



## County of Brant – Planning and Development Report

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**To:** To the Chair and Members of the Planning and Development Committee

**From:** Shannon Labelle, Planner

**Date:** December 6, 2022

**Subject:** RPT-0328-22

Zoning By-Law Amendment Application ZBA28/22/SL

649 Colborne Street West, Geographic Township of Brantford

**Purpose:** **Recommendation Report for Approval**

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That Application ZBA28/22/SL from Ruchika Angrish, Agent on behalf of Karol Bicz, Owner of lands legally known as Tract Kerr Part Block 2 Registered Plan 2R-2606 Part 2, municipally known as 649 Colborne Street West, Geographic Township of Brantford, County of Brant, proposing to rezone a portion of the subject lands from Agricultural Employment (AE) to General Commercial (C2) with site specific provision 39 (C2-39) to permit a minimum westerly interior side yard setback of 0.45 metres (1.5 feet), to permit the parking of commercial vehicles and storage of materials associated with the permitted commercial uses within the rear yard and proposing to rezone a portion of the subject lands from Agricultural Employment (AE) to Natural Heritage (NH), in order to recognize a significant woodlot at the rear of the property, be approved, with the following site specific provisions:

1. To permit a minimum westerly interior side yard setback of 0.45 metres (1.5 feet); and
2. To permit the parking of commercial vehicles and storage of materials associated with the permitted commercial uses within the rear yard; 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 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.

### Key Strategic Priority

Sustainable and managed growth.

### Financial Considerations

None.

### Executive Summary / Proposal

The purpose of this report is to provide Council and the 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.

The proposed rezoning went before the Planning and Development Committee on September 6<sup>th</sup>, 2022 and was received for information purposes only. No comments were received from the Committee related to the rezoning. The rezoning is being sought to bring the subject lands into greater conformity with the existing land use designation and to recognize the existing woodlot at the rear of the property. The applicant is proposing to rezone a portion of the subject lands from Agricultural Employment (AE) to General Commercial with site specific provision 39 (C2-39), and from Agricultural Employment (AE) to Natural Heritage (NH). No further development is being proposed. The proposal is proceeding to recommendation. The deficient westerly interior side yard setback of 0.45 metres is existing. The site specific (C2-39) is to recognize this deficiency along with the permittance of parking/ storage of materials related to the existing permitted retail uses on the subject lands.

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), Brant County Official Plan (2012) and Zoning By-Law 61-16, consultation with departments and discussions with both the agent/public. As outlined in this report, I am of the opinion the proposal represents good planning and am recommending approval of the application.

## **Location**

The subject lands are located on the north side of Colborne Street West, east of the Colborne Street West and Pleasant Ridge Road intersection, within the Secondary Urban Settlement Area boundary of Oakhill, County of Brant. The lands municipally known as 649 Colborne Street West are irregular in shape, having frontage along the north side of Colborne Street West of approximately 30.6 metres (100.4 feet), and an approximate area of 15,458.9 square metres (3.8 acres).

The subject lands are currently occupied by a commercial building.

To the north of the subject lands is low density residential development, directly abutting the subject lands to the east is a lot with a commercial building, further to the east is there is a vacant lot and the boundary of the City of Brantford, to the south is open space and the boundary of the City of Brantford, and to the west are lands designated and zoned for commercial uses and associated commercial buildings.

## **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.

### **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 1.1.1(a) of the PPS speaks to promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

***The subject lands are privately serviced.***

Section 1.1.1(c) of the PPS speaks to avoiding development and land use patterns which may cause environmental or public health and safety concerns.

***The subject lands are privately serviced, and there is an existing commercial building. The proposed rezoning will support land uses and development standards that are consistent with the existing land use designation.***

Section 1.1.3.1 of the PPS speaks to settlement areas shall be the focus of growth and development.

***The subject lands are located within the Secondary Urban Settlement Area of Oakhill. The proposed rezoning is a change in land use, which falls under the definition of development.***

Section 1.1.3.2(a) of the PPS speaks to land use patterns within settlement areas shall be based on densities and a mix of land uses which: efficiently use land and resources.

