
HALDIMAND COUNTY

Report PD-39-2018 Official Plan and Zoning By-law Amendment to Permit a Mini Storage and Climate Controlled Storage Business



For Consideration by Council in Committee on December 11, 2018

OBJECTIVE:

To consider an amendment and site specific provisions to the Official Plan and Zoning By-law NE 1-2000 to facilitate the establishment of a mini storage and climate controlled warehouse business.

RECOMMENDATIONS:

1. THAT Report PD-39-2018 Official Plan and Zoning By-law Amendment to Permit a Mini Storage and Climate Controlled Storage Business be received;
2. AND THAT application PLOP-HA-2018-157 to amend the Haldimand County Official Plan designation of the subject lands to a site-specific 'Agricultural' designation to facilitate the establishment of a mini storage and climate controlled warehouse business, be approved for the reasons outlined in Report PD-39-2018;
3. AND THAT the By-law attached to Report PD-39-2018 to adopt the Official Plan Amendment to the Haldimand County Official Plan be presented for enactment;
4. AND THAT application PLZ-HA-2018-158 to amend the City of Nanticoke Zoning By-law NE 1-2000 to add the mini storage and climate controlled warehouse use to the permitted uses on the subject property through a site specific zoning provision be approved subject to a "Holding (H)" provision, for reasons outlined in Report PD-39-2018;
5. AND THAT the Zoning By-law Amendment attached to Report PD-39-2018 to amend the City of Nanticoke Zoning By-law NE 1-2000 be presented for enactment;
6. AND THAT the Holding Provision Removal By-law attached to Report PD-39-2018 be presented for enactment, and the General Manager of Community and Development Services be granted authority to remove the holding provision when all conditions relating to the matter are satisfactorily addressed;
7. AND THAT the subject lands be placed under site plan control for reasons outlined in Report PD-39-2018 and the Site Plan Control By-law attached to the report be presented for enactment;
8. AND THAT the application is considered to be consistent with the Provincial Policy Statement 2014, Provincial Growth Plan 2017 or other matters of provincial interest.

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Reviewed by: Mike Evers, MCIP, RPP, BES, Director of Planning and Development

Approved: Donald G. Boyle, Chief Administrative Officer

EXECUTIVE SUMMARY:

A joint Official Plan and Zoning Amendment application has been received from WJ Moving, the owners of the subject lands which are located at 2990 Highway 6 (Attachment 1). The applications propose to amend the Haldimand County Official Plan and City of Nanticoke Zoning By-law NE 1-2000 to facilitate the establishment of 6 buildings containing mini storage units and a further building for a climate controlled warehouse that incorporates an office. Currently, the 1.15 hectares (2.85 acres) site contains a dwelling and detached garage which are proposed to remain on the site. The balance of the lands have been the location of a variety of uses in the past including uses such as commercial greenhouses.

The proponents have supplied Haldimand County with a planning justification report which describes the ways in which the policy considerations outlined in the 2014 Provincial Policy Statement are addressed. Staff have assessed the proposal relative to the appropriateness of the uses being located on the subject lands, land use compatibility, impacts to agricultural lands and technical matters (servicing, traffic impacts) and have determined the proposal to be supportable. Should the Official Plan and Zoning By-law amendment be approved, a site plan application would also be required to review all detailed design aspects of the proposal. In staff's opinion, the proposal aligns with Provincial Policy and the County Official Plan, and as such, is recommended for approval.

BACKGROUND:

The proponents are requesting an amendment to the Haldimand County Official Plan and the City of Nanticoke Zoning By-law NE 1-2000 to permit the construction and use of a mini storage and climate controlled warehouse on the subject lands. The mini storage units will not be serviced by Heating Venting and Air Conditioning (HVAC), thus will be affected by the climactic changes of the seasons, while the climate controlled warehouse will be used for storage of materials that would be negatively affected by seasonal changes. All of the structures proposed through these applications will be used as a commercial space that will be rented to individuals for personal storage purposes (Attachment 2).

