



## Brant County Council Report

---

**To:** To the Mayor and Members of Brant County Council

**From:** Marcus Davidson, Senior Planner

**Date:** June 2, 2020

**Subject:** RPT-20-29

**Purpose:** Recommendation Report on an application to amend the County of Brant Zoning By-Law 61-16 on a portion of the lands known municipally as 1318 Colborne Street West, from Agricultural (A) to special exception Heavy Industrial (M3-24) to permit a concrete batching plant with all manufacturing limited to within the building/structure; that outdoor storage be located behind the front building line of the proposed structure (which is proposed to be 21.0 metres (68.0 ft.)) from the front lot line; that a 4.5 metre (14.75 ft.) landscape buffer be provided along the northerly property line to the outdoor storage area and to allow for a reduced front yard setback of 20.0 metres (66.0 ft.), whereas 50.0 metres (165.0 ft.) are required.

---

### Recommendation

1. That application ZBA8/20/MD from J.H. Cohoon Engineering Ltd., on behalf of Scott Roswell, Applicant, acting for Karyn Spierenburg Owners of Part of Lots 1 and 2, Concession 5, Geographic Township of Brantford, County of Brant to amend a portion of the Agricultural (A) zoning to special exception Heavy Industrial (M3-24) to permit a concrete batching plant with all manufacturing limited to within the building/structure; that outdoor storage be located behind the front building line of the proposed structure (which is proposed to be 21.0 metres (68.0 ft.)) from the front lot line; that a 4.5 metre (14.75 ft.) landscape buffer be provided along the northerly property line to the outdoor storage area and to allow for a reduced front yard setback of 20.0 metres (66.0 ft.), whereas 50.0 metres (165.0 ft.) are required, **BE APPROVED**.

### Key Strategic Priority

To grow in a responsible manner that protects and enhances the attributes that are unique to each individual community; and

To engage citizens in a dialogue that is transparent, multi-faceted, and mutually respectful.

### Financial Considerations

Any financial implications related to this application will be borne by the Applicants.

## **Executive Summary**

The planning analysis focused on literature reviews of applicable policy including the *Planning Act*, *Provincial Policy Statement (2020)*, *Places to Grow* (Growth Plan for the Greater Golden Horseshoe), *County of Brant Official Plan (2012)* and *County of Brant Zoning By-Law (61-16)*. The analysis also included consultation with various departments and agencies, an inspection of the subject lands and surrounding neighbourhood, and discussions with the applicants and members of Council.

Through the circulation of this application a number of concerns/objections were raised by adjacent residents. A special virtual public information session was facilitated by the applicant on June 29<sup>th</sup> at 7:00pm. The list of concerns raised through the circulation and virtual public information session were predominantly related to noise, dust, traffic and impact on the water table in this area. In this regard, staff is of the opinion that the special provisions included in the rezoning and the site plan control application that has been submitted, and is currently under review, will be able to mediate these concerns.

This report recommends that the application for rezoning from Agricultural (A) to special exception Heavy Industrial (M3-24) to permit a concrete batching plant with all manufacturing limited to within the building/structure; that outdoor storage be located behind the front building line of the proposed structure (which is proposed to be 21.0 metres (68.0 ft.)) from the front lot line; that a 4.5 metre (14.75 ft.) landscape buffer be provided along the northerly property line to the outdoor storage area and to allow for a reduced front yard setback of 20.0 metres (66.0 ft.), whereas 50.0 metres (165.0 ft.) are required, be approved.

## **Background**

The property is situated on the east side of Bishopsgate Road, south of Colborne Street West and King Street. The lands are presently in agricultural production, and are situated immediately north of 'Triggers and Bows' situated at 340 Bishopsgate Road.

