



Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Amanda Wyszynski, Planner
Date: October 5, 2021
Subject: RPT-21-242, Zoning By-Law Amendment Application ZBA4/21/AW
539 Paris Road, geographic Township of Brantford
Purpose: For Approval

Recommendation

That Application ZBA4/21/AW on behalf of 2707130 ONTARIO INC, Owner of lands described as CON 1 PT LOT 18 RP 2R-3461 PART 1 REG 42.99AC 1076.09FR D, in the geographic Township of Brantford, known as 539 Paris Road, County of Brant, to rezone the subject lands be approved to:

1. Rezone a portion from Agriculture (A) to Heavy Industrial (M3) with site specific provision 27 (M3-27) to permit a service shop as a permitted use and to prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses.
2. Rezone a portion from Agriculture (A) and Heavy Industrial (M3) to Heavy Industrial with site specific provision 28 (M3-28) to permit a studio workshop as a permitted use and to prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses, and
3. Rezone a portion from Agriculture (A) and Heavy Industrial (M3) to Heavy Industrial with site specific provision 29 (M3-29) to prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses;

Subject to the following site specific provisions, which reflect the proposed land uses in relation to the proposed parcel fabrics:

Heavy Industrial with site specific provision 27 (M3-27) "Lot #1"

- To permit a multi-unit industrial plaza with a *service supply shop* as a permitted use.
- A service supply shop shall be defined as "*a lot, building or structure, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith's shop, a battery storage and recharging shop, a well driller's establishment, a tailor, an upholsterer's shop, an egg grading station, a machine shop or a monument engraving shop but does not include a butcher shop or a bakery.*"

- To prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses;

Heavy Industrial with site specific provision 28 (M3-28) “Lot #2”

- To permit a studio workshop as an additional permitted use.
- A studio workshop shall be defined as “*shall mean a building or part of a building used to provide training workshops for arts and crafts, and may include accessory retail space for the sale of art and craft supplies and may include overnight accommodation for a maximum of 5 bedrooms or suites for persons engaged in the training workshops.*”
- To prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses;

Heavy Industrial with site specific provision 29 (M3-29) “Lot #3”

- To prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses;

And that the reason(s) for approval are as follows:

- The application is consistent with the *Provincial Policy Statement* (2020).
- The application conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2020).
- The application is in conformity with the general intent of the policies of the County of Brant Official Plan (2012); and,
- The application maintains the intent of the County of Brant Zoning By-Law 61-16.

Key Strategic Priority

Sustainable and Managed Growth.

Financial Considerations

None

Executive Summary / Proposal

The purpose of this report is to provide Council and the Public with information from the applicant and staff regarding the details of an application to amend the County of Brant Zoning By-Law 61-16. The applicant is proposing two additional uses on the subject lands, specifically a service supply shop on the portion referred to as Lot #1, and a studio workshop on the portion referred to as Lot #2.

Lot #1 is generally located on the northwest portion of the subject lands, and has an area of approximately 4.95 hectares (12.2 acres). It is my understanding that in addition to a building supply outlet and a contractors yard, which are permitted uses on lands zoned as Heavy Industrial (M3), the applicant intends on constructing a multi-unit industrial plaza with service shop uses within individual units that will be rented out to various industrial users such as heating and cooling, plumbing, electrical and similar contractors and building and industrial suppliers. It is also my understanding the applicant is proposing 12 units each with an area of approximately 600 square metres (6,458.3 square feet). I do note, the applicant is proposing to rezone this portion of the subject lands from Agriculture (A) to Heavy Industrial (M3) with site specific provision 27 (M3-27) to permit a service shop as a permitted use, and to prohibit

Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses.

Lot #2 is located in the northeast portion of the subject lands, and has an area of approximately 1.79 hectares (4.4 acres). It is my understanding the applicant is proposing a studio workshop as an additional permitted use in order to use the existing dwelling as a quilting studio workshop. Based on submission materials, it is my understanding the intent of the studio workshop is to provide training workshops with the potential for overnight accommodation and accessory retail for the purpose of selling quilting materials. It is also my understanding the existing accessory structure is to be used as a contractor's yard, which is a permitted use on lands zoned as Heavy Industrial (M3). I do note, the applicant is proposing to rezone this portion of the subject lands from Agriculture (A) and Heavy Industrial (M3) to Heavy Industrial with site specific provision 28 (M3-28) to permit a studio workshop as a permitted use, and to prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses.

Lot #3 is generally located in the southern half of the subject lands, and has an area of approximately 10.63 hectares (26.2 acres). It is my understanding the intent of the application is to construct a multi-unit cold storage warehouse facility with access to Oak Park Road. Based on the submission materials, it appears the applicant is proposing 11 units each with an area of approximately 2,949.5 square metres (31,748.2 square feet). I note, the proposed warehouse facility is a permitted use on lands zoned as Heavy Industrial (M3). The applicant is proposing to prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses.

The applicant had a pre-consultation meeting in August 2020, with the rezoning application being received by the County of Brant in February 2021. Staff presented the application for information in April 2021. During this information meeting, Committee members sought clarification on the circulation radius and what items are to be stored in the cold storage warehouse. I can confirm the circulation radius for the recommendation meeting was increased from 125 metres (410 feet) to 185 metres (607 feet) to include the properties abutting those in the original circulation radius. I can also confirm it is my understanding the cold storage warehouse can be used to store a variety of products including produce, chocolate and ice cream.

