

ITEM	11
MANAGER'S REPORT NO.	23
COUNCIL MEETING	Mar. 28/77

Re: APPLICATION FOR THE REZONING OF:
LOT 1 EXC. EXPL. PL. 12386 & EXC. REF. PL. 7289, S.D. 8,
BLK. 2, D.L. 215, PLAN 3575
LOT 2 EXC. EXPL. PL. 12386 & EXC. REF. PL. 7289 & EXC. PTN. ON PLAN
21334, S.D. B, BLK. 2, D.L. 215, PLAN 3575
FROM: HEAVY INDUSTRIAL DISTRICT (M3)
TO: COMPREHENSIVE DEVELOPMENT DISTRICT (CD)
7501 AND 7565 BARNET ROAD
KASK BROS. MIXED CONCRETE LIMITED
(Rezoning Report, Item #12, March 21, 1977)

On March 21st, 1977, Council in connection with an application to rezone the subject properties directed that "the subject matter be tabled for one week pending a report on the feasibility of exercising control over the conveyor belt." Following is a report from the Director of Planning on this matter.

RECOMMENDATIONS:

1. THAT Item 12 of the rezoning report which Council considered on March 21st, 1977 be lifted from the table and
2. THAT a rezoning by-law be prepared and the rezoning be advanced to a Public Hearing on April 19th, 1977 and
3. THAT the subject rezoning not be advanced beyond first and second reading until such time as the Phillips Avenue rezoning is advanced to a similar point.

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Planning Department
March 23, 1977

TO: MUNICIPAL MANAGER

File #15.142(7)

FROM: DIRECTOR OF PLANNING

RE: KASK BROS. READY MIXED CONCRETE LIMITED

Council, at its meeting of March 21, 1977 tabled Rezoning Reference #16/77, recommending rezoning of the Kask Bros. Ready Mixed Concrete Limited property at 7501 and 7565 Barnet Road from Heavy Industrial District (M3) to Comprehensive Development District (CD) pending a report on the feasibility of exercising control over the use of the proposed conveyor belt. The purpose of this report is to provide the requested information.

At the outset, it should be emphasized that the proposed rezoning of the Kask Bros. property is directly related to the proposed installation of an underground aggregate conveyor by Kask Bros. through Municipal parkland. The proposed CD zoning was adopted by Council as a procedural step in the issuance of approval for that installation. This interrelationship of zoning between the Kask Bros. property and the Phillips Avenue right-of-way is outlined in Manager's report No. 13, Item 24, Council Meeting of February 21, 1977. Attention is also drawn to Section 4.3 of Rezoning Reference report #16/77 (Council Meeting of March 21, 1977), in which it is recommended that the proposed rezoning of the Kask property not be advanced beyond Second Reading until such a time as the Phillips Avenue rezoning is advanced to a similar point. In other words, the two rezonings are interconnected to the point that the application of the CD zoning to the Kask Bros. property would not apply, if for any reason, the conveyor proposal were withdrawn. The intent of the CD zoning on the Kask property is therefore to help Council control any major change or intensification of use that potentially might result from the installation of the aggregate conveyor and not to advance the rezoning independent of the conveyor situation.

In the preparation of Item 22, Manager's Report No. 7, Council Meeting of January 31, 1977, staff were advised by Kask Bros. that at present the Company on average receives 5,000 tons of aggregate material, or an equivalent of one barge, per week. It is therefore the opinion of staff that the most feasible way to control the use of the proposed conveyor is to restrict by licence condition its input to the existing volume of 5,000 tons per week. If at any time in the future an increase in input is desired, Kask Bros. would be required to present a case to the Municipal Council for an amendment to the applicable licence. In this way Council will be assured of exercising control over the present and future use of the conveyor.

The Municipal Engineer has advised that it is possible to obtain a certification of barge deliveries and associated volumes to the proposed conveyor from a Marine Surveyor. It is proposed that this certification be a condition of the granting of the licence to operate the conveyor. This certification would also provide the means for the Municipality to monitor input as a basis for the applicable royalty charges.

The Municipal Engineer has further indicated that it is possible to mechanically monitor the times and speed of operations associated with the conveyor. Appropriate time restrictions could therefore be incorporated as one of the conditions of the CD zoning to be placed on the Phillips Avenue right-of-way. Sound emissions and dust control standards and other areas of environmental concern can also be included as conditions of the Phillips Avenue CD By-law.

From the above, it can be seen that it is feasible to exercise adequate control over the use of the proposed conveyor system. Nevertheless, the placement of licence controls over the use of the conveyor will not afford Council with the opportunity to grant prior approval to any potential changes of use of the Kask property that might result from the installation of the conveyor. Such changes could include a range of items extending from a major expansion of the batch plant facility to allied uses such as substantial retail and wholesale marketing of aggregate materials from the site and the manufacture and storage of concrete products (e.g. concrete blocks, prefabricated beams and panels etc.). It is the opinion of the Planning Department that the application of CD zoning to the site would provide Council with the most effective means of evaluating and granting prior approval, if appropriate, to any proposed change in use. However, should Council not wish to exercise this degree of control, then an alternate means could be to utilize Section 24A of the Land Registry Act as a registered covenant to stipulate that the owner of the property must obtain prior Municipal Council approval prior to undertaking any of the specified aforementioned changes in use or intensity. Under this arrangement the existing M3 zoning would remain on the property. Section 24A and the previously outlined licence controls on the proposed conveyor would together provide Council with the next best basis for controlling any potential intensification of the Kask Bros. Ready Mixed operations.

This is for the information of Council.


A. L. Parr
DIRECTOR OF PLANNING

JSB:BL/dm
cc Municipal Engineer
Municipal Solicitor
Land Agent
Parks and Recreation Administrator