



## DEVELOPMENT SERVICES

### *Staff Report*

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REPORT NO: DS 2023-004

TO: Council

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

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

REVIEWED BY: Sharon Chambers, CAO

DATE: March 20, 2023

SUBJECT: Modifications to Draft Plan of Subdivision 30T-19601 and 30T-19602, Wilmot Employment Lands, New Hamburg

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#### RECOMMENDATION:

That Council recommend to the Region of Waterloo the following amendments to the Township's conditions of draft approval for Draft Plan of Proposed Subdivision 30T-19601 dated February 22, 2021:

- A. Replace condition 1 with:
  - 1. That this approval applies to plan of subdivision 30T-19601 by MHBC Planning, dated August 30, 2022 which shows a total of 6 industrial development blocks, 2 stormwater management blocks, 3 drainage channels, 4 reserve blocks (0.3m) and 3 streets proposed to be developed in 1 stage.
- B. Replace condition 2 with:
  - 2. That the following shall be conveyed to the Township of Wilmot for the purposes stated therein, at no cost and free and clear of all encumbrances:
    - a) Blocks 6 and 7 as a stormwater management facility;
    - b) Blocks 9, 10 and 11 as overland drainage and servicing channels; and,
    - c) Blocks 12, 13, 14, and 15 for 0.3m reserves

- C. Delete condition 3 and replace with:
  - 3. That a 9m easement be conveyed to the Township of Wilmot along the west side of Block 1 for the purposes of preserving a landscaped 9m buffer along west property line that abuts residential development.
- D. Replace condition 14 with:
  - 14. That the subdivider shall submit a landscaping plan prepared by a qualified landscape architect for boulevard tree plantings, the 9m buffer along the west side of Block 1, as well as Blocks 7, 8, 9, 10, and 11 to be approved by the Township.
- E. Replace condition 15 with:
  - 15. That the Subdivider shall landscape the 9m buffer along the west side of Block 1 as well as Blocks 7, 8, 9, 10, and 11 in accordance with the approved plan required in condition 14 above.
- F. Replace all occurrences of “Street One” with “Howie Meeker Blvd.” within conditions 19 and 20.
- G. Delete conditions 25, 26, and 27.
- H. Renumber condition 28 as condition 25 and delete “Stage 2”.
- I. Renumber conditions 29 as condition 26 and replace the words “the final approval of Stage 1” with “registration”.
- J. Renumber condition 30 as condition 27 and replace with:
  - 27. That prior to registration, the Township, the Ministry of Transportation and other parties as deemed necessary, enter into an agreement or agreements to secure the following:
    - a. establish the entirety of Blocks 1-5 as being within the MTO control area;
    - b. that upon issuance of MTO and municipal permits for a cumulative gross floor area of 750,000 square feet within Blocks 1-5 (hereinafter referred to as the “Cap”) no additional Building and Land Use permits will be issued until the owner has submitted to the Ministry of Transportation for their review and approval, a copy of a Traffic Impact Study prepared in accordance with Ministry of Transportation requirements, indicating the anticipated traffic volumes and their impact upon the intersection of Highway 7/8 at Hamilton Road and Highway 7/8 at Nafziger Road;
    - c. that subsequent owners of any part of the development lands be advised that any existing buildings within the development will have used up some or all of the Cap, so there may be little or no Cap remaining to be utilized by such other subsequent owners before the Traffic Impact Study and subsequent highway improvements are completed;
    - d. that should the Traffic Impact Study identify additional improvements to accommodate additional floor area beyond the 750,000 square feet identified in condition 27b, funding arrangements for the design and construction of the

Highway 7/8 improvements shall be made to the satisfaction of the Ministry of Transportation and Township of Wilmot in consultation with the Region of Waterloo and Owners prior to issuance of any additional Building and Land Use permits; and

- e. that the Owners shall be financially responsible only for the portion of works attributable to the traffic generated from the development of their lands and the Township, Region and MTO shall be financially responsible for their respective portions of the intersection improvements attributable to the traffic from all other sources, as documented in the approved Traffic Impact Study.

