

Planning and Development Committee Report

To: To the Chair and Members of the Planning and Development Committee
From: Dan Namisniak, Planner
Date: January 10, 2023
Report: RPT-0323-22
Subject: PS1-22-DN - Plan of Subdivision
& ZBA6-22-DN - Zoning By-Law Amendment Application
Purpose: **Recommendation Report** for Approval.

Recommendation

That Plan of Subdivision Application PS1-22-DN from MHBC Planning, Agent on behalf of Vicano Development Limited, Applicant/ Owner of lands legally described as Brantford Concession 2 Part Lot 10 Registered Plan 2R4737 Part of Parts 1 and 2, in the geographic Township of Brantford, municipally known as 982 Rest Acres Road seeking Draft Plan of Subdivision Approval to create development and infrastructure blocks along new municipal road to facilitate additional employment land availability within the Primary Urban Settlement Area of Paris, as described within the Draft Plan, be approved, subject to the attached Conditions of Draft Plan Approval; 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 Paris.
- 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 policies of the County of Brant Official Plan (2012) and in compliance with the Zoning By-Law; and

That Zoning By-Law Amendment Application ZBA6-22-DN from MHBC Planning, Agent on behalf of Vicano Development Limited, Applicant/ Owner of lands legally described as Brantford Concession 2 Part Lot 10 Registered Plan 2R4737 Part of Parts 1 and 2, in the geographic Township of Brantford, municipals known as 982 Rest Acres Road proposing the following:

1. To change the zoning on a portion of the subject lands from Agricultural (A) to Light Industrial-Special Exception (M2-39) to permit Light Industrial uses and a minimum off-street parking rate for a Warehouse; Office, Support; and Office, Business/Professional of 1 per 250m² and to permit a maximum building height of 20 metres; and
2. To change the zoning on a portion of the subject lands from Agricultural (A) to Open Space-1 (OS1) for Stormwater Management and associated maintenance purposes, be approved;

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

- The application will permit a range of Light Industrial uses and employment opportunity within the Primary Urban Settlement Area of Paris.
- 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 policies of the County of Brant Official Plan (2012) and in keeping with the general intent of the 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 applicant to amend the County of Brant Zoning By-Law 61-16.

These applications have been submitted by the Agent on behalf of the Applicant and reviewed by County Staff concurrently to facilitate development of employment lands within the Primary Urban Settlement Area of Paris.

Plan of Subdivision Application **PS1-22-DN** is seeking Draft Plan of Subdivision Approval to create one (1) block for industrial development, one (1) service corridor block and one (1) block for stormwater management. The layout of the proposed industrial subdivision and list of draft plan conditions are tied to the Staff recommendation and attached to this report for committee's consideration.

Zoning By-Law Amendment Application **ZBA6-22-DN** is proposing to change the zoning on a portion of the subject lands from Agricultural (A) to Light Industrial-Special Exception (M2-39) to permit a range of Light Industrial uses in addition to the following:

- Relief from Zoning By-Law 61-16, Section 5.12 to permit a minimum off-street parking rate for a Warehouse; Office, Support; and Office, Business/Professional of 1 per 250m², where a minimum 1 per 100sm is required; and
- Relief from Zoning By-Law 61-16, Section 11.2 to permit a maximum building height of 20 metres, where a maximum of 12 metres or increased setback to permit additional height is permitted.

The application also proposes to change the zoning of portion of the subject lands from Agricultural (A) to Open Space-1 (OS1) for Stormwater Management and associated maintenance purposes.

The Plan of Subdivision Application and Zoning By-Law Application has included the following, circulated as part of the technical review:

- **Planning Justification Report (PJR)** prepared by MHBC;
- **Urban Design Study**, included as part of the PJR prepared by MHBC;
- **Development Master Plan**, included as part of the PJR prepared by MHBC;
- **Archaeological Assessment** prepared by AMICK Consultants Ltd;
- **Environmental Impact Study** prepared by Natural Resource Solutions Inc;
- **Preliminary Hydrogeological Investigation** prepared by Terraprobe;
- **Geotechnical Investigation** prepared by Englobe;
- **Legal Survey** prepared by West & Ruuska Ltd;
- **Preliminary Servicing and SWM Report** prepared by Development Engineering (London) Limited;

Following the April 5, 2022 Public information Meeting and circulation of the 1st submission comments from internal and external commenting agencies and interested parties, the scope of the application has been revised to only include the southern half of the subject lands abutting Rest Acres Road and the Highway 403 corridor. Development of the northern portion fronting Powerline Road and Rest Acres Road will be considered under separate application at a later date.

