



## 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:** January 10, 2023

**Subject:** RPT-0534-22

Zoning By-Law Amendment Application ZBA29/22/SL

555 Paris Road, Geographic Township of Brantford

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

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That Application ZBA29-22-SL from MHBC Planning c/o Dave Aston and Aleah Clarke, Agents on behalf of Geosource Real Estate Inc. c/o Stanley Reitsma, Owner of lands legally known as Concession 1 Part Lot 16, 17 And 18 Registered Plan 2R-8124 Part 1, 3 And 4, municipally known as 555 Paris Road, Geographic Township of Brantford, County of Brant, proposing to rezone a portion of the subject lands from Agriculture (A) to Heavy Industrial (M3) with site specific provision 31 (M3-31) in order to facilitate a future industrial development and proposing to rezone a portion of the subject lands from Agriculture (A) to Natural Heritage (NH), be approved; and

That the following site specific provisions are being recommended for approval:

1. To permit a minimum off-street parking rate for a *warehouse* of 1 parking space per 250 square metres of gross floor area of building space, whereas 1 parking space per 100 square metres of gross floor area is permitted.
2. To permit a minimum lot frontage of 20 metres (65.6 feet), whereas a minimum lot frontage of 30 metres (98.4 feet) is required.
3. To permit a maximum building height of 14 metres (45.9 feet), whereas a maximum building height of 12 metres (39.4 feet) is permitted.
4. To permit a building or structure to be erected on a lot that has frontage on a private street with a minimum width of 10 metres (32.8 feet), whereas a building or structure shall not be established on a lot that does not have frontage on an improved and currently maintained street.
5. To permit a maximum driveway width of 12 metres (39.4 feet), whereas a maximum driveway width of 10.0 metres (32.8 feet) is permitted.
6. All other provisions of the By-Law shall apply;

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

- The application will facilitate future employment opportunities.
- The application will encourage industrial development within an area designated to accommodate this use and type of growth.
- 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 December 6<sup>th</sup>, 2022, and was received for information purposes only. Comments were provided related to the adjacent water tower, and if there are any regulations as a result of its proximity to the proposed development. Based on a review of the County of Brant Zoning By-Law 61-16 and the Official Plan, no regulations related to 'Water Towers' were identified. The rezoning is being sought in order to facilitate a future industrial development. The applicant is proposing to rezone a portion of the subject lands from Agriculture (A) to Heavy Industrial (M3) with site specific provision 31 (M3-31) in order to facilitate a future industrial development, and proposing to rezone a portion of the subject lands from Agriculture (A) to Natural Heritage (NH). The following site specific provisions are being recommended for approval:

1. To permit a minimum off-street parking rate for a *warehouse* of 1 parking space per 250 square metres of gross floor area of building space, whereas 1 parking space per 100 square metres of gross floor area is permitted.
2. To permit a minimum lot frontage of 20 metres (65.6 feet), whereas a minimum lot frontage of 30 metres (98.4 feet) is required.
3. To permit a maximum building height of 14 metres (45.9 feet), whereas a maximum building height of 12 metres (39.4 feet) is permitted.
4. To permit a building or structure to be erected on a lot that has frontage on a private street with a minimum width of 10 metres (32.8 feet), whereas a building or structure shall not be established on a lot that does not have frontage on an improved and currently maintained street.
5. To permit a maximum driveway width of 12 metres (39.4 feet), whereas a maximum driveway width of 10.0 metres (32.8 feet) is permitted.
6. All other provisions of the By-Law shall apply.

Technical studies submitted to support the proposed rezoning are as follows:

- Conceptual Servicing Report,
- Phase I Environmental Site Assessment Report,
- Traffic Impact Study,
- Tree Management and Protection Study, and
- Archaeological Assessment (Stage 1-2).

A summary of the findings of each report/ study are detailed below:

***Phase I Environmental Site Assessment, prepared for Geosource Real Estate Inc., by Pinchin Ltd, dated March 10, 2020:***

The purpose of the Phase I ESA was to assess potential issues of environmental concern in relation to the acquisition and financing of the site. In addition to a site inspection that was conducted on March 6, 2020, the following items were reviewed as part of the scope of the Phase I ESA: historical and regulatory records consisting of aerial photographs and satellite imagery, fire insurance plans, city directories, and past environmental reports, interviews, and an evaluation of information and reporting. The site that was inspected was approximately 12.3 hectares (30.3 acres). A railway line was identified approximately 20 metres (65.6 feet) southwest of the subject lands. Chemicals used to treat railway ties have the potential to impact soils in the vicinity of railway lines, these impacts are typically minor. As per the report, it is the opinion of Pinchin that the observed railway line is unlikely to result in potential subsurface impacts at the site. Based on the results of the Phase I ESA, nothing was identified that is likely to result in potential subsurface impacts at the site. As a result, a Phase II ESA was not recommended at this time.

