



County of Brant Planning and Development Committee Report

To: The Chair and Members of the Planning and Development Committee
From: Ryan Cummins, Planner
Date: January 4th, 2022
Report: RPT-21-230
Subject: Zoning By-Law Amendment File ZBA 24/17/RC
517 Paris Road, County of Brant
Purpose: For Approval

Recommendation

That Application **ZBA24/17/RC** from Urban In Mind c/o Terrance Glover, Agent on behalf of Vu Huong Le, owner of Concession 1 part lot 19, located at 517 Paris Road, in the geographic Township of Brantford, proposing to change the zoning on the subject lands from Rural Residential (RR) to General Commercial (C2) in order to permit a gas bar, convenience store, and drive through restaurant **BE APPROVED**.

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

- The application is in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the *Provincial Policy Statement*.
- The application conforms to the policies of the Official Plan and is in keeping with the intent of the Zoning By-Law.

Key Strategic Priority

1. Sustainable and Managed Growth

Financial Considerations

Not applicable.

Background / Executive Summary

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

This application proposes to change the zoning on the subject lands from Rural Residential (RR) to General Commercial (C2) in order to permit a gas bar, convenience store, and drive through restaurant.

On November 16, 2021, the applicant hosted a neighbourhood information meeting in order to present their revised proposal and to receive input from neighbouring land owners. Notices of this neighbourhood meeting were mailed out by the County on October 28, 2021.

At the meeting, the applicant presented their proposal with the following design changes to mitigate concerns from the neighbours:

1. Installation of noise mitigation fencing on the southerly property line in accordance with the recommendations in the Noise Report. The applicant is also proposing to install noise fencing along the easterly property line, which is not required by the Noise Report, in order to provide additional buffering from adjacent residential uses.
2. Providing for additional landscape buffering along the south and easterly property lines adjacent to residential uses.
3. Removal of the proposed diesel fuel pump to reduce any potential conflict with truck fueling on-site.

ZBA24-17-RC has been subject to the following timeline:

- October 3, 2017 – Information Meeting #1 (Planning and Development Committee)
- December 2, 2020 – Site Plan Control Application SP6-20-RC deemed 'complete'
- September 7, 2021 – Information Meeting #2 (Planning and Development Committee)
- November 16, 2021 – Neighbourhood Meeting (Hosted by Agent)
- January 4, 2021 – Recommendation Meeting (Planning and Development Committee)

The following reports/ studies/ drawings were submitted and reviewed as part of the technical circulation of Site Plan Control Application SP6-19-RC.

- Planning Justification Report
- Phase I and II Environmental Site Assessment
- Traffic Report
- Site Plan
- Landscape Plan
- Photometrics Plan
- Bulding Floor Plan
- Building Elevation
- Grading and Servicing

The planning analysis focuses on literature reviews of applicable policy (i.e. *Planning Act*, Provincial Policy Statement, Official Plan, and Zoning By-Law), consultation with internal departments, an inspection of the subject lands and surrounding neighbourhood and discussions with both the agent and public. The proposal is consistent with the policies of the *Provincial Policy Statement (2020)* and Growth Plan for the Greater Golden Horseshoe and conforms to the policies of the County of Brant Official Plan.

This report recommends **APPROVAL** of Zoning By-Law Amendment application **ZBA24/17/RC**.

Location / Existing Conditions

The subject lands are located within the Primary Urban Settlement Area of Paris.

The 0.47 hectare (1.18 acre) site is located on the south side of Paris Road, east of Oak Park Road, in the former Township of Brantford.

The subject lands currently contain a vacant single detached dwelling. The property is surrounded predominantly by residential uses to the south and east, commercial and agricultural uses to the west, and agricultural and residential uses to the north.

Report

Planning Act, R.S.O. (1990)

Section 34 of the *Planning Act* establishes that Zoning By-Laws may be passed by Councils of local municipalities.

Section 41 of the *Planning Act* outlines policy direction for the review and approval of applications within a Site Plan Control area.

- ***The technical details related to the proposed development are currently being reviewed as part of Site Plan Control Application SP6-19-RC.***

Provincial Policy Statement “PPS” (2020)

The *Provincial Policy Statement* (PPS) provides policy direction on matters of Provincial interest regarding land use planning and development and sets the policy foundation for regulating land use and development of land. All decisions affecting planning matters shall be ‘consistent with’ policy statements issued under the *Planning Act*.

