



Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Dan Namisniak, Planner
Date: December 6, 2022
Report: RPT-0320-22
Subject: ZBA26-22-DN - Zoning By-Law Amendment Application
Purpose: For Approval.

Recommendation

That Zoning By-Law Amendment Application ZBA26-22-DN from J.H. Cohoon Engineering Ltd., Agent on behalf of 1590361 Ontario Inc., Applicant/ Owner of the subject lands Lot 1 Plan 1029, County of Brant, in the geographic Township of Brantford, municipally known as 22 Airport Road, proposing to change the current zoning from Prestige Industrial-Special Provision (M1-8) to Light Industrial-Special Provision (M2-38) to permit all of the uses within the Light Industrial (M2) zone providing a minimum of 401 parking spaces, where expansion of the site requires a minimum of 471 parking spaces, be approved; and

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

- The application will facilitate a compatible and efficient use of the subject lands.
- 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

Undertaking actions that elevate customer service to those we serve.

Financial Considerations

None.

Executive Summary

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.

Zoning By-Law Amendment Application **ZBA26-22-DN** proposes to change the current zoning on the subject lands from Prestige Industrial-Special Provision (M1-8) to Light Industrial-Special Provision (M2-38) to permit all of the uses within the Light Industrial (M2) zone with a minimum of 401 parking spaces, where expansion of the site requires a minimum of 471 parking spaces.

This application is required to facilitate the expansion of Light Industrial uses permitted on the subject lands as the current Prestige Industrial-Special Provision (M1-8) limits permitted uses to those uses within the Prestige Industrial (M1) zone and a Brick Production Plant.

The additional uses and parking reduction is required to accommodate the construction of a 14,200 square metre (152,800 square foot) industrial building. A subsequent Site Plan Control Application is required to facilitate detailed site design.

No concerns were raised as part of the public or technical circulation of this Zoning By-Law Amendment Application.

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.

For the reasons outlined in this report, it is my professional recommendation that Zoning By-Law Amendment Application **ZBA25-22-DN** be **Approved**.

Location / Existing Conditions

The subject lands are located on the north side of Colborne Street West, west of Airport Road, within the Oakhill / Airport Settlement Area.

The subject lands are irregular in shape and have frontage of 200 metres (650 feet) and area of approximately 8.5 hectares (20.8 acres).

The subject lands currently contain an existing office/ warehouse having an area of 19,200 square metres (206,600 square feet)

As per previously established Site Plan Control measures currently in place, a large solid stone wall along the frontage of the property abutting Colborne Street W is in place as a visual screening for the outdoor storage that exists on site.

The lands are surrounded by industrial/employment uses to the north and east, the County of Brant Fire Hall is located to the west, and commercial and residential uses are located south along Colborne Street.

The subject lands are fully serviced by municipal water, sanitary and storm.

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 allow for a range of Light Industrial uses to be permitted on the subject lands.***

Section 1.3.2.1 of the *Provincial Policy Statement* identifies that Planning Authorities shall plan for, protect and preserve 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 serviced by municipal water, sanitary and stormwater. The subject site also has access to a road network within close proximity to the major highway and surrounding settlement areas.***

Section 1.3.2.6 of the *Provincial Policy Statement* identifies that Planning Authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.

- ***It is anticipated that the proposed zone change will have no negative impacts on abutting land 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 create opportunity for a range of Light Industrial uses, as permitted within Zoning By-Law 61-16, Section 11, utilizing existing and new buildings/ structures within an area containing limited commercial and light industrial uses.***

It is my professional opinion that the request conforms to the policies of the Growth Plan.

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' *within* the Site Specific Policy Area 15 Oakhill/ Airport Area.

Section 3.12.2. of the County of Brant Official Plan identifies that uses permitted within the Employment lands 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 range of uses permitted within the Light Industrial (M2) zone conform to the uses outlined within section 3.12.2 of the County of Brant Official Plan.***

Section 4.2.15 of the County of Brant Official Plan applies to lands within the Oakhill/Airport Area as identified within *Schedule 'A'*.