***Conceptual Servicing Report, prepared for Geosource Real Estate Inc., by Development Engineering (London) Limited, dated June 2022:***

The purpose of the report was to determine the existing conditions of the site, outline servicing and anticipated stormwater management (SWM) requirements, propose grading, servicing and design options where the servicing and SWM requirements can be met. Comments received from an October 8<sup>th</sup>, 2020, pre-consultation with County Staff helped to form the basis of the report. Based on the findings of the report, the following is a summary of the conclusions provided:

- There is an existing County watermain located on the south side (near) Paris Road, which is available to service the subject lands;
- Installation of new private services, related to storm and sanitary, will be required as part of any proposed development on the site;
- A new private gravity storm sewer network will be required;
- While private services are required for the subject lands, once municipal services are extended as per the Paris Master Servicing Plan Update 2020, there will be the opportunity to reconnect.
- Anticipated peak water demands to be generated by the current concept plan are 1.8L/s and 9.0L/s (maximum day)
- Anticipated peak sanitary flows to be generated by the current concept plan are 2.7L/s and 13.0L/s
- On-site SWM will be required

Staff note: Servicing and storm water management needs will be addressed through a future site plan application.

***539 & 555 Paris Road Commercial Developments County of Brant, ON Traffic Impact Study, prepared by RC Spencer Associates Inc. Consulting Engineers, dated June 2021:***

As a result of the proposed commercial developments for 539 and 555 Paris Road, the County had requested a joint traffic impact study. The two sites are being developed separately, by different developers. The purpose of the study was to examine potential traffic implications of the proposed developments on area traffic operations, projected to a ten-year

horizon. Turning movement counts were collected by Pyramid Traffic Inc. on November 14, 2019, for the intersection of Oak Park Road at Paris Road, additional counts were collected on October 20, 2020, for the intersections of Oak Park Road at Powerline Road and Powerline Road at Paris Road. Further counts were collected on May 6, 2021, for the intersection of Dundas Street East at Paris Road/ Green Lane. A traffic impact study completed by RC Spencer Associates Inc. for a proposed development at 517 Paris Road was incorporated into the baseline traffic analysis for the proposed developments at 539 and 555 Paris Road. The turning movement counts provided the basis for industry-standard traffic operations analysis. Based on this analysis, it was determined that the northbound stop-controlled intersection of Oak Park Road at Paris Road warrants a review of a higher level traffic control at this intersection (i.e. signalization or a roundabout), left turn lanes are warranted for all proposed Paris Road site accesses (water tower, central, and easterly accesses) which prompted the suggested implementation of a two-way-left-turn-lane, especially since Paris Road provides access to and from several residential properties on the north side. Overall, it was determined, in the opinion of the consulting engineer, that the proposed developments will not adversely affect area traffic operations.

### ***Archaeological Assessment (Stage 1-2):***

The stage 1-2 Archaeological Assessment dated August 26, 2021 was filed with the Ministry of Heritage, Sport, Tourism and Culture Industries on August 26, 2021. The report was reviewed and entered into the Ontario Register of Archaeological Reports by the Ministry on December 13, 2021. There were no archaeological resources found on the subject property and no further archaeological assessment is required.

### ***Tree Management and Protection Study, prepared for Geosource Real Estate Inc, by JK Consulting Arborists, dated June 27, 2022.***

The purpose of the report was to review the two vegetated areas of the subject lands which will be impacted by the proposed development. The report provided tree inventory data for the vegetated areas of the site which will be effected by the construction of the future entrance road. The report includes an assessment of each tree to be removed. A total of 81 trees will need to be removed. The report included recommendations for tree protection, including tree protection fence to protect trees outside the limit of grading and construction. The report also includes a process for tree removals during the restricted time indicated in the Migratory Birds Convention Act. Requirements for mechanical damage and root damage to trees are included in the report, and no work is to be completed in the protection zone between the trees and tree protection fence without arborist approval.

Staff note: Tree protection requirements will be implemented through a future Site Plan 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), 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 south side of Paris Road, west of the Paris Road and Oak Park Road intersection, within the Primary Urban Settlement Area boundary of Paris, County of Brant. The lands municipally known as 555 Paris Road are irregular in shape, having

frontage along the south side of Paris Road of approximately 22.8 metres (74.8 feet), and an approximate area of 130,510 square metres (32.3 acres).

The subject lands are currently vacant.

To the north of the subject lands are rural residential lots, agricultural lands and associated structures. To the east of the subject lands are rural residential dwellings and agricultural fields, further to the east is the City of Brantford. South of the subject lands are various employment and industrial land uses which include automotive sales, transport/truck terminals, warehouse, office and manufacturing. Further south is the City of Brantford and access to Highway 403. To the west of the subject lands are rural residential dwellings, and agricultural fields.

The subject lands will require on-site storm and sanitary services.

## Report

### **Planning Act R.S.O (1990)**

Section 2(a-s) of the *Planning Act* outlines matters of provincial interest that decision making bodies shall have regard for.

- The application has regard for:
  - Section 2(k) the adequate provision of employment opportunities; and
  - Section 2(p) the appropriate location of growth and development.

Section 34(10) of the *Planning Act* provides policy direction to be considered when reviewing Zoning By-Law Amendment applications.

- The application is in keeping with Section 34(10) of the *Planning Act*.

