



Planning and Development Committee Minutes

Date: Tuesday, January 4, 2022
Time: 6:00 p.m.
Location: Electronic Participation only

Present: Mayor Bailey, Councillors MacAlpine, Laferriere, Howes, Bell, Peirce, Miller, Chambers, Coleman, Gatward

Regrets: Councillor Wheat

Staff: Duesling, Vaughan, DeLeye, Cummins, Namisniak, Wyszynski, and Dyjach

Councillor Bell in the Chair.

2. Approval of Agenda

Moved by Mayor Bailey
Seconded by Councillor Peirce

That the Planning and Development Committee agenda for January 4, 2022 be approved as amended.

Carried

3. Declaration of Pecuniary Interests

None

5. Adoption of Minutes from Previous Meetings

5.1 Planning and Development Committee Minutes of December 7, 2021

Moved by Councillor Laferriere
Seconded by Councillor Miller

That the Planning and Development Committee minutes of December 7, 2021, be approved.

Carried

7. Public Hearings Under the Planning Act to Receive Information from the Public

7.1 OPA2-21-AW& ZBA31-21- 1130-1146 Colborne Street East-A. Wyszynski

A. Wyszynski, Planner, made a presentation outlining the application, which is presented for public comment before being referred to staff for review. A. Wyszynski noted that the applicant is proposing residential development with possible retail, which includes a 6-story apartment complex with 101 units, twenty 3-story townhouses, and thirty-two 3-story stacked townhouses with 259 parking spaces. In response to questions, A. Wyszynski confirmed that the application is being reviewed in accordance with current Official Plan and that notice was circulated to residents of both the County of Brant and the City of Brantford in accordance with the requirements of the Planning Act.

John Ariens and Ritee Haider, IBI Group- Agent

J. Ariens and R. Haider discussed the proposed development, describing the proximity of the proposed application to the City of Brantford and discussed potential recreational and trail access.

Members of the Public

None

Committee Consideration

Moved by Councillor Coleman
Seconded by Mayor Bailey

That application OPA2-21-AW&ZBA31-21-AW from MRC Tech Inc., to amend the Official Plan and rezone the subject lands at 1130-1146 Colborne Street East be received as information and any comments / submissions regarding this application be referred to staff for review.

Carried

8. Public Hearings Under the Planning Act to Consider Staff Recommendations

8.1 RPT-21-230- ZBA24-17-Rc- 517 Paris Road- R. Cummins

R. Cummins, Planner, made a presentation outlining the application, proposing to change the zoning on the subject lands from Rural Residential (RR) to General Commercial (C2) to permit a gas bar, convenience store, and drive through restaurant. The subject lands currently contain one residential structure and are located within the primary urban settlement area of Paris. The applicant has provided a completed site plan, traffic impact study, noise study, environmental site assessment, planning justification report and a photometrics plan to support the application. The applicant was asked to host virtual open house which took place on November 16, 2021. The applicant has amended the submission, removing the proposed diesel truck fueling pumps and including a landscape buffer in the most recent proposal. In response to questions, R. Cummins confirmed that the property has been designated commercial for the past ten years and that staff attended the

applicant's virtual open house. The Committee discussed the potential environmental impact of a gas station being constructed close to residential properties and R. Cummins noted that gas bars are regulated through the TSSA. Mat Vaughan, Director of Development Planning, explained that the County is responsible for regulating the land use, but the installation of a gas bar would be subject to Provincial review. In response to Committee questions on traffic impact, M. Vaughan advised that a roundabout was planned to be installed on Paris Road in 2026 to assist with traffic flow. The Committee discussed the various reports submitted and in response to questions R. Cummins confirmed that residents can access the reports by contacting the Planning Department. He also noted that the site plan would be registered on property and the applicant would be bound by that approval.

Terrance Glover- and Jacob Dickie Urban In Mind- Agent

T. Glover and J. Dickie discussed the application. J. Dickie noted that the subject lands are surrounded by rural residential, commercial, agricultural and is currently zoned rural residential, with a proposal to rezone to general commercial. J. Dickie stated that the applicant has attempted to meet some concerns raised by residents by removing the truck fueling component of the application and increasing fencing. In response to questions, T. Glover stated that contemporary gas stations do not result in contamination and if they did the applicant would be responsible for the cost of remediation. The Committee discussed attendance at the public meeting and T. Glover advised that three residents attended who expressed that they did not want a gas station built close to their home. In response to questions, T. Glover confirmed that the lights have been engineered so that there will not be visible past the lot line. The Committee expressed several concerns about the application including drive through capacity, the number of parking spots, and noise pollution.