The following are policies are applicable to the area identified as Site Specific Policy Area 15:

- a. For lands within the Employment designation in the Oakhill/Airport Settlement Area, the land uses shall be limited to uses that have limited or restricted outside storage, light industrial uses and may also include workshops, warehouses, service shops, commercial land uses such as office supplies, home furnishings and appliances, veterinary offices, funeral homes, assembly halls and recreational facilities. All development shall incorporate more prestige site design characteristics that will assist in creating a good impression on visitors, the community and the traveling public.
 - ***The large solid stone wall along the frontage of the property abutting Colborne Street W is in place as a visual screening barrier for the outdoor storage that exists on site.***
 - ***Further development of the site will be subject to detailed technical review as part of a Site Plan Control Application and will ensure the visual design of the site reflects the high visible site location.***
- b. Site Specific Policy Area 15 shall also apply to the area including and abutting the Brantford Airport. It is recognized that the Brantford Municipal Airport is a multi-use facility owned and operated by the City of Brantford. Nothing in this Plan shall inhibit its use for activities related to its function as an airport including the operation, repair, maintenance and storage of aircraft and ancillary functions such as private clubs and commercial aircraft or related companies. The restrictions noted in Site Specific Policy Area 15 are not intended to impact upon the operations of the Brantford Airport.
 - ***The City of Brantford and NAV Canada have been provided notice of this Zoning By-Law Amendment Application and will be provided further opportunity to review and provide comment on the future Site Plan Control Application to ensure no negative impacts to the Airport operation.***
 - ***The range of uses permitted within the Light Industrial (M2) zone conform to the uses outlined within section 3.12.2 of the County of Brant Official Plan.***

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 identify that the subject lands are located within the Source Water Protection zone.**
- **Further consideration and mitigation measures related to specific uses and the use of salt associated with winter maintenance schedules will be reviewed and addressed at the time of the Site Plan Control Application.**

County of Brant Zoning By-Law 61-16

Zoning By-law 61-16 identifies that the subject lands are zoned Prestige Industrial-Special Provision (M1-8) which permits the following in addition to the uses permitted in the M1 zone:

- A plant producing clay bricks shall be permitted use.
- Said brick production and storage of raw material shall be enclosed, finished brick products may be stored outside subject to the applicable provisions of this By-Law.
- Notwithstanding the provisions of section 4.18, 4.31 and 5.10, open storage may be permitted in any yard in accordance with the following:
 - a. Such open storage is accessory to the use of the main building on the lot.
 - b. The open storage does not cover more than 35% of the lot area nor exceed twice the ground floor area of the main building.
 - c. Bus storage in a yard adjacent to the intersection of Colborne Street West with Airport Road shall be screened from view from Colborne Street West and Airport Road by a 6.0 metre wide planting strip which shall be extensively planted and maintained with both coniferous and deciduous trees in a ratio of 70% and 30% respectively the along road length of the respective areas used for bus storage purposes.
 - d. All permitted open storage shall only occur upon the construction and maintenance of a 2.0 metre high (minimum) closed visual screen. Such closed visual screen shall consist of an earthen berm, solid stone, simulated stone, or masonry wall or any combination thereof. The requirement for and details regarding the 2.0 metre high (minimum) closed visual screen shall be incorporated into the Site Plan Control Agreement and located adjacent to any permitted open storage along Colborne St. West and extending northerly along the westerly lot line a distance of 55.0 metres.
 - e. Open storage of finished brick products shall not exceed height of 3.35 metres.
 - f. Any loading area for raw clay materials shall be completely enclosed and limited to the north wall of the permitted building.
 - b. The removal of finished brick products from the permitted building shall not be located along the southerly wall of the permitted building. All other

requirements of the By-Law shall apply.

The provisions set out in the Prestige Industrial-Special Provision (M1-8) zone were established in June 2010 as part of OMB Case PL090399.

This application would result in the change in zoning from Prestige Industrial-Special Provision (M1-8) to Light Industrial-Special Provision (M2-38) to permit all of the uses within the Light Industrial (M2) zone and provide a minimum of 401 parking spaces, where the expansion of the site would require a minimum of 471 parking spaces.