### **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 will be partially serviced by municipal water, on site storm and sanitary services will be required. Once municipal services (sanitary and storm) are extended as per the Paris Master Servicing Plan Update 2020, there will be the opportunity to reconnect. Services are estimated to be extended in 2024.***

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 will be partially serviced by municipal water. 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 Primary Urban Settlement Area of Paris. 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 are currently vacant. Private sanitary and storm services will be required, and it is serviced by municipal water. The proposed rezoning will support land uses and development standards that are consistent with the existing land use designation.***

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 will be partially serviced. Once municipal services (sanitary and storm) are extended as per the Paris Master Servicing Plan Update 2020, there will be the opportunity to reconnect. Services are estimated to be extended in 2024.***

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 light, heavy and prestige industrial uses that contribute to economic diversity within the County of Brant.***

Section 1.2.6.1 of the PPS provides direction with regard to land use compatibility for major facilities as they relate to sensitive land uses, specifically that any adverse effects from odour, noise and other contaminants are avoided and where avoidance is not possible, minimized to reduce risk to public health and safety, while ensure the long-term operational and economic viability of major facilities.

***As per the D-6 guide for compatibility between industrial facilities and sensitive land uses by the Province, industrial facilities are categorized into three Classes (Class I, II or III) according to the nature of their emissions, physical size/ scale, production volumes and/or intensity and scheduling of operations. The proposed rezoning is to facilitate various employment uses which may be considered as Class I or II facilities, depending on the future use of the lands. An analysis of the D-6 guidelines was undertaken, and compared against the permitted uses for the subject lands. It was determined that the minimum distance separation requirements for sensitive land uses to a Class I (20 metres) or II (70 metres) industrial use are able to be accommodated, noting that there is slight encroachment for the 70 metre distance for lots 1 and 5, as shown on Attachment 5. The site is to be designed in accordance with the relevant development standards for the proposed zone, and will be further refined through Site Plan Control.***

Section 1.3.1(a) of the PPS describes how planning authorities shall promote economic development and competitiveness by: providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long term needs

***The subject lands are designated Employment within the County of Brant Official Plan, and further designated as Site Specific Policy Area (SSPA) 16. The proposed rezoning***

***will provide and support employment land parcels of varying sizes and scales on municipal water.***

Section 1.3.1(c) of the PPS describes how economic development and competitiveness shall be promoted by: facilitating the conditions for economic investment by identifying strategic site for investment, monitoring the availability and suitability of employment sites, including market-ready site, and seeking to address potential barriers to investment.

***The proposed rezoning will support market-ready lands within the County of Brant.***

Section 1.6.7.2 of the PPS describes how efficient use should be made of existing and planned infrastructure.

***The proposed rezoning will support a variety of employment uses which are situated within proximity to Provincial Highway 403. This will support the efficient transportation of goods, as well as employees/ commuters.***

Section 2.1.1 of the PPS speaks to protecting natural features and areas for the long-term.

***A portion of the subject lands have been designated Woodlands and Vegetation within Schedule C-1 of the County of Brant Official Plan. Based on the site plan that has been submitted, appropriate setbacks are being maintained from these natural features, and will be further enforced through the site plan process.***

***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 Primary Urban Settlement Area of Paris.***
- ***The subject lands are partially serviced by municipal water and will require on-site storm and sanitary services.***
- ***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 Primary Urban Settlement Area of Paris.***

Section 2.2.5.1 of the Growth Plan describes how economic development and competitiveness in the GGH will be promoted by:

- 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.
- c) Planning to better connect areas with high employment densities to transit.

- d) Integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.
- ***The subject lands will utilize currently vacant employment lands, within a priority employment area.***
- ***The rezoning will support market-ready lands within the County of Brant***
- ***The subject lands are located within proximity to Provincial Highway 403, allowing for efficient movement of goods across southwestern Ontario.***
- ***The proposed rezoning will support a variety of employment uses which will encourage economic diversity within the County of Brant.***

Section 2.2.7.1 of the Growth Plan describes how new development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:

- a) Supports the achievement of complete communities;
- b) Supports active transportation; and
- c) Encourages the integration and sustained viability of transit services.

***The subject lands are identified as a Designated Greenfield Area. The proposed rezoning intends to facilitate employment growth within the primary urban settlement area of Paris, and will contribute to a broader range of uses, which will support the achievement of complete communities. The subject lands are within proximity to Provincial Highway 403.***

Section 3.2.6.2(c) of the Growth plan describes how municipal water and wastewater systems, and private communal water and wastewater systems will be planned, designed, constructed, or expanded in accordance with the following: a comprehensive water or wastewater master plan or equivalent which has been prepared to (i) demonstrate that there will be no negative impact on the quality and quantity of water, (ii) identify the preferred option for servicing for growth and development in accordance with the servicing hierarchy policies of the PPS, and (iii) identify the full life cycle costs of the system and develop options to pay for these costs over the long-term.

