

# DECISION/DIRECTION NOTE

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**Title:** Notices Published – 90 Duckworth Street - DEV2100053

**Date Prepared:** July 7, 2021

**Report To:** Regular Meeting of Council

**Councillor and Role:** Councillor Maggie Burton, Planning & Development

**Ward:** Ward 2

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**Decision/Direction Required:** A Discretionary Use Application has been submitted by Bannerman Brewery at 90 Duckworth Street.

**Discussion – Background and Current Status:** The application is for four (4) fermentation tanks, located on the Northwest corner of the building. The tanks will be used in conjunction with the existing brewery for storing fermenting beer and be connected to the building with overhead piping. Each tank is 1.5m in diameter by 5.5m high and will be constructed on a 15.7m<sup>2</sup> concrete pad that is located 0.61m (24”) from each property boundary. The proposed application site is in the Commercial Central Mixed Use (CCM) Zone .

When the original application for the brewpub was approved, the use was considered as a Cafe and Lounge, while the brewing component was considered as a Light Industrial Use within the CCM Zone. During the original approval (rezoning and development) all brewing operations were proposed to be located within the existing Building. Any proposed changes to the approved site plan which is linked to the Development Agreement would require that the changes be advertised and approved by Council.

Since the original application, the city has recognized the growing market for Craft Brewery and Distillery uses and have defined this Use within the Development Regulations. As part of that amendment process, the Use is limited to a dedicated production and storage size not exceeding 500 m<sup>2</sup> and shall have all processing and storage contained within a building, except in an Industrial Zone. When a Use expands beyond these requirements, it goes from small-scale to industrial scale production.

Fifteen (15) submissions were received. Concerns raised pertain to the visual offence the tanks have on visibility from neighbouring property's due to overall height and the physical view of the tanks and impact on enjoyment of properties. Odor from the tanks, brewing process and garbage bins was also noted as a concern. Residents were also concerned that there would be an increase in noise and smell during servicing and maintenance of the tanks. It was felt that increased production would also lead to more patrons, delivery vehicles, noise, parking and traffic issues. Neighbouring property owners feel the tanks and brewing operations have/will reduce rental opportunities and impacted resale value of their homes.

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It was noted that the overall scale of the use is changing from that of a community microbrewery to a larger, industrial use, which does not fit with the neighbouring residential area. The increase in scale also increases the number of “brewing” days and the ongoing, associated smell. Many concerns were raised regarding the existing business and why the proposed expansion should not be allowed. It was noted that when the original proposal was considered, the intent was not to increase the building footprint to eliminate shadowing impacts; height is now being increased by the proposed addition of the tanks.

The applicant has noted there are currently 6 similar tanks inside. The proposed exterior tanks are slightly taller and skinner, with a thicker shell for heat retention. They are fixed vessels for fermentation, in which beer sits for up to 6 weeks with very minimal activity during that time. No smell is emitted from the tanks, and they are cleaned after every use by a CIP (clean in place) arm, which is hooked to a pump/cleaner. It runs through an automated cycle and the sound is quieter than a residential dishwasher. There is no noise associated with the tanks; the associated piping on the tanks has an actuator that opens/closes when cooling is necessary but emits very limited sound. The garbage bin is proposed to be moved to the front of the tanks, the empty grain bins moved to the brewhouse doors and a recycling bin to the front of the building (southwest area next to Red Ochre Gallery). Delivery orders to the site may increase from once a month to every 3 weeks, and they expect orders to be slightly larger, so unloading (a truck) might take extra time (trucks are not idling), which are loaded by an electric forklift.

When the original application was approved it was classified as a Light Industrial Use regarding the production/brewing portion of the business. Based on the new definition of Craft Brewery and Distillery, the business could fall under this use, therefore outdoor storage would not be permitted under the current Development Regulations. As the Use still fits within the broader classification of a Light Industrial Use (original classification), “it must be carried out without detriment to the amenity of the surrounding area by reason of noise, vibration, smell, fumes, smoke, grit, soot, ash, dust, glare or appearance”. The impact that the proposed outdoor fermentation tanks have on the surrounding area are not in line with the proposed definition of a Light Industrial Use.

**Key Considerations/Implications:**

1. Budget/Financial Implications: Not applicable.
2. Partners or Other Stakeholders: Not applicable.
3. Alignment with Strategic Directions/Adopted Plans: St. John’s Strategic Plan 2019-2029 – A Sustainable City – Plan for land use and preserve and enhance the natural and built environment where we live.
4. Legal or Policy Implications: Not applicable.
5. Privacy Implications: Not applicable.

6. Engagement and Communications Considerations: Public advertisement in accordance with Section 5.5 of the St. John's Development Regulations. The City has sent written notices to property owners within a minimum 150-metre radius of the application sites. Applications have been advertised in The Telegram newspaper at least once and are posted on the City's website. Written comments received by the Office of the City Clerk are included in the agenda for the regular meeting of Council.
7. Human Resource Implications: Not applicable.
8. Procurement Implications: Not applicable.
9. Information Technology Implications: Not applicable.
10. Other Implications: Not applicable

**Recommendation:**

That Council reject the Discretionary Use application for four (4) exterior fermentation tanks 90 Duckworth Street.

**Prepared by:**

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**Approved by:**

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**Report Approval Details**

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This report and all of its attachments were approved and signed as outlined below:

**Lindsay Lyghtle Brushett - Jul 7, 2021 - 5:59 PM**

**Jason Sinyard - Jul 8, 2021 - 9:52 AM**