



Planning Advisory Committee Report

To: To the Chair and Members of the Planning Development Committee
From: Dan Namisniak, Planner / Site Plan Coordinator
Date: August 4, 2020
Subject: RPT-20-95 (Flux Brewing Company c/o Jeremy Hansen)
Zoning By-Law Amendment Application ZBA17/20/DN
185 Oakland Road, County of Brant
Purpose: **Recommendation Report** for an Application proposing to amend Zoning By-Law 61-16 to modify the existing 'Light Industrial' M2-10 Zone to permit a *Microbrewery* as a permitted use.

Recommendation

That Application ZBA17/20/DN from Jeremy Hansen (Flux Brewery Company) applicant of CON 1 PT LOT 5 RP 2R1496 PART 1, geographic FORMER TOWNSHIP OF OAKLAND, known as 185 OAKLAND ROAD, County of Brant, proposing to amend Zoning By-Law 61-16 to modify the existing 'Light Industrial' M2-10 Zone to permit a *Microbrewery* having a total area of 501sq.m. (5392.72sq.f.) as a permitted use and removal of the boarding of horses and riding stable uses, **BE APPROVED**.

Key Strategic Priority

1. To grow in a responsible manner that protects and enhances the attributes that are unique to each individual community; and
2. To engage citizens in a dialogue that is transparent, multi-faceted, and mutually respectful.

Financial Considerations

None

Executive Summary / Proposal

The purpose of this report is to provide the Committee and public with a recommendation from Planning Staff regarding the details of an application to amend the County of Brant Zoning By-Law 61-16.

Zoning By-Law Amendment Application ZBA17/20/DN proposes the following:

1. To modify the existing 'Light Industrial' M2-10 Zone to add *Microbrewery* having a total area of 501sq.m. (5,392.72sq.f.) as a permitted use and;
2. To modify the existing 'Light Industrial' M2-10 Zone to remove the boarding of horses and riding stable as a permitted use.

This proposal does not include a request to host large scale events (banquet, conferences, weddings etc.). No new buildings are required to be constructed as part of this application.

As part of the submission for this application, the Agent/ Applicants have provided a detailed Planning Justification Report prepared by Elder Plans Inc., an Engineered Site Plan prepared by MC Engineering and a Flux Brewery business plan.

The planning analysis has regard for applicable policy (i.e. *Planning Act*, *Provincial Policy Statement*, Growth Plan for the Greater Golden Horseshoe, County of Brant Official Plan (2012) and County of Brant Zoning By-Law 61-16), consultation with departments, an inspection of the subject lands and discussions with both the agent/public.

Based on the foregoing, planning staff recommend that the application **be approved**.

Background & Related Applications

Zoning By-Law Amendment application ZBA17/20/DN was presented for information purposes to Council (Planning & Development Committee) at the July 7th 2020 meeting held via video conference.

The proposal was also reviewed in detail by Staff as part of a "Pre-Submission Consultation Meeting" on January 30, 2020.

Location / Existing Conditions

The subject lands are located on the south side of Oakland Road, west of Bannister Street within the Former Township of Oakland, County of Brant.

The surrounding area consists of a mix of agricultural and low density residential uses. The area is serviced by private storm water and sanitary infrastructure.

The subject lands are rectangular in shape having a frontage of 197 metres (647 feet), depth of 251 metres (823 feet) and area of approximately 4.9 hectares (12.1 acres).

The property contains 4 barns, a pond and a single detached dwelling along with smaller accessory buildings. Three of the barns (generally located on the west half of the property) are used for industrial storage and can be accessed through a separate drive way at 187 Oakland Road.

Report

Planning Act R.S.O (1990)

The *Planning Act* (the Act) is provincial legislation that sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them.

Section 34(10) of the *Planning Act* provides policy direction to be followed when reviewing Zoning By-Law Amendment applications.

The application is in keeping with Section 34(10) of the Planning Act.

Provincial Policy Statement (PPS) (2020)

The *Provincial Policy Statement* provides policy direction on matters of provincial interest related to land use planning and development.

1.1.4 Rural Areas in Municipalities

Section 1.1.4.1 healthy, integrated and viable rural areas should be supported by:

- a) Building upon rural character, and leveraging rural amenities and assets;
- f) Promoting diversification of the economic base and employment opportunities through goods and services, including value-added products and the sustainable management or use of resources;
- g) Providing opportunities for sustainable and diversified tourism, including leveraging historical, cultural, and natural assets;

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

- a) Providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- 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;
- c) Facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;

1.3.2 Employment Areas

1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

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

This application is consistent with the *Provincial Policy Statement (2020)* for the following reasons:

- **Approval of this application will allow for continued protection and expansion of employment and commercial uses while maintaining the agricultural / rural landscape within the rural area (Former Township of Oakland)**
- **The microbrewery use will benefit the local economy by providing a range of employment options and increase tourism traffic to the destination microbrewery.**

Growth Plan for the Greater Golden Horseshoe (2019)

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.