***The proposed servicing for the subject lands has taken into consideration the Paris Master Servicing Plan (PMSP). The PMSP was undertaken by the County of Brant in order to plan future infrastructure needs that will be needed to support the growth and development of the Paris Settlement Area. A Conceptual Servicing Report was prepared by Development Engineering (London) Limited, and was submitted in support of the proposed rezoning. A summary of the Conceptual Servicing Report is detailed within the executive summary of this report.***

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 along the west and east property line of the subject lands is not recognized as part of the Natural Heritage System for the Growth Plan, and the subject lands are within the Primary Urban Settlement Area of Paris. In support of the proposed rezoning a Tree Management and Protection Plan was submitted, and determined that there are no anticipated negative impacts of removing trees to provide a driveway access to the subject lands. Further, as part of the rezoning, an identified tributary and proposed 30 metres buffer in the southwest corner of the subject lands is to be rezoned from Agriculture (A) to Natural Heritage (NH) in order to protect this feature.***

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

***A tributary to a culvert which flows into a Wetland located southwest of the subject lands was identified. The identified tributary and proposed 30 metres buffer is to be rezoned to Natural Heritage (NH) in order to be consistent 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 Primary Urban Settlement Area of Paris.***
- ***The subject lands will be partially serviced by municipal water, and will require on-site storm and sanitary services.***
- ***The subject lands are located within proximity to Provincial Highway 403, allowing for efficient movement of goods across southwestern Ontario.***
- ***The proposed rezoning will support a variety of employment uses which will encourage economic diversity within the County of Brant, and support the achievement of complete communities.***

### **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 Employment and Site Specific Policy Area (SSPA) 16 within Schedule 'A-1' and designated Woodlands and Vegetation within Schedule 'C-1' 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 Primary Urban Settlement Area of Paris.***

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 Employment. The proposed rezoning of the subject lands from Agriculture (A) to Heavy Industrial (M3) with site specific provision 31 (M3-31) will permit various employment uses and associated development standards that are consistent with the underlying designation.***

Section 1.11.2.1.2(f) of the Official Plan describes objectives to support growth and development within the County, of them being to promote growth and development patterns that will incorporate appropriate buffer/separation distances, which will support public health and safety and will minimize negative impacts to resources, the environment, and adjacent uses.

***Appropriate buffering and separation distances are able to be maintained and will be further implemented through the site plan control process.***

Section 1.11.2.3.2(a) of the Official plan speaks to objectives that have been established to ensure the County remains economically progressive: to direct commercial and employment growth to appropriate locations that have sufficient existing or planned infrastructure, community services, and facilities.

***The subject lands are designated Employment, and are within Site Specific Policy Area (SSPA) 16, which is identified as a priority employment area. Subject lands will be partially serviced by municipal water, and will require on-site storm and sanitary systems.***

Section 1.11.2.3.2(d) of the Official Plan describes how economic development opportunities will be promoted and encouraged nearby Highway 403 interchanges, and other roads where transportation opportunities and compatible land use patterns exist.

***The subject lands are within proximity to Provincial Highway 403.***

Section 1.11.2.3.2(i) of the Official plan describes how the County is to promote and encourage balanced and diversified economic opportunities, in order to ensure the County remains economically progressive.

***The proposed rezoning will support a variety of employment uses and development standards that are consistent with the underlying designation.***

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.

***A tributary to a culvert which flows into a Wetland located southwest of the subject lands was identified. The identified tributary and proposed 30 metres buffer is to be rezoned to Natural Heritage (NH). The policies of Section 2.3 have been taken into consideration.***

Section 2.2.3.1.1(b) of the Official Plan describes how the majority of growth and development shall be directed to the County's Primary Urban Settlement Areas.

***The subject lands are located within the Primary Urban Settlement Area of Paris.***

Section 2.2.3.1.1(i) of the Official Plan describes how all development shall be consistent with and guided by the Servicing System policies in Section 5.2 of the Official Plan.

***The subject lands will be partially serviced by municipal water, and will require on-site storm and sanitary systems. Consideration has been had for Section 5.2. Once municipal services (sanitary and storm) are extended as per the Paris Master Servicing Plan Update 2020, there will be the opportunity to reconnect. Services are estimated to be extended in 2024.***

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 Employment.***

Section 2.5.2(c) of the Official Plan describes how the County is to promote economic activity within different areas of the County, based on proximity to resources and amenities. Intensive employment uses shall be directed to lands designated Employment, and in accordance with Section 3.12 of the Plan, and shall be located adjacent or in proximity to Provincial Highways and Major Arterial Road.

***The proposed rezoning will support employment uses, and development standards that are consistent with the underlying designation. The subject lands are located within proximity to Provincial Highway 403.***

Section 3.12 of the Official Plan describes the intent of the Employment designation. This designation applies to land that is comprised of or intended to be developed for light, heavy and prestige industrial uses, limited service commercial uses, and related uses as set out in Section 3.12.2.

***The proposed rezoning supports a range of light, heavy and prestige industrial uses consistent with the Employment designation.***

Section 3.12.2 of the Official Plan speaks to permitted uses within the Employment designation. The primary employment form in the Employment 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 moto 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 proposed rezoning will support a range of light, heavy, and prestige industrial uses permitted within the Employment designation.***

Section 3.12.2(d) of the Official Plan speaks to employment uses that are proposed adjacent or in proximity to a Provincial Highway or arterial road shall be limited to prestige industrial uses, and non-noxious uses. Increased setbacks, landscaping, and signage control may be required. Outdoor storage shall not be permitted where employment uses are adjacent to a Provincial highway or arterial road and residential uses.

