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Date	November 10, 2020	Report No. 2020-441
То	Chair and Members Committee of the Whole – Commun	ity Development
From	Paul Moore, General Manager Community Development	

## 1.0 Type of Report

Consent Item [] Item For Consideration [X]

2.0 Topic Applications for Zoning By-law Amendment (Removal of Holding "H" Provisions) – PZ-18-20 & PZ-19-20 – 375 Hardy Road and the lands formerly known as 395 Hardy Road [Financial Impact – None]

## 3.0 Recommendation

- A. THAT Zoning By-law Amendment Application PZ-18-20, submitted by MHBC Planning on behalf of Telephone City Aggregates (TCA), affecting lands located at 375 Hardy Road, to remove the Holding "H" provision BE APPROVED for the reasons set out in Report 2020-441;
- B. THAT Zoning By-law Amendment Application PZ-19-20, submitted by MHBC Planning on behalf of Telephone City Aggregates (TCA), affecting lands legally described as Part of Lots 18-21, and Part of the Road Allowance between Lots 18-19, Concession 3, in the Geographic Township of Brantford (formerly 395 Hardy Road), to remove the Holding "H" provision BE APPROVED, for the reasons set out in Report 2020-441; and,
- C. THAT the By-laws to remove the Holding "H" provisions from the lands subject to applications PZ-18-20 and PZ-19-20 not be presented to

Council for approval until the Subdivision Agreements have been entered into between the applicant and the City.

### 4.0 Purpose

Applications have been received to amend the City of Brantford Zoning By-law 160-90 for the lands at 375 Hardy Road within the Draft Approved Plan of Subdivision 29T-11504, and for the lands formerly known as 395 Hardy Road within Draft Approved Plan of Subdivision 29T-11505 (as amended by the red-line revision File 29T-18504) (refer to **Appendix A**). Because these Draft Approved Plans are adjacent to each other and remain under one owner, one Report has been prepared to address both applications.

The purpose of application PZ-18-20 is to remove the Holding "H" provision from the lands zoned "Holding – General Industrial – Exception 53 Zone (H-M2-53)" and "Holding – General Industrial – Exception 54 Zone (H-M2-54)" to allow for the development of industrial uses.

Application PZ-19-20 seeks to remove the Holding "H" provision from the lands zoned "Holding – General Industrial – Exception 55 Zone (H-M2-55)", "Holding – Residential Type 3 – Exception 10 Zone (H-R3-10)" and "Holding – Neighbourhood Centre Commercial Zone (H-C9)" to allow for the development of the lands for industrial, residential and commercial uses.

## 5.0 Background

## 5.1 Site Features and Surrounding Land Use

The subject lands are located in the northwest part of Brantford, north of the Grand River and south of Hardy Road. The lands are subject to Draft Plans of Subdivision 29T-11504 (north of Oak Park Road) and Draft Plan of Subdivision 29T-11505 and subsequent red-line revision 29T-18504 (south of Oak Park Road) (refer to **Appendix B**). For the balance of this Report, the lands subject to the Draft Plan of Subdivision 29T-11504, which is located north of the Oak Park Road extension will be referred to as the <u>north</u> subdivision and the lands subject to the Draft Plan of Subdivision 29T-11505 and subsequent red-line revision 29T-18504 will be referred to as the <u>south</u> subdivision. The lands are separated by the Oak Park Road extension which is currently under construction. The lands within the north subdivision are 39.379 ha (97.3 ac) in area, and the lands within the south subdivision are 82.084 ha (202.83 acres) in area.

The majority of the lands were formerly used for a sand and gravel pit operation which was subject to three Ministry of Natural Resources and Forestry (MNRF) licenses (License Nos. 5523, 5624 and 5721) under the *Aggregate Resources Act*. The aggregate has now been extracted and the aggregate licenses have been surrendered. Rehabilitation of the lands is in progress in accordance with the Aggregate Licenses and will reflect the future use of the lands set out in the Draft Plans of Subdivision. An asphalt plant is also located on the lands within the north subdivision and is proposed to remain on the subject lands.

