

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-0321-22
Subject: ZBA24-22-DN - Zoning By-Law Amendment Application
Purpose: **Recommendation report** for Approval.

Recommendation

That Zoning By-Law Amendment Application ZBA24-22-DN from IBI Group c/o Douglas Stewart, Agent on behalf of B & B Landco Inc., 2857518 Ontario Ltd, AWDE Trucking Inc. Applicant(s) and Karyn Spierenburg, Owner of the subject lands legally described as Part Lots 1 & 2 Concession 5, in the Geographic Township of Brantford, County of Brant, municipally known as 1318 Colborne Street West, be approved, proposing the following:

1. Parcel 1 - 'Agriculture' (A) to 'Light Industrial-Special Exception' (M2-34) to permit a maximum coverage for *Open Storage* of Bulk Product of 41% where a maximum 35% is permitted within the M2 Zone;
2. Parcel 2 - 'Agriculture' (A) to 'Light Industrial-Special Exception' (M2-35) to permit an *Outdoor Retail Display Area* in addition to the uses permitted in the M2 Zone and to permit a maximum coverage for *Open Storage* of Bulk Product of 51% where a maximum 35% is permitted within the M2 Zone;
3. Parcel 3 - 'Agriculture' (A) to 'Light Industrial-Special Exception' (M2-36) to permit a Truck Terminal in addition to the uses permitted in the M2 Zone;
4. Retained Parcel - remain as 'Agriculture' (A); and

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

- The application will facilitate compatible, infill development of employment uses within the Primary Urban Settlement Area of Burford.
- 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 **ZBA24-22-DN** proposes the following to facilitate development of Employment uses within the Employment designated area:

1. Parcel 1 - 'Agriculture' (A) to 'Light Industrial-Special Exception' (M2-34) to permit a maximum coverage for *Open Storage* of Bulk Product of 41% where a maximum 35% is permitted within the M2 Zone;
2. Parcel 2 - 'Agriculture' (A) to 'Light Industrial-Special Exception' (M2-35) to permit an *Outdoor Retail Display Area* in addition to the uses permitted in the M2 Zone and to permit a maximum coverage for *Open Storage* of Bulk Product of 51% where a maximum 35% is permitted within the M2 Zone;
3. Parcel 3 - 'Agriculture' (A) to 'Light Industrial-Special Exception' (M2-36) to permit a *Truck Terminal* in addition to the uses permitted in the M2 Zone; and
4. Retained Parcel - remain as 'Agriculture' (A).

The range of employment uses proposed are of a Light Industrial nature with site specific provisions, as outlined, to cater to the uses proposed by the prospective purchaser of each parcel.

The creation of the Light Industrial parcels will be processed through a future consent application to be heard by the Committee of Adjustment to sever three (3) new parcels with an easement for shared access between parcels 1 & 2.

The Zoning By-Law Application submission consisted of the following supporting documents:

- Planning Justification Report
- Site Plan
- Functional Servicing Report
- Stormwater Management Report
- Traffic Impact Study

Comments received as part of the Public Circulation identify concerns with existing and future noise generated by trucks. Detailed design and technical review of the development of the Light Industrial parcels will be facilitated through the Site Plan Control process assessing access, landscaping, grading, noise, drainage, lighting etc.

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

The planning analysis focuses on literature review of applicable policy (i.e. *Planning Act*, *Provincial Policy Statement* (2020), Growth Plan for the Greater Golden Horseshoe (2020), 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 **ZBA24-22-DN** be **Approved**.

Location / Existing Conditions

The subject lands are located along the east side of Bishopsgate Road, south of Colborne Street West and north of Eighth Concession Road within the boundary of the Primary Settlement Area of Burford.

The subject property has frontage of approximately 381 metres (1,200 feet) along Colborne Street West (to the north) and approximately 569 metres (1,866 feet) along Bishopsgate Road (to the west).

The subject property has an area of approximately 51.2 hectares (126 acres) and is currently used as agricultural lands, with a detached dwelling and farm-use accessory structures fronting Colborne Street West.

The predominant agricultural use and the existing buildings are all to remain and continue following the proposed severance.

The subject lands are privately 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 in a Primary Settlement area within the Employment Lands designation.***

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 private water, sanitary and stormwater.***
- ***Detailed design will provide for adequate area to maintain private infrastructure.***

- ***The subject lands have access to a road network within close proximity to the major highway and surrounding settlement areas.***

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 and increased employment, as permitted within Zoning By-Law 61-16, Section 11.***
- ***This application encourages intensification of an existing, underutilized parcel within the employment lands designated area.***

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 20.

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 conforms to the uses outlined within section 3.12.2 of the County of Brant Official Plan.***

The Site Specific Policy Area 20 applies to lands located at 1318 Colborne Street West that are identified on Schedules A and A-3. The following are policies of the County, applicable to the area identified as Site Specific Policy Area 20:

- a. In addition to the uses of the Employment designation, retail and recreational activities will be permitted as set out in the Site Specific Zoning By-law.
- ***The range of uses permitted within the Light Industrial (M2) zone conforms to the uses outlined within section 3.12.2 of the County of Brant Official Plan.***

- ***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.***

Section 6.6 of the Official Plan outlines policies of the County with respect to lot creation through plan of subdivision or condominium:

- a. Lot creation within the County shall proceed by way of draft plan of subdivision when:
 - i. the development entails the extension of a road that is to be assumed and maintained by the County; or
 - ii. the development requires the extension of a municipal water and/or sewer system.
- ***The proposed lot creation associated with this application does not involve the extension of a municipal roadway and/ or extension of municipal services.***

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 identified that the subject lands are not located within the Source Water Protection zone.***
- ***Further consideration and mitigation measures related to specific uses and use of salt associated with winter maintenance schedules may be reviewed at the time of Site Plan Control Application.***

County of Brant Zoning By-Law 61-16

Zoning By-law 61-16 identifies that the subject lands are zoned Agricultural 'A'.