Section 1.1.3.1 of the *Provincial Policy Statement* identifies that Settlement Areas shall be the focus of growth and development. Settlement Areas can be identified as urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets).

- ***The subject lands are located within the Primary Settlement Area of Paris.***

Section 1.1.3.6 of the *Provincial Policy Statement* identifies that new development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

- ***The subject lands are designated as a Commercial land use and located within a cluster of a built up area containing a mix of residential, employment and commercial land uses.***

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 proposes to establish new commercial / service related uses consisting of gas bar, convenience store, and drive through restaurant in a central location aimed to serve the needs of the surrounding area.***

It is my professional opinion that the proposal is consistent with the policies in the Provincial Policy Statement (2020).

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The GGH is a dynamic and diverse area, and one of the fastest growing regions in North America. By 2051, this area is forecast to grow to, at a minimum, 14.8 million people and 7.0 million jobs. The *Planning Act* requires that all decisions that affect a planning matter shall 'conform with' Provincial plans, including but not limited to the Growth Plan.

Policy 2.2.1.2(a) describes how the vast majority of growth will be directed to settlement areas that have a delineated built boundary, have existing or planned municipal water and wastewater systems and can support the achievement of complete communities.

- ***The subject lands are located within the Primary Settlement Area of Paris.***
- ***The Primary Settlement Area of Paris does contain full municipal services (water, sanitary, storm) and the severed lands will be serviced by full municipal services (water, sanitary, storm).***
- ***The subject lands are located long a Rural Arterial Road with direct access to Provincial Highway.***
- ***This location provides opportunity to service a wide variety of local residence and employees who travel along this route to and from Paris.***

In summary, it is my professional opinion that the application is consistent with the policies of the Growth Plan.

Source Water Protection

Source protection plans contain a series of locally developed policies that, as they are implemented, protect existing and future sources of municipal drinking water. Municipalities, source protection authorities, local health boards, the Province and others, are responsible for implementing source protection plan policies.

- ***The subject lands are not located within the Source Water Protection (SWP) or Well Head Protection Area (WHPA).***

County of Brant Official Plan (2012)

The County of Brant Official Plan sets out the goals, objectives and policies to guide development within the municipality. The *Planning Act* requires that all decisions that affect a planning matter shall 'conform to' the local Municipal Policies, including but not limited to the County of Brant Official Plan.

- ***The subject lands are located within the Primary Settlement Area of Paris.***
- ***The subject lands are designated as a Commercial land use within Schedule 'A' of the County of Brant Official Plan.***

Section 3.9.2 of the Official Plan outlines permitted uses within the General Commercial designation, shall be limited to retail commercial establishments, places of entertainment,

professional offices, financial institutions, assembly halls, eating establishments, automotive uses, hotels and motels, community facilities, convenience stores, and residential uses above the first floor.

- ***The proposed uses include a gas bar, convenience store, and drive through.***

Section 3.9.2 of the Official Plan provides the following land use policies for all lands within the General Commercial designation:

| | |
|---|--|
| <p>a. Development within the General Commercial designation shall be compatible with surrounding uses with respect to building form, height, and setback, and shall be adequately buffered from adjacent sensitive land uses.</p> | <ul style="list-style-type: none"> • <i>The building elevation is 1 storey in height, being placed on the lot away from abutting residential dwelling units.</i> • <i>Through the Site Plan Control Process, elements such as buffers, such as fencing, can be implemented to soften the impact the proposed development will have on an adjacent property. Moreover, external lighting will also be required to be 'Dark Sky Compliant' to help mitigate impacts of light pollution on surrounding properties.</i> • <i>The proposed commercial building is consistent with other existing commercial buildings located on adjacent properties.</i> |
| <p>b. Buildings within the General Commercial designation, and associated lighting or signs, shall be designed, erected and installed to minimize the impact on any adjoining residential uses in accordance with the County's Sign By-law.</p> | <ul style="list-style-type: none"> • <i>A photometric plan provided submitted as part of the Site Plan Control Application confirms that lighting proposed on site does not extend onto abutting properties</i> • <i>Landscape buffering will be installed to minimize the exposure of on site and vehicular lighting onto abutting residential uses.</i> |
| <p>c. Adequate off-street parking facilities shall be provided for all permitted uses and access points to such parking shall be limited in number and designed in a manner that shall minimize the danger to both vehicular and pedestrian traffic. Where possible, shared accesses and driveways shall be provided.</p> | <ul style="list-style-type: none"> • <i>Driveway access and on site traffic flow has been reviewed by County Staff to ensure safe and efficient movement of vehicles.</i> • <i>Raised sidewalks and painted lines have been provided on site to ensure the safe movement of pedestrians throughout the site.</i> |
| <p>d. The County shall encourage the provision of facilities that promote cycling and walkability.</p> | <ul style="list-style-type: none"> • <i>Although sidewalks are not currently available along the Rural Arterial Roads, the location and nature of the proposed use may encourage cyclists and foot traffic from the immediate surrounding cluster of residential/ commercial uses.</i> |
| <p>e. A high standard of site design and maintenance shall be required through Site</p> | <ul style="list-style-type: none"> • <i>The site design and technical details related to the proposed development are</i> |