***The proposed rezoning and future development of the subject lands will be consistent with the development standards of the respective zone. Setbacks, landscaping, and signage will be controlled through the site plan process. Open storage is permitted within the 'M3' zone, subject to specific criteria.***

Section 3.12.2(g) of the Official Plan speaks to appropriate separation distances being maintained between an industrial land use and any sensitive land use, including residential uses.

***As per the D-6 guide for compatibility between industrial facilities by the Province, industrial facilities are categorized into three Classes (Class I, II or III) according to the nature of their emissions, physical size/ scale, production volumes and/or intensity and scheduling of operations. The proposed rezoning is to facilitate various employment uses which may be considered as Class I or II facilities, depending on the future use of the lands. An analysis of the D-6 guidelines was undertaken, and compared against the permitted uses for the subject lands. It was determined that the minimum distance separation requirements for sensitive land uses to a Class I (20 metres) or II (70 metres) industrial use are able to be accommodated, noting that there is slight encroachment***

**for the 70 metre distance for lots 1 and 5, as shown on Attachment 5. The site is to be designed in accordance with the relevant development standards for the proposed zone, and will be further refined through Site Plan Control.**

Section 3.12.2(m) of the Official Plan speaks to the provision of adequate landscaping and/or other forms of buffering in order to enhance outdoor parking, loading, storage and service areas, and to provide separation between the use and any adjacent uses where appropriate.

**Landscaping, and other forms of buffering will be implemented through the site plan control process.**

Section 3.12.2(n) of the Official Plan speaks to industrial uses being developed in a manner to ensure protection and screening of outdoor storage areas from all adjacent roads.

**The design of the site will be further refined through the site plan control process.**

Section 3.12.2(q) of the Official Plan describes how 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.

**The policies of Section 6.7 of the Official Plan have been taken into account, and will be implemented through the site plan control process.**

Section 4.2.16 of the Official Plan describes how lands that are within the Site Specific Policy Area 16, applies to lands that are designated Employment, and are a priority employment area.

**The subject lands are within Site Specific Policy Area (SSPA) 16, and are designated Employment. The proposed rezoning will assist in uses and development standards that are consistent with the underlying designation, and SSPA 16.**

Section 5.2.3.2(i) of the Official Plan describes policies related to areas of the County serviced by County water and sanitary service systems. Whereby, areas of the County that have access to full municipal services shall serve as the primary areas for growth and development, and that development on private systems shall not be permitted. However, exceptions may be considered where a water and sewage servicing master plan are in place, the development of the land and accommodation of a private servicing system will not preclude the ultimate extension of development of County water and sewage systems, the topography, soil and environmental characteristics are able to accommodate the servicing proposed, and that the proponent agrees to connect to services when they are eventually extended to the area.

**The subject lands are included in the Paris Master Servicing Plan Update, and storm and sanitary services are planned to be extended within Paris Road to service the subject lands and surrounding area. The proposed development will not preclude the extension of services the area. Once services are extended, the landowner can connect. Services are estimated to be extended in 2024.**

Section 5.3.2.1.3 of the Official Plan describes policies related to Rural Arterial Roads, and these road typically service relatively high volumes of traffic at high speeds.

**The road type is able to accommodate the proposed use, and future development of the subject lands.**

**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 Primary Urban Settlement area of Paris.**

- ***The lands are designated Employment and are located within Site Specific Policy Area (SSPA) 16 which is consistent with the proposed rezoning.***
- ***The natural heritage feature is being preserved and protected.***
- ***The subject lands are partially serviced by municipal water, on-site storm and sanitary services are required.***

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

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

The applicant is proposing to rezone a portion of the subject lands from Agriculture (A) to Heavy Industrial (M3) with site specific provision 31 (M3-31) The following site specific provisions are being proposed for the ‘M3-31’ zone:

- To permit a minimum off-street parking rate for a *warehouse* of 1 per 250 square metres, whereas 1 per 100 square metres is permitted.
- To permit a minimum lot frontage of 20 metres (65.6 feet), whereas a minimum lot frontage of 30 metres (98.4 feet) is required.
- To permit a maximum building height of 14 metres (45.9 feet), whereas a maximum building height of 12 metres (39.4 feet) is permitted.
- To permit a building or structure to be erected on a lot that has frontage on a private driveway with a minimum width of 10 metres (32.8 feet), whereas a building or structure is shall not be established on a lot that does not have frontage on an improved and currently maintained street.
- To permit a maximum driveway width of 12 metres (39.4 feet), whereas a maximum driveway width of 10.0 metres (32.8 feet) is permitted

Additionally, the applicant is proposing to rezone a portion of the subject lands from Agriculture (A) to Natural Heritage (NH).

*Section 11* of the County of Brant Zoning By-Law identifies the permitted uses for lands zoned as Heavy Industrial (M3).