The application was originally presented to the Planning and Development Committee in September 2021 with a recommendation of approval. This recommendation spoke to introducing two additional uses on the subject lands, the first use being a multi-unit industrial plaza on Lot #1, and the second being a studio workshop on Lot #2. The September 2021 report also included a recommendation for a site specific provision on Lot #3 that spoke to a reduced street setback of 30 metres (98.4 feet), whereas a minimum of 50 metres (164 feet) was required. Through this public meeting, concerns relating to traffic, lighting, the proposed driveway entrance along Oak Park Road, and the permitted uses in the Heavy Industrial (M3) zone were identified. During the public meeting, I had identified that a Traffic Impact Study was prepared and finalized in June 2021, which was reviewed by County of Brant Development Engineering Department and the City of Brantford. I also identified through site plan control, a photometric drawing will be required and will be enforced. Through the public meeting, it was determined the proposed rezoning application would be deferred to determine if there is the possibility to address the concerns identified.

Revised Site Plan

Based on my preliminary review of the revised site plan, the following revisions were made:

Lot #1:

- The number of units increased from 8 units to 12 units.
- Street setback has been revised from 51.8 metres (170 feet) to 51 metres (167.3 feet).
- Interior side yard setback has been revised from 39.17 metres (128.5 feet) to 13.6 metres (44.6 feet).
- Rear yard setback has been revised from 120.1 metres (394 feet) to 105.54 metres (346.3 feet).
- Lot coverage has been revised from 10% to 14.6%

Lot #2:

- Proposed additional vehicular entrance onto Oak Park Road.

Lot #3:

- Freezer unit has been modified to accommodate minimum 50 metre (164 feet) street setback, site specific provision no longer required.
- Street setback has been revised from 30 metres (98.4 feet) to 51 metres (167.3 feet)
- Driveway entrance has the potential to be shifted to the south which should address concerns from the residents along Oak Park Road in relation to light and noise.
- Rear yard and setback from the CN rail lines has been revised from 30 metres (98.4 feet) to 29.61 metres (97.14 feet). I have confirmed this revised setback is acceptable to CN rail.
- Lot coverage has been revised from 30.5% to 30.2%.
- Interior side yard has been revised from 34.67 metres (113.7 feet) to 34.58 metres (113.5 feet)

I do note the revised plan is still conceptual in nature, and will be required to proceed through site plan control where final engineering drawings will be provided. Development Engineering was provided the revised conceptual site plan, and have asked for additional measurements on the site plan to confirm sightlines, which will be verified through a subsequent site visit.

The planning analysis focuses on literature review of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), *Growth Plan for the Greater Golden Horseshoe* (2020), *Brant County Official Plan* (2012) and *Zoning By-Law 61-16*), consultation with departments and discussions with both the agent/public. As outlined in this report, I am of the opinion the proposal represents good planning and are recommending approval of the application.

Location

The subject lands are located on the south side of Paris Road, west of the Oak Park Road and Paris Road intersection, within the Former Township of Brantford. Currently, the subject lands are occupied by a residential dwelling with accessory structures.

The subject lands are irregular in shape, and currently have a frontage of approximately 327.46 metres (1,074.4 feet) along Paris Road, a maximum depth of approximately 435 metres (1,427.2 feet), and an area of approximately 4.8 hectares (11.9 acres).

Report

Planning Act R.S.O (1990)

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

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 “PPS” (2020)

Section 1.3.1 of the PPS speaks to Planning authorities promoting 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;

The application is proposing three distinct uses, specifically a multi-unit industrial plaza, a studio workshop with overnight accommodation and accessory retail, and a multi-unit cold storage warehouse.

Section 1.3.2.1 of the PPS speaks to protecting and preserving employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

The subject lands are designated as Employment, and are located within Site Specific Policy Area 16 (SSPA 16). Lands within SSPA 16 are deemed to be priority Employment Areas. Through the Paris Master Servicing Plan, sanitary services are anticipated to be available for the subject lands.

Section 1.3.2.3 of the PPS describes how employment areas being 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.

The applicant is not proposing any residential uses, and have been able to demonstrate the required increased street setbacks from Paris Road. The increased street setbacks and landscaping will limit impact on the existing residential uses along Paris Road. Furthermore, the overnight accommodation is part of the commercial use as it is ancillary to the studio.

Section 1.3.2.6 of the PPS describes how Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.

The subject lands are located on Paris Road, which has been identified as a Rural Arterial Road, which is intended to provide mobility to traffic throughout areas of low density and low development activity.

It is my opinion that the proposal is consistent with the policies in the Provincial Policy Statement (2020) for the following reasons:

- ***The subject lands are designated as Employment which contemplates for heavy and light industrial uses.***
- ***The subject lands are located within Site Specific Policy Area 16 which is a priority area for employment uses.***
- ***The proposed rezoning will bring the subject lands into conformity with the Official Plan and permit additional uses.***
- ***The additional use will further contribute to an appropriate mix and range of employment and promote economic development.***

Growth Plan for the Greater Golden Horseshoe (2020)

Section 2.2.1.4(a) of the Growth Plan speaks to supporting the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services and public service facilities.

Section 2.2.5.1 of the Growth Plan speaks to economic development and competitiveness in the Greater Golden Horseshoe being 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
- c) planning to better connect areas with high employment densities to transit; and,
- d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

The subject lands are located within Site Specific Policy Area 16 which is a priority area for employment uses, and currently the subject lands are vacant with the except of the existing residential use. The application is proposing three distinct uses, specifically the applicant is proposing a multi-unit industrial plaza, a studio workshop with overnight accommodation and accessory retail, and a multi-unit cold storage warehouse.

Section 2.2.5.5 of the Growth Plan describes how Municipalities should designate and preserve lands within settlement areas located adjacent to or near major goods movement facilities and corridors, including major highway interchanges, as areas for manufacturing, warehousing and logistics, and appropriate associated uses and ancillary facilities.

The subject are located within Site Specific Policy Area 16 which is a priority area for employment uses, and have frontage along Paris Road and Oak Park Road which have been identified as Rural Arterial Roads.