***The subject lands have an existing building and are privately serviced. No further development is being proposed.***

Section 1.1.3.2(b) of the PPS speaks to land use patterns within settlement areas shall be based on densities and a mix of land uses which: are appropriate for, and efficiently use, the infrastructure and public services facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

***The subject lands are privately serviced.***

Section 1.7.1(c) of the PPS speaks to long-term economic prosperity and it should be supported by optimizing the long-term availability and use of land, resources, infrastructure, and public service facilities.

***The proposed rezoning will facilitate and support a variety of commercial uses that contribute to economic diversity within the County of Brant.***

Section 2.1.1 of the PPS speaks to the long-term protection of natural features.

***A portion of the subject lands are being rezoned to recognize and protect the existing natural heritage feature.***

***It is my opinion that the proposal is consistent with the policies in the Provincial Policy Statement (2020) for the following reasons:***

- ***The subject lands are located within the Secondary Urban Settlement Area of Oakhill.***
- ***The subject lands are privately serviced.***
- ***The proposed rezoning will encourage efficient development and land use patterns.***
- ***The proposed rezoning will contribute to economic diversity within the County.***
- ***The proposed rezoning will protect the existing natural heritage feature on the subject lands.***

### **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 2.2.1(d) of the Growth Plan speaks to development being directed to settlement areas.

***The subject lands are located within the Secondary Urban Settlement Area of Oakhill, the definition of Development includes a change in land use.***

Section 2.2.5.15 of the Growth Plan speaks to supporting the retail sector by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities.

***The subject lands are designated for general commercial uses. There is an existing commercial building, and the lands are currently being used for retail purposes. There is a mix of residential and employment land uses within the Secondary Urban Settlement Area of Oakhill. The proposed rezoning will support commercial land uses, thereby supporting the retail sector and contributing to the achievement of complete communities.***

Section 4.2.2.6(a) of the Growth Plan speaks to natural heritage features within settlement areas, beyond the Natural Heritage System for the Growth Plan, and that the municipality will continue to protect any other natural heritage feature and areas in a manner that is consistent with the PPS.

***The existing woodlot is not recognized as part of the Natural Heritage System for the Growth Plan, and the subject lands are within the Secondary Urban Settlement Area of Oakhill. The proposed rezoning is seeking to rezone a portion of the lands from Agricultural Employment (AE) to Natural Heritage (NH) in order to recognize and protect the Woodlot at the rear of the property, in accordance with the PPS.***

***It is my opinion that the proposal is in conformity with the policies in the Growth Plan for the Greater Golden Horseshoe (2020) for the following reasons:***

- ***The subject lands are located within the Secondary Urban Settlement Area of Oakhill.***
- ***The subject lands are privately serviced.***
- ***The proposed rezoning will support the retail sector and contribute to the achievement of complete communities.***
- ***The proposed rezoning seeks to protect a natural heritage feature within a settlement area, outside of the Natural Heritage System for 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 other, are responsible for implementing source protection plan policies.

***The subject lands are not located within a Source Water Protection Area.***

### **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 designated as General Commercial within Schedule 'A-7' and designated Woodlands and Vegetation within Schedule 'C-7' of the County of Brant Official Plan.***

Section 1.11.2.1.2(a) of the Official Plan speaks to objectives related to growth and development within the County, specifically to ensure that growth and development is directed to the most appropriate locations in the County's Primary and Secondary Urban Settlement Areas.

***The subject lands are located within the Secondary Urban Settlement Area of Oakhill.***

Section 1.11.2.1.2(d) of the Official Plan speaks to providing a full range of employment types and densities (such as institutional, commercial, and industrial opportunities).

***The subject lands are designated General Commercial. The proposed rezoning of a portion of the subject lands from Agricultural Employment (AE) to General Commercial with site specific provision 39 (C2-39) will permit various commercial uses and associated development standards that are consistent with the underlying designation of General Commercial.***

Section 1.11.2.1.2(e) of the Official Plan speaks to continuing to ensure resource protection in the County by protecting the County's natural heritage features and functions, and by preventing rural-urban conflicts because of new development, redevelopment and intensification.