K. Renumber condition 31 as condition 28.

AND

That Council recommend to the Region of Waterloo the following amendments to the Township's conditions of draft approval for Draft Plan of Proposed Subdivision 30T-19602 dated March 9, 2023:

- A. Replace the date "February 2, 2021" with "March 9, 2023" and "2 stages" with "1 stage" within condition 1.
- B. Replace condition 2 with:
  - 2. That the following shall be conveyed to the Township of Wilmot for the purposes stated therein, at no cost and free and clear of all encumbrances:
    - a) Blocks 15, 16 and 17 as overland drainage channels;
    - b) Block 18 as a walkway;
    - c) Blocks 19, 20, 21, 22 and 23 as 0.3m reserves; and
    - d) Block 14 as an emergency access block.
- C. Delete "of Stage 2", replace "Street Two" with "Hahn Brass Way", and replace "Street Three" with "Vernon Erb Drive" within condition 3.
- D. Replace "Stage 1, Blocks 7, 8, 9 and 10 and Stage 2, Block 8" with "Blocks 15, 16, 17 and 18" within condition 14 and 15.
- E. Replace "Street One" with "Howie Meeker Blvd." within condition 19.
- F. Replace "the final approval of Stage 1" with "registration" within condition 25.
- G. Delete condition 26 and replace with:
  - 26. That prior to registration, the Township, the Ministry of Transportation and other parties as deemed necessary, enter into an agreement or agreements to secure the following:
    - a. establish the entirety of Blocks 1-13 as being within the MTO control area;
    - b. that upon issuance of MTO and municipal permits for a cumulative gross floor area of 250,000 square feet within Blocks 1-13 (hereinafter referred to as the

- “Cap”) no additional Building and Land Use permits will be issued until the owner has submitted to the Ministry of Transportation for their review and approval, a copy of a Traffic Impact Study prepared in accordance with Ministry of Transportation requirements, indicating the anticipated traffic volumes and their impact upon the intersection of Highway 7/8 at Hamilton Road and Highway 7/8 at Nafziger Road;
- c. that subsequent owners of any part of the development lands be advised that any existing buildings within the development will have used up some or all of the Cap, so there may be little or no Cap remaining to be utilized by such other subsequent owners before the Traffic Impact Study and subsequent highway improvements are completed;
  - d. that should the Traffic Impact Study identify additional improvements to accommodate additional floor area beyond the 250,000 square feet identified in Condition 26b, funding arrangements for the design and construction of the Highway 7/8 improvements shall be made to the satisfaction of the Ministry of Transportation and Township of Wilmot in consultation with the Region of Waterloo and Owners prior to final approval of Stage 2 prior to issuance of any additional Building and Land Use permits.
  - e. that the Owners shall be financially responsible only for the portion of works attributable to the traffic generated from the development of their lands and the Township, Region and MTO shall be financially responsible for their respective portions of the intersection improvements attributable to the traffic from all other sources, as documented in the approved Traffic Impact Study.

### SUMMARY:

This report serves as an addendum to Report DS 2023-003 (included as Attachment A), which was considered at the March 6, 2023 Council meeting.

The report includes additional discussion about the implementation of zoning setbacks along the rear lot line of the Badenview plan (30T-19601) abutting the residential lands to the west. It also speaks to the functionality of the buffer strip along this same boundary together with the space required to accommodate tree growth and maintenance.

The report summarizes the request made by the applicant to remove previously proposed staging within the New Hamburglrs plan (30T-19602) to allow the plan to register in one stage consistent with the amended draft plan conditions proposed for the Badenview plan.

The recommendation within this report remains consistent with that of Report DS 2023-003 except for the following changes:

1. an easement width of 9m is proposed instead of 13.5m in the area of the west property line of the Badenview plan; and
2. modifications to draft approval conditions are included for the New Hamburglrs plan to remove staging and address MTO conditions in a consistent manner as the Badenview plan.

## BACKGROUND:

On March 6, 2023, Council deferred consideration of the recommendation within Report DS 2023-003 until the next Council meeting to allow staff an opportunity to provide additional clarity on the applicant's request for modifications to the proposed rear yard easement width and modifications to staging within the New Hamburg Lrs plan.

Subdivision approval is currently the responsibility of the Region of Waterloo. The Region of Waterloo deemed the proposed changes to be minor modifications to the draft approval.

Although public notice is not required to make minor modifications to draft approval, to ensure transparency, notice that this matter was to be considered at the March 6, 2023 Council meeting was provided to neighbouring property owners. Prior to and at that meeting, two residents provided comments: Neil Hofstetter and Stephen Drudge.

On March 10, 2023, Mr. Hofstetter and Mr. Drudge were advised of that this matter would be further discussed at the March 20, 2023 Council meeting and were provided a summary of the details of this report at that time.

## REPORT:

### Width of easement and rear yard setback: Badenview plan

Report DS 2023-003 included a recommendation for a 13.5m easement abutting the residential lands to the west of the Badenview plan. This proposed easement was based on the conceptual cross-sections provided by the applicant illustrating proposed grades and a treed buffer in-lieu of a berm originally planned for this area.