In correspondence provided by the Owners' agent the zoning amendment proposes to modify a portion of the subject lands to permit a concrete batching plant. The proponent is Roswell Concrete Products. Currently, this business is presently situated on a 0.7 hectare (1.7 acres) site on the north side of Burford-Delhi Road, east of the Hamlet of Kelvin. The existing operation is presently zoned special exception Heavy Industrial (M3-2), which permits the proposed batching plant, in addition to all other uses of the M3 zone. Roswell Concrete is a well-established business that has existed at its current location for a number of years. The growing business completes works not only in the County of Brant but across Southern Ontario.

At its current location in Kelvin, Roswell Concrete has limited expansion opportunities due to the size of its current site. In addition, the lands that surround the present operation are presently designated for Agricultural purposes. The Owner of Roswell approached the County hoping to expand in their present location, however, given the present designation, Provincial legislation and local planning documents, the opportunity to expand was extremely limited in that location and could not be supported by Planning staff. As a result, the proponents worked together with Strategic Initiatives and Economic Development to find a property that had an Employment designation to facilitate the expansion of this existing business. The operation did not require municipal services, and was hoping to locate in an area that was relatively close to the Kelvin location to meet customer service requirements in terms of transportation travel times.

Presently, Zoning By-Law 61-16 does not allow a 'batching plant' as a permitted use in any zone. As such, an application for the rezoning of a portion of the Spierenburg lands was required to facilitate the movement of this existing business. In the opinion of Staff, this type of operation is appropriately situated within a Heavy Industrial zoning. In The present Official Plan designation is Employment.

Roswell Concrete Products is the manufacturer of precast concrete septic tanks, cisterns, holding tanks, pump chambers, catch basins, well tiles, and similar products. The proponents are proposing to construct an 1100 sq. m (11840.0 sq. ft.) single storey fabrication building, with an adjacent two-storey 460 sq. m (4951 sq. ft.) office and support facility.

The area to be rezoned is approximately 0.97 hectares (2.4 acres) in area, and will have a frontage of approximately 101.0 metres (331.0 ft) on Bishopsgate Road. If successful with this proposed rezoning the applicants will also be required to apply for a severance to establish the lot, which would be the size of the property proposed to be rezoned. In addition, the Owner would need to finalize and register a site plan agreement with the County. Both of these applications have been received and are in process by Staff.

## **Report**

### **Planning Act**

Section 34(1) of the *Planning Act* establishes that Zoning By-Laws may be passed by Councils of local Municipalities. The proposal is in keeping with the policies of *Planning Act* as it meets the criteria for an amendment to the Zoning By-Law.

### **Provincial Policy Statement (2020) PPS**

Section 1.3 of the PPS provides policy direction for planning authorities to consider matters relating to employment land uses. It provides for appropriate development while protecting resources of Provincial interest, public health and safety, and the quality of the natural and built environment. It supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. In accordance with the PPS, land use must be carefully managed to accommodate appropriate development to meet a full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to health and safety.

Section 1.3.1. of the PPS states that Employment Areas shall promote economic development and competitiveness by, amongst other items:

- b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

Section 1.3.2.3 of the PPS establishes that:

'Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.

Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment uses.'

Section 1.3.2.6 of the PPS provides that:

‘Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.’

Staff notes that the lands to be rezoned are designated for Employment purposes. In order to ensure that an appropriate transition is provided between the existing and future residential uses surrounding the site, the proponents will be required to proceed through the Site Plan Control process. This process will satisfy a number of technical matters including, but not limited to, ensuring that any necessary buffering is provided from adjacent residential designations.

Staff is of the opinion that the proposed rezoning is consistent with the provisions of the PPS.

#### *Growth Plan for the Greater Golden Horseshoe (GPGGH)*

The Growth Plan establishes land use planning framework that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. The Growth Plan also directs that the vast majority of growth occur within existing settlement areas in order to create complete communities.

The GPGGH, in its Employment Policies, promotes economic development and competitiveness by promoting efficient use of existing employment areas, and vacant and underutilized employment lands and increasing employment densities.