The subject lands are located on the east side of Highway 6, and are adjacent to the Urban Boundary for Jarvis. The lands are designated 'Agriculture', and zoned 'Agricultural (A)'. The lands located directly to the east have been designated 'Urban Business Park' and zoned 'Prestige Industrial (MP)'. Currently the subject lands contain a dwelling and detached garage, and the balance of the site has been covered in gravel; it is the understanding of staff that the property had previously been the location of commercial greenhouses. The lands are accessed from Highway 6, serviced by a private individual septic system, and the applicants have indicated that there is access to the municipal water supply. The property directly north of the subject lands is used for residential purposes, to the west is farmland and a fire station, to the east is farmland and the lands to the south are vacant.

ANALYSIS:

The Provincial Policy Statement 2014 (PPS) encourages developing strong communities that promote general wellbeing, while ensuring that development occurs in such a way that health, livability and safety are accounted for, and there is a wide range of land uses that are available to be realized. This includes residential, commercial, industrial and institutional uses. The subject application proposes a new, non-agricultural use to be established on lands that are designated and zoned for agricultural purposes. The proposed development will have access to Highway 6, and has already established a connection to municipal water, thus the development will not require the expansion of the public road network or the water servicing, which satisfies the PPS requirement to intensify development where infrastructure already exists. The use will require wastewater servicing from an on-site septic system to address the washroom facilities associated with the office use in the warehouse. Staff is satisfied

that there is sufficient area on the property to accommodate this service. The property is serviced by an existing municipal watermain, and staff from Water and Wastewater Infrastructure have commented that this service can continue to be used for provision of potable water and fire suppression. These details will be finalized through Site Plan Control, and if any upgrades are required, these will be assessed through Site Plan Control as well. The proposed use will include the construction of 6 mini storage buildings, each with dimensions of approximately 48.8 metres by 9.1 metres (444.08m²). There is to be a climate controlled warehouse which is proposed to have dimensions of 21.03 metres by 39.62 metres (833.21m²), and there will be an office located as an additional part of the climate controlled warehouse with dimensions of 9.1 metres by 15.24 metres (138.68m²). The proposed development will require stormwater management controls to be installed in order to ensure that the quality and quantity of the runoff from the site is properly maintained. These matters are to be addressed through Site Plan Control and through this mechanism will allow for PPS to be satisfied from a health and safety/infrastructure provision standpoint.

The lands identified for the expansion exist outside of the Urban Area Boundary for Jarvis, and are designated Agricultural in the Haldimand County Official Plan. The PPS outlines specific requirements that need to be met in order to remove lands from the agricultural land base. Given that this proposal is for a use that is not residential in nature, the noted policies apply and there is opportunity to consider the application under PPS subject to a series of criterion being satisfied. The requirements are as follows:

PPS Policy 2.3.6 b)

Limited non-residential uses may be supported, provided that all of the following are demonstrated:

1. The land does not comprise a specialty crop area;

Planning Comment:

The subject lands are classified as Class 1 soils in the Canada Land Inventory (CLI) Land Classification index. While the site does contain soils that are identified as prime agricultural lands, they are not used for the growing of tender fruits, grapes, or other fruit crops or vegetable crops, the lands are not subject to special climactic conditions or any other factors that establish them as being appropriate for specialty crop growth. Additionally, the lands are not used for an agricultural use of any sort, and it would be difficult to establish any such use given the size of the property and its location relative to neighbouring structures and uses. Also, the lands neighbouring the subject property to the east are designated Urban Business Park within the Haldimand County Official Plan. This policy test is not offended by permitting the development proposed.