Section 2.2.5.7(a) of the Growth Plan describes how Municipalities will plan for all employment areas within settlement areas by prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use;

As Paris Road has been identified as a Rural Arterial Road, increased setbacks have been required to reduce the potential impact on the existing residential uses, which are approximately 112 metres (367.5 feet) from the proposed studio. In addition to the increased setbacks, through site plan control the need for additional screening will be evaluated to determine if it is required to further reduce potential impacts on the existing residential uses.

It is my opinion that the proposal is in conformity with the policies in the Growth Plan for the Greater Golden Horseshoe (2020) for the following reasons:

- ***The subject lands are designated as Employment which contemplates for heavy and light industrial uses.***
- ***The subject lands are located within Site Specific Policy Area 16 which is a priority area for employment uses.***
- ***The proposed rezoning will bring the subject lands into conformity with the Official Plan and permit additional uses.***
- ***The additional use will further contribute to an appropriate mix and range of employment and promote economic development.***

Source Water

Staff have reviewed Source Water Protection Area mapping, and the subject lands are not within a Source Water Protection zone.

County of Brant Official Plan (2012)

The subject lands are designated Employment, are located within Site Specific Policy Area 16 and are within the Primary Urban Settlement Area. 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.

The application is proposing three distinct uses, specifically a multi-unit industrial plaza, a studio workshop with overnight accommodation and accessory retail, and a multi-unit cold storage warehouse.

Section 2.2.3.1.1 of the Official Plan describes how Primary Urban Settlement Areas have been identified based on their servicing capacity and ability to accommodate projected growth through development, redevelopment, and intensification opportunities. Primary Urban Settlement Areas have access to full County services and have an existing supply of designated land that can accommodate development.

The subject lands are currently serviced by municipal water and are anticipated to be fully serviced upon the completion of the Paris Master Servicing Plan. Based on comments received from Operations, construction is anticipated to begin as early as 2021-2022.

Section 2.2.3.1.1(b) of the Official Plan describes how there is sufficient land to accommodate the majority of projected population and employment growth for the County to the year 2031, the majority of growth and development shall be directed to the County's Primary Urban Settlement Areas.

The subject lands are located within the Primary Urban Settlement Area and are anticipated to be fully serviced upon the completion of the Paris Master Servicing Plan.

Section 2.2.3.1.1(g) of the Official Plan requires Primary Urban Settlement Areas to support orderly, efficient, and sustainable opportunities for development, redevelopment, and intensification.

The subject lands are currently vacant with the exception of the existing residential use, which is proposed to be converted to the studio use. The proposed rezoning will facilitate the construction of a multi-unit industrial plaza and studio warehouse as permitted uses. The applicant is also proposing a cold storage warehouse, which is permitted.

Section 2.2.3.1.1(h) of the Official Plan speaks to development, redevelopment, and intensification taking into account existing building stock and the availability of suitable existing or planned infrastructure and public service facilities to accommodate projected needs.

The applicant intends on renovating the existing dwelling to accommodate the use of a studio workshop. Furthermore, the subject lands are currently serviced by municipal water and are anticipated to be fully serviced.

Section 2.2.3.1.1(j) of the Official Plan describes how Primary Urban Settlement Areas are to develop as complete communities by accommodating a mix and range of urban land uses including residential, commercial, employment, retail, institutional, cultural, recreational, and open space uses.

The subject lands are located within the Primary Urban Settlement Area and will contribute to a complete community by introducing additional employment uses through the multi-unit industrial plaza and cold storage warehouse in addition to cultural uses due to the proposed studio workshop.

Section 3.12.2(a) of the Official Plan describes how the primary employment form in the Employment designation shall be limited to prestige, light and heavy industrial uses, 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. Offices, medical/dental clinics, laboratories and research facilities, communication facilities, printing and publishing plants shall also be permitted as a primary form of employment.

The application is proposing three distinct uses, specifically a multi-unit industrial plaza, a studio workshop with overnight accommodation and accessory retail, and a multi-unit cold storage warehouse.

Section 3.12.2(d) of the Official Plan speaks to when an employment designation has frontage on an arterial road, as shown on Schedules A and B, a hotel/motel, and/or land uses catering to the traveling public shall also be permitted.

The subject lands have frontage along Paris Road and Oak Park Road, which both been identified as Rural Arterial Roads on Schedule B of the Official Plan. Based on this, the proposed overnight accommodation with the studio workshop is permitted.

Section 3.12.3(b) of the Official Plan describes how when a proposal 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.

Through the rezoning application, the applicant was able to review the D6 Guidelines in relation to employment uses and sensitive uses and describe how the proposed uses do not impact the surrounding residential. Furthermore, through the site plan control process, the detailed engineering review will determine if there are any potential negative impacts on the existing residential uses.

Section 3.12.3(c) of the Official Plan requires a relevant study if any of the following characteristics are proposed:

- i. Outdoor storage of goods and materials
- ii. Frequent shipment of products and/or materials
- iii. Long production hours and shift operations/ unusual hours of operation;
- iv. Likelihood of nuisances, such as noise, odor, dust, lighting or vibration.

The applicant has prepared a Traffic Impact Study in support of the application, which was reviewed by County Staff and agreed with the conclusions. Furthermore, the applicant will be subject to site plan control which will perform a detailed review of engineering drawings including lighting.

Section 3.12.3(d) of the Official plan describes how 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.

The subject lands have frontage along two arterial roads, and based on my understanding no outside storage is proposed. Increased setbacks have been accommodated in relation to the existing residential uses.

Section 3.12.3(e) of the Official Plan speaks to heavy industrial employment uses structures not being located within 50 metres of the boundary of lands designated Employment or within 50 metres of an arterial or collector road to ensure that the impact of the employment uses on adjacent uses is minimized.

The applicant has been able to demonstrate a 50 metre (164 feet) setback from Paris Road. I do note, all three proposed uses align with the definition of light industrial rather than heavy industrial, and are not required to meet this setback in the Official Plan.