This application would result in the following zone changes:

	Current Zone		Proposed Zone
<u>Parcel 1</u>	'Agriculture' (A)	to	'Light Industrial-Special Exception' (M2-34)
			- Permitting a maximum coverage for <i>Open Storage</i> of Bulk Product of 41% where a maximum 35% is permitted within the M2 Zone
<u>Parcel 2</u>	'Agriculture' (A)	to	'Light Industrial-Special Exception' (M2-35)
			- Permitting an <i>Outdoor Retail Display Area</i> in addition to the uses permitted in the M2 Zone
			- Permitting a maximum coverage for <i>Open Storage</i> of Bulk Product of 51% where a maximum 35% is permitted within the M2 Zone

<u>Parcel 3</u>	'Agriculture' (A) to 'Light Industrial-Special Exception' (M2-36)
	- Permitting a <i>Truck Terminal</i> in addition to the uses permitted in the M2 Zone
<u>Retained Parcel</u>	'Agriculture' (A)

Noted Zoning Requirements

- Open Storage shall be subject to the applicable provisions included in Zoning By-Law Section 4.31.
- Parking Requirements will be calculated per Zoning By-law Section 5.12 based on the specific use(s) proposed at the time of Site Plan Control Application.
- Additional parking stalls shall be provided for Outdoor Retail Display Area as outlined in Zoning By-Law Section 5.12.
- Barrier Free parking shall be provided in addition to the standard spaces required in Zoning By-Law Section 5.12.
- The Outdoor Retail Display area will be subject to the applicable provisions included in Zoning By-Law Section 10.6.
- All other applicable provisions of the Zoning By-Law shall apply.
 - ***The range of uses permitted within the Light Industrial (M2) zone conforms to the uses outlined within section 3.12.2 of the County of Brant Official Plan.***
 - ***The site specific provisions as outlined are included to cater to the specific uses proposed by the prospective purchaser of each parcel.***
 - ***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.***

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:

- Committee of Adjustment Consent Application and Site Plan Application will be required to be submitted.
- Works for the subject lands will require, but may not be limited to, works within the municipal road allowance and the installation of vehicular entrances, as such, an approved Public Works Permit will be required prior to commencing works on the Subject Lands.

Operations Division:

- Water & Wastewater Servicing

The County of Brant is currently conducting a Water/Wastewater Servicing and Drainage Master Plan for the Community of Burford. The study will investigate and evaluate the various water and wastewater servicing alternatives to meet the needs of the community to the planning horizon year of 2051. Alternatives will include individual private services (wells and septic systems), municipal servicing, or a partial servicing solution. The Master Plan will complete phases 1 and 2 of the Municipal Class Environmental Assessment and will be informed by the County's on-going Official Plan update with respect to community growth. A public meeting is tentatively planned for fall 2022 to present the initial findings to the community and receive feedback. A subsequent second public meeting will present the recommended solutions and receive feedback. The Master Plan is expected to be completed in late 2022.

Stormwater Servicing

- A more detailed review of the proposed stormwater management strategy will occur during the site plan review process.

Roads

- Consolidating and combining multiple entrances wherever possible is preferred by Operations. The proposed shared entrance for Parcel 1 and Parcel 2 addresses this issue.

Economic Development:

- The Economic Development and Tourism Division supports the proposed rezoning of 1318 Colborne Street West, Burford.
- 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.
- 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 |
| • Field Services | • GIS Mapping / Civic Addressing |
| • Fire Division | • Parks & Facilities |
| • Operations | • Energy Plus: |
| • Building | • Union Gas |
| • Energy Plus | • Imperial Oil |
| | • 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 *September 6, 2022* Public Information Meeting - August 17, 2022
- Public Comments Received:
- 2 Elizabeth St. – C. Carrita – a copy of the comments are attached to this report for review.
 - Concerns are related to Truck Traffic, requesting a noise barrier be installed along Bishopsgate Road.
 - 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 further public comments or correspondence have been received.

Conclusions and Recommendations

Zoning By-Law Amendment Application **ZBA24-22-DN** aims to permit a range of employment uses proposed are of a Light Industrial nature with site specific provisions, as outlined, to cater to the uses proposed by the prospective purchaser of each parcel.

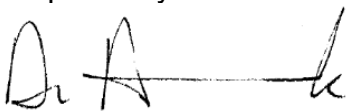
The creation of the Light Industrial parcels will be processed through future consent applications to be heard by the Committee of Adjustment to sever three (3) new parcels with an easement for shared access between parcels 1 & 2.

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*, conforms to the Growth Plan and County of Brant Official Plan and meets the intent of the Zoning By-Law 61-16.

It is my professional opinion that the request is appropriate and represents good planning and therefore I recommend that the Minor Zoning By-Law Amendment Application **ZBA24-22-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

Copy to

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

File # ZBA24-22-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