Detailed design and technical review of the road construction and servicing will be completed by satisfying the conditions of Draft Plan Approval. Development of the specific blocks 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 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 both Plan of Subdivision Application **PS1-22-DN** and Zoning By-Law Amendment Application **ZBA6-22-DN** be **Approved**.

Location / Existing Conditions

The subject lands are located north of Highway 403, in upper, south Paris. The lands are bound by Powerline Road to the north, Rest Acres Road / Highway 24 to the east, Highway 403 to the south, and agricultural land to the west.

The total area of these applications is 32.9 hectares (81.26 acres). A portion of the lands were conveyed to the County for a future water tower. The subject lands are currently vacant as the previous commercial operation and two rural residential dwellings were recently removed.

The subject lands are in close proximity to major transportation corridors. Rest Acres Road/ Highway 24 is a Provincial Highway and major arterial road that provides direct connections to Provincial Highway 403, in both eastbound and westbound directions.

The surrounding area consists of residential subdivision containing single detached and townhouse dwellings and commercial uses to the north, recreational, residential and industrial future commercial uses to the east, the Highway 403 corridor and further industrial uses to the south and agricultural uses to the west.

The subject lands will be fully serviced by municipal water, sanitary and stormwater infrastructure.

Report

Planning Act R.S.O (1990)

Section 51(24) of the *Planning Act* provides policy direction to be considered when reviewing applications for division of land.

Section 34(1) of the *Planning Act* establishes that Zoning By-laws may be passed by Councils of local municipalities.

- ***Review of this Application has had consideration for the proposed development as it relates to public safety, existing conditions and surrounding uses, land use compatibility, utilities and municipal infrastructure, vehicular and pedestrian traffic, natural resources, timing and implementation through conditions of Draft Plan Approval.***

It is my professional opinion that the proposal has had consideration for the applicable provisions of under the *Planning Act*.

Consistency & 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.

The following demonstrates consistency with the applicable policies of the Provincial Policy Statement (2020):

| <i>Provincial Policy Statement – 2020</i> | <i>Planning Analysis</i> |
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| Section 1.1.3.1, Settlement areas shall be the focus of growth and development. | <i>The subject lands are located within the limits of the Primary Urban Settlement Area of Paris.</i> |
| Section 1.1.3.2, Land use patterns within settlement areas shall be based on densities and a mix of land uses which: <ul style="list-style-type: none"> a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and | <p><i>This application considers the availability of existing municipal infrastructure and land use patterns to propose efficient expansion of a mix of employment land use opportunities.</i></p> <p><i>The proximity to existing residential and commercial uses promotes opportunity for active transportation patterns for residents and employees.</i></p> <p><i>The proximity to Highway 403 promotes opportunity for efficient traffic patterns for the future employment related uses.</i></p> |

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| g) are freight-supportive. | |
| <p><i>Section 1.3.1.</i> 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;</p> | <p><i>The subject lands are designated Employment in the County of Brant Official Plan within Site Specific Policy Area (SSPA) 12 and 16 as identified on Schedule A-1 of the County of Brant Official Plan.</i></p> <p><i>The proposed Zoning and Plan of Subdivision implement the County's Official Plan and provide municipally serviced employment land parcels of varying sizes and scales to satisfy long-term employment needs of the County of Brant.</i></p> |
| <p><i>Section 1.2.6,</i> Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.</p> | <p><i>The location of the employment uses are considered compatible with adjacent commercial and residential uses based on the separation distance from any sensitive land uses. D-6 Guidelines for land use compatibility have been considered and will be implemented as specific uses are identified.</i></p> |
| <p><i>Section 2.1</i> Natural features and areas shall be protected for the long term.</p> | <p><i>A portion of the subject lands contains a feature, which is a Mineral Shallow Marsh (MAS2) Community, which is 0.95 ha in size as identified by an Environmental Impact Study prepared by Natural Resources Solutions Inc. (NRSI).</i></p> |
| <p><i>Section 2.1.8</i> Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.</p> | <p><i>The application proposes to contain the feature within a block with no development proposed.</i></p> <p><i>Adjacent development will maintain an adequate buffer from the identified feature. 120 metres is being maintained from the construction area and 'Street A'</i></p> |

It is my professional opinion that the request is consistent with 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.