Members of the Public

Maegan Rutten & Adam Scherders- 513 Paris Road

M. Rutten expressed concern with the application and suggested that a less intrusive development is more appropriate to the location. She noted that she is worried about toxic fumes from idling vehicles, increased traffic, a decrease in property value to her home, and the potential contamination to the water supply to the nearby residential homes.

Cheryl Waldick- 644 Oak Park Road

C. Waldick noted that she had concerns about the impacts of the proposed gas station on her health and is requesting that the application be denied. She also noted that she feared for her drinking water source due to potential contamination from the gas station. Ms. Waldick stated the subject lands are currently zoned rural residential and the subject lands are surrounded by residential properties. She further noted that the notice of information contained an incorrect site map and accurate information was not provided until four days prior to the meeting which impacted the ability of residents to respond. She stated that the proposed development is not appropriate for location and that there is already another approved gas station 500 metres up the road that will be opening soon. Finally, she

stated that although the subject lands are designated as future commercial, it is currently surrounded by residential homes and will be for decades.

In response to questions, T. Glover confirmed that the application has to meet TSSA approval and the Environmental Protection Act protects the surrounding residential properties by forcing the applicant to pay for any remediation costs incurred. He further stated that noise abatement and landscaping was included to attempt to appease the neighbouring homeowners.

Committee Consideration

The Committee discussed concerns with that appropriateness of the application at the location, potential traffic issues, and the well water safety.

Moved by Councillor Coleman
Seconded by Councillor Peirce

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 reasons 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.

Defeated

Moved by Councillor Laferriere
Seconded by Mayor Bailey

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 DENIED;

Carried

8.2 RPT-21-332-ZBA44-21-KD- 110 Maple Avenue South- K. DeLeye

K. DeLeye, Senior Planner, made a presentation outlining the application and stated that the application is to prohibit a residential dwelling unit as a permitted use. She noted this is required as a condition of a consent application. She stated that the subject lands are currently zoned agricultural.

Members of the Public

None

Committee Consideration

Moved by Mayor Bailey
Seconded by Councillor Peirce

That Application ZBA44/21/KD from Tom Komienksi, Owner of Concession 12 part lots 2 and 3 respectfully known as 110 Maple Ave South, Burford, County of Brant, proposing to change the zoning on a portion of the subject lands from Agricultural (A) to Agricultural-Special Exception 9 (A-9) to prohibit a residential dwelling unit as a permitted use as required as a condition of consent application B60-20-AW, BE APPROVED;

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

* The application will ensure conformity to the policies of the Growth Plan for the Greater Golden Horseshoe and is consistent with the policies of Provincial Policy Statement.

* The application conforms to the policies of the County of Brant Official Plan and is in keeping with the intent of the Zoning By-Law.

Carried

8.3 RPT-21-333- ZBA43-21-SL- 29 Fairfield Road- S. Labelle

K. DeLeye, Senior Planner, made a presentation outlining the application noting that it proposes to re-zone a portion of subject lands to prohibit dwellings on the retained lands and to remove a site-specific provision from the severed and retained parcel.

Members of the Public

None

Committee Consideration

Moved by Councillor Coleman
Seconded by Councillor Gatward

That Application ZBA43/21/SL from Komienksi Limited on behalf of, Tom Komienksi, Owner of Concession 11 part lot 2, in the Geografjoc Township of Burford, known as 29 Fairfield Road, County of Brant, proposing to rezone a portion of the subject lands from Agriculture (A) to Agriculture with Site Specific Provision 9 (A-9) to prohibit a dwelling as a permitted use on the retained lands, as well as to remove the Agriculture with Site Specific Provision 23 (A-23) from the severed and retained parcel, which permitted an automobile repair garage and vehicle sales establishment in addition to the uses permitted in the Agricultural (A) zone, BE APPROVED;

And 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 policies of Provincial Policy Statement.
- The application is in conformity with the general intent of the policies of the Official Plan and Zoning By-Law.