***The proposal intends to rezone a portion of the subject lands from Agricultural Employment (AE) to Natural Heritage (NH) in order to recognize and protect the woodlot at the rear of the property. This will ensure the protection of the County's natural heritage features and functions, while helping to prevent rural-urban conflicts.***

Section 1.11.2.9.2(a) of the Official Plan speaks to identifying and encouraging the protection, maintenance, and enhancement and restoration of the County's natural heritage features in accordance with Section 2.3 of this Plan.

***The proposed rezoning of a portion of the subject lands from Agricultural Employment (AE) to Natural Heritage (NH) encourages the protection and maintenance of the existing woodlot at the rear of the property. The policies of Section 2.3 have been taken into consideration.***

Section 1.11.2.9.2(c) of the Official plans speaks to directing development away from the County's natural heritage features, areas, and systems, in accordance with Section 2.3 of this Plan.

***The proposed rezoning of a portion of the subject lands from Agricultural Employment (AE) to Natural Heritage (NH) will help to ensure development is directed away from the County's natural heritage features. The policies of Section 2.3 have been taken into consideration.***

Section 2.2.3.1.2(c) of the Official Plan speaks to permitting a limited amount and type of growth and development within the County's Secondary Urban Settlement Areas.

***A change in land use is included in the definition of development. The subject lands are located within the Secondary Urban Settlement Area of Oakhill. No further development is being proposed.***

Section 2.2.3.1.2(f) of the Official Plan speaks to the permissance of a mix and range of urban land uses and activities within Secondary Urban Settlement Areas, including commercial uses.

***The subject lands are currently being used for commercial purposes. The proposed rezoning will further support commercial uses and associated development standards, which are consistent with the underlying designation of General Commercial.***

Section 2.3.2.3.2(f) of the Official Plan identifies the predominant use of land in areas that have been identified as woodlands and vegetation shall be limited to uses permitted within the overriding land use designation.

***The subject lands are designated General Commercial, and are being used for commercial purposes.***

Section 3.9.1 of the Official Plan speaks to the intent of the General Commercial designation, which is to provide for commercial establishments offering goods and services which primarily serve the County's market area.

***The subject lands are being used for commercial purposes, and the proposed rezoning will further support these uses and associated development standards, which are consistent with the underlying designation of General Commercial.***

Section 3.9.2(a) of the Official Plan speaks to permitted uses within the General Commercial designation. The primary form and predominant use of land in 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 subject lands are currently being used for retail commercial establishments.***

Section 3.9.3(a) of the Official Plan speaks to land use policies for lands designated General Commercial. 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.

***The use and buildings on the subject lands are existing. The existing commercial use is consistent with uses to the east and west of the subject lands, and the existing building is compatible and consistent in terms of form, height and setback as the buildings that abut the property to the east and west. Adequate buffering is provided from the residential uses to the north by the woodlot at the rear of the subject property.***

Section 3.9.3(c) of the Official Plan speaks to adequate off-street parking facilities being provided for all permitted uses and access points to such parking shall be limited in number and designed in a manner that minimizes the danger to both vehicular and pedestrian traffic. Where possible, shared accesses and driveways shall be provided.

***Adequate off-street parking has been provided for the existing commercial uses within the existing building.***

***It is my opinion that the proposal conforms to the policies in the County of Brant Official Plan (2012) for the following reasons:***

- ***The subject lands are located within the Secondary Urban Settlement area and built boundary of Oakhill.***
- ***The lands are designated General Commercial which support the existing use, and proposed rezoning.***

- ***The land use and buildings are consistent and compatible with the character of the surrounding area.***
- ***The natural heritage feature is being preserved and protected.***
- ***The subject lands are privately serviced.***

### **County of Brant Zoning By-Law 61-16**

The subject lands are zoned as Agricultural Employment (AE) within the County of Brant Zoning By-Law 61-16.

The applicant is proposing to rezone a portion of the subject lands from Agricultural Employment (AE) to General Commercial with site specific provision 39 (C2-39) The following site specific provisions are being proposed for the 'C2-39' zone:

- To permit a minimum westerly interior side yard setback of 0.45 metres (1.5 feet).
- To permit the parking of commercial vehicles and storage of materials associated with the permitted commercial uses within the rear yard.
- All other provisions of the By-Law apply.