The following demonstrates conformity with the applicable policies of the Growth Plan for the Greater Golden Horseshoe (2020):

| <i>Growth Plan for the Greater Golden Horseshoe (2020)</i> | <i>Planning Analysis</i> |
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| <p><i>Section 2.2.1</i> within settlement areas, growth will be focused in delineated built-up areas; strategic growth areas; locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and areas with existing or planned public service facilities;</p> | <p>A Place to Grow identifies the subject lands as Designated Greenfield Area.</p> <p><i>The subject lands are located within the limits of the Primary Urban Settlement Area of Paris.</i></p> |
| <p><i>Section 2.2.5</i> of the <i>Growth Plan</i> outlines ways to promote economic development and competitiveness:</p> <ul style="list-style-type: none"> 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. | <p><i>The proposed Zoning and Plan of Subdivision implement the County’s Official Plan and provide municipally serviced employment land parcels of varying sizes and scales to satisfy long-term employment needs of the County of Brant.</i></p> |
| <p><i>Section 2.2.7</i> New <i>development</i> taking place in <i>designated greenfield areas</i> will be planned, designated, zoned and designed in a manner that:</p> <ul style="list-style-type: none"> a) Supports the achievement of complete communities; b) Supports active transportation; and c) Encourages the integration and sustained viability of transit services. | <p><i>The subject lands are designated Employment in the County of Brant Official Plan and further designated as Site Specific Policy Area (SSPA) 12 and 16 as identified on Schedule A-1 of the County of Brant Official Plan.</i></p> <p><i>The close proximity to a wide range of existing and planned residential, commercial and institutional uses promotes the ability to contribute towards achieving complete and healthy communities.</i></p> |

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

County of Brant Official Plan 2012

The subject lands are designated as Employment and Natural Heritage in the County of Brant Official Plan and further designated as Site Specific Policy Area (SSPA) 12 and 16 as identified on Schedule A-1 of the County of Brant Official Plan.

Schedule C-1 of the Official Plan identifies that a portion of the subject lands is designated Significant Wetlands, and Woodlands and Vegetation.

Schedule B of the Official Plan identifies that the subject lands are adjacent to a Provincial Highway, Urban Arterial Road and Urban Employment Collector Road

The following demonstrates conformity with the applicable policies of the County of Brant Official Plan (2012):

| Official Plan (2012) | Planning Analysis |
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| <p>3.12.3 Employment Land Use Policies</p> <p>a. The County may permit conversion of land designated Employment to non-employment uses subject to criteria outlined in Section 3.12.3.a.i-xii.</p> | <p>Section 3.12.3.a.i-xii.is not applicable as the Subject Lands are already currently designated Employment, no re-designation is required.</p> |
| <p>b. In reviewing proposals for the development of employment uses, consideration shall be given to the potential adverse effects of industrial land use activities such as noise, vibration, smoke, odour, toxic substances, fire and explosive hazards, lighting, and visual impacts.</p> | <p>Review of the ‘Submission Material’ provided by the Applicants in support of the change to the ‘Light Industrial (M2)’ zone has had consideration for the range of uses permitted within the M2 zone and the potential adverse impacts.</p> <p>A more detailed review of the potential adverse impacts outlined in this section will be completed for the specific use proposed as part of the Site Plan Control Review process.</p> |
| <p>c. For proposed employment uses that exhibit any of the following characteristics, a study shall be prepared in accordance with the relevant Ministry of the Environment guidelines, and any other Provincial standards, in order to demonstrate that the proposed employment use is compatible with any adjacent potentially incompatible or sensitive uses:</p> <ul style="list-style-type: none"> i. outdoor storage of goods and materials; ii. frequent shipment of products and/or materials; iii. long production hours and shift operations/unusual hours of operation; iv. large volumes of traffic at off-peak hours; and/or | <p>Some uses permitted within the proposed ‘Light Industrial (M2)’ may exhibit the characteristics outlined in this section.</p> <p>The appropriate studies and review will be completed as part of the Site Plan Control Review process to confirm that the use proposed is compatible with adjacent land uses, and mitigation measures will be implemented where warranted.</p> |