Section 3.12.3(f) of the Official Plan describes how permitted uses that involve bulk open storage of goods or materials, the County shall require that open storage be screened such that it is not visible from a Provincial Highway/Limited Access Freeway, Urban Arterial Road, Rural Arterial Roads, Urban Residential Collector Roads and Urban Employment Collector Roads. Loading spaces, docks, and doors shall also not be located in the front yard or exterior side yard of the building.

It is my understanding no open storage is proposed, but should it be, there is opportunity for additional screening from Paris Road and Oak Park Road.

Section 4.2.16(a) of the Official Plan speaks to lands within Site Specific Policy Area 16 being a priority employment area as envisaged by Provincial Policy.

The subject lands are located within Site Specific Policy Area 16 and the applicant is proposing three distinct uses, specifically a multi-unit industrial plaza, a studio workshop with overnight accommodation and accessory retail, and a multi-unit cold storage warehouse.

Section 7 of the Official Plan defines light industrial and heavy industrial as the following:

Industrial, heavy - means employment uses associated with significant land use impacts such as odour, noise, dust, smoke, vibration, the potential for fire and explosive

hazards, etc. Examples of such uses may include manufacturing facilities, the storage, processing, refinement or production of hazardous, toxic or substances, etc.

Industrial, light - means employment uses associated with little or no significant land use impacts including odour, noise, dust, smoke, vibration, the potential for fire and explosive hazards, etc. Examples of such uses may include light and small-scale manufacturing facilities, warehouses, wholesale establishments, offices and business services such as printing establishments

It is my opinion that the proposal conforms to the policies in the County of Brant Official Plan (2012) for the following reasons:

- ***The subject lands are designated as Employment which contemplates for heavy and light industrial uses.***
- ***The proposed uses align with the definition of light industrial.***
- ***The subject lands are located within Site Specific Policy Area 16 which is a priority area for employment uses.***
- ***The proposed rezoning will bring the subject lands into conformity with the Official Plan and permit additional uses.***
- ***The additional uses will further contribute to an appropriate mix and range of employment and promote economic development.***
- ***The applicant is able to accommodate the increased street setback of 50 metres (164 feet) from Paris Road.***

County of Brant Zoning By-Law 61-16

The subject lands are currently zoned Heavy Industrial (M3) and Agriculture. The applicant is proposing the following site specific provisions:

Heavy Industrial with site specific provision 27 (M3-27) "Lot #1"

- To permit a multi-unit industrial plaza with a *service supply shop* as a permitted use.
- A service supply shop shall be defined as *"a lot, building or structure, other than an automotive use, that provides a non-personal service or craft to the public, including, but not necessarily restricted to, a printer's shop, a plumber's shop, a tinsmith's shop, a painter's shop, a carpenter's shop, an electrician's shop, a welding shop, a blacksmith's shop, a battery storage and recharging shop, a well driller's establishment, a tailor, an upholsterer's shop, an egg grading station, a machine shop or a monument engraving shop but does not include a butcher shop or a bakery."*
- To prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses.

Heavy Industrial with site specific provision 28 (M3-28) "Lot #2"

- To permit a studio workshop as an additional permitted use.
- A studio workshop shall be defined as *"shall mean a building or part of a building used to provide training workshops for arts and crafts, and may include accessory retail space for the sale of art and craft supplies and may include overnight accommodation for a maximum of 5 bedrooms or suites for persons engaged in the training workshops."*
- To prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses

Heavy Industrial with site specific provision 29 (M3-29) "Lot #3"

- To prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses.

Under the Heavy Industrial zone (M3), the following uses are permitted:

- Auction Establishment;
- Auto Body Shop;
- Automobile Repair Garage;
- Automobile Sales or Rental Establishment;
- Building Supply Outlet;
- Bulk Sales Establishment;
- Cannabis Production Facility;
- Catering Establishment;
- Chemical and Pharmaceutical Industry;
- Contractors Yard;
- Dry Cleaning Establishment;
- Electrical and Electronic Products Industry;
- Food Processing Plant
- Impound Yard;
- Manufacturing Facility;
- Mobile Refreshment Cart;
- Office, Support;
- Open Storage;
- Paper Products Industry;
- Printing Establishment;
- Processed Goods Industry;
- Propane Transfer Facility;
- Recreational Establishment;
- Research and Development Establishment;
- Restaurant;
- Retail Store;
- Service and Rental Establishment;
- Shipping Container;
- Transport/ Truck Terminal;
- Warehouse, Public Self Storage;
- Warehouse; and,
- Wholesale Establishment.

The applicant has proposed to prohibit the following uses on the entirety of the subject lands through site specific provisions:

- Cannabis Production and Processing;
- Chemical Pharmaceutical Industry;
- Dry Cleaning Establishment; and,
- Propane Transfer Facility

Section 11.2, Table 11.2 speaks to development standards for lands zoned as Heavy Industrial (M3) in relation to the proposed development based on the draft concept site plan.

Development Standard	Required	Proposed – Lot #1 “Industrial Plaza”	Proposed – Lot #2 “Quilting Studio”	Proposed – Lot #3 “Cold Storage Warehouse”
Lot Area, Minimum	1,100 sq.m (0.11 ha)	4.95ha	1.79ha	10.63ha
Lot Frontage, Minimum	30m	242.7m	106.2m	359.7m
Street Setback, Minimum	50m	51.1m	63.6m	51m

Interior Side Yard Setback, Minimum	3m	13.62 m	17.4m	34.58m
Rear Yard Setback, Minimum	8m	105.5m	20.97m	29.61m
Lot Coverage, Maximum	60%	14.6%	6%	30.2%
CN rail setback*	30m	n/a	n/a	29.61m

**not a Zoning By-Law requirement, CN rail requirement*

In regards to the previous Zoning By-Law 110-01, the subject lands were similarly split zoned Agriculture and Heavy Industrial. It appears this zoning was carried forward into the current Zoning By-Law 61-16.