Additionally, the applicant is proposing to rezone a portion of the subject lands from Agricultural Employment (AE) to Natural Heritage (NH) to recognize the woodlot at the rear of the property.

*Section 10* of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as General Commercial (C2).

Permitted uses include but are not limited to the following:

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

*Section 14* of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as Natural Heritage (NH).

Permitted uses include but are not limited to the following:

- Agricultural Use
- Boat Dock

- Boat House
- Boat Ramp
- Conservation and Flood or Erosion Control Projects
- Forestry
- Public Park or Private Park
- Small-scale structures for passive recreational uses
- Wildlife Management

Section 10.2 of the County of Brant Zoning By-Law speaks to the required development standards for each permitted building type for lands zoned as General Commercial (C2).

Suburban Residential (SR)	Required (Private Services)	Existing – Subject lands
Lot Area, Min	1,000sq.m	15,458.9sq.m
Lot Frontage, Min	15.0m	30.6m
Building Height, Max	12.0m	10m
Street Setback, Min	6.0m	44.1m
Interior Side Yard Setback, Min	3.0m	0.46m*
Interior Side Yard Setback, Min – yard abutting Residential or Institutional Zone	7.5m	N/A
Rear Yard Setback, Min	3.0m	N/A
Rear Yard Setback, Min – yard abutting Residential or Institutional Zone.	7.5m	174.0m
Lot Coverage, Max	60%	~ 8.7%
<b>Off-Street Parking Requirements</b> , Min	Greater than 1000m <sup>2</sup> : 1 per 20m <sup>2</sup> , approx. 67 spaces. Accessible spaces: 4%, 3 spaces.	69 off-street parking spaces are being provided. 3 Accessible Parking Spaces, two Type B and one Type A.

***\*The proposed rezoning is to permit a minimum westerly interior side yard setback of 0.45 metres (1.5 feet) to recognize the existing condition.***



There are no development standards for the Natural Heritage (NH) zone, as development is not generally supported by this zone. *Section 14.2* of the Zoning By-Law provides direction related to development within the Natural Heritage (NH) zone.

***It is my opinion that the proposal maintains the intent of the County of Brant Zoning By-Law 16-61 for the following reasons:***

- ***No further development is being proposed.***
- ***The existing retail use is permitted.***
- ***With the exception of the westerly interior side yard setback, all development standards of the General Commercial (C2) zone have been satisfied.***

## **Interdepartmental Considerations**

### GIS

- Maps have been created and the application has been added to the database

### Environmental Planning

- Environmental Planning have reviewed the proposal to rezone the lands from Agricultural Employment to Commercial and Natural Heritage. It is the understanding of staff that no new buildings, structures or uses are proposed.
- Part of the property is designated 'Woodlands and Vegetation' on Schedule C of the Official Plan. Based on aerial photography, part of the woodland has been removed. To protect the remaining woodland, staff recommended as part of pre-consultation that it be zoned Natural Heritage.
- Provided that the remaining woodland is zoned Natural Heritage, staff have no concerns with the proposed rezoning.
- The applicant is advised that the woodland is regulated pursuant to Good Forestry Practices By-Law 70-21. The applicant is further advised that it is their responsibility to comply with all applicable law such as the *Endangered Species Act*.
- Should new development be proposed through the site plan process, an Environmental Impact Study may be required.

### Development Engineering

- The County of Brant Official Plan Schedule B section 5.3.2.1.3 identifies Colborne Street West as a Rural Arterial Road. No additional road widening is required.

### Operations

- No comments.

### Fire

- The building is existing and access to the property is already established. No issues with the rezoning application.

### Grandbridge Energy

- GBE has no objection to the proposal by the Applicant to re-zone the property to allow parking of commercial vehicles and storage of materials only with no development proposed at this time.
- If easements are required as a result of this Application, the Owner/Applicant will be responsible for 100% cost.

