

Planning Justification Report Zoning By-Law Amendment Application 510 Erbsville Road



Prepared for Muslim Association of Canada
by IBI Group

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1 Introduction

IBI Group was retained by the Muslim Association of Canada (“the applicant”) to prepare this Planning Justification Report, which is required to support the Zoning By-Law Amendment application proposed by the applicant to allow for institutional use of the property known municipally as 510 Erbsville Road (herein referred to as the “Subject Property”).

The applicant is proposing to change the zoning of the Subject Property from “Agricultural” to “Institutional” and “Green 1”. The purpose of the requested re-zoning is to allow for the use of the existing building for small-scale community uses associated with the Muslim Association of Canada in the short term, while also protecting the natural heritage features existing on the property.

At this time, no new buildings or building additions are being proposed on the property, however the applicant has indicated their intent to potentially build a multi-purpose community centre.

This report provides a description of the Subject Property and surrounding neighbourhood, an overview of planning controls applicable to the property, and a detailed description of the proposed Zoning By-Law Amendment. It also summarizes servicing and environmental studies which have been prepared in support of this application. Finally, this report provides planning justification for the proposed Zoning By-Law Amendment application.

2 Site Context and Background

2.1 Property Description

The Subject Property is municipally known as 510 Erbsville Road and is known legally as *Plan 58-R4413, Parts 3, 4 & 5 of Lot 43, German Company Tract, City of Waterloo, in the Regional Municipality of Waterloo*. The location of the property is shown contextually on Figure 1, on page 3 of this report.

The Subject Property is located on the north-west side of Waterloo, located east of Erbsville Road, and south of Laurelwood Drive. The property currently contains a single detached residence, a freestanding two-car garage, and a shed. Access to the Subject Property is provided by a gravel driveway from Erbsville Road.

The Subject Property also features environmental areas, including wetlands and tree-covered areas. Of note, there is a Provincially Significant Wetland located adjacent to the northeast property boundary and aerial photography also reveals that much of the site surrounding the existing dwelling is currently tree-covered.

2.2 Neighbourhood Context

The Subject Property is located in west Waterloo, in close proximity to the Laurelwood and Clair Hills neighbourhoods. The property fronts onto the eastern side of Erbsville Road, between Laurelwood Drive to the north and Columbia Forrest Boulevard to the south. This area is comprised of a range and mix of land uses, including commercial, institutional, residential, conservation, and recreational uses, as shown on Figure 1 on page 3 of this report.

Immediately north of the site, at the property municipally known as 516 Erbsville Road, exists a small-scale industrial use which appears to be a salvage yard and automobile wrecking facility. Further north of the site, at the intersection of Erbsville Road and Laurelwood Drive, exist two commercial plazas, a retirement residence ("the Court at Laurelwood"), and a public high-school (Sir John A. MacDonald Secondary School). The commercial plazas feature a grocery store ("Food Basics"), pharmacy ("Shoppers Drug Mart"), a bank ("Bank of Nova Scotia") and a number of other shops and restaurants.

East and west of the site exist residential neighbourhoods which are primarily comprised of low density single detached residences. Access to the subdivision west of the site is through Laurelwood Drive, and access to the subdivision east of the site is via Old Oak Drive or Willowood Drive.

The Subject Property is also in close proximity to a number of parks and natural/conservation areas. Specifically, the property backs onto the Old Oak Park, and the Laurel Creek Conservation Area (GRCA) is located to the northeast of the site.



3 Policy Context

This section of the report provides an overview of the policy context applicable to the Subject Property, including the Regional Official Plan, the City of Waterloo Official Plan and City of Waterloo Zoning By-Law.

