



Meeting Date: June 19, 2024

Prepared By: Marion-Frances Cabral, Planner

Submitted by: Marion-Frances Cabral, Planner

Report No: PLA-29-2024

Subject: Application for Zoning By-law Amendment (ZBA-04-2024) for 101 Queen Street; Filed by Monteith Brown Planning Consultants Ltd. on behalf of G-Lover Holding Inc.

Recommendation:

THAT Zoning By-law Amendment application (ZBA-04-2024), as amended, filed by Monteith Brown Planning Consultants Ltd. on behalf of G-Lover Holding Inc., to rezone the lands from 'Existing Use exception 3 (EU-3)' to 'Light Industrial exception 4 (M1-4)' for the land known legally as Concession 2 Pt Lot 6 RP 33R21400 Part 1 (Lobo), Municipality of Middlesex Centre, be APPROVED.

Purpose:

The purpose of this report is to provide Council with a recommendation regarding a rezoning application on the subject lands known municipally as 101 Queen Street and known legally as Concession 2 Pt Lot 6 RP 33R21400 Part 1 (former Township of Lobo), Middlesex Centre.

A location map is attached to this report.

Background:

The purpose of the Zoning By-law Amendment application is to rezone the property to a new site-specific 'Light Industrial (M1)' zone to permit light industrial uses (including a self-storage establishment), laboratory, a warehouse, and accessory uses (office, open storage, retail store). The application also seeks to reduce the Minimum Front Yard Setback from 12 m to 7 m.

The effect of the application is to establish a self-storage facility on the lands. A preliminary concept plan is attached to this report.

The subject land is located on the northeast side of Queen Street, between Railway Avenue and Huron Avenue. The subject land abuts the CN Railway corridor to the north and south, and existing residential lands in the format of single detached dwellings to the southeast, south, southwest, and northwest. The lands are currently vacant of development and used previously by CN Railway for access to the railbeds.

Policy Regulation:

The subject lands are identified within the Komoka Urban Settlement Area of the County of Middlesex Official Plan, designated 'Settlement Employment' within the Komoka-Kilworth Urban Settlement Area in Middlesex Centre's Official Plan, and zoned 'Existing Use exception 3 (EU-3)' within the Middlesex Centre Comprehensive Zoning By-law. As such, the policies and provisions below are applicable to the land.

Provincial Policy Statement, 2020:

The *Planning Act* states that all decisions made by planning authorities "shall be consistent with the policy statements issued" under subsection 3. The Provincial Policy Statement, 2020 (PPS) document is comprised of several policy statements and summary of those that are applicable to the proposed development are noted below.

Section 1.1.3 – Settlement Areas state that settlement areas shall be the focus for growth and development. Land use patterns within settlement areas shall be based on densities and a mix of land uses which (a) efficient use land 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) minimum 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, (g) are freight-supportive.

Section 1.2.6 – Land Use Compatibility states that major facilities, including resource extraction activities, 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 operations and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

Where avoidance is not possible in accordance with policy subsection 1.2.6.1 described above, municipalities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures: (a) there is an identified need for the proposed use; (b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; (c) adverse effects to the proposed sensitive land use are minimized and mitigated; and (d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

Section 1.3 – Employment states that municipalities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses; 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; d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and, e) ensuring the necessary infrastructure is provided to support current and projected needs.

Further, Section 1.3.2 – Employment Areas requires municipalities to protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

At the time of the official plan review, municipalities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area.

Municipalities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

Middlesex County Official Plan:

The County Official Plan identifies the lands within the Komoka settlement area. As such, the following policies apply:

Section 3.2 – Settlement Areas of the County Plan identifies urban areas such as Komoka are to direct a significant portion of the County's future growth in order to protect Agricultural Areas and Natural Systems, and promote deficient use of water and sewage services. Every effort shall be made to preserve the historic character of Settlement Areas by requiring new development to complement the positive elements of the existing built-form.

Local official plans are directed to provide detailed land use policies that permit a variety of uses in urban areas including: a) a variety of housing types; b) commercial uses; c) industrial uses; d) community facilities; e) natural system elements; f) recreation and open space, including active and passive recreation activities; and g) other specific land use designations necessary to reflect the unique needs and character of each Urban Area.

Section 2.3.4 – Economic Development acknowledges that economic development is an important component to the County's Growth Management policy framework. Policies of the County Plan are intended to promote communities that are diverse and have a sense of place. Lands designated in the Middlesex Centre Official Plan are anticipate to be adequate to meet the growth projections for the planning period.

Section 2.4.2 – Transportation Network details policies of a network of roads, highways and railways within the County. The County Road system provides inter-municipal service moving people and goods through the County. There is a need to plan the transportation network and the County Road system in order to protect rights-of-way for future improvements. Additionally, the County shall ensure where possible, compatible land uses adjacent to railway corridors. New development may be required to provide appropriate safety measures such as setbacks, intervening berms, security fencing and noise and vibration studies satisfactory to the local municipality and in consultation with the railway company.