It is my opinion that the proposal maintains the intent of the County of Brant Zoning By-Law 16-61 for the following reasons:

- ***The subject lands are designated as Employment which contemplates for heavy and light industrial uses.***
- ***The subject lands are located within Site Specific Policy Area 16 which is a priority area for employment uses.***
- ***The proposed rezoning will bring the subject lands into conformity with the Official Plan and permit additional uses.***
- ***The additional uses will further contribute to an appropriate mix and range of employment and promote economic development.***
- ***The subject lands and proposed development will be subject to site plan control.***

Interdepartmental Considerations

Community Services:

- A detailed Landscape Plan will be required during site plan approval. If any trees are being removed in the process, these also need to be identified.

Development Engineering:

- Staff have reviewed the Traffic Impact Study, dated June 2021 and prepared by RC Spencer Associates Inc. for the proposed developments located at 539 Paris Road and 555 Paris Road. This report was completed jointly to determine the impacts the two adjacent development parcels would potential have on the surrounding road network.
- We note that not all the land uses for 539 Paris Road were included in the report. Land Uses that were omitted are the overnight accommodations for the quilting workshop and the contractor's yard. These types of uses do generate vehicular trips to and from the subject lands and need to be accounted for in the overall projected vehicle trips for the proposed development.
- The report findings recommend the construction of separate westbound left turn lanes at each of the access points along Paris Road for MN539 Paris Road (two accesses) and MN555 Paris Road (one access). It was also recommended that a centre two-way-left-turn-lane (TWLTL) would be the best design option to provide left turning vehicles

refuge from the through lane traffic to complete the maneuver. It is the County's preferred option that the centre TWLTL be implemented. The detailed design shall be completed by the developer's qualified professional engineer. Once a design has been accepted and appropriate Agreements and Securities in place, County will take responsibility for the implementation of the external road improvements and will incorporate the approved design into the County's capital project for force main sanitary sewer that will to be constructed along Paris Road and Oak Park Road. Anticipated construction of the force main is 2022/2023.

- All costs associated with the design and construction of the TWLTL on Paris Road will be at the sole expense of the developers. Cost sharing arrangements between the two developers and the County will need to be entered into and included in the respective Development Agreements.
- An update to the traffic impact study report to include the omitted land uses, will need to be provided for our review and comment during the site plan stage to reflect current conditions.

Development Engineering – Revised Plan:

- Lot 2:
 - Provide the distance between 539 Paris Road entrance to 535 Paris Road entrance on Oak Park Road; and
 - Provide the distance between 539 Paris Road and the proposed relocation of Lot 3 entrance on Oak Park Road
- Lot #3
 - Provide the distance between the intersection of Oak Park Road at Paris Road to the new entrance locations;
 - Provide the distance between the railway tracks to the new entrance location on Oak Park Road;
 - Provide the location of the previously approved entrance to the proposed entrance location on Oak Park Road; and
 - Provide the sight line analysis for the proposed relocated entrance on Oak Park Road in accordance to Geometric Design for Roads (TAC 2017) for our review and comment.
- An addendum to the approved July 2021 TIS may be required, should the information provided is not to the satisfaction of the County.
- *I do note the above comments from Development Engineering in relation to the revised concept plan are related to site plan control and will be fully addressed through that process.

Economic Development:

- County of Brant Economic Development supports this Zoning By-Law amendment application. The proposed uses are largely supported by the County of Brant Economic Development Strategy and Action Plan Specifically Pillar 2: Driving Investment to the County of Brant. The multi-unit industrial space will add to the inventory of existing land and building availability in the County.
- The Economic Development and Tourism Division also supports the zoning to permit the quilting studio and accommodation. This use is supported by Pillar 1 of the Economic Development Strategy: Growing a More Diversified Economy. There is a strong cultural component that complements other heritage and cultural tourism assets in the County of

Brant. Quilting guilds and quilting related events appear to be of growing interest in Ontario.

Environmental Planning:

- Environmental Planning have no comments on the proposed rezoning.
- Matters such as tree preservation will be reviewed as part of any future site plan applications.

Field Services:

- Field Services has no objection or comments on the application at this time. Staff will provide a detailed grading review and comments in accordance with the County of Brant Development Standards at the time of Preliminary Grading Plan Submission in support of a Building Permit application.

Fire:

- No comment.

Operations:

- Operations staff have reviewed the above noted development application and have the following comments:
 - The County of Brant has initiated detailed design of municipal sanitary sewers to service this area of Paris, per the Paris Master Servicing Plan (2020). Construction may commence as early as 2021. The subject property will be serviced by a low-pressure sewer system, requiring individual pump packages for each building/property. Property owners who receive a new service will be encouraged to connect to the new servicing as soon as it is commissioned, and to properly decommission existing septic systems to the satisfaction of the County's Building Department. Connection fees will be charged to all benefitting properties.
 - Standard terms and conditions normally included in a Public Works Permit will be included as an appendix to the associated Site Plan Approval when issued.
 - Any proposed new business signage must comply with the County of Brant Sign By-Law with respect to setbacks, size, sight-lines and illumination.
 - The applicant shall provide the estimated water demands for each of the proposed facilities.
 - Fire flow; the County strives to provide 58.6 L/s (3,516 L/min) for 2-hour duration to ICI properties while maintaining a minimum pressure of 140 kPa (20psi) at all points in the distribution system. Properties requiring more must supplement this from other sources. NOTE: Fire flow tests represent the available flow and pressure at a snapshot in time. Capacity is constructed in blocks. Ongoing development may consume capacity from what is observed at any point in time. Available flow and pressure at any time may be less than any previous field measurement.
 - Proposed new entrances must satisfy the County's Entrance By-Law.