1.2.1 Guiding Principles

- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.

2.2.5 Employment

1. Economic development and competitiveness in the GGH will be promoted by:

- a) Making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
- b) Ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
- d) Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

6. Upper- and single-tier municipalities, in consultation with lower-tier municipalities, will designate all employment areas in official plans and protect them for appropriate employment uses over the long-term.

2.2.9 Rural Areas

5. Existing employment areas outside of settlement areas on rural lands that were designated for employment uses in an official plan that was approved and in effect as of June 16, 2006 may continue to be permitted. Expansions to these existing employment areas may be permitted only if necessary, to support the immediate needs of existing businesses and if compatible with the surrounding uses.

This application conforms to the Growth Plan for Greater Golden Horseshoe for the following reasons:

- **The subject lands are designated as employment lands but are outside of a settlement area.**
- **The Growth Plan contains flexible policy encouraging economic growth, employment growth and protection of employment lands.**
- **The proposed microbrewery will contribute and continue to support the surrounding agricultural / rural area through the utilization of local hops and produce.**

County of Brant Official Plan (2012)

Schedule 'A' of the County of Brant Official Plan identifies the land use designation of the subject lands as '*Employment Lands*'.

1.11.2.1.2 The following objectives apply to growth and development in the County:

- d. To provide a full range of employment types and densities (such as institutional, commercial and industrial opportunities).
- e. To continue to ensure resource protection in the County by protecting the agricultural and aggregate land base, and the County's natural heritage features

and functions, and by preventing rural-urban conflicts as a result of new development, redevelopment, and intensification.

- f. To promote growth and development patterns that will incorporate appropriate buffer/separation distances, will support public health and safety, and will minimize negative impacts to resources, the environment, and adjacent uses.
- g. To ensure that, wherever possible, a barrier-free environment is created.

3.12 Employment

3.12.1 Intent

The Employment designation applies to land that is comprised of or intended to be developed for light, heavy and prestige industrial uses, limited service commercial uses, and related uses as set out in Section 3.12.2, and are generally highly visible land uses. Land designated Employment is illustrated on Schedule A.

3.12.2 Permitted Uses

Subject to the applicable strategies, as set out in Section 2.0, and other policies of this Plan, the following policies shall apply in determining uses that are generally permitted on land that is designated Employment:

- 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 bulk open storage of goods or materials.
- c. Commercial uses that serve the industrial area, such as restaurants, shall be permitted in the Employment designation.
- e. Commercial recreational uses shall be permitted in the Employment designation.

3.12.3 Land Use Policies

The following policies apply to lands designated Employment:

- b. In reviewing proposals for the development of employment uses, consideration shall be given to the potential adverse effects of industrial land use activities such as noise, vibration, smoke, odour, toxic substances, fire and explosive hazards, lighting, and visual impacts
- d. 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.
- g. An appropriate separation distance, based upon the Ministry of the Environment's land use compatibility guidelines shall be established between an industrial land use and any sensitive land use, including residential uses. This separation distance may be implemented through a site-specific amendment to the County Zoning By-law and Site Plan Control through the use of a minimum building setback applied to any industrial use building adjacent to an established or approved sensitive land use.
- h. Deviation from established separation distances shall require detailed supporting studies of the potential impacts on the sensitive land use by the industrial employment use, and vice-versa, and any recommended mitigation measures.

- i. 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 measures such 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.
- j. Adequate off-street parking facilities shall be provided for all permitted uses, including industrial employee and visitor parking areas.
- k. The County shall encourage the provision of facilities that promote cycling and walkability.
- l. Adequate off-street loading and unloading facilities shall be provided and located to avoid conflict with sensitive land uses, pedestrian circulation, service vehicles and movement along the public rights-of-way, visibility from roadways.
- m. The provision of appropriate and adequate landscaping and/or other forms of buffering shall be provided to:
 - i. Enhance all parking lots, and outdoor loading, storage and service areas; and
 - ii. Provide separation between the use and any adjacent use, where appropriate.

5.2.3.4 Private Servicing Requirements

- l. When development will utilize a private sewage disposal system, then the lot area shall comply with requirements of the County or its designated agent for the type of development proposed and the type of private system to be used

This application conforms to the County of Brant Official Plan (2012) policies for the following reasons:

- **The establishment and operation of the microbrewery use encourages and promotes the expansion of a wide range of service sector employment opportunities (manufacturing, warehouse, retail sales, food/ beverage etc.).**
- **The proposal and site layout were reviewed in detail as part of a “Pre-Submission Consultation Meeting” to review site suitability and compatibility with surrounding land uses.**
- **The site will be able to accommodate the required parking and additional traffic generated as a result of the use.**

Zoning By-Law 61-16 (2016)

The subject lands are currently zoned "Light Industrial (M2)" with a site specific M2-10 in accordance with Schedule 'A' of the County of Brant Zoning By-Law 61-16.