Middlesex Centre Official Plan:

The subject lands are located within the Komoka-Kilworth Urban Settlement Area and Secondary Plan on Schedule A-2 of the Official Plan. The lands are designated 'Settlement Employment' in the Official Plan.

Section 5.1.1 – Urban Settlement Areas identifies Komoka-Kilworth as one of the Urban Settlement Areas in the municipality. Urban Settlement Areas provide or have the potential to provide full municipal services and are expected to have the highest concentration and intensity of land uses. These are will be the focus for future growth by accommodate a significant portion of expected growth over the Official Plan's planning period.

Section 5.7 – Komoka-Kilworth Secondary Plan also establishes policies for the area to accommodate urban growth in Middlesex Centre. Section 5.7.2 – Land Use Plan contains policies for future land use and development proposals to establish a balanced mix of land uses to create a complete and vibrant community. Policies also speak to transportation and connectivity, public spaces, sparks and open spaces, and integration of sustainability measures.

The policies in Section 5.5 – Settlement Employment Areas encourage the development of industrial and business uses within settlement areas on full municipal services where possible, and development is subject to the municipality's site plan manual and urban design guidelines. Within urban settlement areas industrial land uses shall have access to public roads of reasonable construction and year round maintenance. Industrial uses shall be adequately buffered where adjacent to residential uses or other sensitive land uses.

New industrial operations that product significant amounts of noise, dust, odours, particulate emissions or heavy truck movements shall not be permitted to locate in proximity to existing residential areas or in locations within settlement areas that would negatively affect the quality of life or character of the settlement area. These types of uses are encouraged to be located within existing 'Rural Industrial' designations outside of settlement areas.

Section 5.7.6 – Komoka-Kilworth Settlement Employment Areas Policies are also applied to the subject lands are they are designated 'Settlement Employment' within the Komoka-Kilworth secondary plan. Land located north of Glendon Drive and west of Komoka Road and designated as 'Settlement Employment' shall be protected as Strategic Employment Area as per Section 5.6 of the Official Plan. Additional policies within this section pertain to increasing connectivity to surrounding land uses to encourage active transportation, and for appropriate building orientation and screening of parking, storage and loading areas.

In addition to the 'Employment Area' policies of Sections 5.5 and 5.7.6, Section 5.6 – Protection of Employment Lands identifies that Municipal Council will support the protection of designated 'Settlement Employment – Strategic Employment Areas' in the Municipality, including lands that are designated for clusters of business and economic activities. Proposals to permit the conversion of lands within the 'Settlement Employment – Strategic Employment Areas' to non-employment uses may only be permitted through a Comprehensive Review, only where it has been demonstrated that the land is not requirement for employment purposes over the long term and, there is a need for conversion.

Section 9.4 – Transportation establishes policies to facilitate the efficient movement of people and goods to and from the Municipality, and within the municipality. This includes limiting direct access to County Roads where access is available by a local road. Additionally, subsection 9.4.4 – Policies Relating to Railway Operations may require a noise study for all proposed development within 300 m of an active railway, and may require a vibration study for all proposed development within 75 m of an active railway. All proposed development adjacent to active railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided.

Section 5.7.12 – Komoka-Kilworth Transportation Policies further direct that access will generally be limited to public roads intersections to preserve the through-traffic function of Glendon Drive (County Road 14). Within the planning period of the Official Plan, it is envisaged that Glendon Drive may be upgraded to a four-lane urban arterial road standard. To achieve this, the Municipality will work with the County to determine the implementation and related requirements as a condition of development.

Middlesex Centre Zoning By-law:

The subject land is zoned 'Existing Use exception 3 (EU-3)' which only permits buildings, uses or structures that existed at the time of passing of the by-law.

The request seeks to rezone to a new site-specific 'Light Industrial exception 4 (M1-4)' zone. A summary of the requested changes is shown in the table below:

Existing EU-3 Zone	Proposed Light Industrial (M1) Zone
Permitted Uses: No land shall be used and no buildings or structures shall be erected, used, or altered in the Existing Use (EU) Zone except for any use existing as of the date of the passing of this By-law	Permitted Uses: accessory use industrial use (light) laboratory office as an accessory use open storage as an accessory use retail store as an accessory use warehouse
	Front Yard Depth – 7 m

Consultation:

Notice of the revised application was posted and circulated to agencies and property owners in accordance with the *Planning Act* and Ontario Regulation 545/06.

Public Comments:

Staff did not receive comments from area residents or stakeholders at the time of writing this staff report.

Agency Comments:

The Municipality's Chief Building Official reviewed the application and has no objection to the rezoning. A comprehensive review and comments will be provided during site plan review.

The Municipality's Public Works and Engineering Department reviewed the application and has no objection to the rezoning. A comprehensive review and comments will be provided during site plan review.