Real Estate:

- No comment.

Canada Post:

- Please be advised that the Paris Rd businesses will be serviced by an existing Community Mailbox on Oak Park Rd. Please have the customers call our Customer Service department at 1-800-267-1177 or the Brantford Post Office at 519-752-2505 ext 2004 or 2005 to register for mail delivery

CN Rail:

- Thank you for consulting CN on the application mentioned in subject. It is noted that the subject site is adjacent to CN's Main Line. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. Please refer to CN's guidelines for the development of sensitive uses in proximity to railways. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. CN encourages the municipality to pursue the implementation of the following criteria as conditions of an eventual project approval:
 1. Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 meters above grade at the property line, with side slopes not steeper than 2.5 to 1, or a minimum 15 metre building setback, from the railway right-of-way, is recommended for heavy industrial, warehouse, manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops).
 2. The Owner shall install and maintain a chain link fence of minimum 1.83 meter height along the mutual property line.
 3. While CN has no noise and vibration guidelines that are applicable to non-residential uses, it is recommended the proponent assess whether railway noise and vibration could adversely impact the future use being contemplated
 4. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
 5. A minimum 30 metre setback is required for vehicular property access points from at-grade railway crossings

CN Rail – Revised Plan:

- Thank you for circulating the attached site plan. The 29.61m setback is satisfactory and since the proposed use is for storage freezers, no safety berm will be required. Given the clarifications provided by the attached site plan, CN's only remaining concerns are regarding conditions number 2&4.
- *I note the conditions 2&4 relate to the original comments received from CN rail, and speak to a chain link fence and a drainage report.

City of Brantford:

- Please revise Figures 4A to 12B in the Transportation Impact Study within the appendix, as they illustrate the intersection of Powerline Road at Oak Park Road as an all-way stop controlled intersection. This intersection currently operates as a two-way stop along the east/west approach.

Energy Plus:

- Energy+ Inc., has no objection to the request for a zoning by-law amendment facilitate the development of a cold storage warehouse, multi unit industrial plaza and quilting

studio. The Applicant/Owner will be required to enter into a service agreement with Energy+ Inc. to determine the terms and conditions to service the proposed cold storage unit, multi unit industrial plaza and quilting studio that will look something like the following:

- The Owner/Applicant will be required to enter into an Agreement with Energy+ Inc. to establish the terms and conditions to service the proposed developments at 100% cost. Please allow a minimum of six (6) months for determination of servicing needs.
- The Owner/Applicant must grant easements to our satisfaction at 100% cost.
- The Owner/Applicant will be responsible for all costs associated with relocation and/or upgrade of existing electrical plant if required as a result of this development at 100% cost.
- That the Corporation of the County of Brant be advised by Energy+ Inc. that our conditions have been satisfied.

The following departments/agencies did not provide any comments with regard to this application:

- Building Division
- Union Gas
- Infrastructure Ontario
- Six Nation/New Credit

Public Considerations

I can confirm as requested by the Committee, the circulation radius was increased to include the properties abutting the original circulation radius. As a result, the circulation radius was increased from 125 metres (410.1 feet) to 185 metres (607 feet), which equated to an additional 6 properties for a total of 41 properties.

Staff attended the site on August 20th the notice sign was posted in accordance with *Planning Act* requirements.

Through circulation of the April information meeting, the following public comments were received:

- Clarke – Concerns relating to zoning and traffic.
- Roswell – Sought clarification on landscaping and zoning, concerns relating to traffic, noise and lighting.
- Van Nieuwenhuizen – Concerns regarding traffic, environmental impacts, zoning clarification and lighting.

Ahead of the April information meeting, a response was sent to each of inquiry which described how the applicants were preparing a Traffic Impact Study, how they are required to proceed through site plan control and that the County has provisions that speak to lighting and noise.

Through the circulation of the September information meeting, the following public comments were received:

- Rutten – Concerns relating to traffic, lighting, impact on surrounding properties and property value.

- Wheeler – Concerns relating to lighting, truck pollution, noise levels, increased traffic and hours of operation.

In regards to the concerns raised by the public, I can confirm the subject lands are designated as Employment which contemplates for heavy industrial uses. I can also confirm the subject lands are currently zoned split zoned Agriculture (A) and Heavy Industrial (M3), which appears to be consistent with the previous Zoning By-Law 110-01.

In regards to concerns relating to traffic, the applicant submitted a Traffic Impact Study which has been reviewed by both the County of Brant, but also the City of Brantford. Based on my understanding, the conclusions within the Study were agreed upon by the County of Brant and the City of Brantford, with additional information to be provided during site plan control to ensure the information contained in the report is still accurate.

In regards to concerns relating to lighting, through the site plan control process, which will need to be finalized and approved prior to a building permit being issued, the applicant will be required to submit a photometric plan (lighting plan). This plan will ensure there are no negative impacts on the surrounding properties. Furthermore, there is the potential for landscaping (i.e. shrubs, bushes, trees, and fences) to be placed on the subject lands to further minimize any potential impact on the surrounding properties.

In regards to noise levels, it is my understanding the County of Brant has a separate Noise By-Law (By-Law 115-07) that is enforced by the By-Law department.

Conclusions and Recommendations

The applicant is proposing two additional uses on the subject lands, specifically a service supply shop on the portion referred to as Lot #1, a studio workshop on the portion referred to as Lot #2, and to permit a reduced street setback of 30 metres (98.4 feet) to a cold storage warehouse.