The proposal is to retain the Employment designation on Bishopsgate Road, which is consistent with the complete communities’ investment and job creation policies of the Growth Plan. After reviewing the GPGGH in its entirety, Staff are of the opinion that the proposal conforms to the policies of the Plan.

#### *County of Brant Official Plan (CBOP) (2012)*

The lands are situated within the Secondary Urban Settlement Area of the Village of Burford and are designated as Agricultural and Employment in the CBOP. The subject lands are entirely designated for Employment purposes. The following Sections of the CBOP are supportive of the form of development proposed, specifically:

Section 2.2.3.1.2 provides direction for the Secondary Urban Settlement Areas. Specifically, subsection f) outlines:

‘A mix and range of urban land uses and activities shall be permitted, including residential, commercial, employment, office, institutional, entertainment, cultural, recreational and open space uses.’

Section 3.12 outlines the Employment designation, and provides a number of policies, including, but not limited to, permitted uses, as listed in Section 3.12.2(a):

‘The primary employment form in the Employment designation shall be limited to prestige, light and heavy industrial uses, as defined in Section 7.0 of this Plan, such as manufacturing and processing plants, fuel storage, warehouses, public self-storage, truck or transportation terminals, railway uses, and motor vehicle body shops, which may involve the bulk storage of goods or materials. Offices, medical/dental clinics, laboratories and research facilities, communication facilities, printing and publishing plants shall also be permitted as a primary form of employment.’

Section 3.12.3 (d) which provides that:

‘Employment uses that are proposed to be located adjacent to a Provincial Highway, or Arterial Road, shall generally be limited to prestige industrial uses, and self-contained non-noxious uses. Increased setbacks, landscaping requirements, and signage controls may be required for such employment uses. Outside storage shall not be permitted where Employment uses are located adjacent to a Provincial Highway or Arterial Road or residential uses.’

Section 3.12.3 (e) states that:

‘Heavy industrial employment structures shall not be located within fifty (50.0) metres of the boundary of lands designated Employment or within fifty (50.0) metres of an arterial or collector road to ensure that the impact of the Employment uses on adjacent uses is minimized. Accessory uses such as parking areas, appropriately screened outside storage uses shall be permitted within fifty (50.0) metres of the boundary of the Employment designation or arterial/collector road. However, it is not the intent of this policy to permit larger fences that screen outside storage areas abutting areas designated for residential development or abutting arterial or collector roads.’

Further to this Section 3.12.3(i) states:

‘Separation distances between sensitive land uses and any industrial use, or for industrial uses abutting Provincial Highways or arterial roads shall be implemented through the County Zoning By-Law, as a condition of draft plan approval and/or through Site Plan Control and may include such measures as:

- i) Building orientation, design and setbacks;
- ii) Landscaping and screening;
- iii) Odour, dust and noise mitigation measures;
- iv) Access controls;
- v) Road improvements and widenings;
- vi) Restrictions on the range of permitted uses; and
- vii) Restrictions on outside storage.’

Bishopsgate Road is identified in Schedule ‘B’ of the County’s Official Plan, as a Rural Arterial Road. Section 5.3.2.1.3 outlines that Rural Arterial Roads are road designed to provide mobility to traffic throughout areas of low density and low development activity. Rural Arterial Roads typically link centres of activity separated by large distances and provide connections with collectors, and other arterial roads or highways. Rural Arterial roads typically service relatively high volumes of traffic at high speeds.

The extent of the Employment designation is deemed to be approximately 240 metres (787.0 ft.) from Bishopsgate Road. While the designation line does not have a lot line, road, or natural feature to delineate it, it can roughly be interpreted to be to that depth.

As noted above, the proposed use is contemplated in the permitted uses of the Employment designation. Further to this, the proposal would be subject to site plan control, which would address, in addition to a number of technical matters, the appropriate separation from adjacent sensitive land uses.

In the opinion of Staff, the proposal conforms to the policies of the Official Plan.