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| <p>v. likelihood of nuisances, such as noise, odour, dust, lighting or vibration.</p> | |
| <p>d. Employment uses that are proposed to be located adjacent to a Provincial Highway or arterial road shall generally be limited to prestige industrial uses, and self-contained non-noxious uses. Increased setbacks, landscaping requirements, and signage controls may be required for such employment uses. Outside storage shall not be permitted where employment uses are located adjacent to a Provincial Highway or arterial road or residential uses.</p> | <p><i>The development is proposed adjacent to a Provincial Highway, Urban Arterial Road and Urban Employment Collector Road.</i></p> <p><i>Uses permitted within the ‘Light Industrial (M2)’ are typically non-noxious uses in comparison to the uses permitted in the ‘Heavy Industrial (M3)’ zone.</i></p> <p><i>Future development of the Subject Lands will be required to provide enhanced urban design features such as landscaping, curbing, signage, building elevation to ensure positive contribution to the surrounding land uses.</i></p> |
| <p>e. Heavy industrial employment uses structures shall not be located within 50 metres of the boundary of lands designated Employment or within 50 metres of an arterial or collector road to ensure that the impact of the employment uses on adjacent uses is minimized. Accessory uses such as parking areas, appropriately screened outside storage areas shall be permitted within 50 metres of the boundary of the Employment designation or arterial/collector road. However, it is not the intent of this policy to permit large fences that screen outside storage areas abutting areas designated for residential development or abutting arterial or collector roads.</p> | <p><i>Section 3.12.3.e is not applicable as the application is not permitting the ‘Heavy Industrial (M3)’ zone.</i></p> |
| <p>f. For permitted uses that involve bulk open storage of goods or materials, the County shall require that open storage be screened such that it is not visible from a Provincial Highway/Limited Access Freeway, Urban Arterial Road, Rural Arterial Roads, Urban Residential Collector Roads and Urban Employment Collector Roads. Loading spaces, docks, and doors shall also not be located in the front yard or exterior side yard of the building.</p> | <p><i>Appropriate screening of permitted open storage areas and loading areas will be considered as part of the detailed site design reviewed as part of the as part of the Site Plan Control process.</i></p> |
| <p>g. An appropriate separation distance, based upon the Ministry of the Environment’s land use compatibility guidelines shall be established between an industrial land use and any sensitive land use, including residential uses. This</p> | <p><i>Review of the Ministry of the Environment’s land use compatibility guidelines (D-6) to establish separation distance between an industrial land use and any sensitive</i></p> |

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| <p>separation distance may be implemented through a site specific amendment to the County Zoning By-law and Site Plan Control through the use of a minimum building setback applied to any industrial use building adjacent to an established or approved sensitive land use.</p> | <p>land use will be reviewed as part of the as part of the Site Plan Control process.</p> |
| <p>h. Deviation from established separation distances shall require detailed supporting studies of the potential impacts on the sensitive land use by the industrial employment use, and vice-versa, and any recommended mitigation measures. i. Separation distances between sensitive land uses and any industrial use, or for industrial uses abutting Provincial Highways or arterial roads shall be implemented through the County Zoning By-law, as a condition of draft plan approval and/or through Site Plan Control and may include measures such as:</p> <p>i. building orientation, design and setbacks; ii. landscaping and screening; iii. odour, dust and noise mitigation measures; iv. . access controls; v. road improvements and widenings; vi. restrictions on the range of permitted uses; and vii. restrictions on outside storage.</p> | <p><i>This Application does not include any reduction or deviation in the separation distance to surrounding sensitive land uses.</i></p> <p><i>Detailed Site Plan design for the specific use permitted within the M2 zone will be required to meet the Ministry of the Environment’s land use compatibility guidelines (D-6) and development standards outlined in Zoning By-Law 61-16.</i></p> <p><i>Items i-vii listed in this section will be considered as part of the required Site Plan Control review process.</i></p> |
| <p>j. Adequate off-street parking facilities shall be provided for all permitted uses, including industrial employee and visitor parking areas.</p> | <p><i>This application proposes a modified parking ratio for the warehouse use of 1 space per 250 square metres.</i></p> <p><i>This reduction is appropriate and consistent with the operational demands of the warehouse use.</i></p> <p><i>All other permitted uses will be required to meet their respective parking requirements as outlined in Section 5 of Zoning By-Law 61-16.</i></p> |
| <p>k. The County shall encourage the provision of facilities that promote cycling and walkability. l. Adequate off-street loading and unloading facilities shall be provided and located to avoid conflict with sensitive land uses, pedestrian circulation, service vehicles and movement along the public rights-of-way, visibility from roadways.</p> | <p><i>The location of the subject lands in relation to the core commercial area of southwest Paris and surrounding established and future low/ medium density residential uses provides opportunity to implement infrastructure to encourage non-</i></p> |

