



Development Services Staff Report

Report Number: DS17-2023
Report Title: OPA 2/2022 and ZC 5/2022 (39A Holdings Ltd.)
Author: Jeremy Vink, Manager of Planning
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Reviewed By: Deanne Friess, Director of Development Services
Final Review: Chief Administrative Officer

Recommendation:

That the Council of the Township of Woolwich, considering Report DS17-2023 respecting OPA 2/2022 and ZC 5/2022 (39A Holdings Ltd.):

1. Recommends approval of Official Plan Amendment 2/2022, to the Region of Waterloo, in accordance with Attachment '4', concerning a property located at 39 Arthur St N in Elmira to redesignate a portion of the lands from Open Space to Industrial;
2. Approve Zone Change Application 5/2022, concerning the property located at 39 Arthur St N in Elmira, to:
 - a. amend the General Dry Industrial (M-1(F)) with site specific provisions to have the Floodplain line (F-suffix) align with the Floodplain;
 - b. change the rear portion of the parcel from Open Space (O-1) to General Dry Industrial (M-1) with site specific provisions, consistent with the Industrial designation of the lands as per OPA 2/2022;
 - c. amend the site-specific provisions on the parcel to allow the rear of the site to develop as a gravel parking lot for the storage of transport trucks and trailers, and to delete the existing site-specific provisions allowing the auto recycling; and
 - d. implement holding provisions to limit heavier truck traffic uses, subject to:

- i) The amending By-law being in accordance with the proposed By-law attached as Attachment 5 to this report; and
 - ii) Official Plan Amendment 2/2022 coming into effect.
- 3. Is satisfied that a subsequent public meeting in accordance with subsection 34(17) of the Planning Act is not required; and
- 4. That staff be directed to ensure the site plan agreement implements:
 - a. a solid fence of no less than 1.5 metres in height is provided around the perimeter of the industrial area; and
 - b. trees be replaced at a minimum of 1:1, with native trees and used to help screen the subject lands from adjacent properties.

Additional Information:

On March 7, 2023 Council was presented report DS07-2023 (attached), and at that time requested staff to provide additional information with respect to traffic and trees before making a final decision. In response to that request the following additional information is provided.

Traffic

The traffic directed through the Elmira core is due to a combination of factors. The north end of Elmira has historically been designated and zoned industrial. There is also a large amount of through or cross truck traffic in Elmira that leads to truck traffic in the core. This through or cross traffic comes from various sources and locations and generally uses the Regional road network. Staff recognize that truck traffic through the core area is not conducive to a pedestrian oriented downtown and are working with the Region of Waterloo for the creation of a by-pass route.

From a purely technical perspective, the Region has noted that the current traffic patterns and truck traffic, along with the proposed truck traffic does not, and may not warrant a by-pass for some time based on technical parameters. Although there is no technical reason to refuse the application in terms of traffic or justify the immediate construction of a by-pass the Region has started the Environmental Assessment (EA) process to review if a by-pass can be supported and a potential route. The Township has sought this EA work to take place for some time and Township staff have provided the Region with qualitative information on the related economic development impacts and downtown improvement considerations. As this EA process is just being initiated, it is hoped that by this time next year we would have a better understanding of the issues and a direction on how to proceed with addressing truck traffic in the core.

Current Zoning

The property is currently zoned to permit an auto recycling use which is a business that would be busier and less compatible than the proposed parking lot. Since the closing of

the scrap yard the number of movements in and out of the property have decreased by 70%. If this Zoning amendment does not proceed the applicant would be permitted to use the property as a scrap yard again.

The portion of the subject lands that is zoned Industrial (M-1(F)) allows a variety of uses, that regardless of this application can develop with those industrial uses and associated traffic. The proposed recommendation is to remove the permitted auto recycling use as one of those uses (reducing the future potential of such a use impacting the creek and groundwater) and reducing any such associated traffic. That does leave a variety of other uses, a number of which could operate today with a greater amount of truck traffic than the anticipated trailer parking operation.

Proposed Traffic

The portion in the rear of the site being rezoned to is to be a site-specific Industrial zone, which only allows the trailer parking on a gravel parking lot. These lands are proposed to support the parking for approximately fifty-three (53) trailers and as such will add minimal traffic relative to what is and could take place on the lands already zoned. The applicant's consultants are suggesting that the parking to the rear would only result in about four (4) additional trucks over the entire day. In general, it is unlikely that anyone would be able to even realize the impact of four trucks over the span of the day.

The applicant's consultant has noted that the "trailers proposed to be parked at 39 Arthur Street North are currently stored in less convenient places by local businesses in the greater Elmira area so overall trailer movements in the greater Elmira area will not necessarily change on balance, should local businesses make use of the parking lot."

Overall, the Township continues to work with the Region on traffic issues in the core and as part of that the study has been initiated with respect to the by-pass. Also, the amount of truck traffic as a result of this application is very minimal if even recognizable.

Although staff is not suggesting that the holding provision is necessary given the very minimal traffic generated from the rear parking lot portion, Council could implement the holding provision to lessen any potential or perceived impacts as it relates to the existing zoned lands. Although the holding provision is proposed as an amendment to the proposed zoning, no further public meeting is proposed to be required. The recommendation and zoning by-law have been revised to reflect the proposed holding provision.

Trees

The Township's Landscape and Design Guidelines seeks to have applicant provide a tree management plan and tree replacement plans. Tree replacement is to be at a 1:1 ratio, being one new tree for every tree lost.

As noted in report DS07-2023 and in Attachment 2 hereto, the majority of trees to be removed are in fair to poor condition and are not native or high-quality trees, and some trees are dead.