Plan Control, in accordance with Section 6.7 of this Plan.

currently being reviewed as part of Site Plan Control Application SP6-19-DN.

Section 5 of the Official Plan provides policies related to infrastructure, services and facilities.

Section 5.2.a. States that in order to achieve a more efficient use of land in urban areas and to achieve the density targets required by the Province, full County water and sanitary sewage systems shall be the preferred form of servicing for Primary Urban Settlement Areas. In accordance with policy 5.2.3.2 (i), for any development occurring without the immediate benefit of full municipal servicing, the proponent must enter into an agreement stating that if services are eventually extended to the area, the owners of the lot will connect to the services provided at the owner's expense. The letter of intent shall be registered against the title of the land and shall also include a commitment to pay all applicable charges for the share of services provided.

- **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 discussions with the Operations Division, construction is anticipated to begin as early as 2022.**

Section 5.3.2 & Schedule 'B' of the County of Brant Official Plan provide details related to road network classification.

- **The subject lands are located at the south east corner of Oak Park Road and Paris Road. This particular road network is classified as a Rural Arterial Road according to Schedule 'B' of the County of Brant Official Plan.**

Section 5.3.2.1.3 identifies that the desired width of a rural arterial road varies due to accommodation of a range of uses and development forms. Sidewalks are not typically required however shoulder bike lanes may be considered. Sight distances will be reviewed at the time of a development application.

- **The above description of a Rural Arterial Road accurately describes the existing conditions along Oak Park Road and Paris Road.**

In summary, it is my professional opinion that the application conforms to the policies of the Official Plan.

Zoning By-Law 61-16

The subject lands are currently zoned Rural Residential (RR) within the County of Brant Zoning By-Law 61-16.

This application proposes to change the zoning on the subject lands to General Commercial (C2).

It should be noted that while the Zoning of the site is currently Rural Residential (RR), the designation (Commercial), represents the future vision for how the land use on the subject lands and the surrounding lands may change in the future. A Zoning By-Law is the implementation tool of an Official Plan.

Section 10.1, of the Zoning By-Law outlines the Permitted Uses in the General Commercial (C2) zone.

- Assembly Hall
- Auditorium
- Automobile Repair Garage
- Automobile Sales or Rental Establishment
- **Automobile Service Station**
- Bakery
- Bulk Sales Establishment
- Car Wash
- **Convenience Store**
- Day Care
- **Drive-Through Facility**
- Dry Cleaning and Laundromat
- Financial Institution
- Florist Shop
- Funeral Home
- Grocery Store
- Home Improvement Centre
- Hotel
- Mobile Refreshment Cart
- Nursery and Garden Centre
- Office, Business / Professional
- Office, Medical
- Office Supply Outlet
- Personal Service Establishment
- Pharmacy
- Recreational Establishment
- Restaurant Retail Store
- School, Commercial
- Service and Rental Establishment
- Shipping Container in accordance with Section 4.35
- Taxi Stand
- Veterinary Clinic

Section 10.2 of the Zoning By-Law outlines the Zone Requirements for the General Commercial (C2) zone.

The following chart demonstrates zoning compliance as identified on the current Site Plan for the proposed development.