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| | <i>motorized modes of transportation such as cycling and walking.</i> |
| <p>m. The provision of appropriate and adequate landscaping and/or other forms of buffering shall be provided to:</p> <p>i. enhance all parking lots, and outdoor loading, storage and service areas; and</p> <p>ii. provide separation between the use and any adjacent use, where appropriate. n. Industrial uses shall be developed in such a manner to ensure protection and screening of outdoor storage areas from all adjacent roads.</p> | <i>Future development of the subject lands will be required to provide enhanced urban design features such as landscaping to help screen and break large areas of hard surfaces dedicated to parking and loading.</i> |
| <p>o. Vehicle access shall be oriented such that industry-related traffic shall be discouraged from using local roads where other options are available.</p> | <p><i>The development is proposed adjacent to a Provincial Highway, Urban Arterial Road and Urban Employment Collector Road.</i></p> <p><i>The Ministry of Transportation (MTO) will be include as part of the detail stages of this development.</i></p> |
| <p>p. Access to a Provincial Highway and County road if in the close proximity (within the provincial permit control area) to an intersection or interchange of a Provincial Highway shall require approval from the Province and the County. Access to a County road beyond the provincial permit control shall require approval from the County.</p> | |
| <p>q. A high standard of site design and maintenance shall be required through Site Plan Control in accordance with Section 6.7 and any applicable County Urban Design Guidelines (including Industrial Design Guidelines).</p> | <i>Future development of the subject lands will be required to provide enhanced urban design features such as landscaping, curbing, signage, building elevation to ensure positive contribution to the surrounding land uses.</i> |
| <p>r. New employment uses that are proposed to be developed adjacent to existing employment uses within the Employment designation shall be encouraged to integrate the design and dimensions of structures, parking areas and access points with those of the adjacent uses.</p> | |
| <p>s. In order to enhance the viability of uses in the Employment designation, the County, where feasible and deemed appropriate, may encourage and assist the appropriate authorities to establish and/or maintain accessibility through the provision of highways, arterial roads, and rail services.</p> | <i>Future development of the subject lands is in a position to utilize existing road networks classified as Provincial Highways and Arterial Roads.</i> |
| <p>t. The County may encourage, and where feasible, assist in the relocation of existing uses generally not permitted in the Employment designation in order to locate permitted employment uses.</p> | <i>The subject lands are currently vacant, consisting of Agricultural uses which are permitted to continue to be used until such time that the lands are developed for Employment uses.</i> |

4.2.12 Site Specific Policy Area 12

The Site Specific Policy Area 12 applies to lands within the Primary Settlement Area of Paris, located on 982-986 Rest Acres Road in Paris that are identified as such on Schedule A.

The following are policies of the County, applicable to the area identified as Site Specific Policy Area 12:

a. In addition to the uses permitted in the Employment designation, permitted uses on the lands shall also include: i. funeral homes; ii. veterinary clinics; and, iii. hotels and motels.

b. In addition to the uses permitted in the Employment designation, permitted uses on the lands shall also include large-scale and other retail uses which have employment characteristics, such as:

- i. commercial uses which provide services to the business and employment areas;
- ii. the requirement for larger development properties (including areas for outdoor sales and/or storage) which properties cannot be readily accommodated within other designated commercial areas such as the Downtown Commercial designation;
- iii. commercial uses which include a significant warehouse function (such as, but not limited to, home improvement, home furnishings and appliances, and home décor sales); and
- iv. commercial uses which do not serve the daily or weekly shopping needs of the residential communities and therefore can be characterized as an infrequent shopping destination.

c. The land uses permitted by a) and b) above, shall be permitted by way of a site specific amendment to the County Zoning By-law.

d. Such re-zoning application shall include the following:

- i. a traffic impact study prepared in accordance with the specific requirements of the County and the Province, as appropriate
- ii. where multiple buildings are proposed, a comprehensive development master plan which identifies the size and location of proposed

No additional commercial uses are proposed at this time.

The Zoning By-Law Amendment component of this application does not propose any site specific provisions to permit additional permitted uses.

A Transportation Impact Study will be submitted when the planned employment lands to the west of the subject lands are developed in order to review the entire development area's impact on the transportation system holistically.

Detailed design and implementation of proposed uses will be completed as part of the Site Plan Control Review process.

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| <p>buildings, parking, landscaping, pedestrian amenities and other site elements; and</p> <p>iii. an urban design study and guidelines prepared to the satisfaction of the County.</p> | |
| <p>e. No new full movement public road, private road, or commercial access connections shall be permitted from Highway 24 (Rest Acres Road) between Bethel Road and Powerline Road. All access to Highway 24 (Rest Acres Road) shall be via Bethel Road and Powerline Road. Existing access for the current use and zoning shall be permitted to remain.</p> | <p><i>The County is currently completing a study and Transportation Master Plan for the Rest Acres / Highway 403 Corridor in consultation with the Ministry of Transportation.</i></p> |
| <p>f. Highway improvements necessitated by land development within the Ministry of Transportation's permit control area as specified in the PTHIA shall generally be the responsibility, financially and otherwise, of the development proponent and the County. Improvements shall be based on the recommendations of a Ministry of Transportation approved Traffic Impact Study (TIS), which shall identify the transportation needs and traffic impacts that land use development will have on the surrounding highway network including the interchange of Highway 24 (Rest Acres Road) and Highway 403. The cost of a TIS is the financial responsibility of the development proponent.</p> | <p><i>Implementation of the Transportation Master Plan for the Rest Acres / Highway 403 Corridor will be done through the conditions of Draft Plan Approval and at the time of Site Plan Control approval.</i></p> <p><i>This includes detailed design for a roundabout north of Highway 403, south of Powerline Road.</i></p> <p><i>This roundabout will service a public road (Hutchings Road) the commercial / industrial uses within the Paris Meadows Subdivision to the east and future Street A to the west.</i></p> <p><i>No private road / driveway access are proposed along Rest Acres Road.</i></p> |