- ***The application will permit a compatible range of industrial uses and facilities efficient use of the subject lands.***

<i>Parking Calculation</i>	<i>Parking Ratio</i>	<i>Parking Required</i>
<i>Office Area (2,344sm / 15)</i>	<i>1/15sm</i>	<i>157</i>
<i>Plant Area (31,351.5 / 100)</i>	<i>1/100sm</i>	<i>314</i>
<i>Total</i>		<i>471</i>
	<i>Total Proposed</i>	<i>401</i>
<i>Loading Spaces & Barrier Free Stalls are to be provided in addition to the required number of standard parking spaces.</i>		

- ***The additional uses and parking reduction is required to accommodate the construction of a 14,200 square metre (152,800 square foot) industrial building.***
- ***The proposed parking reduction is desirable to permit intensification of a parcel of land for employment purposes and to create jobs, in accordance with County of Brant Strategic Initiatives.***
- ***The proposed parking reduction will allow the proposed industrial uses and achieve their business need for more loading spaces and fewer parking spaces. Reducing the vehicular space requirements allows additional space to be dedicated to loading spaces, which is essential for the industrial use function.***
- ***A subsequent Site Plan Control Application is required to facilitate detailed site design.***

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:

Development Engineering Division:

- The Development Engineering Division will be providing additional technical input with respect to the protection of municipal infrastructure, municipal servicing (water, sanitary and storm), extension of municipal services, stormwater management, drainage, Public Works Permits, etc. through future planning applications, which are required for the development of the subject lands.
- The servicing needs of the proposed development's expansion and the impacts on municipal infrastructure have not been indicated and were not reviewed under the scope of this application. This item will be reviewed in detail under future planning applications.
- Works for the subject lands will require, but may not be limited to, works within the municipal road allowance, and installation of municipal services, as such, an approved Public Works Permit will be required prior to commencing works on the Subject Lands.

Economic Development:

- The Economic Development and Tourism Division supports the proposed rezoning of 22 Airport Road, Cainsville.
- The zoning that is achieved by this application is supported by the County of Brant Economic Development Strategy and Action Plan, Specifically Pillar 2: Driving Investment to the County of Brant, Objective 2: to have a diverse inventory of shovel ready land, office and buildings available for business investment.
- As well within the County of Brant's Strategic Plan: Strategic Plan Priority 3: Economic Resilience - Facilitate the growth of a diversified local economy, Action 3.3.1 Improve the current "live and work" in the County ratio to 40:60 by the end of 2022. (40% live and work in the County, while 60% live in the County and work outside the County).

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

- | | |
|--------------------------|---|
| • Environmental Planning | • Canada Post |
| • Nav Canada | • GIS Mapping / Civic Addressing |
| • Field Services | • Parks & Facilities |
| • Operations | • Energy Plus: |
| • Building | • Union Gas |
| • Energy Plus | • Imperial Oil |
| • Fire | • Six Nation/Mississaugas of the Credit |
| | • Bell Canada |

Public Considerations

Notice of this Application has been circulated to all property owners within 125 metres of the subject lands in accordance with the *Planning Act* as follows:

- Notice of Complete Application – June 27, 2022
- Notice of the *September 6, 2022 Public Information Meeting* - August 15, 2022
- Notice of the *December 6, 2022 Public Recommendation Meeting* – November 16, 2022
- A site visit along with the posting of the Public Notice sign was completed on November 16, 2022.

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

Conclusions and Recommendations

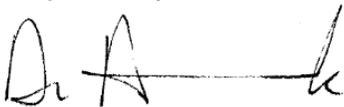
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Adequate public notice and technical circulation of this application were provided with no concerns identified.

Based on the analysis above, I confirm that the appropriate measures have been taken to ensure that the rezoning is consistent with the Provincial Policy Statement and conforms to the Growth Plan and County of Brant Official Plan and meets the intent of the County of Brant Zoning By-Law 651-16.

It is my professional opinion that the request is, appropriate and represents good planning and therefore I recommend that the Zoning By-Law Amendment Application **ZBA26-22-DN** be **Approved.**

Prepared by:



Dan Namisniak, BA, CPT, MCIP, RPP
Planner

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

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

Attachments

1. Zoning Map
2. Official Plan Map
3. Aerial Map
4. Site Plan
5. Site Photos

Copy to

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

File # ZBA26-22-DN

In adopting this report, is a By-Law 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)