In such cases, and especially this case, the trees to be removed are not in good condition and are not high-quality trees. Given the poor quality of trees the canopy of such trees will deteriorate over time. It is these poorer quality trees that often grow quicker, but do not provide that long lasting canopy and as non-native are not preferred. The proposal as part of this application will see the perimeter plantings enhanced with native trees (such as maples and walnut), which will take time to grow but are better suited to the site and should be able to provide a solid canopy and back drop to the park, for many years to come.

In Attachment 2, the consultant has provided some details on the trees to be planted, including 50mm caliper deciduous trees as well as some smaller native evergreen and container stock. Using these plantings, they will help to fill in the perimeter of the site to enhance the visual screening.

Council is reminded that the current site plan does not require any trees, nor does it protect any of the trees on site. The landowner could remove the trees at any time. By the applicant undergoing this planning process and a new site plan process, staff are able to protect the existing trees on the perimeter, request the new trees (number, species and placement), and require that they be maintained.

Staff have proposed a modification to the recommendation by adding the proposed wording around what will be required to be implemented at the site plan stage. The proposed fencing will ensure visual screening, and the plantings will then enhance that screening and need to be native species.

Summary

The development of the gravel parking lot to the rear of the site will not impact the former landfill. Conditions in the site plan agreement that will be required to develop the parking lot will ensure that gas monitoring continues as necessary as well as address fencing and landscaping. With the fencing and landscaping the trailer parking will not be seen from the park or adjacent properties. The compatibility studies provided and reviewed identified that the trailer parking can be developed with no detrimental impacts.

The D-4 study that was completed, approved by the Region and peer reviewed at the Township's request and confirmed that the landfill area can be developed with the gravel parking, consistent with Provincial policies and regulations. The Ministry of Environment and Parks has no objections to the proposed use.

So, although the proposed development will be adding a very minimal amount of truck traffic from the proposed gravel parking area of about 4 trucks over the entire day, and

less is traffic to the site than the previous automotive salvage/recycling operation, it is valuable to reiterate some key elements of the development.

- The proposal will see the **existing zoning permission of the automotive salvage/recycling yard removed** as a permitted use. This historical use, that existed until recently, was located in the flood plain and in very close proximity to the creek. The applicants request and support to remove this use, eliminates a high-risk use with the potential of contamination from the storage of hundreds of salvaged automobiles contaminating the ground and to the nearby creek.
- **Current zoning on the industrially zoned portion would allow for greater truck traffic** than the operation proposed. The proposed Holding zone provisions would reduce the opportunity for any use that may result in a large amount of truck traffic that could take place under current zoning.
- The rear portion that is proposed to be zoned for Industrial uses is to be limited in the zoning to truck trailer parking only and adds very minimal truck traffic throughout the day.
- The proposed use and the change in operations to remove the automotive salvage operation has allowed the current owner to initiate some site changes to **improve the overall site conditions and appearance**. The proposed additional parking area would be a continuation of those works.
- The rear portion that is proposed to be developed are currently overgrown and have not historically been well maintained. **This development will see the lands maintained, the dead trees removed, and improve tree coverage surrounding the site.**
- The proposed development utilizes existing lands in the settlement area, reducing the need to use up lands elsewhere (such as agricultural lands).
- The applicant has agreed as part of this process, as part of the site plan approval, they will:
 - **convey lands to the township so the Township will have ownership of the water main; and,**
 - **expand the size of the park by conveying additional lands along the creek.**
- The additional lands conveyed along the creek will allow for a trail connection from Arthur St N to the existing park. This trail was a recommendation in the recent Elmira Core Area plan.
- The Township ownership of the lands where the waterline is located will allow for a formal trail connection from the park to the Kissing Bridge Trail. Currently an informal trail exists in that area.
- **The development will see native trees planted, which should live longer and provide a better canopy than the current trees.**
- The development will **trigger the site plan approval process which will allow the Township to protect the trees, both existing and proposed on site.** The current site plan does not protect the trees which means all (except for the

protected Butternut) could be removed at any time by the landowner with no repercussions.

- The development of the site will allow the Township to enter into the site plan agreement which will see the requirement for gas monitoring to take place at the owner's expense, and ensure it is done for at least two years. There is no other requirement for such monitoring to take place.

Staff would also like to highlight that a letter of support was received from a resident along Riverside Dr. (Attachment 3). It is noted that the letter speaks to the trees, truck traffic and their desire to see the application approved.

Conclusion:

Overall, the approval of the applications will result in a development that is appropriate and an improvement of the use of the site, and a benefit to the community.

The development conforms to the policies, better utilizes these underdeveloped lands within the settlement boundary and it is consistent with the Elmira Core Design Study. The proposed development will support the better use of such lands within the settlement. Continued better use of such lands in our urban areas reduces the pressure to see agricultural lands lost, or to seeing industrial uses pushed to farms and adding pressure on rural roads.

It is recommended that Council approve the recommendation as provided to support the application or approve the application with some modifications. Alternatively, if Council chooses not to support the recommendation, Council will need to make motion and pass a decision to deny the application.

A revised recommendation to reflect the proposed changes providing direction on site plan matters and associated revised zoning by-law to reflect the proposed holding provisions are attached to this report. It is recommended that the Council of the Township of Woolwich support the Official Plan and Zoning amendments as proposed and attached to this report.

Attachments:

1. Report DS 07-2023
2. GSP letter March 21, 2023
3. Letter
4. Proposed Official Plan Amendment
5. Proposed Zoning By-law