SITE STATISTICS

| <i>ITEM</i> | <i>PROPOSAL</i> | <i>ZONING BYLAW REQUIREMENTS</i> | <i>CURRENT ZONING BYLAW REQUIREMENTS</i> |
|---------------------------------------|-----------------------------|----------------------------------|--|
| ZONING CATEGORY | C2 | C2 | RR |
| LOT AREA (sq. m.) | 4771.52 | 1000 MIN. | 4000 MIN. |
| GROUND FLOOR AREA (sq. m.) | 297.50 | N/A | N/A |
| LOT FRONTAGE | 96.7 | 15.0m MIN. | 40.0m MIN. |
| LOT COVERAGE | 6.2% | 60% MAX. | 30% MAX. |
| STREET SETBACK (m) | 8.66 | 6.0 MIN. | 20.0 MIN. |
| REAR YARD (m) | 39.63 | 3.0 MIN. | 15.0 MIN. |
| INTERIOR SIDE YARD (m) | 9.39 | 7.5 MIN. (ABUTTING RES. ZONE) | 5.0 MIN. |
| NUMBER OF PARKING SPACES | 25 | 21* | - |
| NUMBER OF HANDICAPPED PARKING SPACES | 1 | 1 | - |
| NUMBER OF LOADING SPACES | 2 | 1 | - |
| PARKING STALL DIMENSIONS (m) | 2.80 x 5.50 | 2.80 x 5.50 | 2.80 x 5.50 |
| HANDICAP PARKING STALL DIMENSIONS (m) | 3.40(1.5) x 5.50 (TYPE 'A') | 3.40(1.5) x 5.50 (TYPE 'A') | 4.20 x 5.50 |
| LOADING SPACE DIMENSIONS (m) | 3.50 x 10.00 | 3.50 x 10.00 | 3.50 x 10.00 |
| PERCENTAGE OF LOT LANDSCAPED | 32.4% | 10% MIN. | 30% MIN. |
| BUILDING HEIGHT (m) | - | 12.0 MAX. | 10.50 MAX. |

* CALCULATION IS BASED ON "AUTOMOTIVE USE 1/25 = 3 SPACES

* CALCULATION IS BASED ON "RESTAURANT, FAST FOOD, DRIVE-THRU & TAKE OUT"

1 PARKING SPACE FOR EVERY 10 sq.m. OF FLOOR AREA. 87.06/10 = 9 SPACES

* CALCULATION IS BASED ON "CONVENIENCE STORE" 1 PARKING SPACES FOR EVERY 25 sq.m. OF FLOOR AREA 210.44/25 = 9 SPACES

TOTAL = 21 SPACES

It is my professional opinion that the request is appropriate and is in conformity and in compliance with the County of Brant Zoning By-Law (61-16).

Interdepartmental Considerations

Operations Division:

- 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). The project will include a new low-pressure sanitary service for 517 Paris Road, requiring an individual grinder pump unit to service the 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. The applicant is encouraged to investigate the potential use of a temporary holding tank until the sanitary servicing is in place.

Development Engineering Division:

- The Applicant will be required to extend the storage and taper length of the existing northbound left turn lane on Paris Road at the intersection with Oak Park Road to facilitate the vehicles turning into the development. The cost of the design, construction and administration of the road works will be at the sole expense of the Applicant.
- A 5.0 metre by 5.5 metres Road Widening (see Roundabout Sketch attached) is required at the southwest corner of the intersection of Paris Road at Oak Park Road and be transferred to the County at the Applicant's Cost. The Road Widening is required for future intersection improvements.
- Technical comments regarding care and control of ingress/egress, Public Works Permits, 0.3 m reserves, road widening, protection of municipal infrastructure, servicing, stormwater management, etc. will be provided at the time of a future Site Plan Application, which is required for the development of the Subject Lands.
- That the Applicant be advised that an approved Public Works Permit is required prior to commencing any works within the municipal road allowance.

Building Division:

Building has no comments or concerns related to the re-zoning application.

Fire Division:

Fire has no issues with the re-zoning application for 517 Paris Road.

Economic Development and Tourism Division:

County of Brant Economic Development and Tourism is supportive of this application as it aligns with the County's Economic Development Strategy and Action Plan, specifically Pillar 2: Driving Investment to the County of Brant. As well, given the planned extension of wastewater services for this area and the number of Employment related development proposals and inquires for Paris Road and Oak Park Road, the proposed commercial use would be a beneficial amenity to the existing employers and proposed new development.

