

<b>TITLE:</b> <b>BY-LAW NO. 7194 TO REZONE</b> <b>PROPERTY LOCATED AT 701 - 17<sup>TH</sup> STREET EAST</b> <b>OWNER / APPLICANT: KOCH FERTILIZER LTD.</b>			
<b>PRESENTER:</b> Robert Zilke, MCIP, RPP		<b>Page 1 of 3</b>	
<b>DEPARTMENT:</b> Planning, Property & Buildings		<b>ATTACHMENTS:</b> A. Application related documents B. Map, air photo & drawings C. Development Agreement Report D. Draft by-law E. Community Participation Report	
<b>CLEARANCES:</b> Chief Planner		<b>MEETING DATE:</b> December 6, 2017	
<b>APPROVALS:</b>			
 November 28, 2017 <b>Community Planner</b>		 November 29, 2017 <b>Chief Planner</b>	

**REQUEST:**

The applicant, Kelly Simonson, on behalf of the property owner, Koch Fertilizer Canada, ULC, is applying to rezone a property located at 701 17<sup>th</sup> Street East from Development Reserve (DR) Zone to Industrial General (IG) Zone. Approval of this application will allow for the construction of an administrative office and a storage building.

**BACKGROUND:**

The site is currently vacant, and is located at 701 17<sup>th</sup> Street East:

- north of the Koch Fertilizer plant processing area
- east of 17<sup>th</sup> Street east
- south of the College Avenue East partially developed right-of-way

The site is surrounded by DR zoned properties to the north and east and various industrial zones to the west and south along 17<sup>th</sup> Street East. Access to the site is provided by 17<sup>th</sup> Street East to the west.

### ***History***

The site is owned by Koch Fertilizer Canada, ULC for future development purposes. Koch purchased the Government Road Allowance property which is located at the north side of the subject site and consolidated with lands on the north and south.

### **ANALYSIS:**

The proposed rezoning complies with the industrial designation in the development plan (Map 1, Urban Land Use). The proposed office and storage building uses comply with the intent of the IG Zone.

Approval of this rezoning will accommodate the construction of two buildings located on the west side of the property. One building will be used for Koch personnel offices and a laboratory, and the other will be dedicated for central control room and maintenance facilities. A new paved vehicle access off 17th Street East and a parking area to the west of the administration and laboratory building will also be established. Chain link fence is proposed along both sides of the internal road that connects the maintenance building to a second vehicle entrance at the facility located at 1400-17th Street East.

### ***Public Outreach***

The applicant conducted their public consultation by sending emails containing a drawing to the site's neighbours regarding the rezoning proposal. According to their public outreach report. There have been no comments received from the public.

### ***Consistency with the Development Plan***

- The proposed IG zone complies with the industrial designation in the Development Plan (Policy 4.0)
- The intensity of use (offices, laboratories and maintenance buildings) 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 IG Zone is to provide for a greater range of industrial uses than the IR Zone, including industrial operations that incorporate outdoor operations and storage as part of their normal operations.

### ***Commenting Agencies***

All comments have been addressed and summarized below.

#### **City of Brandon**

- That the Planning Commission recommend By-law 7194 (Z-03-17-B) be approved, subject to prior to the bylaw being given third reading, the owner or successor entering into a development agreement with the City of Brandon, including but not limited to the following supplementary conditions:
  1. The applicant will be responsible to extend the 200mm wastewater main located at the intersection of Van Horne Avenue and 17<sup>th</sup> Street East to service the property.
  2. The applicant will be responsible to construct an approach off 17<sup>th</sup> Street East as per the approved site plan. The access is to be constructed to the latest edition of the City of Brandon Standard Construction Specifications. The design is subject to review and approval of the City Engineer.
  3. The applicant will be required to enter into an Easement Agreement with Manitoba Hydro and provide proof execution prior to issuance of any development/building permits.
  4. The applicant will be responsible to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all work proposed within the right-of-way. The cost estimate is subject to review and approval by the City Engineer.
  5. The applicant will be responsible to submit an Irrevocable Letter of Credit totalling 15% of the Detailed Cost Estimate.

#### **Manitoba Sustainable Development**

- A Notice of Alteration will be required to add this expansion onto the existing Environmental Act License issued to Koch Fertilizer.

#### **Mines Branch**

- No concerns. The aggregate deposits in the section do not extend to the parcels in question.

### ***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 Nov 23, 2017 and Nov 30, 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 By-law No. 7194 (Z-03-17-B) to rezone a property located at 701 17<sup>th</sup> Street East from Development Reserve (DR) Zone to Industrial General (IG) Zone be concluded.

***Rezoning***

That the Planning Commission recommend By-law 7194 (Z-03-17-B) be approved, subject to prior to the bylaw being given third reading, the owner or successor entering into a development agreement with the City of Brandon, including but not limited to the following supplementary conditions:

1. The applicant will be responsible to extend the 200mm wastewater main located at the intersection of Van Horne Avenue and 17th Street East to service the property.
2. The applicant will be responsible to construct an approach off 17th Street East as per the approved site plan. The access is to be constructed to the latest edition of the City of Brandon Standard Construction Specifications. The design is subject to review and approval of the City Engineer.
3. The applicant will be required to enter into an Easement Agreement with Manitoba Hydro and provide proof execution prior to issuance of any development/building permits.
4. The applicant will be responsible to submit a Detailed Cost Estimate, prepared by their Consulting Engineer for all work proposed within the right-of-way. The cost estimate is subject to review and approval by the City Engineer.
5. The applicant will be responsible to submit an Irrevocable Letter of Credit totalling 15% of the Detailed Cost Estimate.