| Official Plan (2012) | Planning Analysis |
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| <p><u>4.2.16 Site Specific Policy Area 16 Priority Employment Areas</u></p> | |
| <p>The Site Specific Policy Area 16 applies to certain lands designated Employment on Schedule A. The following are policies of the County, applicable to the area identified as Site Specific Policy Area 16:</p> | |
| <p>a. As part of the Municipal Comprehensive Review of Employment Land (2009), a report was prepared which establishes that there is more vacant land within the County that is designated Employment than is required to meet the needs of the County within the planning period. The Site Specific Policy Area 16 has been applied to Employment Areas designated accordingly on Schedule A, which shall be deemed to be priority Employment Areas as envisaged by Provincial policy. A Municipal Comprehensive Review and Area Study shall be</p> | <p><i>This application aims to establish infrastructure, lots and blocks consistent with large format employment uses in keeping with Site Specific Policy Area 16.</i></p> |

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| <p>required prior to the consideration of a change from Employment to another land use.</p> | |
| <p>b. The County has established a Green Energy Accord, which seeks to protect Employment Areas along the Highway 403 corridor as a priority for employment uses related to green energy technology.</p> | <p><i>The Green Energy Accord is a partnership between Six Nations and the County of Brant which aims to incorporate sustainable infrastructure into the detail design of the lands within this Site Specific Policy Area.</i></p> <p><i>This proposal is in keeping with the Green Energy Accord through the creation of jobs, construction of sustainable infrastructure and establishment of a naturalized storm water management facility.</i></p> |

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.

- ***The property is located within a Wellhead Protection Area Q (WHPA-Q; Water Quantity) with associated stress of Significant for the Bethel Drinking Water System.***
- ***Policy BC-MC-14.1 under the Grand River Source Protection Plan has not been addressed and requires the Applicant to address request for additional information related to annual water quality/ quantity and salt management practices for the proposed uses.***
- ***A detailed letter outlining the additional information requested has been attached to this report for review.***

County of Brant Zoning By-Law 61-16

The subject lands are currently zoned as Agricultural (A) and Natural Heritage (NH) in Zoning By-Law 61-16.

Zoning By-Law Amendment Application **ZBA6-22-DN** is proposing to change the zoning on a portion of the subject lands from Agricultural (A) to Light Industrial-Special Exception (M2-39) to permit a range of Light Industrial uses in addition to the following:

- Relief from Zoning By-Law 61-16, Section 5.12 to permit a minimum off-street parking rate for a Warehouse; Office, Support; and Office, Business/Professional of 1 per 250m², where a minimum 1 per 100sm is required; and
- Relief from Zoning By-Law 61-16, Section 11.2 to permit a maximum building height of 20 metres, where a maximum of 12 metres or increased setback to permit additional height

is permitted.

The application also proposes to change the zoning of portion of the subject lands from Agricultural (A) to Open Space-1 (OS1) for Stormwater Management and associated maintenance purposes.

No changes are proposed to the portion of the property zoned Natural Heritage (NH).

Noted Zoning Requirements

- Open Storage shall be subject to the applicable provisions included in Zoning By-Law Section 4.31.
- Parking Requirements for all uses 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.
- 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 proposed addition of warehousing and ancillary offices within the Light Industrial-Special Exception (M2-39) Zone category will allow for more flexible development potential within the proposed subdivision.***
 - ***A reduced parking ratio for warehousing and ancillary offices is appropriate for the development of the lands. Similar large-scale warehouse project in the Rest Acres/403 Interchange area have been approved with a parking ratio of 1 per 250 square metres, and Staff are confident that the proposed ratio being provided will adequately serve the needs of this development as a whole.***
 - ***The increased building height is considered appropriate to facilitate efficient use of the land for building placement and function within the building.***
 - ***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:

Environmental Planning:

- Based on the revised EIS Addendum and removal of the northern area from the development proposal, Environmental Planning staff have no concerns with the proposed Zoning By-Law Amendment.
- Based on the revised EIS Addendum and removal of the northern lands from the development proposal, staff have no objection to Draft Plan of Subdivision approval. To maintain and enhance natural areas, maximize vegetation in settlement areas, and implement the recommendations in the EIS and EIS addendum, detailed comments have

been incorporated into the conditions of draft plan approval.

- Comments are captured as part of the conditions of draft approval, attached to this report.

Development Engineering Division:

- Comments are captured as part of the conditions of draft approval, attached to this report.

Operations Division:

- Comments are captured as part of the conditions of draft approval, attached to this report.