The following departments/agencies did not provide or had no further comments with regard to this Zoning By-Law Amendment application:

- Parks and Facilities
- Energy Plus
- Union Gas
- Bell
- Grand Erie District School Board
- Brant Heritage Committee
- Forestry
- Six Nation/New Credit

Public Considerations

ZBA24-17-RC has been subject to the following public consultation timelines:

October 3, 2017 – Information Meeting #1 (Planning and Development Committee)

- Notices and sign posted to surrounding property owners within 125m of the subject lands as required by the *Planning Act*.
- Public Comments / Concerns were received by the following:
 - J. Gazik - 638 Oak Park Rd
 - E. Lane - 640 Oak Park Rd
 - C. Waldick - 644 Oak Park Rd
 - S. Waldick - 644 Oak Park Rd
 - L. Wheeler – 648 Oak Park Rd
 - M. Rutter – 513 Paris Rd
 - P. Turner – 530 Paris Rd
- Concerns were raised with respect to the proposal's potential impacts on the enjoyment of the surrounding residential properties, noise, lighting, pollution, and property value impacts.

September 7, 2021 – Information Meeting #2 (Planning and Development Committee)

- Notices and sign posted to surrounding property owners within 125m of the subject lands as required by the *Planning Act*.
- Public Comments / Concerns were received by the following:
 - M. Rutter – 513 Paris Rd
 - R. Dow – 514 Paris Rd
 - P. Turner – 530 Paris Rd
 - J. Stevenson – 532 & 556 Paris Rd
 - J. Gazik - 638 Oak Park Rd
 - E. Lane - 640 Oak Park Rd
 - C. Waldick - 644 Oak Park Rd
 - L. Wheeler – 648 Oak Park Rd
 - C. Wheeler - 648 Oak Park Rd
- Concerns were raised with respect to the proposal's potential impacts on the enjoyment of the surrounding residential properties, noise, lighting, pollution, and property value impacts.

November 16, 2021 – Neighbourhood Meeting (Hosted by Agent)

- On November 16, 2021, the applicant hosted a neighbourhood information meeting in order to present their revised proposal and to receive input from neighbouring land owners.
- Notices of this neighbourhood information meeting were mailed out by the County on October 28, 2021. At the meeting, the applicant presented their proposal for a number of design changes to mitigate concerns from the neighbours.
- Some of these design components include:
 - Installation of noise mitigation fencing on the southerly property line in accordance with the recommendations in the Noise Report. The applicant is also proposing to install noise fencing along the easterly property line, which is not required by the Noise Report, in order to provide additional buffering from adjacent residential uses.
 - Providing for additional landscape buffering along the south and easterly property lines adjacent to residential uses.
 - Removal of the proposed diesel fuel pump to reduce any potential conflict with truck fueling on-site.

Conclusions and Recommendation

The applicant has applied to re-zone the subject lands from Rural Residential (RR) to General Commercial (C2) in order to permit the development of a gas bar, convenience store and drive through restaurant. While the Official Plan designates the subject lands as General Commercial, the present Rural Residential (RR) Zoning does not permit any of the proposed uses. The applicant is therefore proposing to re-zone the subject lands in order to bring them into conformity with the County of Brant Official Plan (2012).

The applicant originally filed this application in 2017. At the October 3, 2018 Planning Advisory Committee meeting, the proposal was brought forward for an information presentation. Several members of the public voiced their concerns over many of the same issues we are hearing at this time. County Staff requested the applicant to submit a Site Plan Control application in order to review the technical details of how the site was proposed to be developed. This application has been advanced to a point where Staff are comfortable with making a recommendation on the merits of the Zoning By-Law Amendment Application.

I am of the opinion that the proposal is in conformity with provincial and municipal policies. The applicant's proposal to re-zone the subject lands conforms to the intent and permitted uses outlined in Section 3.9 of the County of Brant Official Plan. The applicant's proposed site design provides for mitigation measures based on concerns received from neighbouring land owners.

Based on the analysis included in this report, Planning Staff confirm that the application provides for an appropriate and compatible land use representing a good application of the general community and urban design policies. The application conforms to the policies of the County of Brant Official Plan and complies with the provisions of Zoning By-Law 61-16. The application conforms to the policies of the Growth Plan for the Greater Golden Horseshoe and is consistent with the policies of *Provincial Policy Statement*.

