Street East from Development Reserve (DR) to Industrial Heavy (IH) Zone in the City of Brandon Zoning By-law No. 7124 (Zoning By-law). Approval of this application will allow for the construction of two storage tanks in support of an asphalt manufacturing plant.

BACKGROUND:

Development Context

The subject site is currently vacant, and is located on 65th Street East south of Richmond Avenue East. The property has a CN railway right-of-way along the southern site line. The site is surrounded by Industrial Heavy zoned uses. Various industrial uses are located to the northwest of the site along Richmond Avenue East. Vehicle access to the site is provided by 65th Street East in the southeast corner of the site, and rail access is provided to the south. An internal roadway connects the subject site to the asphalt manufacturing plant on an adjacent property at 65 Limestone Road.

History

The subject site was subdivided from a larger property several times (the last time in 2000), when the industrial lots on Limestone Road were created. The site is identified as “Medium” quality aggregate designations as determined by the designated Provincial Authority and shown on Map 10 of the Brandon and Area Planning District Development Plan 2013. The site was previously approved for a conditional use to establish a sanitary landfill site for the disposal of clean fill including bricks and cement. The site now sits undeveloped without an active use.

ANALYSIS:

The owner has proposed the construction of two storage tanks in the southeast corner of the site. The proposed location is adjacent to the Canadian National (CN) Railway along the south site line. CN is currently constructing a spur line adjacent to the main line that will allow the delivery of rail cars carrying liquid asphalt cement to the owner for offloading into the proposed storage tanks.

The owner operates an asphalt manufacturing plant on an adjacent site located to the west at 65 Limestone Road. These two sites are connected via a private road used for transporting the liquid asphalt cement from the storage tank to the manufacturing facility. The existing access from 65th Street East will remain for emergency access only.

Consistency with the Development Plan

- The proposed IH zone complies with the industrial designation in the Development Plan (Policy 1.1.1)
- The intensity of use (asphalt manufacturing) complies with policy direction to provide progressively more intensive industrial operations further from residential designated areas (Policy 4.1.1)
- The subject site is identified for “medium” quality aggregate (Reference Map 8)

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.
- The intent of the IH Zone is to provide for the widest range of industrial uses, including industrial operations that incorporate outdoor operations and storage as part of their normal operations.
- The subject site is located in the aggregate deposit overlay zone and identified for ‘medium’ quality aggregate.
- The medium designation restricts the new construction of buildings until the resource is determined by the provincial authority having jurisdiction (Manitoba Mines) to have been depleted or deemed uneconomical to extract.
- The applicant will be required to provide confirmation from Manitoba Mines that that the resource is depleted prior to the issuance of a building permit.
- Gravel extraction is a permitted use in the IH Zone.

Commenting Agencies

All comments have been addressed and summarized below.

City of Brandon

- The Building Safety Department is not in a position, at the time of this public hearing, to issue any new permits until all outstanding permits held by the owner are closed. The applicant has been notified and is working with Building Safety to conclude outstanding work.
- The Property Department will require that all titles for the subject site be consolidated.

Manitoba Sustainable Development

- A Notice of Alteration will be required to add this expansion onto the an existing Environmental Act License issued to Seal-On Paving Ltd. operating as Western Asphalt Products.

Manitoba Mines Branch

- There is an economically valuable sand and gravel deposit at this locality and the Mines Branch has not received any technical information confirming the site is depleted.

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 June 15, 2017 and June 22, 2017.

Public Outreach

In accordance with section 13 of the Zoning By-law, public outreach is not required for a zoning map amendment for any commercial or industrial use within an appropriately classified area and not located within 100 metres of any residences. As of the writing of this report, the Planning, Property and Buildings Department has not received representation in favour of or in opposition to this application.

RECOMMENDATIONS:

Public Hearing

That the Public Hearing regarding By-law No. 7177 (Z-01-17-B) to rezone 1890 – 65th Street East from Development Reserve (DR) to Industrial Heavy (IH) be concluded.

Rezoning

That the Planning Commission recommend By-law 7177 (Z-01-17-B) be approved.