Extensive wooded areas and wetlands are located along the southern and western part of the subject lands adjacent to the Grand River and a wooded elevated area and berm is located along the east and north side of the north subdivision. The Grand Valley Trail bisects through the subject lands running parallel to the Grand River within the south subdivision and through the ridge on the east side of the lands within the north subdivision. The S.C Johnson Trail is also accessible and extends through part of the subject lands.

For Committee's information, the adjacent lands to the north and west, currently identified as 140 Oak Park Road are subject to an application to remove the Holding "H" provision which is also under consideration this evening (File No. PZ-17-20, Report No. 2020-439).

The area surrounding the subject lands is composed of a mix of industrial and commercial uses to the north, northwest and west, and agricultural and open space uses to the east and west of the subject lands. The Grand River is to the south. An aerial photo and site photographs are attached as **Appendices C** and **D**.

## 5.2 Description of the Proposal

The applicant is proposing to remove the Holding "H" provisions from the subject lands in order to develop the lands in accordance with the permitted uses and regulations in Zoning By-law 160-90 and the Draft Plans of Subdivision.

As background, these lands were the subject of applications to amend Zoning By-law 160-90 and for Draft Plans of Subdivision in 2011 (File Nos. PZ-16-11; PZ-17-11; 29T-11504; and, 29T-11505). In 2014, Council approved the applications; the subdivisions were granted draft plan approval and Zoning By-law 160-90 was amended through By-laws 1222014 and 127-2014 to facilitate the development of the lands for industrial, commercial and residential uses. Council's decisions were appealed to the Ontario Municipal Board (OMB), which subsequently upheld Council's Decisions as stated in the OMB Order dated December 2, 2015.

In 2018, the applicant applied to amend the Official Plan and Zoning Bylaw 160-90, for a red-line revision and extension to the Draft Plan of Subdivision for the south lands (File Nos. OP-06-18, PZ-17-18, and 29T-18504, Report No. 2019-155). The applicant also applied for an extension to Draft Approved Plan of Subdivision 29T-11504 to the north lands (Report No. 2019-296). In 2019, Council approved the amendments for the southerly subdivision in order to permit a total of 8 street townhouse dwellings per block within the residential area, and extension to both of the Draft approved Plans of Subdivision. The Draft Plans of Subdivision 29T-11504 and 29T-18504 are in the final stages of review, and it is anticipated that the Subdivision Agreements will be entered into in the near future.

## 6.0 Policy Context

## 6.1 Provincial Policy

Applications PZ-18-20 and PZ-19-20 were reviewed in the context of Provincial Policy, including the Provincial Policy Statement (PPS) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). These policies set the standard to which provincial and local interests, policies and goals are implemented. The PPS outlines that Ontario's long term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns. The Growth Plan outlines the principals that provide the basis for guiding decisions in the Greater Golden Horseshoe on how land is developed, resources are managed and protected, and public dollars are invested. Planning Staff is of the opinion that the applications to remove of the Holding "H" provision are consistent with the direction set out in the PPS and they conform to the Growth Plan. The removal of the Holding "H" provisions will facilitate the development of underutilized parcels of land for industrial, residential and neighbourhood commercial uses and will provide the potential for significant investment and sought-after employment lands as well as additional housing opportunities within the City.

#### 7.0 Input From Other Sources

## 7.1 Technical Liaison Response

The applications were circulated to internal departments and external agencies for review, and no adverse comments or objections were received. These applications were also reviewed by internal departments and external agencies within the context of the related applications for Official Plan and Zoning By-law Amendments and Draft Plan of Subdivisions. Technical comments will be addressed through fulfillment of the applicable conditions of Draft Plan Approval, the subdivision agreements and retention of securities and through future applications for Site Plan Control.

### 7.2 Public Response

Pursuant to Section 36(4) of the Planning Act, a public meeting is not required for the removal of a Holding "H" provision.

### 7.3 Grand River Notification Area Input

Notice was issued as part of the Grand River Notification Agreement to Six Nations of the Grand River and the Mississaugas of the Credit First Nation, with no response received to date.