### Infrastructure/Servicing

The lands are to be serviced with private well and septic system. Though the site plan process a number of technical issues will be reviewed by Staff, including the capability of the land to support the proposed Employment use.

### Source Protection Plan

The lands are located outside of the Source Protection Plan policies.

### County of Brant Zoning By-Law 61-16

The subject lands are presently zoned Agricultural (A). This application proposes to rezone a portion of the subject lands to special exception Heavy Industrial (M3-24) to permit a concrete batching plant with all manufacturing limited to within the building/structure; that outdoor storage be located behind the front building line of the proposed structure (which is proposed to be 21.0 metres (68.0 ft.)) from the front lot line; that a 4.5 metre (14.75 ft.) landscape buffer be provided along the northerly property line to the outdoor storage area and to allow for a reduced front yard setback of 20.0 metres (66.0 ft.), whereas 50.0 metres (165.0 ft.) are required.

As shown on the attached site plan, the proposed structure is to be situated approximately 21.0 metres (69.0 ft.) from the front lot line. As noted above, Official Plan policies established that lands along a Rural Arterial road are to be situated 50.0 metres (165.0 ft.) from the lot line. This dimension has been established in order to minimize the impact of any adjacent use. While the adjacent land uses are presently vacant (in agricultural production), they also are designated in part as Urban Residential, and Agricultural.

Staff is of the opinion that the proposed zoning is appropriate, as there are two additional *Planning Act* applications (Site Plan Control and Severance) that will be required for the completion of this proposal. Through both of those subsequent processes the overall design of the development can be appropriately dealt with to minimize conflict with surrounding land uses.

### Site Plan Control

The proponents are in the process of finalizing their submission for Site Plan Control for the subject lands. Attached to this report is the first draft of the Site Plan which will be reviewed by Staff. Section 6.7 of the County's Official Plan designates the entire County as a Site Plan Control Area. The Site Plan will address such matters as the location of buildings and structures, proposed road widening, location of access points, off-street parking and loading facilities, pedestrian circulation, lighting, landscaping, garbage storage, private and common areas, easements, overall grading, stormwater management facilities, exterior design, location of snow storage, and other matters as may be appropriate in each case.

With regard to noise attenuation, it is noted in the Consultant's report that Roswell manufactures of a wide range of precast concrete products in a self-contained manufacturing plant. Raw products (cement, aggregate, etc.) are trucked to and stored in outside 'silos', which are proposed to be located on the south side of the building. The raw material is stored inside the proposed structure and finished completely within the enclosed building. When cured the finished precast concrete product is trucked to its final destination from within the building or to the outside storage area for later delivery. The location of the outdoor storage is a permitted, and the location of the outdoor storage will be addressed through the completion of the Site Plan Control agreement.

The building will be built using insulated panels improving not only efficiency but reducing sound transmission. As a result of these two factors, noise impact will be minimal. Through the Site Plan process, the Applicants will be required to provide a noise analysis ensuring that the proposal will meet Provincial Standards.

As noted above the lands on the east side of Bishopsgate are designated, in part, as Employment, while the lands on the west side of Bishopsgate are designated as Urban Residential. As a result, the Consultant has provided a detailed analysis of the D-6 Guidelines (Compatibility between Industrial Facilities). This guideline is intended to be applied in the land use planning process to prevent or minimize future lands use problems due to encroachment of sensitive land uses and industrial uses on one another.

The D-6 guidelines require that there is a 300.0 m (985.0 ft.) 'influence area' where the effects are felt between the industrial use and the sensitive land use. The guidelines allow for, and recognize, that if there are 'incompatible' uses, buffering techniques and/or site specific zoning provisions could be implemented.

As a result, a number of site specific provisions have been included. The first requires that ALL manufacturing be restricted to within the proposed structure. This requirement will reduce the amount of noise that is generated by the operation.