Lot #1 is generally located on the northwest portion of the subject lands, and has an area of approximately 4.95 hectares (12.2 acres). It is my understanding that in addition to a building supply outlet and a contractors yard, which are permitted uses on lands zoned as Heavy Industrial (M3), the applicant intends on constructing a multi-unit industrial plaza with service shop uses with individual units that will be rented out to various industrial users such as heating and cooling, plumbing, electrical and similar contractors and building and industrial suppliers. It is also my understanding the applicant is proposing 12 units each with an area of approximately 600 square metres (6,458.3 square feet). I do note, the applicant is proposing to rezone this portion of the subject lands from Agriculture (A) to Heavy Industrial (M3) with site specific provision 27 (M3-27) to permit a service shop as a permitted use, and to prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses.

Lot #2 is located in the northeast portion of the subject lands, and has an area of approximately 1.79 hectares (4.4 acres). It is my understanding the applicant is proposing a studio workshop as an additional permitted use in order to use the existing dwelling as a quilting studio workshop. Based on submission materials, it is my understanding the intent of the studio workshop is to provide training workshops with the potential for overnight accommodation and accessory retail for the purpose of selling quilting materials. It is also my understanding the existing accessory structure is to be used as a contractor's yard, which is a permitted use on lands zoned as Heavy Industrial (M3). I do note, the applicant is proposing to rezone this portion

of the subject lands from Agriculture (A) and Heavy Industrial (M3) to Heavy Industrial with site specific provision 28 (M3-28) to permit a studio workshop as a permitted use and to prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses.

Lot #3 is generally located in the southern half of the subject lands, and has an area of approximately 10.63 hectares (26.2 acres). It is my understanding the intent of the applicant is to construct a multi-unit cold storage warehouse facility with access to Oak Park Road. Based on the submission materials, it appears the applicant is proposing 11 units each with an area of approximately 2,949.5 square metres (31,748.2 square feet). I note, the proposed warehouse facility is a permitted use on lands zoned as Heavy Industrial (M3). The applicant is proposing a reduced street setback of 30 metres (98.4 feet) from Oak Park Road and to prohibit Cannabis Production and Processing, Chemical Pharmaceutical Industry, Dry Cleaning Establishment and Propane Transfer Facility as permitted uses.

The subject lands are designated Employment within the County of Brant Official Plan. They are also located in a Primary Urban Settlement Area and Site Specific Policy Area 16. 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. It is my opinion the proposed uses are contemplated for and permitted in the Official Plan. I also note the subject lands will be subject to site plan control which will include a detailed review of all engineering materials.

Based on the analysis above, Staff can confirm that the appropriate measures have been taken to ensure that the proposed rezoning is consistent with the *Provincial Policy Statement*, in conformity with the Growth Plan for the Greater Golden Horseshoe, conforms to the County of Brant Official Plan and meets the intent of the County of Brant Zoning By-Law.

It is my opinion that the Zoning By-Law Amendment has merit and therefore, I am recommending approval of the application.

Prepared by:



Amanda Wyszynski, BATech, MES(PI)

