



## DEVELOPMENT SERVICES *Staff Report*

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REPORT NO: DS-2025-03

TO: Committee of the Whole

SUBMITTED BY: Harold O’Krafka, MCIP RPP PLE  
Director of Development Services

PREPARED BY: Andrew Martin, MCIP RPP  
Manager of Planning and Economic Development

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Senior Development Planner

REVIEWED BY: Greg Clark, Acting Chief Administrative Officer

DATE: April 7, 2025

SUBJECT: Zone Change Application 02/25 – 73 Hincks Street, New Hamburg

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### RECOMMENDATION:

THAT Council approve Zone Change Application 02/25, affecting Lots 31-34 and C.H. Ahrens Block, Plan 532A, to rezone the subject property from Zone 10 (Industrial) and Zone 3 (Residential) to Zone 7 (Commercial) and eliminate residential uses otherwise permitted within Zone 7.

### SUMMARY:

This application proposes to rezone the subject property from Zone 10 (Industrial) and Zone 3 (Residential) to Zone 7 (Commercial) and eliminate residential uses otherwise permitted within Zone 7. The rezoning of the subject property would remove the industrial uses currently permitted and transition the building to a multi-tenant light industrial/commercial building. There are currently no proposed changes to the building footprint, and this application simply seeks to recognize and give permanent status to existing and potential commercial tenants.

**BACKGROUND:**

Notice of a Public Meeting was given to property owners within 120 metres of the subject lands on February 19, 2025. The following is a summary of comments received prior to and at the Public Meeting.

**Public:** Mike Lucas – concerns about parking. Complete comments included as Attachment B.

**Agencies:** GRCA – no comments  
Region of Waterloo – no objections  
WCDSB – no comments

**REPORT:**

73 Hincks Street is a multiple tenant commercial/industrial building located at the corner of Hincks Street and James Street. The property is zoned Zone 10 (Industrial) comprising of the plaza and Zone 3 (Residential) which currently function as a parking lot for the plaza.

The building previously contained a foundry operation with Nelson Bronze operating from the building until the early 2000's. The subject property has slowly transitioned into a commercial/light industrial building that now contains uses that are largely commercial in nature such as a take-out restaurant, pet food packaging, dance studio and office space.

The current industrial zoning does not permit a majority of commercial uses for which the owner has received interest from potential tenants. Specifically, the industrial zoning of the property does not allow for a take-out restaurant. The current take-out restaurant (Mario Chang's Chicken) was permitted by way of a temporary use by-law in 2021 for a three-year period and has since expired. The temporary use by-law allowed a take-out restaurant use to be evaluated over a three-year period to determine whether the establishment resulted in any site functionality issues. No comments or concerns were ever raised since the business became operational. A take-out restaurant has been permitted to continue to operate while the owner has worked through a zone change application.

Additionally, a small portion of the property is residentially zoned, despite being used as a parking lot to serve the existing industrial building. It is atypical that a property be split between conflicting land uses such as industrial and residential. Staff determined that this boundary was not a drafting error, but simply a result of the timing of the development of the surrounding area. Removing this residentially zoned parcel recognizes the existing use and removes residential use provisions from an area that is otherwise undevelopable for residential use.

In order to give permanent status to the take-out restaurant and to give consideration to other future commercial uses on the site, the entire property is proposed to be zoned Zone 7 (Commercial). This zoning would facilitate future uses and changes thereto rather than continually requiring applications to amend the industrial zone. As well, removal of heavy

industrial uses from the zoning provides increased compatibility with neighbouring residential uses.

Zone 7 is the identical zoning applied to other commercial plazas in New Hamburg such as the Scran & Dram Plaza (338 Waterloo Street) and Dollar Haven (385 Waterloo Street). The owner has expressed interest in maintaining the current tenants of the building as well as new tenants such as a laundromat which Zone 7 would accommodate

Zone 7 currently permits residential uses situated above commercial uses. The residential uses are proposed to be removed from the default list of permitted uses as the owner has no desire for residential uses and their elimination protects from any unevaluated compatibility issues resulting from prior industrial uses of the property.

Comments were received from one neighbouring property owner expressing concerns with parking on the street. The subject property has sufficient space to accommodate parking needs of the current tenants and would be evaluated for sufficiency should further commercial uses be proposed. Concerns related to on-street parking will continue to be monitored by municipal law enforcement staff.

Staff are of the opinion that the proposed zoning represents an appropriate re-use of an existing building promoting continued and future land use compatibility.

#### ALIGNMENT WITH THE TOWNSHIP OF WILMOT STRATEGIC PLAN:

Prosperous Businesses & Balanced Growth

#### FINANCIAL CONSIDERATIONS:

The application fees, established by the Township of Wilmot Fees and Charges By-law, were collected at the time of application.

#### ATTACHMENTS:

Attachment A – Property Location

Attachment B – Public comments