It is my professional opinion that the request is appropriate and represents good planning and therefore I recommend that Zoning By-Law Amendment Application **ZBA24-17-RC** be **Approved**.

Attachments

1. Current Zoning Map
2. Current Official Plan Map
3. Aerial Photo
4. Draft By-Law
5. Draft By-Law Schedule

Copy to:

1. Heather Boyd, Clerk Council Committee Services
2. Mat Vaughan, Director of Development Planning
3. Jennifer Mayhew, Planning Administrative Assistant
4. Applicant/Agent

File # ZBA 24/17/RC

In adopting this report, is a By-Law or agreement required?

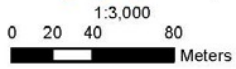
By-Law required (Yes)

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? (Yes)

MAP 1: ZONING

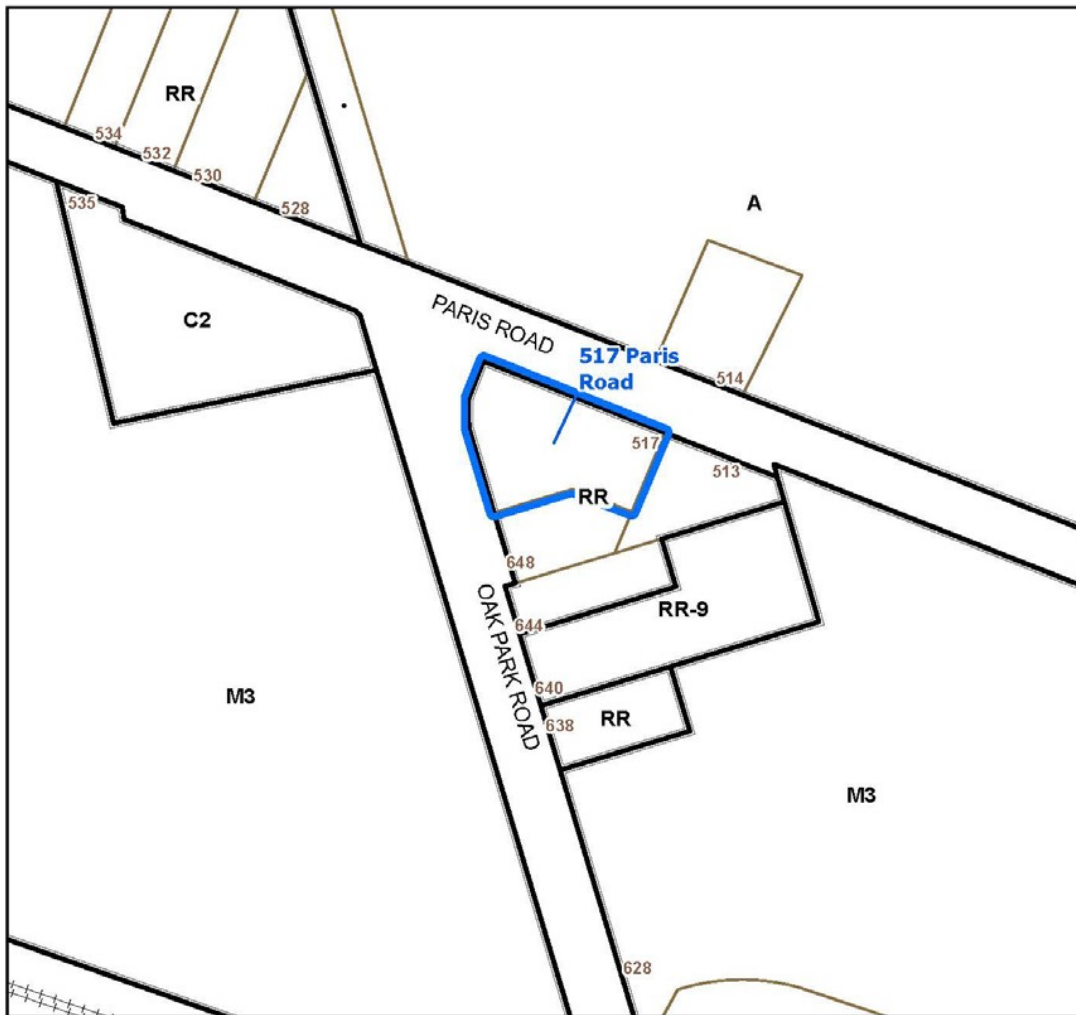
517 PARIS ROAD
County of Brant
Ontario



Date Printed: 9/3/2021



Key Map



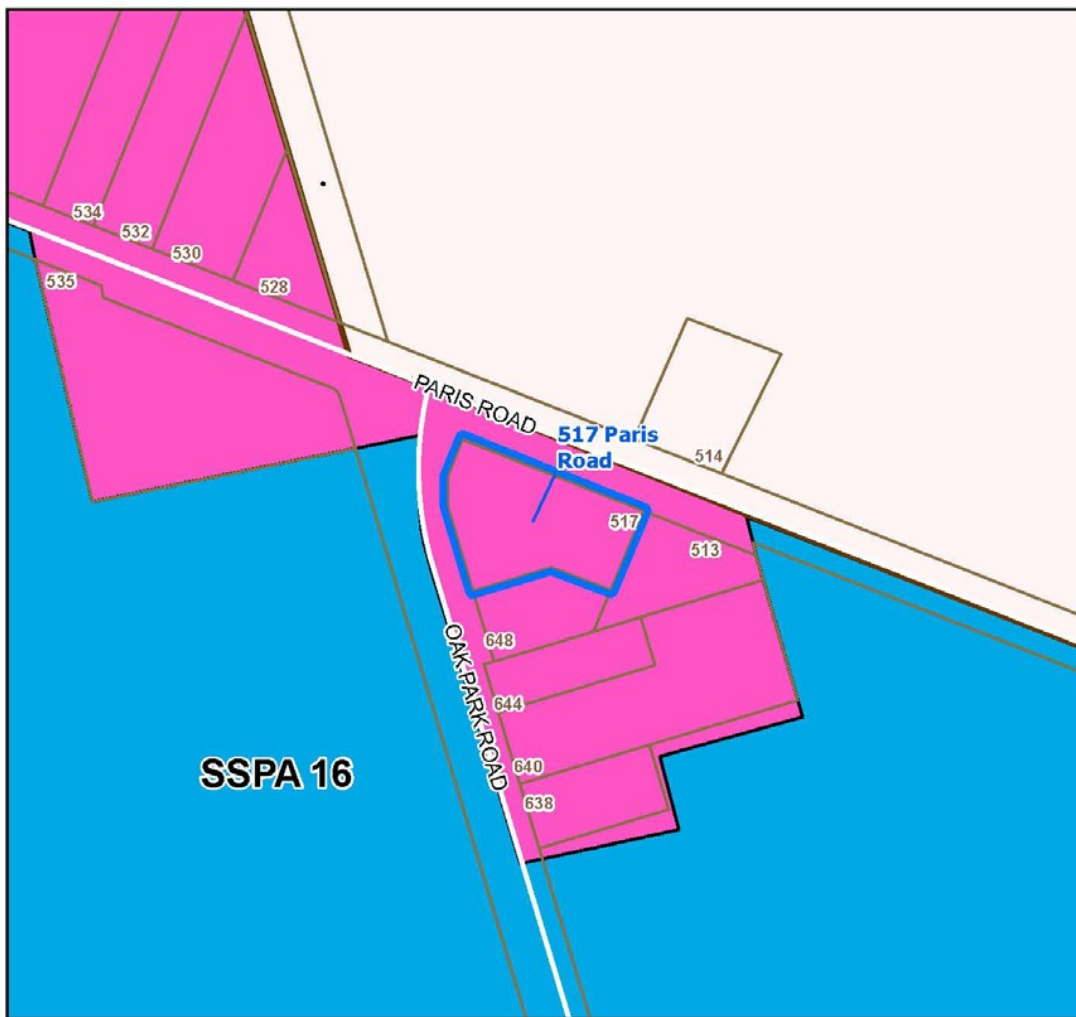
MAP 2: Official Plan

517 Paris Road
County of Brant
Ontario



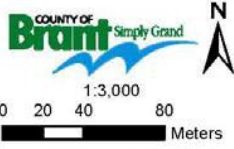
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Date Printed: 9/3/2021



MAP 3: AERIAL IMAGERY 2020

517 Paris Road
County of Brant
Ontario



Date Printed: 9/3/2021

