

Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Dan Namisniak, Planner
Date: June 7, 2022
Report: RPT-22-137
Subject: ZBA11-22-DN - Minor Zoning By-Law Amendment Application
Purpose: For Approval.

Recommendation

THAT Minor Zoning By-Law Amendment Application **ZBA11-22-DN** from Christine Calcao on behalf of MC Masonry & General Construction LTD, Owners of lands described as CONCESSION 2 PART LOT 9 REGISTERED PLAN 2R2838 PART 3 SUBJECT TO UNION GAS EASEMENT, in the Township of South Dumfries, located at 145 Industrial Boulevard, County of Brant, proposing the following:

1. Change the zoning on the subject lands from Heavy Industrial-Special Exemption-7 (M3-7) to Heavy Industrial (M3) for the purposes of removing an *accessory single detached dwelling* as a permitted use, and
2. A modification to the Natural Heritage (NH) zone boundary in accordance with the findings and recommendations of the Environmental Impact Study prepared by LGL Limited (May 2021), prepared to facilitate related Consent Application B43-21-AW:
 - a. 15 m setback for development from wetland;
 - b. 15 m setback for development from the dripline of the woodland; and
 - c. 15 m setback for development from the tributary, **BE APPROVED**.

THAT the reason(s) for approval are as follows:

- The application is minor and technical in nature.
- The application is consistent with the policies of the *Provincial Policy Statement* and in conformity with the Growth Plan for the Greater Golden Horseshoe.
- The application is in conformity with the general intent of the policies of the County of Brant Official Plan (2012) and Zoning By-Law.

Key Strategic Priority

1. Sustainable and Managed Growth

Financial Considerations

None.

Executive Summary / Background

The purpose of this report is to provide the Planning and Development Committee and the public with information from the application to amend the County of Brant Zoning By-Law 61-16.

Minor Zoning By-Law Amendment Application **ZBA11-22-DN** proposes to the following:

1. To change the zoning on the subject lands from Heavy Industrial-Special Exemption-7 (M3-7) to Heavy Industrial (M3) for the purposes of removing a residential dwelling as a permitted use; and
2. A modification to the Natural Heritage (NH) zone boundary in accordance with the findings and recommendations of the Environmental Impact Study prepared by LGL Limited (May 2021), prepared to facilitate related Consent Application B43-21-AW:
 - a. 15 m setback for development from wetland;
 - b. 15 m setback for development from the dripline of the woodland; and
 - c. 15 m setback for development from the tributary.

This application is required in order to satisfy a condition of Consent Application B43-21-AW which was conditionally approved by the Committee of Adjustment on July 15, 2021, to sever a new industrial building lot from the subject lands.

The planning analysis focuses on literature reviews of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), County of Brant Official Plan (2012), and County of Brant Zoning By-Law. This report recommends that the Rezoning Application be **Approved**.

Location

The subject lands are municipally addressed as 145 Industrial Boulevard and located within Primary Urban Settlement Area of St. George. The subject lands are located on the west side of Industrial Boulevard, south of the Industrial Boulevard and Highway #5 intersection.

The subject lands are rectangular in shape and have frontage along Industrial Boulevard of approximately 179.2 metres (587.9 feet), a maximum depth of 113.1 metres (371.1 feet) and a total area of approximately 2 hectares (4.9 acres) based on the County of Brant mapping.

The surrounding lands include industrial and agricultural land uses.

The subject lands are partially municipally serviced with water.

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.

Conformity with Municipal Policies/Plans

Provincial Policy Statement – 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 1.3.1 of the *Provincial Policy Statement* outlines that Planning authorities shall promote 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;
- c) Facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;
 - ***The application will facilitate the creation of a new building lot for industrial uses within an established industrial subdivision.***
 - ***This application will also ensure that future uses within the industrial subdivision remain compatible with existing uses.***

It is my professional opinion that the request conforms to the policies of the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan is a framework that provides policy direction to implement strong and prosperous communities and how to manage growth in Ontario to 2051. 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.