At the March 6 meeting, the applicant provided a sketch illustrating that tree planting could occur within an 8m easement and requested that the easement width be reduced accordingly. Council deferred decision on the matter and requested that additional details be provided to ensure that the easement was wide enough to accommodate trees and ongoing maintenance.

To clarify, there are two factors to consider:

1. the required rear yard setback established by the zoning by-law, and
2. the easement width required to preserve the trees planted as a buffer, to allow for a reasonable slope for future maintenance, and for maintenance access.

The standard industrial zoning requires a 1.5m buffer strip between industrial lands and residential lands in addition to the required rear yard setback which is equal to the building height, but not less than 7.5m.

For instance, a building with a height of 7.5m would be required to be at least 9m from the property line accounting for a 1.5m buffer strip and a minimum rear yard setback of 7.5m. As illustrated by the examples on the original cross-sections, a building with a height of 12m

would need to be at least 13.5m from the property line accounting for a 1.5m buffer strip and a minimum rear yard setback of 12m.

Upon further review, the applicants are proposing a 9m easement, which would encompass the combined minimum rear yard setback and also the space for maintenance access, the off-set row of trees, and slopes not exceeding 3:1.

Mr. Hofstetter verbally indicated to staff that he would prefer to see a setback of 13.5m maintained.

Revised cross-sections illustrating a 12m high building and a 7.5m high building were prepared and are included as Attachment B. As illustrated on those cross-sections, within the proposed 9m easement there is a 1.5m relatively flat area abutting the property line. This 1.5m area would provide space (comparable to a side yard of a residential property), where small landscaping equipment, wheelbarrows, and if necessary, mowing equipment could access the area. Additionally, this space would allow for maintenance of the chain-link fence as required. From 1.5m to the 9m limit, the slope would not exceed 3:1, which is a typical slope requested for ease of maintenance should trimming be required until trees are of mature size where undergrowth would be limited. Based on anticipated mature width of the coniferous trees, an area of 9m is anticipated to accommodate the trees while allowing continued access close to the chain-link fence if required.

Staff are of the opinion that the combination of the current zoning restrictions prohibiting rear yard loading, parking and storage along with the standard zoning setbacks will ensure that the buildings are appropriately located. Through site plan control required for future building construction, an updated noise study will be required for each of the new buildings abutting the residential lands. Those studies will determine if the building location remains consistent with the assumptions of the original noise study and determine if greater setbacks or other mitigation measures are required.

The illustration of a 12m building that was originally provided in advance of the March 6 meeting remains accurate with respect to the minimum setback of 13.5m for a building of that height. The easement is not intended to supersede the zoning setback, but rather ensure the tree plantings within the buffer area are preserved and that adequate space exists for maintenance.

Staff support that the 9m easement will provide space to accommodate a visual buffer along with future maintenance needs.

#### Removal of staging: New Hamburglrs plan

Despite being separate plans of subdivision, the Badenview and New Hamburglrs plans are being developed together. The applicant inadvertently neglected to request modifications to the New Hamburglrs plan to remove staging as they have proposed for the Badenview plan. To ensure a uniform approach to development and registration, the applicant is also proposing that the New Hamburglrs plan be registered in one stage.

As discussed in Report DS 2023-003, the draft plan was originally proposed to be registered in two stages to allow for future assessment of traffic impacts on the Highway 7/8 corridor and associated intersections. The Ministry of Transportation (MTO) has indicated they have no concerns with a single stage and has agreed upon implementation measures utilized in other MTO regulated areas that will result in the same future traffic assessment only tied to the building and land use permit process as opposed to staging of registration.

The recommendation in this report proposes similar modified draft approval conditions as proposed for the Badenview plan. At such time as the New Hamburglrs plan reaches 250,000 square feet of buildings within the plan, the previous agreed upon MTO triggers of Stage 2 registration would apply.

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

The proposed modifications to draft approval will facilitate continued progress towards physical construction of the Wilmot Employment Lands which will expand the opportunity for continued economic development of the Township over the next decade and will serve to further enhance Wilmot as a complete community for its residents.

#### 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	Report DS 2023-003
Attachment B	Revised west property line conceptual cross-sections
Attachment C	Approved New Hamburglrs Draft Plan
Attachment D	Revised New Hamburglrs Draft Plan
Attachment E	Changes to Township Conditions of Draft Approval – Badenview
Attachment F	Changes to Township Conditions of Draft Approval – New Hamurglrs