Carried

8.4 RPT-21-342- SPI1-21- Site Plan Control Application-1067 Rest Acres Road- D. Namisniak

D. Namisniak, Planner, made a presentation outlining the site plan control application. D. Namisniak reminded the Committee that the November Policy Development & Strategic Initiatives Committee requested a bump up of the site plan process for this application. He noted that the subject lands are currently designated as urban residential and the development intends to permit a variety of housing types including fourplexes, rowhouses, stacked townhomes, and street fronting townhouses with the minimal amount of required parking spaces. Technical reviews indicate that the site plan design complies with the Growth Plan of the Greater Golden Horseshoe, complies with Provincial Policy Statement, the County of Brant Official Plan, and the Zoning bylaw. In response to questions, D. Namisniak discussed the difference between interior parking space dimensions versus exterior parking space dimensions. The Committee discussed the requirement that a vehicle be able to use the interior parking space after the stairs are installed in the garage and noted that the proposed roads are only 6 metres wide and therefore must be kept free of traffic for emergency vehicle access.

Dave Aston, MHBC Planning- Agent

D. Aston discussed the building design and the landscaping of the Simply Grand II submission. He confirmed that the two different parking spaces are interior and exterior and noted that the interior parking dimensions comply with the zoning by-law. The site plan as proposed provides landscaping that surpasses the amount required and includes decorative fencing along the streetscape and in areas between blocks, added plantings, and rain gardens. D. Aston presented a conceptual rendering of three-storey and two-storey building design and provided a list of materials submitted to support the site plan agreement. In response to questions, D. Aston confirmed that the units would be an alternative housing option for residents who do not want to purchase a single-detached dwelling and confirmed that the applicant will not need to return to obtain a variance for parking space size in the garage. He also confirmed that they are working on addressing the waste management comments on movement through the site.

Members of the Public

Bruce- Harshnitz, 417 McBay Road-

B. Harshnitz shared his concern about the narrow roadway and noted that parking spaces in garages are not used, therefore vehicles will be parked on the road. He noted that residents would be unable to enter or exit during an emergency if vehicles are parked on the roadway as emergency vehicles would then completely block the road.

Committee Consideration

Moved by Councillor Laferriere
Seconded by Councillor Miller

That Site Plan Control Application SP1/21/DN from Dave Aston of MHBC Planning, Applicant, on behalf of Losani Homes (Paris) Ltd., Owner of lands legally known as Lot 11, Concession 1 Parts 1 & 2, plan 2R8087, municipally known as 1067 Rest Acres Rd, Geographic Town of Paris, County of Brant, proposing to develop the subject lands with a common element condominium consisting of 102 residential rowhouse units BE APPROVED.

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

- * The application provides for a compatible land use representing an appropriate 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.

Carried

8.5 RPT-21-246- ZBA23-21- 29 Thirteenth Concession Road- D. Namisniak

D. Namisniak, Planner, made a presentation outlining the application. He noted that the subject lands are located in the northwest area of Scotland with a portion of the lands being located within the settlement boundary. The lands are currently designated as suburban residential and agricultural under the current Official Plan and the entire property is zoned agricultural. D. Namisniak stated that the Provincial Policy Statement states that development should occur within settlement boundaries on municipal services and the Growth Plan supports the concept of complete communities, therefore staff have divided their recommendation into two parts. The first recommendation stems from the request to change of zoning on a 2.4 hectare section of land from agricultural to suburban residential which is required to permit additional residential uses. Approval of this recommendation will result in a minor rounding out of the secondary settlement area of Scotland. Subsequent consent application will be required to create lots. Staff recommend approval of this portion of the application. The second recommendation is in relation to the application to

change zoning on remaining portion of the subject lands from agriculture to suburban residential with a holding provision to consider future development. D. Namisniak advised that this portion of the application is premature since there are currently no services in this location and no plans for services within the secondary settlement area of Scotland. The lack of services results in inability to achieve a complete community in this location, therefore Staff are recommending denial of the second recommendation.

Courtney Boyd- Waterhouse Holden Amy Hitchon, Bob Philips-J.H. Cohoon Engineering Ltd., Ruchika Angrish- The Angrish Group- Agents

C. Boyd and R. Angrish made a presentation outlining the application. C. Boyd stated that the application was the first step in a long development process and that the surrounding settlement area of Scotland does not have municipal services. She confirmed that application proposes a holding provision that will not be lifted until the servicing concerns have been addressed and explained that they believe the application is not premature but a preliminary step in the process. R. Angrish noted that the original application was for the five lots that have been recommended for approval and later revised the application to include the lands associated with the second staff recommendation. She noted the first portion of the recommendation incorporates five lots which will be serviced through private well and septic systems. The second portion of the application seeks to re-designate the areas within the secondary settlement boundary but noted they are looking for a holding provision to allow them to obtain the technical reports necessary to determine future direction on the property. She noted that as the area was considered a rural settlement area under the Provincial Policy Statement, private well and septic systems are acceptable for development, provided the technical analysis supports the recommendation. In response to questions, R. Angrish confirmed that under the Greater Golden Horseshoe Growth Policy, the subject lands are eligible for multiple lot development since they were designated residential prior to June 16, 2006.