Section 2.2.5 of the *Growth Plan* outlines ways to promote economic development and competitiveness:

- 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;
- d) Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.
 - ***The application will facilitate the creation of a new building lot for industrial uses within an established industrial subdivision.***
 - ***This application will also ensure that future uses within the industrial subdivision remain compatible with existing uses.***

It is my professional opinion that the request conforms to the policies of the Provincial Policy Statement.

County of Brant Official Plan 2012

Schedule 'A' of the County of Brant Official Plan identifies the land use designation of the subject lands as 'Employment Lands' and Natural Heritage'.

Employment Lands

Section 3.12.1 of the Official Plan describes the intent of the Employment designation for the lands to be ultimately developed for light, heavy and prestige industrial uses, limited service commercial uses, and related uses.

- ***It is the intention of the proposal to construct a warehouse on the severed parcel, which is to be separate from the business on the retained parcel. Further site plan application is required for any future construction within the industrial area.***
- ***A residential dwelling is not a permitted use within the employment designation.***
- ***This application will also ensure that future uses within the industrial subdivision remain compatible with existing uses and in conformance with the Official Plan Policies within the Employment lands designation.***

Natural Heritage

Section 2.3.2.1(a) of the Official Plan describes how all natural heritage features, areas and systems shall be protected for the long-term in accordance with the policies of this Plan and given due consideration in the development, redevelopment, and alteration of land.

- ***Based on the findings of a scoped Environmental Impact Study (EIS) submitted with the related consent application, the appropriate buffers are being incorporated as part of this Zoning By-Law Amendment Application to ensure protection of the natural features.***
- ***Future development of the proposed severed lands will be required to demonstrate that the required setbacks from the natural features are being maintained.***

It is my professional opinion that the request conforms to the policies of the County of Brant Official Plan.

Source Water Protection

Source water 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.

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

County of Brant Zoning By-Law 61-16

Zoning By-law 61-16 identifies that the subject lands are zoned Natural Heritage (NH) and Heavy Industrial with site specific provision-7 (M3-7).

The M3-7 zone, permits a 'single detached dwelling accessory to the main industrial use' in addition to the following:

- 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 Electrical Products Industry
- Food Processing Plant
- Impounding Yard
- Manufacturing Facility
- Office, Support
- Open Storage
- Paper Products Industry
- Printing Establishment
- Processed Goods Industry
- Propane Transfer Facility
- Recreational Establishment
- Research and Development Establishment
- Restaurant
- Retail Store accessory
- Service and Rental Establishment
- Shipping Container
- Transport/ Truck Terminal
- Warehouse, Public Self Storage
- Warehouse; and,
- Wholesale Establishment.
- Mobile Refreshment Cart

- ***This application will remove 'single detached dwelling accessory to the main industrial use' as a permitted use to ensure that future uses within the industrial subdivision remain compatible with existing uses.***

- ***The subject lands meet the development standards of the Heavy Industrial (M3) Zone, and are not encroaching into the area identified as Natural Heritage (NH).***
- ***Future development of the subject lands will be subject to Site Plan Control.***

It is my professional opinion that the request is appropriate and maintains the intent of the County of Brant Zoning By-Law (61-16).

Interdepartmental Considerations

The following comments were received from departments/agencies as part of the circulation of this application:

Environmental Planning:

- Environmental Planning staff have reviewed the proposal to rezone the lands to remove permissions for residential use as a result of consent application B43-21-AW, and wish to offer the following comments.
- The subject lands contain natural features such as wetlands, woodlands and watercourses. An Environmental Impact Study (EIS) was completed by LGL Limited for the related consent application, which provided recommendations on protecting of natural features including minimum buffers.
- Key recommendations from the EIS are as follows:
 - 15 m setback for development from wetland.
 - 15 m setback for development from the dripline of the woodland.
 - 15 m setback for development from the tributary.
 - A Development Agreement be used as an implementation tool.
 - The removal of buildings and/or other built structure should be removed outside the bird nesting season, bat maternal roosting, and snark seasons or after a screening of the structures has been completed by a qualified biologist that the structure is not being used by protected wildlife.
 - Recommended mitigation as part of a future site plan include: fencing or planting of thorny plants to restrict access to natural features; timing windows for vegetation removal; storm water controls; sediment and erosion control measures; a salt management plan; a tree inventory, planting, and protection plan; limiting light pollution; consultation with MECP to ensure compliance with the *Endangered Species Act*, and retaining an environmental inspector to relocate any wildlife that may be encountered during construction. It is also recommended that a geotechnical survey be completed to confirm the limits of the building envelope based on the stable the top of slope.
- On June 14, 2021 Environmental Planning staff recommended the following conditions with respect to the creation of a new lot and recommend that they be incorporated as part of the rezoning:
 1. That the natural features and buffers recommended for protection, as identified in Figures 2 and 3 of the Environmental Impact Study prepared by LGL Limited with a revised date of May 2021, be zoned Natural Heritage; and
 2. That the wording of the site-specific zoning for the subject lands reflect that: "Any new development or site alteration on the subject lands shall be in accordance

with the findings and recommendations of Environmental Impact Study prepared by LGL Limited with a revised date of May 2021.”

- Attached are Figures 1 and 2 from the EIS. All natural features and buffers should be zoned Natural Heritage.

Grand River Conservation Authority (GRCA):

- The Grand River Conservation Authority (GRCA) has no objection to the proposed zoning by-law amendment.

The following departments/agencies did not provide any comments/ concerns as part of the circulation of this application:

- Development Engineering
- Field Services
- Fire
- Operations
- Building
- Economic Development
- Energy Plus
- Canada Post
- GIS Mapping / Civic Addressing
- Parks & Facilities
- Energy Plus:
- Union Gas
- Imperial Oil
- Six Nation/Mississaugas of the Credit
- Bell Canada

Public Considerations

Notice of the June 7, 2022 public meeting for this application including, Contact information and Public Hearing Date was circulated by mail on May 18, 2022 to all property owners within 125 metres of the subject lands in accordance with the *Planning Act*. A site visit along with the posting of the Public Notice sign was completed on May 18, 2022.

At the time of writing this report, no public comments or correspondence have been received.

Conclusions and Recommendations

The purpose of this report is to provide the Planning and Development Committee and the public with information from the application to amend the County of Brant Zoning By-Law 61-16.

Minor Zoning By-Law Amendment Application **ZBA11-22-DN** proposes to the following:

1. To change the zoning on the subject lands from Heavy Industrial-Special Exemption-7 (M3-7) to Heavy Industrial (M3) for the purposes of removing a residential dwelling as a permitted use; and
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This application is required in order to satisfy a condition of Consent Application B43-21-AW which was conditionally approved by the Committee of Adjustment on July 15, 2021, to sever a new industrial building lot from the subject lands.

Based on the analysis above, Staff can confirm that the appropriate measures have been taken to ensure that the rezoning and related severance is consistent with the Provincial Policy

Statement and conform to the County of Brant Official Plan. None of the agencies and departments circulated raised any concerns.

It is my professional opinion that the request is, appropriate, minor and technical in nature and represents good planning and therefore I recommend that the Minor Zoning By-Law Amendment Application **ZBA11-22-DN** be **Approved**.

Attachments

1. Zoning Map
2. Official Plan Map
3. Aerial Map
4. Figure 1 - Environmental Impact Study (EIS)
5. Figure 2 - Environmental Impact Study (EIS)

Copy to

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

File # ZBA11-22-DN

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

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

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)