- The Owner/Applicant will be responsible for all costs associated with relocation and/or upgrade of existing electrical plant if required as a result of this development at 100% cost.

#### Mississaugas of the Credit First Nation (MCFN)

- MCFN DOCA has no comments or concerns regarding 649 Colborne Street West, Brantford.
- Please inform MCFN DOCA if any additional information arises about said project.

#### City of Brantford – Engineering

- The City's Engineering department has no comments in regard to the above noted application.

#### City of Brantford – Planning

- No comments.

The following departments/agencies did not provide any comments with regard to this application:

- Building
- Finance
- Hydro One
- Bell Canada
- Enbridge Gas Inc
- Six Nations

### **Public Considerations**

Staff are to visit the site for inspection on November 14<sup>th</sup>, 2022, and post the public notice sign in accordance with the *Planning Act*.

15 notices are to be mailed on November 14<sup>th</sup>, 2022.

At the time of writing this report, no public comments had been received.

### **Conclusions and Recommendations**

The applicant is seeking to rezone a portion of the subject lands from Agricultural Employment (AE) to General Commercial with site specific provision 39 (C2-39) to permit a minimum westerly interior side yard of 0.45 metres (1.5 feet) and to permit the parking of commercial vehicles and storage of materials associated with the permitted commercial uses within the rear yard. Additionally, the applicant is seeking to rezone a portion of the subject lands from Agricultural Employment (AE) to Natural Heritage (NH), in order to recognize a significant woodlot at the rear of the property.

I am supportive of the rezoning application as it is consistent with the *Provincial Policy Statement*, in conformity with the Growth Plan for the Greater Golden Horseshoe, conforms to the County of Brant Official Plan and meets the intent of the County of Brant Zoning By-Law 61-16, and therefore recommend approval of the application

Prepared by:



**Shannon Labelle, BA, M.Sc.**

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. Aerial Figure
2. Official Plan Figure
3. Zoning Figure
4. Site Development Plan
5. Site Photos
6. Draft By-Law

**Copy to**

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

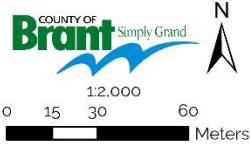
**File #** ZBA28/22/SL

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

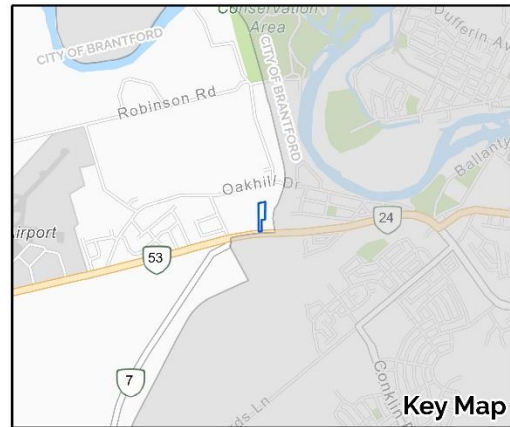
By-Law required	(Yes)
Agreement(s) or other documents to be signed by Mayor and /or Clerk	(No)
Is the necessary By-Law or agreement being sent concurrently to Council?	(Yes)