2. The proposed use complies with minimum distance separation formulae;

Planning Comment:

There are no livestock farming operations located in the vicinity of the subject lands, thus staff is confident that minimum distance separation (MDS) will not be a factor that leads to any land-use incompatibility issues for this proposal. Furthermore, the lands surrounding those subject to these applications are designated Urban Business Park, and no livestock operations have been proposed. This policy test is not offended by permitting the expansion of the use onto agricultural lands.

3. There is an identified need within the planning horizon provided for in policy 1.1.2 for additional land to be designated to accommodate the proposed use; and

Planning Comment:

The proponents have investigated other locations within the County, but have determined that available sites would not be suitable relative to their market. Further, of potentially available lands, the size of the properties were well in excess of the proponent's requirements. As such, this property was identified for its proximity to their market, and the fact that there is sufficient size for the use to be established.

In addition to the above, while locating this type of use within an existing employment lands area would be supported by policy, it does not represent a use that would efficiently utilize investments in services (i.e. it does not require water or sanitary for processing, manufacturing, etc.). Further, the use is not an employment generator which is what is typically encouraged/envisioned for the County's designated employment lands. Given these characteristics, siting the use on an alternative appropriately located site, is viewed by staff as appropriate.

The proposed amendments relate to developing a new use, on a site that is not able to support crops, and has not been able to maintain commercial greenhouses. Surrounding the lands are commercial and non-farm residential uses to the north and south, and planned employment (industrial) lands to the east and west. Given its immediate surroundings (existing and planned uses), coupled with its size limitations, the site is considered an ideal candidate for an alternative use not presently contemplated within its existing Agriculture designation. The subject lands are located at a nexus between a variety of uses, and that any new use will need to ensure that no negative effects result from its development. The proposed use satisfies this need, insofar as it is a relatively low impact use that will not interfere with future development opportunities for the lands to the east and west, and is not anticipated to negatively impact the lands to the north and south. This policy test is not offended by permitting the use on Agricultural lands.

4. Alternative locations have been evaluated and:
 - a. There are no reasonable alternative locations which avoid prime agricultural areas; and
 - b. There are no reasonable alternative locations in prime agricultural areas with lower priority agricultural lands.

Planning Comment:

The proponents conducted a review of the surrounding area for lands that are not within the Agricultural area of the County, and were unable to find lands suitable enough to accommodate the use that they wish to expand. This is due to the fact that parcels within other employment areas are not located in proximity to travel routes as major as Highway 6, and are typically too large for the use that is proposed. Finally, the proponents are requesting that the proposed development be subject to a special policy area and special provision that permits the mini storage and climate controlled warehouse use in addition to the uses permitted in the Agricultural designation and the A zone. This approach would avoid removing the Agricultural designation and A zone entirely and the proposal will add the desired use to those permitted as of right already.

Based on the above, this policy test is not offended by permitting the establishment of the use onto Agricultural lands.

Based on the foregoing, the proposal is considered consistent with the Provincial Policy Statement, and satisfies the Criteria for Removal of Prime Agricultural Lands. The application constitutes removal of minimal agricultural lands for the proposed use.

Growth Plan for the Greater Golden Horseshoe

Policy 4.2.6 3) of the Growth Plan for the Greater Golden Horseshoe directs that:

Where agricultural uses and non-agricultural uses interface are outside of settlement areas, land use compatibility will be achieved by avoiding or where avoidance is not possible, minimizing and mitigating adverse impact on the agricultural system. Where mitigation is required, measures should be incorporated as part of the non-agricultural uses, within the area being developed. The lands which are located immediately to the east of those subject to these applications are designated Urban Business Park in the Haldimand County Official Plan, and as such it would be the long term vision for those lands to contain uses that are industrial in nature. These lands exist as one large holding, slightly more than 12.14 hectares (30 acres), within the Urban Boundary, and are not currently serviced by municipal water or wastewater supplies. The lands are presently used for agricultural purposes (crop growing) which represents an interim use. The subject proposal does not impact the interim use of agriculture in any fashion nor would it impact on the future potential use of industrial.