The current "Light Industrial M2-10" zoning states:

Notwithstanding any provisions of this By-Law to the contrary, within any area zoned M2-10 on Schedule 'A' hereto, in addition to the uses permitted in the Light Industrial

(M2) Zone, a livestock use for the stabling of horses being restricted to a maximum of 112 square metres, an indoor horse riding arena limited to a maximum of 600 square metres shall also be permitted. Furthermore, any building or portion thereof to be used for the stabling of livestock or as an indoor horse riding arena shall be located a minimum of 61 metres from the nearest residence on an adjoining lot. All other requirements of the By-Law shall apply.

Microbrewery Definition:

Means a lot, building, or structure used for the purpose of limited small scale brewing and malting of beer or liquors, having a maximum floor area of 150m² but shall not exceed a maximum floor area of 300m². The ingredients may be cultivated on the property or offsite. A support office, patio, tasting area, retail store, and restaurant may also be permitted as accessory uses.

An update to this definition has been included as part of a Zoning By-Law Housekeeping amendment to modify the maximum floor area to a maximum of 300 square metres. This housekeeping amendment is scheduled to be presented to Council/ Committee on August 4, 2020.

Parking Requirements:

Breakdown of Uses	Proposed Area	Parking Calculation	Required	Provided
Processed Goods Industry	255sq.m.	1 per 100sq.m.	3	-
Office - Support	11sq.m.	1 per 15sq.m.	1	-
Retail -less than 1000sm	20sq.m.	1 per 25sq.m.	1	-
Bar/ Tasting Area (Restaurant)	74sq.m.	1 per 10sq.m.	8	-
Patio (Restaurant)	140sq.m.	1 per 10sq.m.	14	-
Microbrewery Total	501sq.m.		27	27
Mobile Refreshment Cart (Restaurant)	14sq.m.	1 per 10sq.m.	2	2
Total Accessible Parking Spaces			2	2
Total Standard Spaces			29	29

Approval of this application will facilitate the following:

1. Add *Microbrewery* having a total area of 501sq.m. (5392.72sq.f.) as a permitted use and;
2. Remove the *boarding of horses* and *riding stable* as a permitted use.

This proposal does not include the request to host large scale events (banquet, conferences, weddings etc.). No new buildings are required to be constructed as part of this application.

Interdepartmental Considerations

Zoning:

- No Objections.

Development Engineering Division:

- A Public Works permit is required for the proposed works within the Oakland Road right-of-way. The existing driveway apron (from edge of Oakland Road pavement to property line) for the #185 Oakland Road site is required to be constructed as per Brant County Engineering Standards – Section 7.7.01 (b) “Minimum Driveway Design for Commercial Driveways.” As such, an Entrance Permit will be required for entrance improvements to entrance aprons.
- A ‘marked up’ Site Plan has been provided to the applicant identifying updates required.

Emergency Services (Fire)

- The proposed Dry Hydrant design will require confirmation from Brant County Fire Department to determine acceptability

Building Division:

- The applicant has been in contact with the Building Division regarding the requirements for the change in use and Building Code compliance.

Civic Addressing:

If this development application is approved, the applicants may request an additional civic address to identify the business or existing dwelling.

Public Considerations

As required by the *Planning Act*, Notice of the Public Meeting was circulated to all property within 120 metres of the subject lands.

At the time of writing this report, no public comments have been received.

Conclusions and Recommendations

The planning analysis of this application has considered applicable policy (i.e. *Planning Act*, *Provincial Policy Statement*, Growth Plan for the Greater Golden Horseshoe, County of Brant Official Plan (2012) and County of Brant Zoning By-Law 61-16), consultation with departments, the Planning & Development Committee and the Agricultural Advisory Committee, an inspection of the subject lands and discussions with both the agent/public.

Feedback received as part of the initial Planning and Development Committee information meeting raised questions and comments related to odour associated with the operation, size and scale of the operation, parking requirements and circulation radius.

Per Councils request, circulation of this notice of the Public Meeting was increased from the required 120 metres to 140 metres along with a sign posted along the roadway which identifying the details of the proposal as required by the *Planning Act*.