**MAP 3: AERIAL IMAGERY 2020**  
**FILE NUMBER**  
**ZBA28-22-SL**

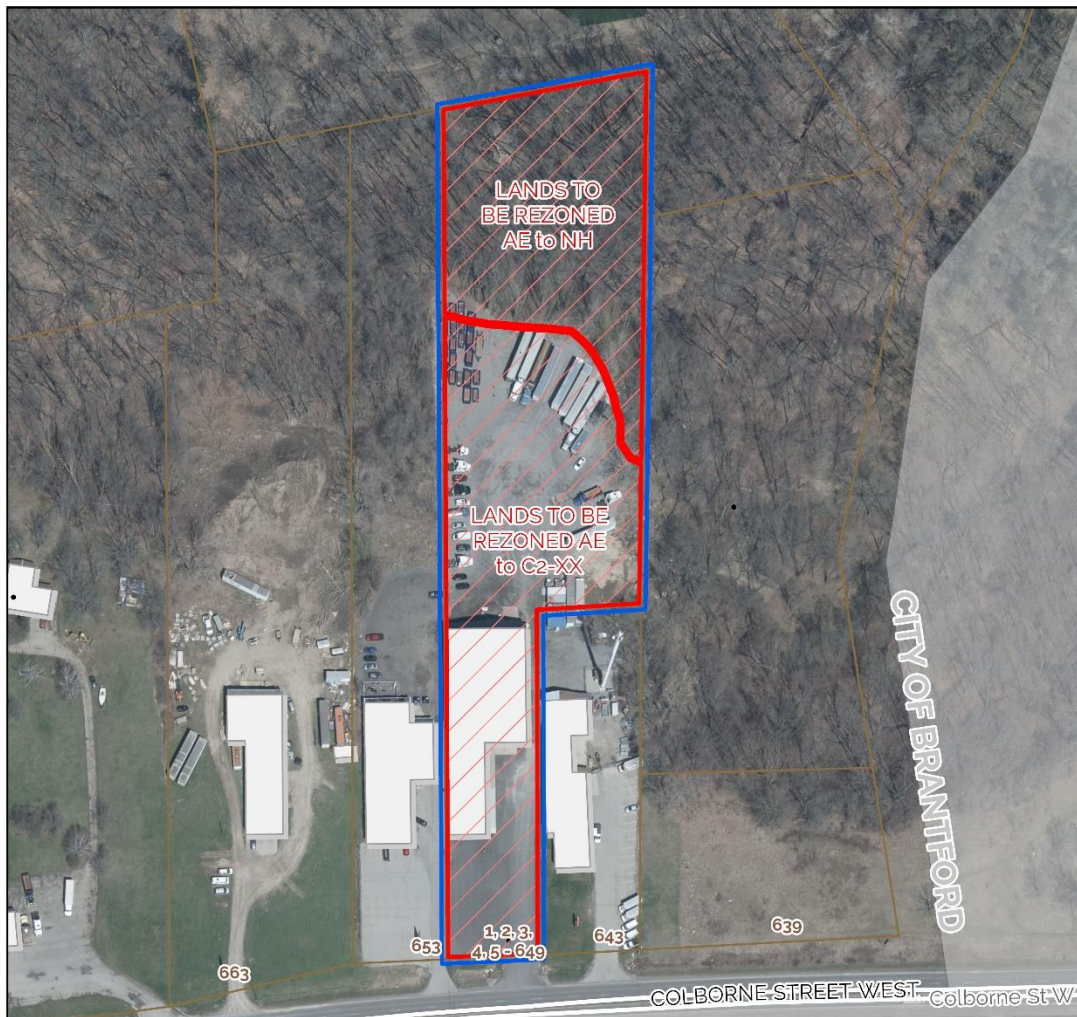
649 Colborne Street West  
County of Brant  
Ontario



Date Printed: 2022-07-21



**Key Map**



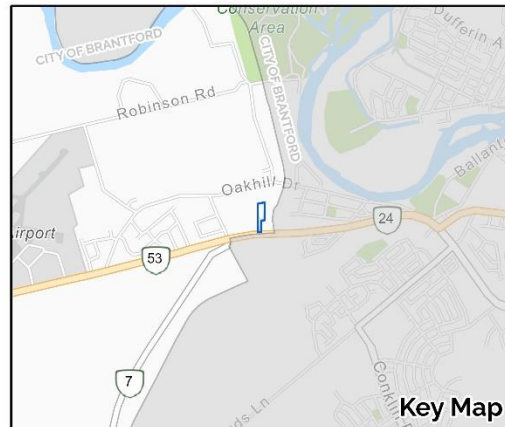
**MAP 2: Official Plan  
FILE NUMBER  
ZBA28-22-SL**