The second site specific provision requires that all outdoor storage be located behind the front building line of the proposed structure, which is to be approximately 21.0 metres (69.0 ft.) from the front lot line. This is done for a number of reasons, to screen the outdoor storage, and to utilize the structure as a buffer to prevent noise from travelling to the adjacent sensitive land uses.

The third site specific provision will require that a 4.5 metre (14.75 ft.) landscape buffer be provided along the north lot line. The landscape buffer will provide a vegetative cover from the 'sensitive uses' to the north, which will provide both screening and reduce the amount of noise related to the storage use.

A site plan has been provided (see attached) which depicts each of these provisions.

### **Interdepartmental Considerations**

Comments of no concerns were received from Canada Post, Energy + Inc., Parks Department, Environmental Planning, and Fire Department.

**Development Engineering:** will require Site Plan Control application; a site alteration permit may be required under County By-Law 130-17 for any fill brought to, or being removed from the Site prior to the execution of the Development Agreement and/or Site Plan Approval; and, through Site Plan Control, the following will be required to be submitted: a Functional Servicing Report containing, Sediment and Erosion Control Plan, Storm Water Management, Lot Grading Plan, Traffic Assessment Letter, and a Geotechnical Report for any infiltration areas proposed.

### **Public Considerations**

**Steve and Debbie Heltner (10 Elizabeth Ave):** object to the rezoning, noting issues with water consumption, and impacts on their wells, wastewater, air quality and dust emissions, increased truck traffic, and noise.

**Eric Vlasic (1336 Colborne St. W. and 349 Bishopsgate Rd):** concerned with rezoning of lands, noting issues with dust and chemicals used in the process, water consumption, and potential future expansion of the use.

**Kenneth Werbin and Alix Loewenguth (16 Elizabeth Ave.):** object to the rezoning, noting issues with increases in noise, pollution, dust and traffic and threatening the water table and the overall health and well-being of the community; whether any other sites had been investigated for this application; whether an environmental assessment has taken place in relation to this application; will this application fundamentally alter the agricultural character off Burford and property values and questions whether Council should wait until citizens have the ability to exercise their ability to ask questions in person.

**Mat DiCesare and Kaitlyn Wade (4 Elizabeth Ave.):** object to the rezoning, noting issues with noise, dust, traffic, water and de-valuing of property value. In addition notes other Employment areas in the County where this use would be better suited, and believes that Council should wait until citizens have their ability to ask questions in person.

If comments are received after the generation of this report they will be included in the addendum for the upcoming Council meeting.

### **Planning comments:**

With regard to the comments received from the members of the public there were a number of recurring concerns, noise, dust, pollution, traffic and the impacts of the use on the water table. These are valid concerns that can be addressed through both the proposed rezoning and site plan applications.

Concerning noise/dust and pollution, the proposed rezoning incorporates a number of elements which will help to control these issues.

- The manufacturing component of the use will be required to be within the proposed structure;
- A 4.5 metre landscaping buffer will be provided along the northerly property line; and
- The outdoor storage is to be situated behind the front building lot of the proposed structure and will be fenced.

In incorporating these elements, it will ensure that the amount of noise/dust/pollution generated in the operation is minimized. Through the site plan process the applicants will be required to provide a detailed noise study which will ensure that the proposed use will meet the Ministry of Environment standards.

With regard to traffic, again, the applicants will be required to provide a traffic analysis for the site to ensure that the existing infrastructure can handle the proposed use. As noted above, Bishopsgate Rd. is classified as a Rural Arterial Road which is designed to handle large amounts of traffic, the posted speed limit is 80km/h along this frontage. In addition, the road is relatively flat heading both north and south this will be reviewed in the traffic analysis to ensure that there are safe sightlines both entering and exiting the site.

With regard to impacts on the water table, this information will be reviewed through the site plan process. It is the understanding of staff that the proposed use does not presently use large amounts of water.