Permitted uses include but are not limited to the following:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>• Auction Establishment</li> <li>• Auto Body Shop</li> <li>• Automobile Repair Garage</li> <li>• Automobile Sales or Rental Establishment</li> <li>• Building Supply Outlet</li> <li>• Bulk Sales Establishment</li> <li>• Cannabis Production and Processing</li> <li>• Catering Establishment</li> <li>• Chemical and Pharmaceutical Industry</li> <li>• Contactor’s Yard</li> <li>• Dry Cleaning Establishment</li> <li>• Electrical and Electronic Products Industry</li> </ul> | <ul style="list-style-type: none"> <li>• Mobile Refreshment Cart</li> <li>• Office, Support</li> <li>• Open Storage accessory to the principal use, in accordance with Section 11.4</li> <li>• Paper Products Industry</li> <li>• Printing Establishment</li> <li>• Processed Goods Industry</li> <li>• Propane Transfer Facility</li> <li>• Recreational Establishment</li> <li>• Research and Development Establishment</li> <li>• Restaurant</li> <li>• Retail Store accessory to permitted use in accordance with Section 11.2</li> <li>• Service and Rental Establishment</li> <li>• Transport/ Truck Terminal</li> </ul> |
|--|--|

- Food Processing Plan
- Impounding Yard
- Manufacturing Facility
- Warehouse, Public Self Storage
- Warehouse
- Wholesale Establishment

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 11.2 of the County of Brant Zoning By-Law speaks to the required development standards for each permitted building type for lands zoned as Heavy Industrial (M3).

Heavy Industrial (M3)	Required	Proposed – Subject lands
Lot Area, Min	1,100sq.m	130,510sq.m – existing
Lot Frontage, Min	30.0m	22.8m – existing*
Street Setback, Min	15.0m**	<i>To be confirmed at the time of building permit. Lands also subject to site plan control.</i>
Interior Side Yard Setback, Min	3.0m	
Interior Side Yard Setback, Min	3.0m	
Rear Yard Setback, Min	8.0m	
Any yard abutting Residential or Institutional Zone	15.0m	
Lot Coverage, Max	60%	

Landscaped Space, Min	Open	10%	
Building Height, max		12.0m***	

***\*The proposed rezoning is to permit a minimum frontage of 20 metres (65.6 feet).***

***\*\*Provided that if any M3 property abuts a residential Zone, arterial, and/or collector road, the minimum setback from any building and/or structure from that lot line shall be a minimum of 50.0m.***

***\*\*\*The proposed rezoning is to permit a maximum building height of 14.0 metres (45.9 feet).***

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:***

- ***The proposed rezoning is to facilitate a future industrial development and will be developed in accordance with the development standards of the Heavy Industrial (M3) Zone.***
- ***The proposed rezoning complies with the intent of the County of Brant Zoning By-Law and will appropriately implement the County’s Official Plan designation***

## **Interdepartmental Considerations**

### GIS

- Application added to database

### Environmental Planning

- Senior Environmental Planning staff have reviewed the proposed rezoning. Based on the site plan and site servicing plan there is a tributary in the southwest corner which drains to a wetland to the south. The site plan proposes to preserve the watercourse with a 30 metre buffer. It is recommended that the watercourse and buffer be zoned Natural Heritage.

Staff note: the applicant has agreed to create a buffer that will be rezoned to Natural Heritage.

### Development Engineering

- That the Applicant enters into a cost sharing agreement between the property owners at MN539 Paris Road and MN555 Paris Road for the cost of the two-way left turn lane on Paris Road to facilitate the proposed developments, with the County being the administrator.
- If the proposed 12.0 metre private road will become a future municipal road as referred to in the Development Engineering “Conceptual Servicing Report” (Section 2.0 and Section 6.0) dated June 2022, then the County will require a 20.0 metre right-of-way and all applicable County standards to be adhered to.
- Any future Lots within the Subject Lands will be subject to the applicable Planning Applications and Development Agreements.

- A Site Alteration Permit may be required under the County By-Law 82-22 for any fill being brought into or being removed from the Site prior to the execution of the Development Agreement and/or Site Plan Approval.
- Through the applicable Planning Application(s), additional documents will be required upon submission such as: Functional Servicing Report, Stormwater Management Report, Geotechnical Report for any infiltration areas proposed, Sedimentation & Erosion Control Plan, and a Lot Grading Plan.
- For any work done on County property a Public Works Permit will be required.

### Economic Development

- The Economic Development and Tourism Division supports the proposed rezoning of 555 Paris Road.
- 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).*

### Fire

- No issues.

### Parks and Facilities

- 2% cash-in-lieu of parkland still applies.
- As they've indicated, a detailed Landscape Plan will be required when this goes to the Site Plan stage.

### CN Rail

- Thank you for circulating CN on the subject application. The subject site is located in proximity to the CN railway corridor. It should be noted that CN has concerns of developing/densifying residential uses abutting our railway right-of-way. This is due to noise, vibration and potential trespass issues that will result. Development of sensitive uses in proximity to railway operations cultivates an environment in which land use incompatibility issues are exacerbated.
- Please refer to CN's guidelines below for the development of sensitive uses in proximity to railways. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area. CN urges the municipality pursue the implementation of the criterion as conditions of an eventual project approval. These policies have been developed by the Railway Association of Canada and the Federation of Canadian Municipalities. Please visit <http://www.proximityissues.ca> for more information.
  - Safety setback of habitable buildings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.