Attachment 1 - Zoning Map

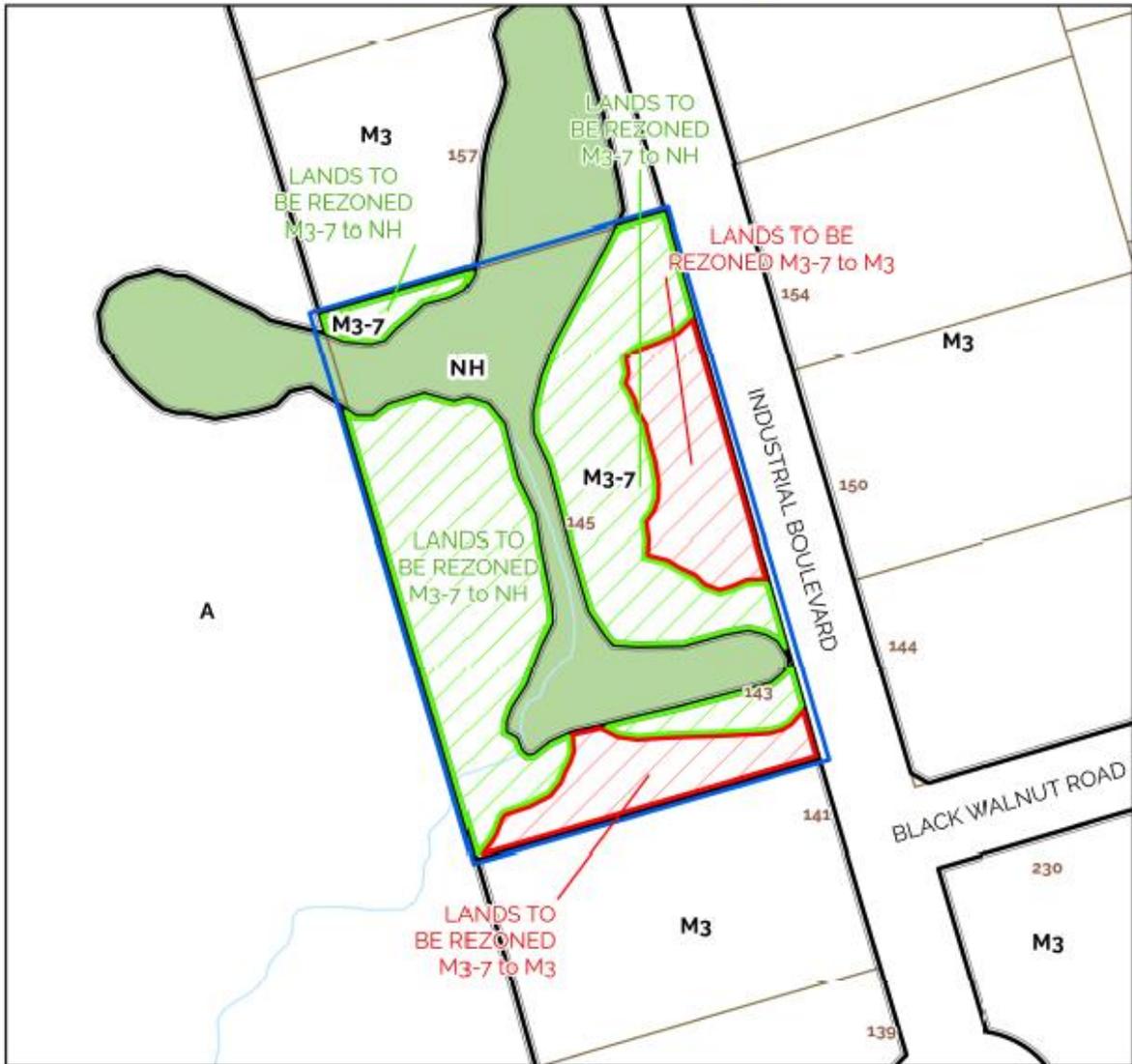
**MAP 1: ZONING
FILE NUMBER
ZBA11-22-DN**

145 INDUSTRIAL BOULEVARD
County of Brant
Ontario



12,000
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Meters

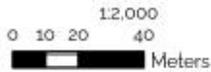
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Attachment 2 - Official Plan Map