### **Conclusions and Recommendations**

The proposal is to rezone the subject lands from Agricultural (A) to special exception Heavy Industrial (M3-24) to permit a concrete batching plant with all manufacturing limited to within the building/structure; that outdoor storage be located behind the front building line of the proposed structure (which is proposed to be 21.0 metres (68.0 ft.)) from the front lot line; that a 4.5 metres (14.75 ft.) landscape buffer be provided along the northerly property line to the



outdoor storage area and to allow for a reduced front yard setback of 20.0 metres (66.0 ft.), whereas 50.0 metres (165.0 ft.) are required. The lands to be rezoned are presently designated as Employment in the CBOP.

With regard to the proposal, Staff is of the opinion that the proposed location is appropriate as there are a number of controls in place to address the specific details related to the development of the site.

1. Staff is of the opinion that the concerns/objections raised by the adjacent land owners in both written format and at the public information session will be address through the site plan process.

Staff have reviewed the proposal in relation to Provincial Policies, and the County of Brant Official Plan and are of the opinion that the proposed reconfiguration is consistent and in conformity with those documents. Staff are recommending approval of this application.

**Prepared by:** Marcus Davidson, MCIP, RPP, Senior Planner

**Reviewed by:** Mat Vaughan, BES, MPLAN, MCIP, RPP, CMM3, Director of Planning

**Submitted By:** Pamela Duesling, MAES, MCIP, RPP, Ec.D., CMM3, General Manager of Development Services

### **Attachments**

1. Draft Site Plan

### **Copy to**

1. Heather Boyd, Clerk Council Committee Services
2. Mat Vaughan, Director of Planning
3. Jennifer Mayhew, Planning Administrative Assistant
4. Applicant/Agent

### **File #ZBA8/20/MD**

### **In adopting this report, is a bylaw or agreement required?**

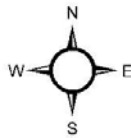
By-Law required (Yes)

Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

Is the necessary By-Law or agreement being sent concurrently to Council? (Yes)

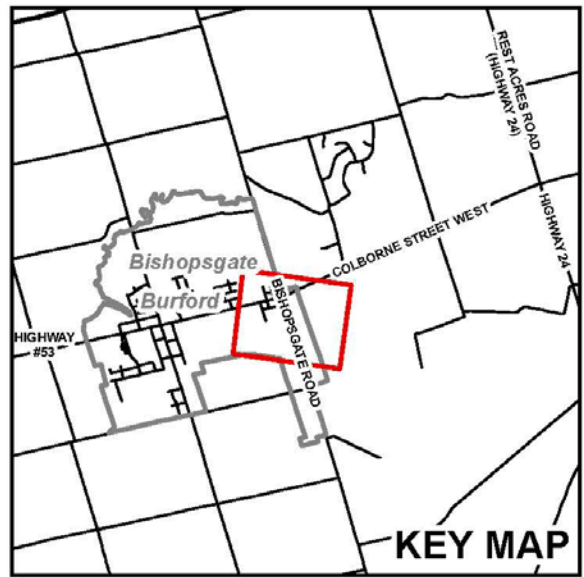
# **MAP 1: ZONING MAP** **File Number: ZBA8-20-MD**