Michael Hayley- Applicant

Available to answer questions.

Members of the Public

Diane Demeester & Patrick Jutras- 25 Augustus Street, Scotland

Mr. Jutras expressed concern about water behind the development leaving the subject lands and inquired as to whether the holding provision would be reversed if studies came back opposed to the development. In response to questions, D. Namisniak confirmed that the holding provision would be used in that manner and the holding provision would not be lifted until the Planning and Development Committee from the County of Brant was confident that the technical studies meet the standards required. D. Demeester questioned if the holding provision is reversed would the land revert to its previous designation. D. Namisniak responded that Staff would consider the most beneficial use of land in a recommendation of that nature.

Committee Consideration

The Committee discussed the needs of rural communities and the need for growth within those communities for local businesses to survive. It was noted that many local businesses in Scotland have closed to the detriment of the rural community.

Councillor Chambers requested that the two motions be separated.

Moved by Councillor Chambers

Seconded by Councillor Peirce

That application ZBA23/21/DN from J.H. Cohoon Engineering Ltd Agent on behalf of M. Haley c/o Haley Elevator Inc., Owners of lands described as part lots 1 to 3 and reference plan 2R1765 part 1 Concession 13 in the geographic Township of Burford, located at 29 Thirteenth Concession Road proposing to change the zoning on a portion of the subject lands having an area of 2.4 hectares (5.8 acres) from Agricultural (A) to Suburban Residential (SR) to facilitate additional residential development fronting Thirteenth Concession Road within the Secondary Settlement Area of Scotland BE APPROVED.

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

- * This application will facilitate limited, minor rounding out of development on private services within the Secondary Settlement Area of Scotland.
- * 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.

Carried

Moved by Councillor Peirce

Seconded by Councillor Miller

That application ZBA23/21/DN from J.H. Cohoon Engineering Ltd Agent on behalf of M. Haley c/o Haley Elevator Inc., Owners of lands described as part lots 1 to 3 and reference plan 2R1765 PART 1 Concession 13 in the geographic Township of Burford, located at 29 Thirteenth Concession Road proposing to change the zoning on the remaining portion of the subject lands located within the Secondary Settlement Area of Scotland, having an area of 33.6 hectares (83.2 acres) from Agricultural (A) to Holding Provision - Suburban Residential (h-SR), BE DENIED.

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

- * The application of the holding provision (h) is considered premature at this time

as there has been no consideration to plan for services within the Secondary Settlement Area of Scotland.

- * The lack of services results in the inability to support the achievement of complete communities through compact, connected and a range of housing types.
- * The application is not in conformity with the policies of the Growth Plan for the Greater Golden Horseshoe nor is it consistent with the Provincial Policy Statement.
- * The application does not conform to the policies of the Official Plan and is not in keeping with the intent of the Zoning By-Law.

Recorded Vote

Councillor Chambers	No
Councillor Coleman	No
Councillor Gatward	No
Councillor Howes	Yes
Councillor Laferriere	Yes
Councillor MacAlpine	Yes
Councillor Miller	Yes
Councillor Peirce	Yes
Mayor Bailey	Yes
Councillor Bell	Yes

Carries (7 yes- 3 no)

Carried

8.6 RPT-21-350- ZBA21-21-DN- 241 Langford Church Road- D. Namisniak

D. Namisniak, Planner, made a presentation outlining the application. He noted that the subject lands currently have an existing dwelling and a pond and are designated rural residential and the current zoning is agricultural. The application proposes to change zoning on the proposed lands to be severed from agricultural to rural residential with special exception to permit a dwelling within the minimum distance separation (MDS) setback. The second portion of the application proposes to rezone the portion of the lands proposed to be retained from agricultural to rural residential to implement the current rural residential land use designation identified in the Official Plan. The application is required to permit additional residential uses and to permit a 23 metre reduction in the (MDS). D. Namisniak noted that a future severance would be required to create the proposed new lots. At that time staff would be looking for proof of potable water and advised that the applicant intend to provide potable water by private cistern which would not impact the nearby wells. In response to questions, D. Namisniak confirmed that a previous severance created a lot within the MDS requirements and that was approved in 2018, prior to updated OMAFRA interpretation of land use. He further added that one of the proposed lots could be added outside of the MDS and it is the desire for the second lot that requires the exemption from the MDS requirements. The Committee discussed

water quality and quantity issues at this location and D. Namisniak confirmed that Staff did not have concerns with the proposal of a natural cistern system. In response to a question, Matt Vaughan, Director of Development Planning, confirmed that delivered water can be considered potable water under the building code.