- The Owner shall engage a consultant to undertake an analysis of noise. Subject to the review of the noise report, the Railway may consider other measures recommended by an approved Noise Consultant.
- Ground-borne vibration transmission to be evaluated in a report through site testing to determine if dwellings within 75 metres of the railway rights-of way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz,  $\pm 3$  dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
- The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that any mitigation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN.
- The Owner shall enter into an Agreement with CN stipulating how CN's concerns will be resolved and will pay CN's reasonable costs in preparing and negotiating the agreement.
- The Owner shall be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.
- CN anticipates the opportunity to review the following: a site plan outlining the location of the 1.83m chain link fence and safety berm, stormwater management report and noise and vibration report.

#### Canada Post

- This development will be serviced by existing Community mailboxes in the area on Oak Park Road.

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
- Mississaugas of the Credit First Nation (MCFN)
- Grandbridge Energy
- Operations
- City of Brantford

## **Public Considerations**

Staff are to visit the site for inspection on December 21<sup>st</sup>, 2022 and post the public notice sign in accordance with the *Planning Act*.

21 notices are to be mailed on December 21<sup>st</sup>, 2022.

At the time of writing this report, the following public comment had been received:

581 Paris Road

- Resident asked to be kept informed of any public information meetings taking place; and
- To be informed if the proposed rezoning is approved or refused.

## **Conclusions and Recommendations**

The applicant is proposing to rezone a portion of the subject lands from Agriculture (A) to Heavy Industrial (M3) with site specific provision 31 (M3-31) in order to facilitate a future industrial development, and proposing to rezone a portion of the subject lands from Agriculture (A) to Natural Heritage (NH).

The following site specific provisions are being recommended for approval:

1. To permit a minimum off-street parking rate for a *warehouse* of 1 parking space per 250 square metres of gross floor area of building space;
2. To permit a minimum lot frontage of 20 metres (65.6 feet);
3. To permit a maximum building height of 14 metres (45.9 feet);
4. To permit a building or structure to be erected on a lot that has frontage on a private street with a minimum width of 10 metres (32.8 feet);
5. To permit a maximum driveway width of 12 metres (39.4 feet); and
6. All other provisions of the By-Law shall apply.

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, PhD, 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. D-6 Compatibility
6. Site Photos
7. 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

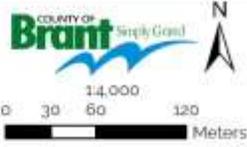
**File #** ZBA29/22/SL

**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  
ZBA29-22-SL**

555 PARIS ROAD  
County of Brant  
Ontario

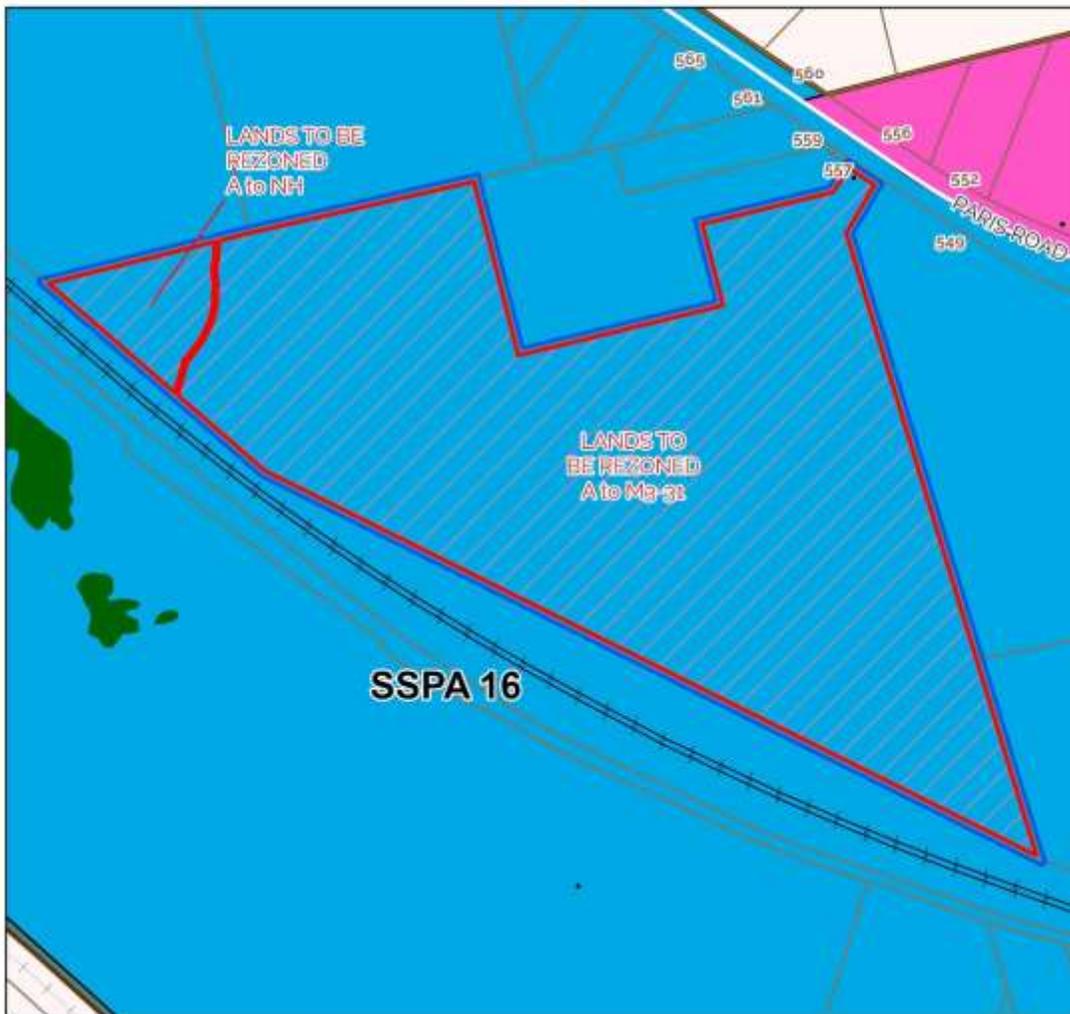
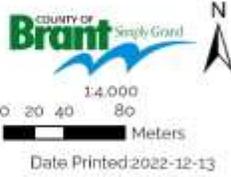