Former Township of  
**BURFORD**

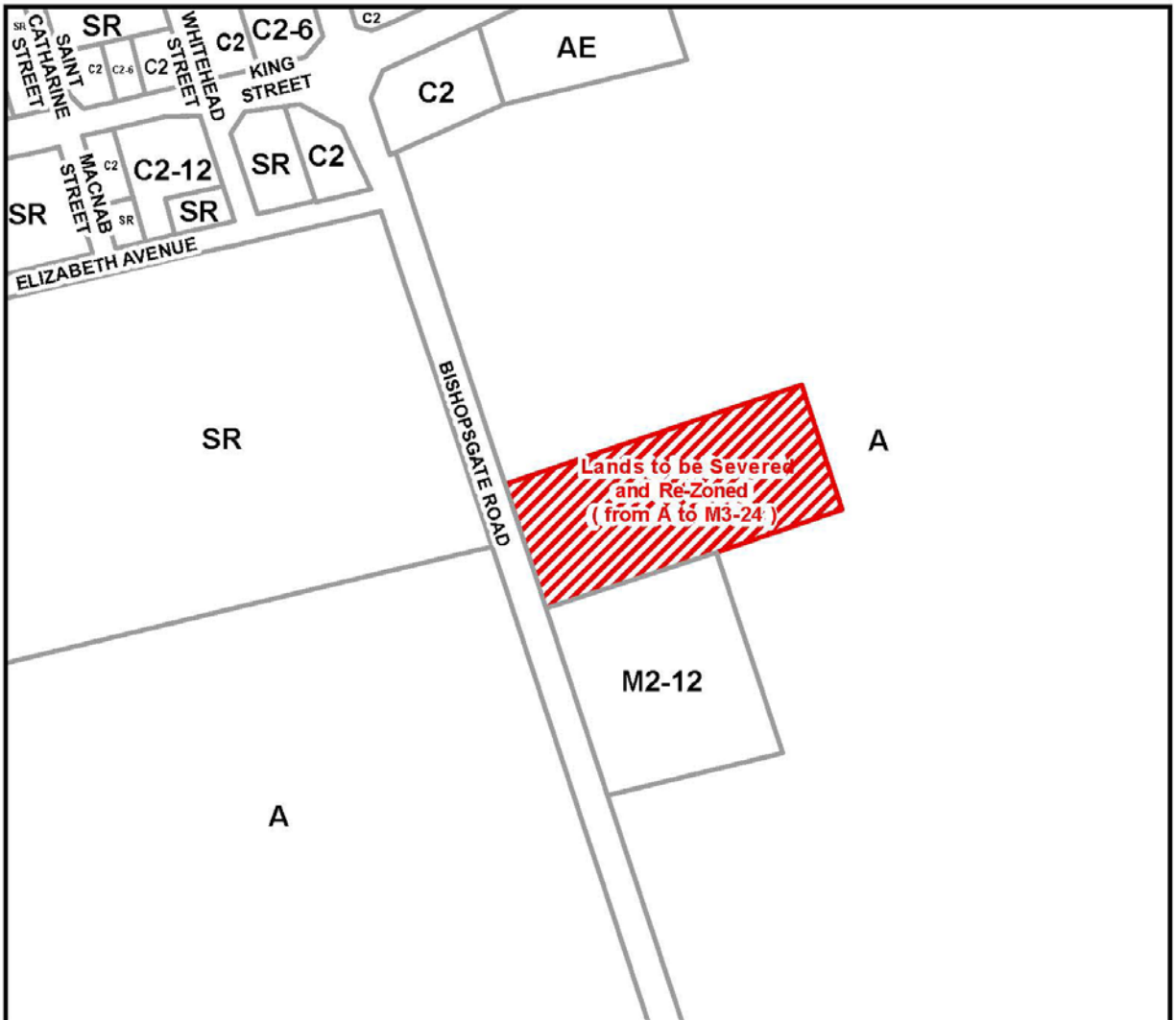


1:4,500

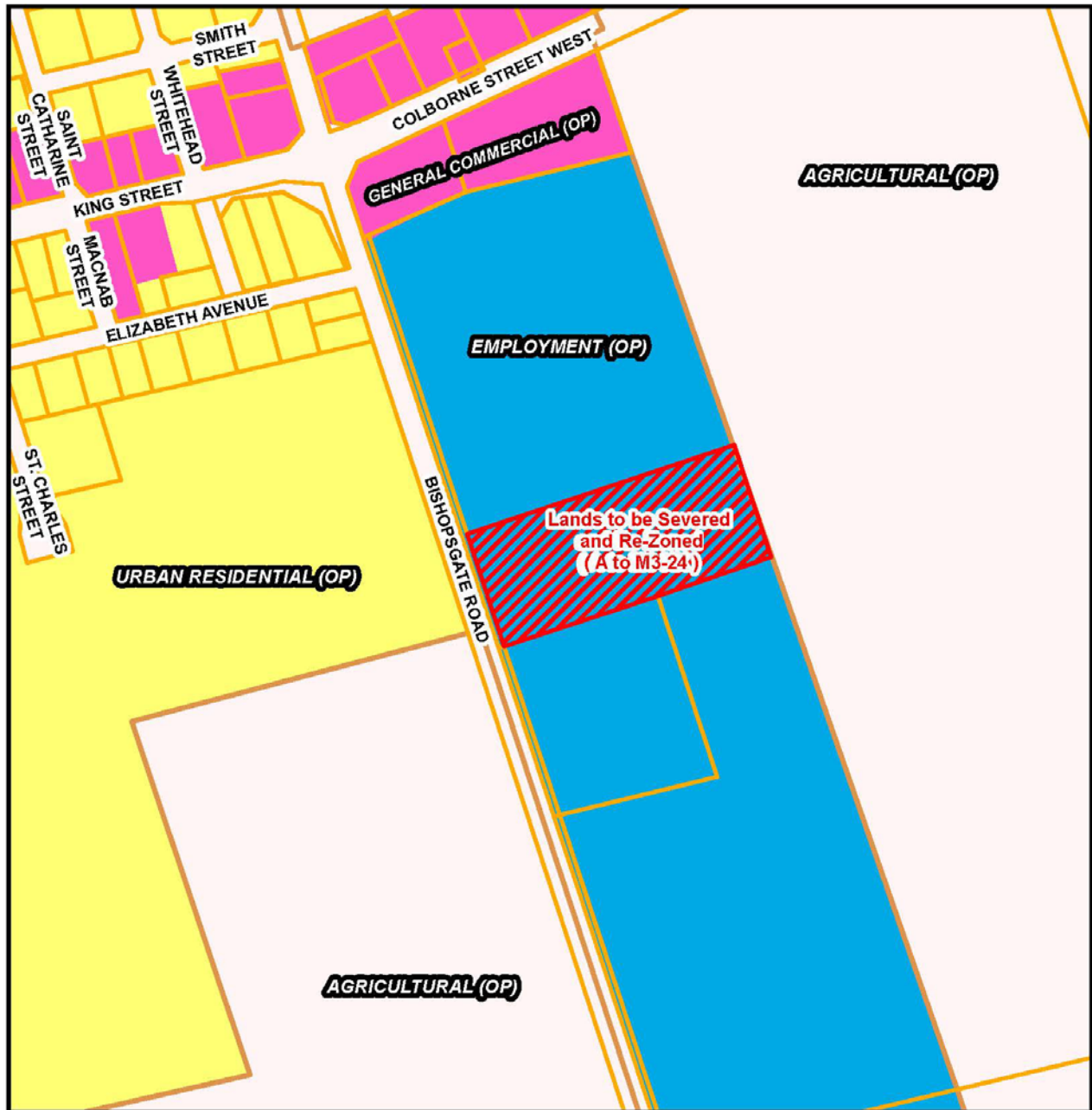
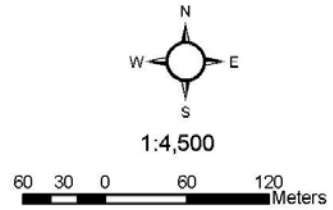
75 37.5 0 75 150 Meters



**KEY MAP**

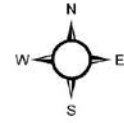


**MAP 2: OFFICIAL PLAN MAP**  
**File Number: ZBA8-20-MD**  
**Former Township of BURFORD**





**MAP 3: AERIAL MAP**  
**File Number: ZBA8-20-MD**  
**Former Township of BURFORD**



1:4,500

60 30 0 60 120  
Meters