Bob Phillips, J.H. Cohoon Engineering Inc.- Agent

B. Phillips confirmed that the application proposes a minor reduction in MDS setback and stated that the setbacks to existing residential home are much less than what is currently being proposed. He further confirmed that cisterns are permitted under the building code and this option was selected to have no impact on the surrounding residential wells.

John and Veronika Romvari-Pop- Applicant

J. Romavari-Pop confirmed that he is in water treatment business and has lived on the subject lands for ten years. His current residence operates on a cistern system and he does not take water from the two wells on his property due to well water quality issues.

Members of the Public

Bruce and Marian Harschnitz- 417 McBay Road

B. Harschnitz stated he lives directly across the road from the subject property. Mr. Harschnitz suggested that the application be deferred as there have not been enough time to review all the information. He further noted that the MDS has been calculated incorrectly since there is a livestock barn that is closer to the proposed lots than the one which was used by Staff in the calculation. However, he does not recommend moving the proposed residences closer to the roadway because it will restrict their view and impede their rural lifestyle.

Committee Consideration

Moved by Councillor Peirce

Seconded by Councillor Howes

That Application ZBA21/21/DN from J.H. Cohoon Engineering Inc., Agent, on behalf of John & Veronika Romvari-Pop Applicant/ Owner of part 1 2R-6365; part 1 2R-7173 in the geographic Township of Onondaga, located at 241 Langford Church Road, proposing the following:

1. To change the zoning on the proposed 'lands to be severed' portion of the subject lands from the Agricultural (A) zone to Rural Residential – Special Exemption (RR-54) zone to permit a reduction in the Minimum Distance Separation (MDS) setback, where no dwelling unit shall be located within 236 metres (774 feet), where 259 metres (850 feet) is required from the neighbouring livestock barn at 237 Langford Church Rd; and
2. To change the zoning on the proposed 'lands to be retained' portion of the subject lands from the Agricultural (A) zone to Rural Residential (RR), to implement the current Rural Residential land use designation identified in the Official Plan

BE APPROVED.

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

- * The application will facilitate residential development within the Rural Residential designation that is desirable and consistent with surrounding land uses.
- * The reduction in the required Minimum Distance Separation (MDS) is minor and will not further restrict the operations of the livestock facility at 237 Langford Church Road.
- * The application is in conformity to the policies of the Growth Plan for the Greater Golden Horseshoe and consistent with the policies of 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.

Recorded vote

Mayor Bailey	No
Councillor Bell	No
Councillor Chambers	No
Councillor Coleman	No
Councillor Gatward	No
Councillor Howes	No
Councillor Laferriere	No
Councillor MacAlpine	No
Councillor Miller	No
Councillor Peirce	No

Defeated (0 yes- 10 no)

Defeated

Moved by Councillor Coleman
Seconded by Mayor Bailey

That Application ZBA21/21/DN from J.H. Cohoon Engineering Inc., Agent, on behalf of John & Veronika Romvari-Pop Applicant/ Owner of part 1 2R-6365; part 1 2R-7173 in the geographic Township of Onondaga, located at 241 Langford Church Road, proposing the following:

1. To change the zoning on the proposed 'lands to be severed' portion of the subject lands from the Agricultural (A) zone to Rural Residential – Special Exemption (RR-54) zone to permit a reduction in the Minimum Distance Separation (MDS) setback, where no dwelling unit shall be located within 236 metres (774 feet), where 259 metres (850 feet) is required from the neighbouring livestock barn at 237 Langford Church Rd; and
2. To change the zoning on the proposed 'lands to be retained' portion of the subject lands from the Agricultural (A) zone to Rural Residential (RR), to implement

the current Rural Residential land use designation identified in the Official Plan, BE
DENIED.

Carried

14. Next Meeting and Adjournment

Committee adjourned at 9:58 pm to meet again on February 1, 2022 via virtual participation only.

Secretary