The subject proposal will result in the development of a use that exists in other similar locations of the County. Also, the proposal represents an opportunity to develop a use where a parcel is vacant, and may not be easily developable for the purposes for which it is designated and zoned.

Haldimand County Official Plan

The subject lands are designated 'Agriculture' within the Haldimand County Official Plan (OP). Under the 'Agriculture' designation, the land base is to be protected and the use of the lands must be predominately agriculturally oriented, with permitted uses including all forms of farming, as well as land uses compatible with or related to agriculture. The mini storage and climate controlled warehouse use are not anticipated to be incompatible with the neighbouring agricultural, residential or industrial uses, and will not represent the removal of lands that had been farmed up to this point in time.

The subject lands formerly contained four greenhouses that were constructed in 1991. These greenhouses have since been removed, and the site has remained in a state that would not promote other agricultural uses. There has been no interest in establishing a new agricultural use on the site, and the location of the lands in between properties designated as Urban Business Park, would limit the possibility that future agricultural uses would be established here. Additionally, adding policy support for additional permitted uses on the subject lands would not negatively impact the agricultural land base of Haldimand County.

As the intent of the application is to establish the discussed mini storage and climate controlled warehouse use, a special policy is requested to be applied to the lands which are identified in Attachment 3.

In terms of the proposed amendment, the removal of lands from the farm and agricultural production is not considered to have a negative impact on a farming operation. The subject lands have not been used for crop or pasture based agricultural activities since the greenhouses were established in 1991. Furthermore, the property has an area of 1.15 hectares (2.85 acres), which does not constitute the sort of large scale agricultural operation that typically exists in the County. No additional lands from a neighbouring property or farm are proposed to be transferred or affected.

Land Use Compatibility

Where a new use is proposed on lands which abut a sensitive land use, a compatibility review must be undertaken to ensure the appropriateness of the development and potential for mitigation measures. The land uses that surround the subject property are varied in nature. There are residential, agricultural, commercial and industrial uses within the vicinity of the subject property. A more detailed description is provided below, and the description is illustrated by Attachment 1, which depicts the larger neighbourhood to provide a broader context. Section F.1) 1 of the Haldimand County OP contains

policies which outline mitigation measures that can be utilized in situations where a new land use is going to be located adjacent to a sensitive land use. The considerations are outlined below:

- Separation of uses by increased setbacks:

Planning Comment:

The proposed buildings will result in the proposed use being established in proximity to the existing residential dwellings in the area. There are two dwellings in the vicinity of the subject lands; one located to the north and approximately 26 metres (86 feet) from the nearest property line, and another dwelling located to the south which is located approximately 60 metres (200 feet) away from the nearest property line. While mini storage and climate controlled warehouse uses are not considered incompatible with residential uses, the land use will become more intensive than the previous commercial greenhouses that were in place on the site. In this regard, it is important to note that the dwelling located south of the proposed development has another vacant property separating it from the subject lands. Further, the existing dwelling and detached garage on the subject site will be retained providing a 'transition' area and physical buffer.

With respect to the residential property to the north, the proponents have shown the buildings towards the residential uses as being set back from the property to provide buffering from the neighbouring lot. The mini storage unit closest to the dwelling to the north will be located approximately 9.5 metres (31 feet) from the property line of the subject lands. Further, the access lane and doors of the most northerly storage unit rest on the south side and thus the activity area at that part of the site would be buffered from the neighbouring residential lot by the building itself. The climate controlled warehouse will be the nearest building to the southern property boundary, and it will maintain a setback of approximately 9 metres (30 feet).

As a general observation, staff note that the proposed layout of the site and the building density/lot coverage would be similar to that which existed with the previous commercial greenhouse operation at this property; however, the frequency of traffic to the site is expected to be less for the new use and without the same type of consolidated trips typical of a commercial greenhouse operation.