Date Printed: 2022-12-13



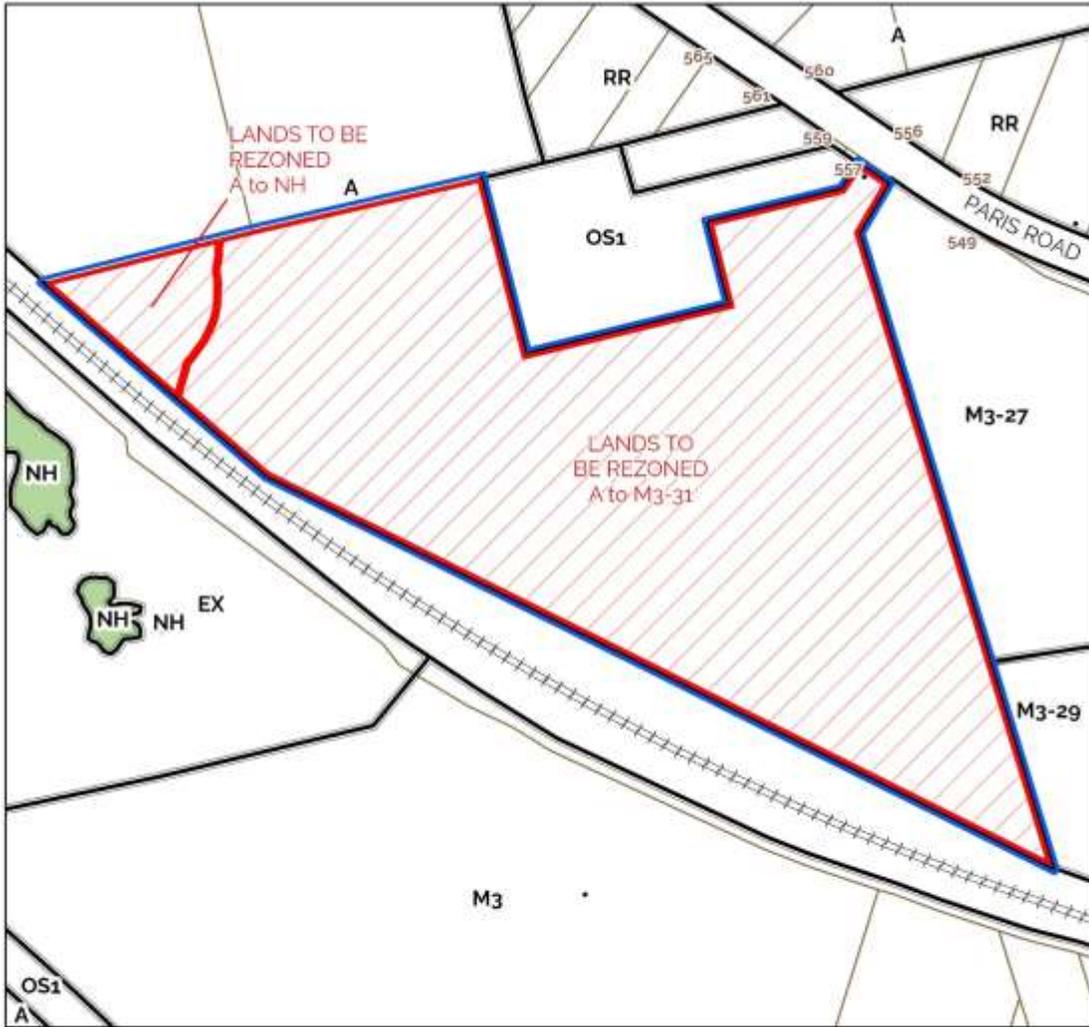
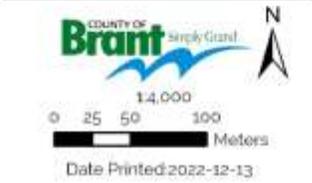
**MAP 2: Official Plan  
FILE NUMBER  
ZBA29-22-SL**

555 PARIS ROAD  
County of Brant  
Ontario



**MAP 1: ZONING  
FILE NUMBER  
ZBA29-22-SL**

555 PARIS ROAD  
County of Brant  
Ontario



# Site Plan



D-6 Compatibility



Site Photos

North



South



East



West

