



## Report to Council

Department: Development Services

Division: Planning

Date: August 24, 2020

Prepared by: Rita Jabbour, RPP, Manager, Planning Services

Report Number: PLANNING2020-19

Subject: Site Plan Control Approval for 178 County Road 50 East  
(Colchester South, Ward 3)

Number of Pages: 7

### Recommendation(s)

**That** Planning report PLANNING2020-19 entitled Site Plan Control Approval for 178 County Road 50 East prepared by Rita Jabbour, Manager, Planning Services, dated August 24, 2020 be received, and

**That** Bylaw 1941, being a Bylaw to enter into a Site Plan Control Agreement between: The Corporation of the Town of Essex and Magnolia Ranch INC for the establishment of a micro-brewery at 178 County Road 50 East, be executed and registered.

### Purpose

To obtain Council's authorization to execute a site plan control agreement for the establishment of a micro-brewery in the two (2) existing 120.03 square metre pole barn structures at the property municipally known as 178 County Road 50 East in the former township of Colchester South (Ward3).

## Background and Discussion

The Town of Essex is in receipt of a site plan control application for the property known municipally as 178 County Road 50 East in the former township of Colchester South (Ward 3). The subject property is identified below:



The subject property is approximately 4.2 hectares (10 acres) in total lot area. It is designated “Agricultural” under the Town of Essex Official Plan and is zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037. The property is being used for agricultural purposes, namely, the growing of hops and barely, and is presently occupied by the following buildings and structures:

- An existing bed and breakfast dwelling;
- Two (2) 120 square metre (1291 square foot) pole barns; and,
- Two (2) gravel parking areas accommodating a total of eight (8) parking spaces.

A significant portion of the property is also occupied by a natural heritage feature. (Note: a natural heritage feature is defined as a feature and area which is important for its environmental and social values as a legacy of the natural landscape of an area).

### The Proposal

As identified on the attached site plan, the applicants, Magnolia Ranch INC, wish to use the two (2) existing pole barn structures for the following purpose:

- A micro-craft *brewery*

A *brewery* is defined as a facility for the production of beers and may include in combination therewith: a retail store for the display, public tasting and sale of beers produced on the same lot therewith and interior and exterior areas for private receptions, under Bylaw 1037. A **brewery in combination with an agricultural operation** is a permitted use in the A1.1 zoning district, and is subject to site plan control under subsection 9.13 of the Town of Essex Official Plan.

The proposed brewery will be used for the production of beers and the storage of raw materials and equipment only. It will be used to service on-site events and will not be open to the public for retail sales. As indicated on the site plan, the applicants are also providing for a temporary tented event space and portable washroom facilities to accommodate private receptions.

The tent will be affixed to an existing concrete pad. The portable washrooms are accessible and can accommodate a wheelchair internally. The tent will require a building permit on an event by event basis from the Town of Essex Building Division to ensure compliance with the fire retardant restrictions list under the Ontario Building Code (OBC). The temporary

washrooms will also require approval from the Windsor Essex County Health Unit (WECHU) and Town of Essex Council, and must be serviced with a running hot and cold water supply. All required permits and approvals for the tent and portable washroom facilities have been added as conditions of the site plan control agreement. Council's approval of the site plan will indicate approval of the portable washroom facilities for a period of one (1) year.

No development is proposed within the area of the natural heritage feature. In consultation with the Essex Region Conservation Authority (ERCA), an Environmental Impact Assessment (EIA) has **not** been deemed required for this development.

**Note:** The applicants wish to construct a new permanent brewery with event space and separate parking area on this site in the future. The applicants will be subject to site plan control again for the permanent development. At that time, the proposal will be circulated to relevant internal and external agencies for review and input.

#### Parking and Servicing

Access to the brewery will be by way of an existing gravel access area off of County Road 50 East, as identified on the site plan. The size of the brewery and the temporary nature of the event space **do not** warrant the construction of additional parking spaces as a consequence of the development (Note: Bylaw 1037 requires 1 parking space for each 45 square metres in gross floor area for the first 2700 square metres of gross floor area).

The two (2) existing gravel parking areas are proposed to accommodate employees and visitors to the site. Regulations for the construction of parking areas as established under Bylaw 1037 are only required when five (5) or more parking spaces are proposed. Since the applicants are not proposing any new parking spaces, the applicants are **not** required to upgrade the parking area and access areas. (Note: a parking area consisting of gravel is permitted in areas outside of an urban centre or hamlet).

No new access areas are proposed.

The existing pole barns are serviced with a metered water service from the bed and breakfast dwelling. The need for additional services, such as sanitary, will be assessed at the time of building permit application. The proposal has been reviewed internally by Town of Essex Infrastructure Services. No concerns were raised regarding infrastructure, however, servicing will need to be reviewed when plans are submitted for the permanent operation.

The proposal has also been reviewed by the Town of Essex Building Division. In accordance with the Ontario Building Code (OBC), the proposed conversion of the existing pole barns will require the obtainment of a change of use permit and submission of a data matrix prepared by a professional engineer licensed by the Province of Ontario to allow for human habitation of employees and/or the public. The proposal will also require submission of a proper fire route with a fire plan approved by the Town of Essex Fire Department. All required permits and plans for the change of use and fire route have been added as conditions of the site plan control agreement.

### Support Studies

The following support studies were deemed required as part of the pre-consultation process and were submitted as part of the complete application submission:

- A Traffic Impact Statement

The Traffic Impact Statement (TIS) was prepared and submitted by RC Spencer Associates INC at the request of the County of Essex to examine the traffic implications of the proposed on-site brewery facility on traffic operations on County Road 50. The TIS used traffic counts and the best available trip generation and distribution data. The TIS made the following conclusions based on the results of the analysis:

- The proposed development will generate a low number of trips during the peak hour;
- The addition of site generated traffic will result in no observable impact to traffic operations on County Road 50;

- The existing site access exhibits acceptable sight lines for egress; it poses no undue hazards to traffic operations at this location.

The TIS was forwarded to the Engineering Technician at the County of Essex for review. The County notes no immediate concerns with the TIS but reserve the right to revisit the situation should the operation of the site advance in such a way that would generate more traffic and/or conflicts.

## **Financial Impact**

No immediate impact. The applicants would be eligible for additional funding under the Colchester and County Road 50 Community Improvement Plan (CCCIP) to assist with the development of the permanent brewery.

## **Consultations**

Kevin Girard, Director, Infrastructure Services

Kevin Carter, Chief Building Official & Manager of Building and By-law Enforcement

Nelson Silveira, Economic Development Officer

Jason Pillon, Assistant Deputy Fire Chief –Prevention/Public Education

Mike Nelson, Essex Region Conservation Authority (ERCA)

Kristoffer Balallo, County of Essex

Town of Essex Accessibility Committee

## Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.