The subject lands will be subject to site plan control, which means that the new development on the site, and the final details of design, will be reviewed and any additional mitigation measures can be included as part of the site plan approval process. The review would include the location and orientation of buildings, orientation of use, grading and drainage, landscaping, vehicular movements and parking.

- Screening and buffering such as landscape strips, architectural screenings, fences or berms:

Planning Comment:

Landscape features such as vegetation plantings and fencing have not been shown at this time, but will be determined where necessary through the site design and site plan approval process to further act as both a visual and sound buffer. The layout of the property nearest to the proposed development is such that the buildings have been constructed in a way that provides a level of buffering from the proposed mini storage use. The neighbouring dwelling is situated on the opposite side of the property, which will result in a spatial buffer, and there are accessory structures that have been constructed that provide some additional physical buffering between the proposed use and those which are existing on the neighbouring property. Further, the access lane and doors of the most northerly storage unit rest on the south side and thus the activity area at that part of the site would be buffered from the neighbouring residential lot by the building itself.

- Location of lighting so that it is deflected away or shielded from adjacent sensitive uses:

Planning Comment:

Any lighting installations will be assessed via a photometrics plan and mitigation of light spillage will be reviewed as part of the site plan process. This process, and the ultimate final lighting design, will ensure there is no light spillage onto adjacent properties.

- Proper location of parking, loading and unloading areas, and outside storage:

Planning Comment:

The location of all of these elements will be carefully assessed as part of the site plan approval process. Traffic to the site is not anticipated to be of a high volume as the usage is not something that would attract members of the public in general but users of the site would be travelling to the location to drop off or retrieve items being stored there. The proponents will need to secure permits through MTO for access to Highway 6, matters that will be finalized through Site Plan Control. Furthermore, the proponents have indicated that the traffic that is anticipated to access the site will likely have a volume a 10-20 cars per day. The travel to the site by the individuals leasing a storage unit is anticipated to be seasonal in nature, as opposed to daily or weekly. That is to say that once a unit is leased, the individuals will travel to the site to drop off the items for storage, then travel back periodically through the year to retrieve them, and drop off new materials to be stored at the site. The proponents have indicated that the site will be secured by an electronic access gate, which the users of the facility will be able to open using a card-pass. Thus, there would not be any time restrictions on users accessing the site. There will not be an attendant on site for standard business day hours of operation, rather employees would attend the site on an appointment based schedule. Additional details such as the movement of vehicles and pedestrians within the development will be a component that is reviewed more extensively during Site Plan Control.

- Provision of safe, convenient pedestrian access with minimal interference from vehicular movement:

Planning Comment:

Pedestrian traffic is not anticipated to conflict with the mini storage usage of the site. The subject lands are not located in an area where people are likely to travel on foot, and users of the site will likely be parking in the spaces provided or near their storage space for loading/unloading of materials.

Water and Wastewater Servicing

The subject property exists outside the urban boundary for Jarvis. The Official Plan sets out that such lands are to be serviced privately. However, partial municipal services (in the form of municipal water) were previously extended to the subject lands and are available for use. Those permissions are proposed to be extended to the facility so that there will continue to be a municipal water supply to the use into the future. Water and Wastewater staff have reviewed the proposal and have indicated there are no issues or concerns with utilization of the existing water service for this use. A new private individual wastewater treatment system (septic) will be constructed as part of the proposed development. Also, through the site plan review, a site plan agreement will be required to be registered on title once it has been executed by the proponent and the County. This agreement will include a provision that will require the present or any future owner to connect with wastewater servicing should it be installed along Highway 6 in the future. Should that occur, the septic system would need to be decommissioned at that time and following connection to the County servicing.

Site Plan Control

Site Plan Control is applied to a variety of zones throughout Haldimand County to regulate development and is identified as Attachment 6. Traditionally, the 'Agricultural (A)' zone is not subject to site plan control, however due to the scale of the proposed development staff is recommending that this project be subject to a site plan review.