Economic Development:

- The Economic Development and Tourism Division supports the proposed rezoning of 982 Rest Acres Road, Paris.
- 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). It is anticipated the proposed uses will positively impact this ratio.

Fire:

- No issues with the major re-zoning by-law amendment application.
- Detailed Site Plan Design should include the following,
 - Indicate fire route sign placement throughout the development.
 - Indicate locations of private fire hydrant(s) throughout the development.
 - Indicate locations of fire department connections for each building.
 - Indicate emergency vehicle access throughout the development.
 - Indicate a 12 m metre turning radius for emergency vehicle access.

Mississaugas of the Credit:

- I do not have any archaeological concerns for this particular application. It seems to be removing land from development and my understanding is MCFN has already been involved in consultation meetings for the larger development.

Six Nations of the Grand River:

- Six Nations of the Grand River Territory is within the most highly urbanized land in Canada. Development has occurred on Six Nations' traditional territory without consultation or consent of our Nation. The cumulative effects of this intense development

has contributed to significant environmental degradation and, as a result, Six Nations has experienced severe impacts on our ability to exercise our Aboriginal and Treaty Rights that are not only set out in the treaties themselves, but are also recognized and affirmed in Section 35 of the Constitution Act, 1982. These treaty lands are subject to unresolved litigation and any infringement upon our treaty rights must be fully mitigated by the proponent.

- As the northern portion of this property has been removed from the present application, our main concern is for bats on the remaining subject property.
- The EIS Addendum cites Henry (2002) as evidence that a lack of Little Brown Myotis activity within an hour of sunset suggests there is not a roost on the property. But the lack of a roost on the property is not definitive and there is confirmed foraging habitat for the species.
- The mitigation actions proposed in the EIS Addendum are basic construction safety measures which do nothing to mitigate the loss of habitat for Little Brown or confirmed roosting sites for non-SAR bats.
- Since the proponent is drawing from Henry to avoid substantive mitigation, we would like to point out that Henry (also 2002) states that pregnant females have reduced ranges and recommends foraging habitats within 600m of roosts be protected. We also note the federal government's Recover Strategy says the destruction of Little Brown habitat, including foraging sites, is a factor contributing to their decline.
- Accordingly, we would like an expanded search for Little Brown roosts beyond the subject property. We would also like the proponent to provide bat boxes to replace any non-SAR bat roosting habitat being removed.

Parks & Facilities:

- Comments are captured as part of the conditions of draft approval, attached to this report.

GIS Mapping / Civic Addressing:

- Comments are captured as part of the conditions of draft approval, attached to this report.

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

- | | |
|----------------------|----------------------|
| · Field Services | · Grandbridge Energy |
| · Building | · Enbridge Gas |
| · Parks & Facilities | · Imperial Oil |
| · Canada Post | · 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 – February 25, 2022
 - Notice of the April 5, 2022 Public Information Meeting – March 15, 2022
- Public Comments Received:
- Notice of the January 10, 2023 Public Recommendation Meeting – December 21, 2022

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

Conclusions and Recommendations

The layout of the proposed industrial subdivision and list of draft plan conditions are tied to the Staff recommendation and attached to this report for Committee’s consideration. The layout and draft plan conditions reflect results of the circulation of supporting plans, studies and reports submitted with the application.

The proposed land use changes through the Zoning By-Law Amendment Application are in keeping with the current Official Plan employment designation. The site specific requests related to parking and building height reflect the current day operational demands of the warehouse use.

Detailed design and technical review of the road construction and servicing will be completed by satisfying the conditions of Draft Plan Approval. Development of the specific blocks will be facilitated through the Site Plan Control process assessing access, landscaping, grading, noise, drainage, lighting etc.

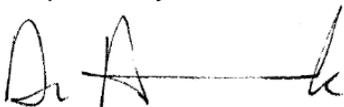
No further concerns were raised as part of the public or technical circulation of this Application.

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*.

In summary, I am of the professional opinion that the subject applications are consistent with the policies of the *Provincial Policy Statement* (2020), in conformity with the policies of the *Growth Plan for the Greater Golden Horseshoe* (2020), in conformity with the policies of the *County of Brant Official Plan* (2012), and meets the overall intent of the *County of Brant Zoning By-Law* 61-16.