**MAP 2: Official Plan
FILE NUMBER
ZBA11-22-DN**

145 INDUSTRIAL BOULEVARD
County of Brant
Ontario



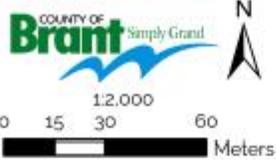
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Attachment 3 - Air Photo

MAP 3: AERIAL IMAGERY 2020
FILE NUMBER
ZBA11-22-DN

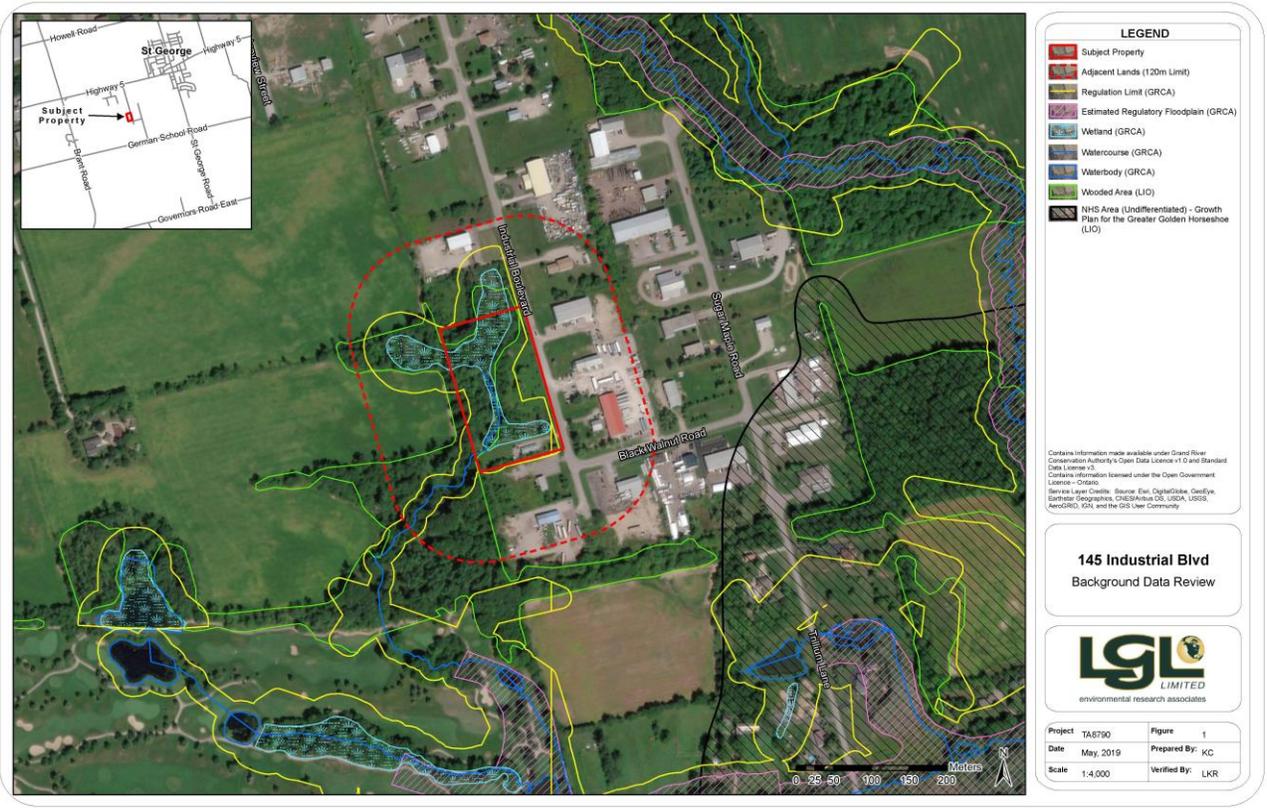
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Attachment 4 - Figure 1 - Environmental Impact Study (EIS)



Attachment 5 - Figure 2 - Environmental Impact Study (EIS)