This review will allow staff to have input into issues such as: stormwater management, ingress/egress, parking layout, site lighting and buffering between land uses. This review is tailored to suit each project, and as the proponent has not initiated a formal site plan review, staff has not yet begun this process.

Planning staff acknowledge that there is potential for land-use conflicts to arise between the proposed use and the neighbouring residential uses. To ensure that the potential for issues are mitigated, staff will recommend that there be buffering installed on the site between the northernmost mini storage unit, and the residential lands.

Lastly, as part of the site plan process, a site plan agreement will be required. As part of the agreement, the obligations of future potential servicing 'tie in' will be incorporated (as described in the servicing section immediately above).

Zoning By-law

The zoning on the subject property is currently zoned 'Agricultural' (A) in the City of Nanticoke Zoning By-law NE 1-2000, and the proponent is seeking to create a special provision that will apply to the subject lands—i.e. Special Provision A.50. This special provision would establish the mini storage and climate controlled warehouse use for the lands under review. The proponents are not seeking relief for any other zoning provisions relating to lot area, frontage, or yard setbacks and thus are requesting the amendment specific to the uses noted throughout.

The recommendation from staff is to leave the A zone in place for the site, and establish a special provision that would apply to the lands subject to this application. This approach will leave the A zone in place so that, if in the future the development does not occur, the permitted uses in the A zone may be established without needing to submit a Planning application.

In addition to the above noted amendments to permit the proposed development, staff is recommending that a 'Holding (H)' provision be applied to the subject lands. The H-provision (Attachment 5) will require that the site plan review is completed, and a site plan agreement will be registered for the subject lands. Also, the Holding provision will be removed by the General Manager of Community and Development Services once the noted requirements have been satisfied.

Draft Amendments

Copies of the proposed draft Official Plan amendment (Attachment 3), and a Zoning By-law amendment (Attachment 4) have been prepared and attached to this report. With the approval of the requested Official Plan and Zoning amendment, the proposed development on the subject lands will have a site specific policy added to the site and the Zoning By-law will have a site specific zoning provision added as well. These planning instruments will permit the use, and require that the proponents receive site plan approval prior to beginning construction.

Planning Opinion:

Planning Staff has reviewed the proposal in relation to Provincial and County policy frameworks and are of the opinion that the proposed amendments are consistent with and generally maintain the intent and purpose of the Provincial Policy Statement, 2014, the Places to Grow Plan 2006 and the Haldimand County Official Plan. Additionally, the proposed amendment to the Zoning By-law maintains the intent and purpose of the City of Nanticoke Zoning By-law NE 1-2000. Therefore, Planning staff is supportive of the subject applications.

The proponents have consulted with the adjacent property owners in person, on November 12th, 2018. No concerns were received as a result of this consultation effort.

FINANCIAL/LEGAL IMPLICATIONS:

Not applicable.

STAKEHOLDER IMPACTS:

Emergency Services—No objections.

Planning and Development Division (Development and Design)—No comments.

Building & Municipal Enforcement Services—No objections.

Hydro One—No comments.

Ministry of Municipal Affairs/Ministry of Housing Ontario—Awaiting commentary at the time of writing this report.

Ministry of Transportation—No comments received.

Six Nations—No comments received.

Mississaugas of the New Credit—No comments received.

Public Works Operations (Road Operations)—No objections.

Haldimand-Norfolk Health Unit—No objections.

MPAC—No objections.

Other—No objections to the proposal have been received from any other agency or member of the public.

REPORT IMPACTS:

Agreement: No

By-law: Yes

Budget Amendment: No

Policy: No

ATTACHMENTS:

1. Location Map.
2. Owners Sketch.
3. Official Plan Amendment.
4. Zoning By-law Amendment.
5. Removal of Holding By-law.
6. Site Plan Control By-law.
7. Policy Conformity Chart