Planner

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

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

Attachments

1. Zoning Figure
2. Official Plan Figure
3. Aerial Figure
4. Draft By-Law

Copy to

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

File # ZBA4/21/AW

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

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

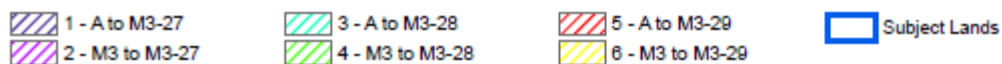
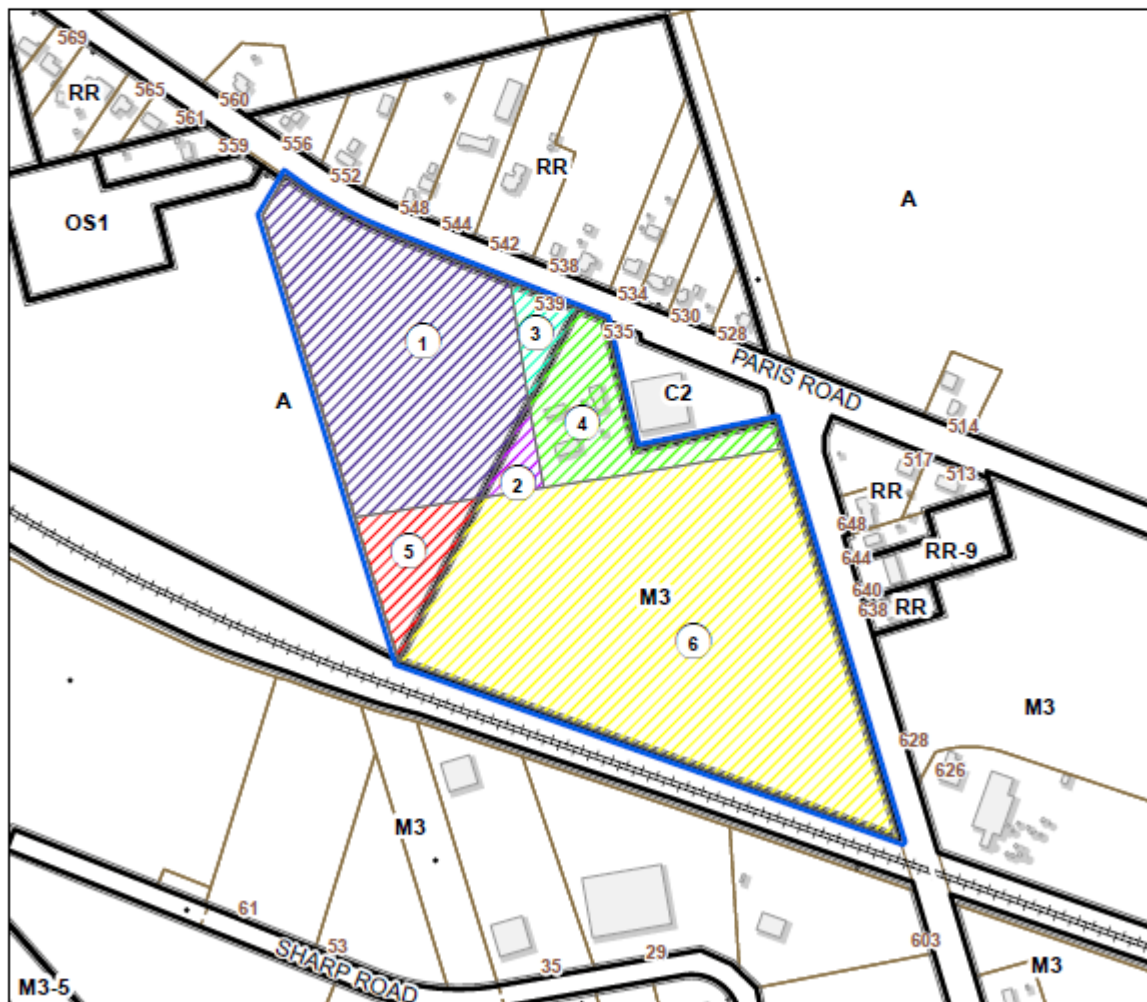
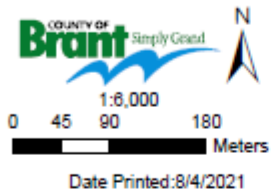
By-Law required	(Yes)
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Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
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Is the necessary By-Law or agreement being sent concurrently to Council?	(Yes)
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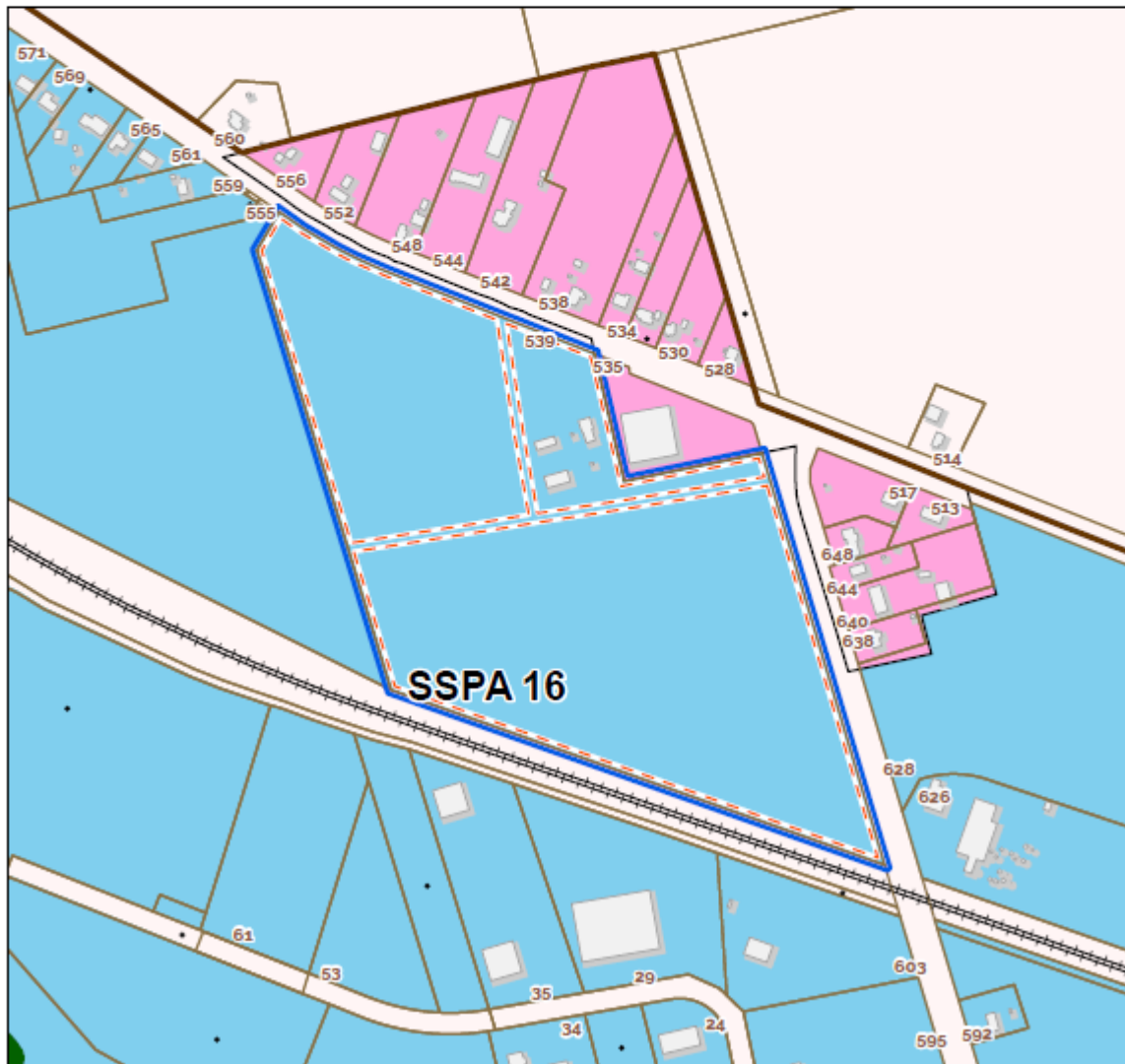
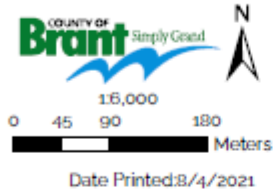
MAP 1: ZONING MAP
FILE NUMBER: ZBA4-21-AW

539 PARIS ROAD
 Former Township of
PARIS



MAP 2: Official Plan Map
FILE NUMBER: ZBA4-21-AW

539 PARIS ROAD
Former Township of
PARIS



MAP 3: Aerial Map
FILE NUMBER: ZBA4-21-AW

539 PARIS ROAD
Former Township of
PARIS