The *Microbrewery* use requires 27 standard parking spaces + 2 accessible spaces. The proposed *Mobile Refreshment Cart* requires an additional 2 spaces. The subject lands are large enough to accommodate the minimum 29 spaces + 2 accessible spaces required in order to operate the *Microbrewery* and *Mobile Refreshment Cart*. The subject lands are also prepared to provide additional space for overflow parking and parking for larger passengers vans and buses visiting in groups from out of town. Parking requirements are calculated based on the breakdown of uses within the building. These uses include: the area to be utilized for brewing and processing of the product, office space, retail area, bar/ tasting area and outdoor patio. A detailed breakdown of the areas and associated spaces required is included within the Zoning Policy Review section of this report (Page 7).

This proposal does not include the request to host large scale events (banquet, conferences, weddings etc.). No new buildings are required to be constructed as part of this application. If the applicant is proposing to host larger events or construct new buildings, further detailed review and planning applications will be required.

The *Microbrewery* use as defined in Zoning By-Law 61-16 permits a gross floor area range of 150sq.m. to 300sq.m.. This range was to allow for a brewery operation to be established while maintaining the 'micro' size and scale intended. An update to the definition of Microbrewery has been included as part of a Zoning By-Law Housekeeping amendment to modify the maximum floor area to a maximum of 300 square metres. This housekeeping amendment is scheduled to be presented to Council/ Committee on August 4, 2020.

This application proposes to utilize all 501sq.m. (including outdoor patio) of the existing agricultural building to contain the brewing process and equipment, retail/ sales and tasting components of the operation. Also included within the area calculation are an office, washroom facilities and outdoor patio. If this application is approved, the *Microbrewery* use will be limited to the existing 501sq.m. as outlined in this proposal.

As it relates to odour, the applicant and owner of Flux Brewing explained that due to the 'micro' scale of the operation, any limited odour produced exists for a short period of time a single stage of the brewing process. No complaints regarding odour have been received to date.

In addition to the considerations above, the applicants are also requesting the removal the *boarding of horses* and *riding stable* as a permitted use as these uses are no longer required on the property.

As previously noted in this report, this application is consistent with current *Provincial Policy Statement* and conforms to the Official Plan as the proposal will allow for continued protection and expansion of employment and commercial uses while maintaining the agricultural / rural landscape within the rural area (Former Township of Oakland). The microbrewery use will benefit the local economy by providing a range of employment options and increase tourism traffic to the destination microbrewery.

Based on review of applicable policy as outlined above, planning staff are recommending that application ZBA17-20-DN **be approved**.

Respectfully,

Prepared By: Dan Namisniak, Planner / Site Plan Coordinator

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. Aerial Photo
2. Zoning Map
3. Official Plan Map
4. Concept Plan

Copy to

1. Mat Vaughan, Director of Planning
2. Heather Boyd, Clerk/Manager of Council Committee Services
3. Jennifer Mayhew, Planning Clerk
4. Pam Duesling, General Manager of Development Services
5. Applicant/Agent

File # ZBA17/20/DN

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

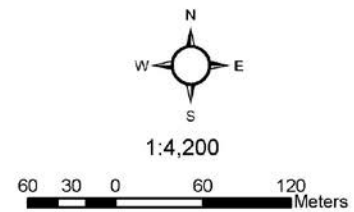
If so, it should be referenced in the recommendation section.

By-law required (No)

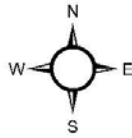
Agreement(s) or other documents to be signed by Mayor and /or Clerk (No)

Is the necessary by-law or agreement being sent concurrently to Council? (No)

MAP 3: AERIAL MAP
File Number: ZBA17-20-DN
Former Township of OAKLAND

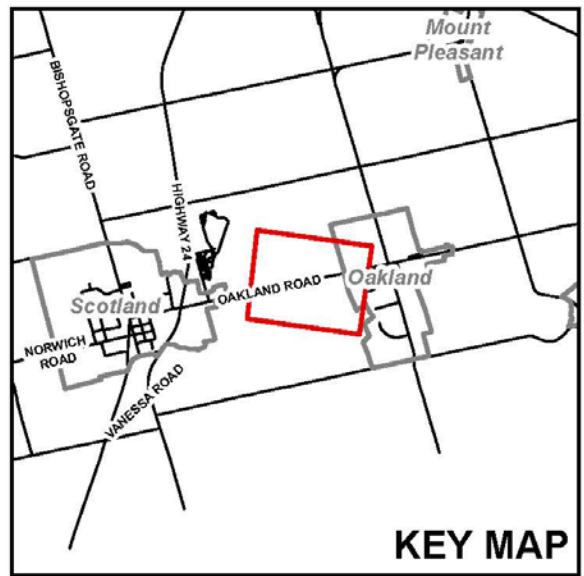


MAP 1: ZONING MAP
By-Law Number:
Former Township of
OAKLAND



1:4,800

80 40 0 80 160
Meters



KEY MAP



MAP 2: OFFICIAL PLAN MAP
File Number: ZBA17-20-DN
Former Township of OAKLAND