649 Colborne Street West  
County of Brant  
Ontario

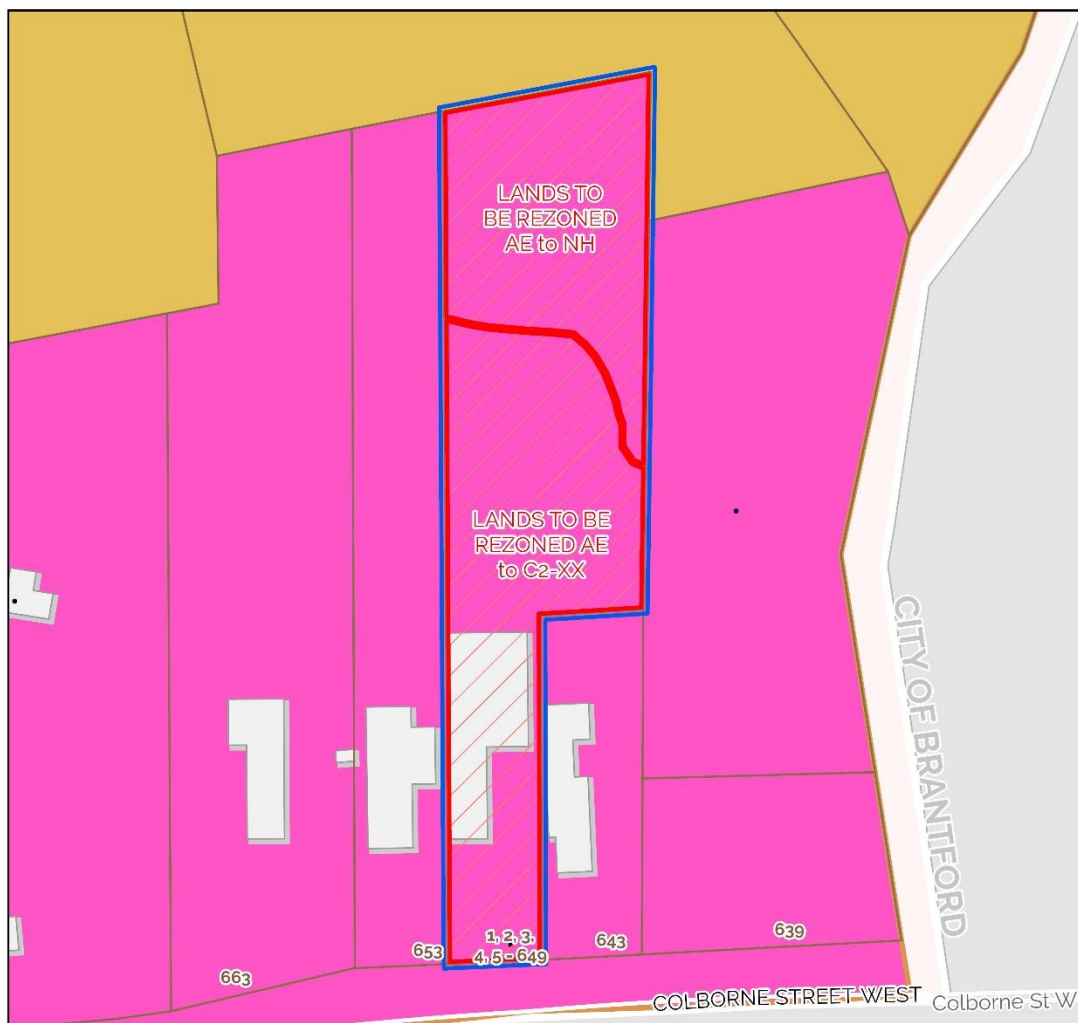


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Date Printed: 2022-07-21



**Key Map**





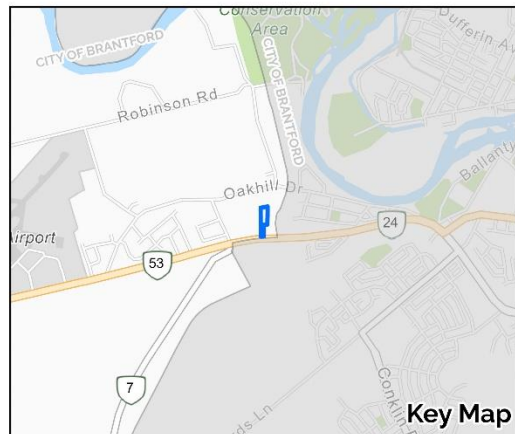
**MAP 1: ZONING  
FILE NUMBER  
ZBA28-22-SL**