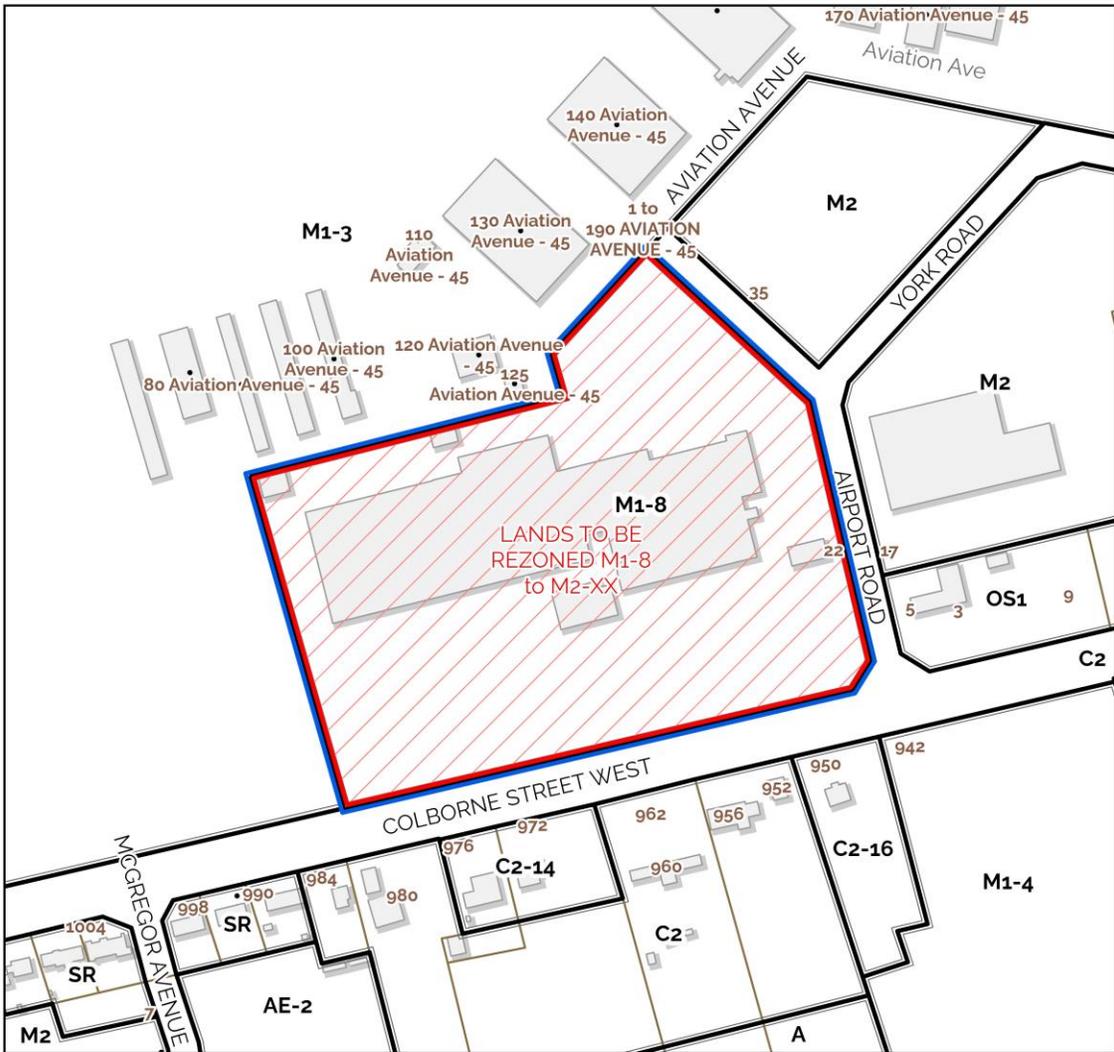
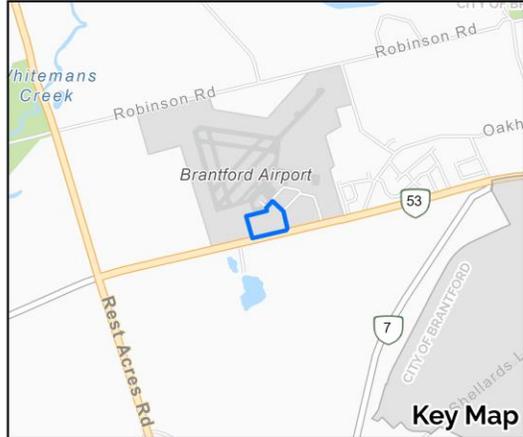
Attachment 1 - Zoning Map