#### 8.0 Analysis

## 8.1 City of Brantford Official Plan

Existing Land Use Designations: "General Industrial Area";

"Major Open Space";

"Residential Area - Low Density";

"Neighbourhood Centre Commercial Area"; and,

#### "Modified Policy Area 130"

The lands within the subdivision to the north are designated "General Industrial Area" and "Major Open Space" and the lands in the subdivision to the south are designated "General Industrial Area", "Neighbourhood Centre Commercial Area", "Residential Area – Low Density", and "Major Open Space" on Schedule 1-1 Land Use Plan of the City's Official Plan (refer to **Appendix E**). Modified Policy Area 130 also applies to the lands in the southerly subdivision and permits street townhouse dwellings with a maximum of 8 dwelling units per block. The Draft Plans of Subdivision propose land uses that are in conformity with the land use designations.

With respect to the land use policies in the Official Plan, lands designated "General Industrial Area" are to be used for an extensive range of industrial activities including manufacturing, warehousing and service operations. The lands designated "Major Open Space" shall be for active and passive recreation, leisure and conservation uses. These lands include significant wooded areas, provincially significant wetlands, and the existing trail system on the subject lands. Lands which are designated "Neighbourhood Centre Commercial Area" permit shopping centres or retail areas which offer a variety of retail and service commercial uses and will serve the needs of the adjacent residential areas. The lands designated as "Residential Area – Low Density" promote a mix of land uses which includes single detached, semi-detached, duplex and triplex residential dwellings.

The Official Plan includes policies whereby Council, may enact Holding By-laws in order to limit or prevent the use of certain lands until such time as Council is satisfied that development can be achieved which satisfies the provisions of the Official Plan. Generally, Holding By-laws are applied to lands which are unserviced or undeveloped at the date of the adoption of the Plan. Prior to enacting a by-law to remove the Holding "H" provision Council shall be satisfied that adequate servicing is provided; all necessary requirements of the City have been satisfied; all necessary subdivision or development agreements have been met or will be met; and that the conditions of these agreements have been met or will be met; and that development satisfied all other relevant policies of the Official Plan (Section 18.5.4).

The Holding "H" provisions were applied to the subject lands to limit their permitted uses until such a time that the Owner of the lands had entered into the required Subdivision Agreement(s) with the City. The Draft Plans of Subdivision 29T-11504 and 29T-18504 are in the final stages of review, and it is anticipated that the Subdivision Agreement(s) will be entered into in the near future.

Planning Staff is of the opinion that the applications to remove the Holding "H" provision is in conformity with the policies of the Official Plan.

## 8.2 City of Brantford Zoning By-law 160-90

Existing Zoning:	"Holding – General Industrial – Exception 53 Zone (H-M2-53)";
	"Holding – General Industrial – Exception 54 Zone (H-M2-54)";
	"Holding – General Industrial – Exception 55 Zone (H-M2-55)";
	"Holding – General Industrial Zone (H-M2)";
	"Holding – Neighbourhood Centre Commercial Zone (H-C9)";
	"Holding – Residential Type 3 Zone – Exception 10 Zone (H-R3-10)";
	"Open Space Type 1 Zone (OS1)"; and
	"Open Space Restricted Zone (OS3)".
Proposed Zoning:	"General Industrial Zone (M2)";
	"General Industrial – Exception 53 Zone (M2-53)";
	"General Industrial – Exception 54 Zone (M2-54)";
	"General Industrial – Exception 55 Zone (M2-55)";
	"Neighbourhood Centre Commercial Zone (C9)";
	"Residential Type 3 Zone – Exception 10 Zone (R3-10)";
	"Open Space Type 1 Zone (OS1)"; and

#### "Open Space Restricted Zone (OS3)".

The lands within the northern subdivision are zoned "Holding – General Industrial – Exception 53 Zone (H-M2-53)"; "Holding – General Industrial – Exception 54 Zone (H-M2-54)"; and "Open Space Restricted Zone (OS3)". The lands in the southern subdivision are zoned "Holding – General Industrial Zone (H-M2)" "Holding – General Industrial – Exception 55 Zone (H-M2-55)", "Holding – Residential Type 3 – Exception 10 Zone (H-R3-10)"; "Holding – Neighbourhood Centre Commercial Zone (H-C9)"; "Open Space Type 1 Zone (OS1)" and "Open Space Restricted Zone (OS3)" as seen in **Appendix F**.