649 Colborne Street West  
County of Brant  
Ontario

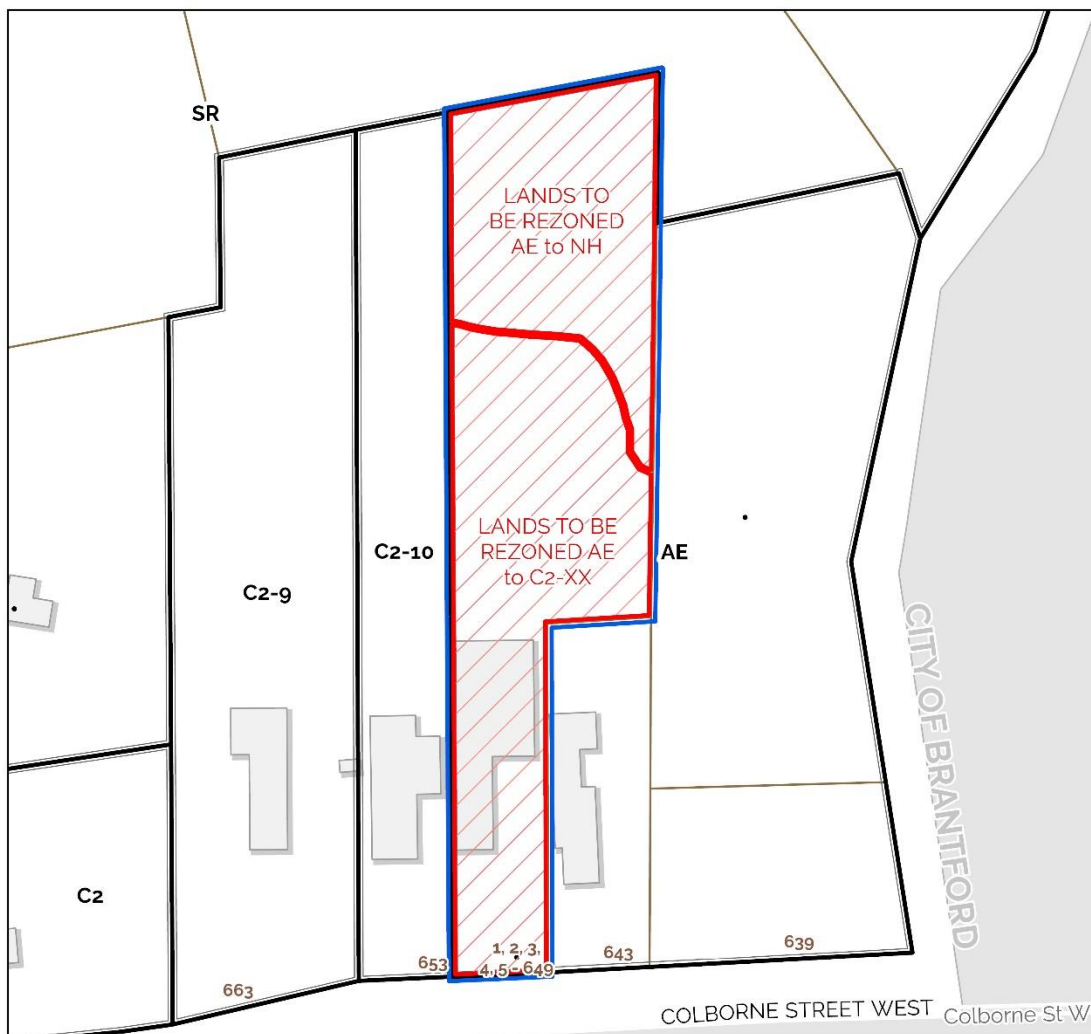


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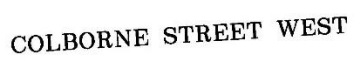
Date Printed: 2022-07-21



**Key Map**



## Site Plan



Site Photos

North



South



East



West