**MAP 1: ZONING
FILE NUMBER
ZBA26-22-DN**

22 AIRPORT ROAD
County of Brant
Ontario



Date Printed: 2022-06-28



Attachment 3 - Air Photo

MAP 3: AERIAL IMAGERY 2020
FILE NUMBER
ZBA26-22-DN

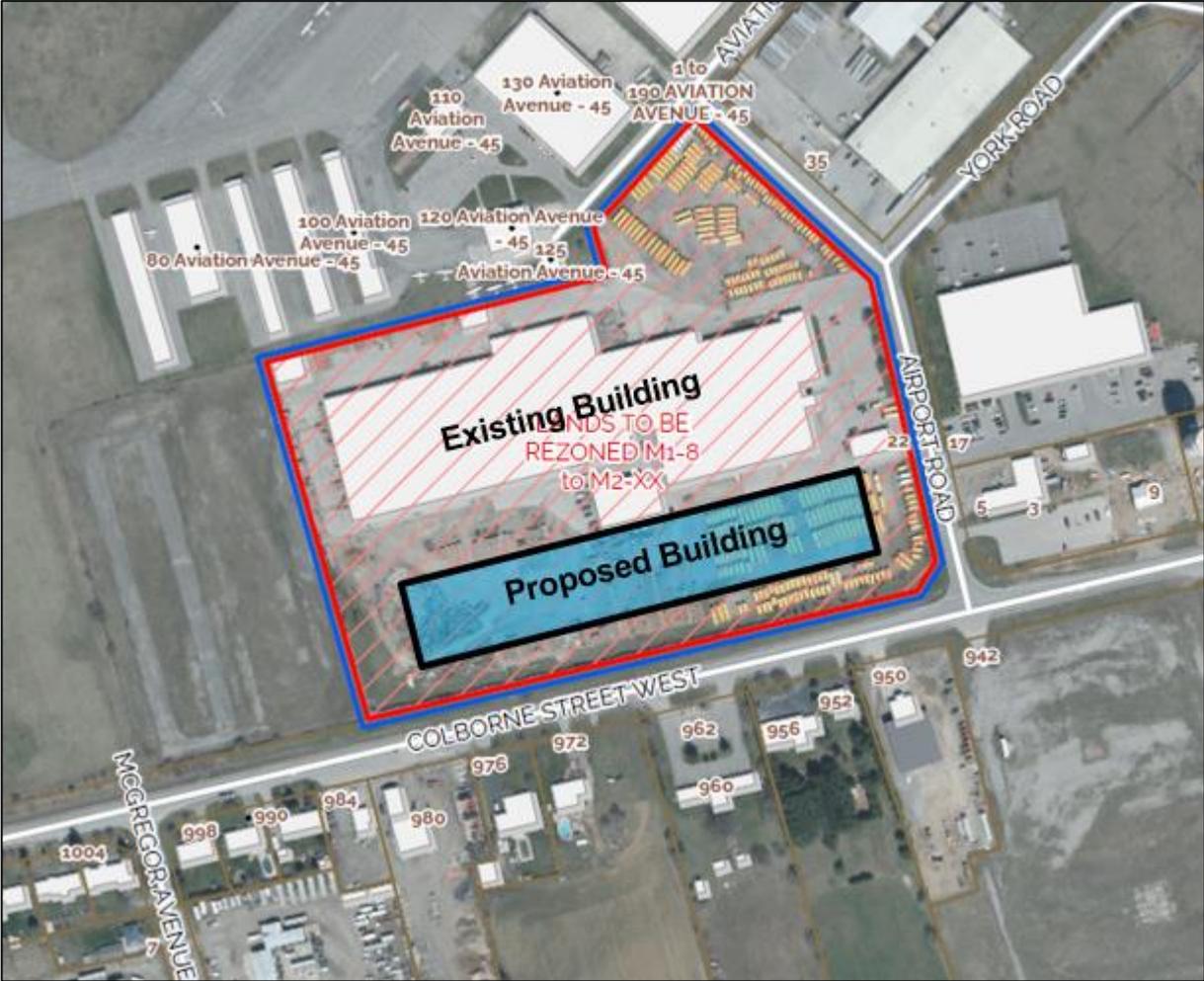
22 AIRPORT ROAD
 County of Brant
 Ontario



Date Printed: 2022-06-28



Attachment 4 - Site Plan



Attachment 5 - Site Photos



Existing Site along Colborne Street East facing North



Existing Building along Airport Rd facing West