Canadian National Railway notes that the subject site is adjacent to CN's Main Line. CN recommends the following protective measures for non-residential uses adjacent to Main Lines:

- A minimum 15 metre building setback, from the railway right-of-way, is recommended for heavy industrial, warehouse, manufacturing and repair use (i.e. factories, workshops, automobile repair and service shops).
- A minimum 30 metre setback is required for vehicular property access points from at-grade railway crossings.
- A chain link fence of minimum 1.83 metre height is required to be installed and maintained along the mutual property line.
- The storm water management facility must be designed to control storm water runoff to pre-development conditions including the duration and volume of the flow and accordingly have no impacts on CN right of way, including ditches, culverts and tracks. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from CNR and be substantiated by a drainage report to the satisfaction of the Railway.

CN anticipates the opportunity to review a storm water management report taking into consideration CN development guidelines.

Under the applicable federal legislation, CN is responsible for ensuring the safety of its railway operations. Additionally, as safety is a core value at CN, CN is committed to the health and safety of their employees, the customers we serve and the communities and environment in which we operate, at all times.

In order to ensure the safety of railway operations, CN's operations and infrastructure are not to be impaired or affected by any construction works or any other works. Additionally, any work performed on CN's property must be arranged through a work permit. A work permit ensures that the proponents of the work, its authorized employees, servants, agents or contractors comply with CN's instructions and will take any safety precautions that CN may reasonably deem necessary in order to ensure that railway operations remain safe.

Analysis:

To consider the appropriateness of the Zoning By-law Amendment it must conform to the Official Plan and maintain the intent of its policies. The Official Plan encourages the development of industrial and business uses within settlement areas on full municipal services where possible. Within urban settlement areas, industrial land uses shall have access to public roads of reasonable construction and year-round maintenance. Industrial uses shall be adequately buffered where adjacent to residential uses or other sensitive land uses.

Staff consider the proposed use, a self-storage establishment, appropriate for the lands as it is a passive use and is not a source of noise, dust, odours, particulate emissions or heavy truck movements. Additionally, the use does not generate significant traffic and can be considered compatible with the surrounding residential lands.

Regarding the requested Zoning By-law Amendment, Planning Staff reviewed the requested permitted uses and zoning regulations. Planning Staff note the subject land is located within an established residential area, and the road network and proximity to railway overpasses can impact access to the subject land. While Staff are supportive of specific light industrial uses on the subject land, the use is a 'catch-all' term that can cover a variety of light industrial uses that may impact the surrounding land uses and generate traffic that may not be appropriate for this site due to its location. This can include manufacturing, processing, and servicing and repair businesses. As a result, Planning Staff recommend that "industrial use, light" be removed from the list of permitted uses.

With regard to the site-specific zoning regulations, Planning Staff are supportive of the reduced 7 m setback from the Front Lot Line as the setback does not disrupt an established building line along Queen Street, and the massing and scale of the proposed use is compatible with surrounding land uses.

In response to comments provided by CN Railway, Staff generally follow the recommended guidelines for development within proximity to rail corridors. Specifically, CN Railway recommends a setback of 15.0 m for light industrial and industrial uses where human activity is limited and not on-site for a prolonged period. Additionally, the guidelines recommend a larger 30.0 m setback for commercial (e.g. retail, office, laboratory) and institutional uses. The proposed conceptual plan considers the 15.0 m side yard setback in conformity with the guidelines. For clarity, Planning Staff recommends adding these increased side yard setbacks to the site-specific regulations since the Zoning By-law does not require a yard along a lot line abutting a railway right-of-way.

To summarize, Planning Staff recommend the proposed regulations within the new 'Light Industrial exception 4 (M1-4)' Zone:

- Permitted Uses
 - accessory use
 - laboratory
 - office as an accessory use
 - open storage as an accessory use
 - retail as an accessory use
 - self-storage establishment
 - warehouse
- Minimum Front Yard Depth
 - 7 m (22.9 ft)

- Minimum Side Yard Setback
 - o The Minimum Side Yard Setback shall be 30.0 m (98.4 ft) for a laboratory
 - o The Minimum Side Yard Setback shall be 15.0 m (49. 2 ft) for all uses permitted within the M1-4 Zone except laboratory

Given the above, Planning Staff recommend amending the requested Zoning By-law Amendment, and approving the 'Light Industrial exception 4 (M1-4)' zone to facilitate the development of a self-storage establishment. Planning staff determined that the Zoning By-law Amendment, as amended by Planning Staff, is consistent with the Provincial Policy Statement, 2020, the County of Middlesex Official Plan, Middlesex Centre's Official Plan, and Middlesex Centre's Zoning By-law.

This opinion is provided prior to a public meeting. Should new information arise regarding this proposal, Council is advised to take such information into account when considering the application.

Financial Implications:

None.

Attachments:

Attachment 1 – Location Map

Attachment 2 – Conceptual Plan