Once the Holding "H" provisions are removed, the lands can develop in accordance with the uses permitted under each zone in the Zoning Bylaw. This includes industrial uses within the north subdivision and industrial, neighbourhood commercial and a variety of residential uses within the south subdivision.

The Exceptions (H-M2-53, H-M2-54, H-M2-55, and H-R3-10) also continue to permit the existing sand and gravel operation on the subject lands until the Holding "H" provisions are removed. Once the Holding "H" provisions are removed, the aggregate operation can no longer continue and the industrial and residential uses allowed under the respective zones is permitted in accordance with the regulations in Zoning By-law 160-90.

The Holding "H" provisions that were applied to the subject lands are required to remain in place until the Owner has entered into the required Subdivision Agreements to the satisfaction of the City and the Grand River Conservation Authority. As noted previously in this Report, the Draft Plans of Subdivision 504 are in the final stages of review, and it is anticipated that the Subdivision Agreements will be entered into by the applicant and the City in the near future.

Planning Staff are of the opinion that the applications for the removal of the Holding "H" provisions are appropriate and if approved, Planning Staff recommend that the implementing By-laws to lift the Holding for each subdivision be presented to Council for adoption once the applicant has entered into the necessary Subdivision Agreements (for both the northern and southern subdivision) with the City.

## 9.0 Financial Implications

There are no direct Municipal financial implications respecting these applications.

#### 10.0 Conclusion

The applications to remove the Holding "H" provisions from the lands located within the Draft Plan of Subdivisions 29T-11504 and 29T-18504 (formerly 29T-11505) are consistent with the Provincial Policy Statement, and are in conformity with the Growth Plan and Official Plan. The removal of the Holding "H" provisions will facilitate the development of the lands for industrial, residential and commercial uses in accordance with the regulations set out in Zoning By-law 160-90. Planning Staff recommend that the implementing by-laws not be brought forward to Council for adoption until the applicant has entered into the required Subdivision Agreements with the City. Planning Staff is of the opinion that the applications to amend Zoning By-law 160-90 to remove the Holding "H" provisions are appropriate and represent good planning.

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In adopting this report, is a by-law or agreement required? If so, it should be referenced in the recommendation section.

By-law required	[X] yes	[ ] no
Agreement(s) or other documents to be signed by Mayor and/or City Clerk	[] yes	[X] no
Is the necessary by-law or agreement being sent concurrently to Council?	[] yes	[X] no

## Appendix A Location Map

# LOCATION MAP

Application: PZ-18-20 & PZ-19-20 TCA Subdivisions - 375 Hardy Road and lands legally described as Lots 18-19, Concession 3 (formally 395 Hardy Road)



# Appendix B Draft Plan of Subdivisions 29T-11504 & 29T-18504



Draft Plan of Subdivision 29T-11504 (above) & Draft Plan of Subdivision 29T-18504 (below)



# Appendix C Aerial Photograph

# **AERIAL PHOTO**

Application: PZ-18-20 & PZ-19-20 TCA Subdivisions - 375 Hardy Road and lands legally described as Lots 18-19, Concession 3 (formally 395 Hardy Road)







1,000 Metres

## Appendix D Site Photographs



Photo 1 (above): looking northeast towards Oak Park Road extension and the north industrial subdivision and Photo 2 (below): looking southwest towards the southern portion of the south subdivision.



## Appendix E Official Plan Land Use Designations



# Appendix F Existing Zoning

# ZONING

TCA Subdivisions - 375 Hardy Road and lands legally described as Lots 18-19, Concession 3 (formally 395 Hardy Road)