For the reasons outlined in this report, it is my professional recommendation that both Plan of Subdivision Application **PS1-22-DN** and Zoning By-Law Amendment Application **ZBA6-22-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, PhD, MAES, MCIP, RPP, Ec.D., CMM3, General Manager of Development Services

Attachments

- 1. Zoning Map
- 2. Official Plan Map
- 3. Aerial Map
- 4. Draft Plan of Subdivision
- 5. Conditions of Approval for Draft Plan of Subdivision

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 # PS1-22-DN & ZBA6-22-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)

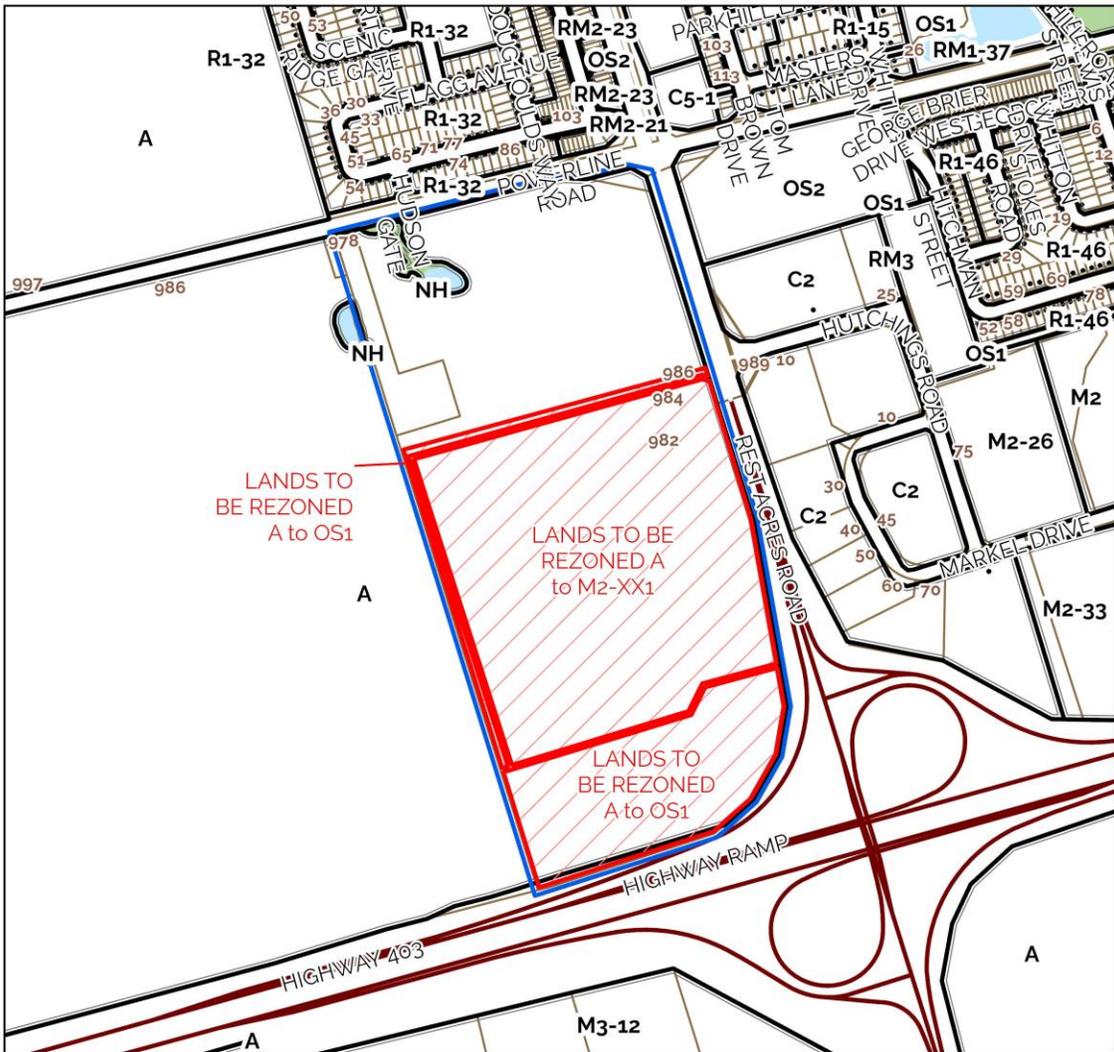
Attachment 1 - Zoning Map

**MAP 1: ZONING
FILE NUMBER
ZBA6-22-DN**

982 REST ACRES ROAD
County of Brant
Ontario



Date Printed: 2022-12-12



MAP 3: AERIAL IMAGERY 2022
FILE NUMBER
ZBA6-22-DN

982 REST ACRES ROAD
County of Brant
Ontario



Date Printed: 2022-12-12



Attachment 4 – Draft Plan of Subdivision

| Description | Lots/Blocks | Area (ha) |
|--------------------------------|-------------|--------------|
| Industrial | 1 | 15.08 |
| Stormwater Management Facility | 2 | 5.20 |
| Servicing Corridor | 3 | 0.85 |
| Road Widening | 4, 5 | 0.33 |
| 0.3m Reserve | 6, 7 | 0.01 |
| Roads | | 1.19 |
| Total | 7 | 22.66 |