3.1 Region of Waterloo Official Plan

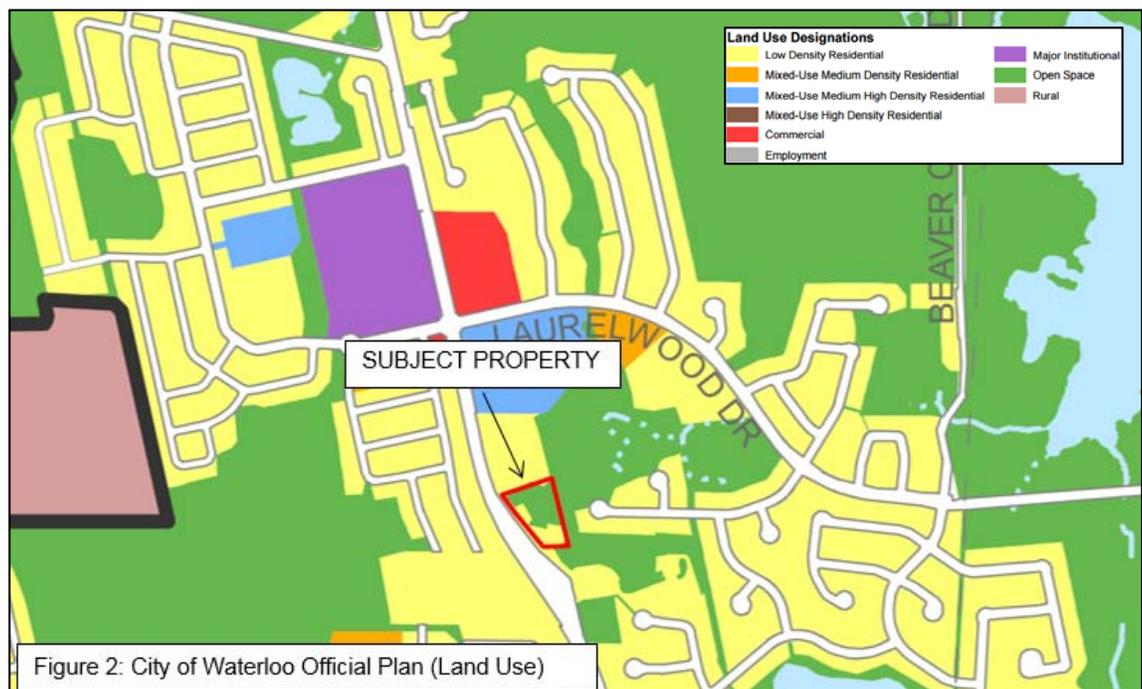
The Regional Official Plan has identified the subject site as being located within the Urban Boundary and Built-Up Area of the City of Waterloo. This designation promotes growth and regeneration in areas where adequate infrastructure is existing and allows for higher density and infill development to occur to support the limits of the urban boundary.

Map 4 of the Regional Official Plan also identifies portions of the property as within the Regional Core Environmental Features land use designation. The Core Environmental Features designation consists of significant habitat of endangered or threatened species; Provincially Significant Wetlands (PSW); Environmentally Sensitive Policy Areas; Regionally Significant Woodlands; and Environmentally Significant Valley Features. The Regional Official Plan requires that when development is proposed within or adjacent to Core Environmental Feature, an Environment Impact Study must be undertaken to demonstrate that there will be no negative impacts to the natural feature or its ecological functions as a result of the development.

To address this requirement, as described in Section 6 of this report, a scoped Stage 1 Environmental Impact Study was undertaken by R.J. Burnside and Associated Limited in December 2015, which identified environmental development constraints on the property and the potential impacts of the proposed land use on onsite and adjacent natural heritage features.

3.2 City of Waterloo Official Plan

The City of Waterloo Official Plan designates the Subject Property “Low Density Residential” and “Open Space” as shown on Figure 2, below.



3.2.1 Low Density Residential Designation

Section 10.1.3 of the Official Plan provides that the predominant use of land within the Low Density Residential designation is intended to be residential, but complementary uses including Assisted Living Facilities, Child Care Centres, Community Uses, Long Term Care Facilities and Spiritual Uses may also be permitted. "Spiritual Uses", for the purposes of the Official Plan, are defined as: an establishment where a group of people gather for prayer and/or to worship.

3.2.2 Open Space

Section 10.5 of the City of Waterloo's Official Plan sets out the policy framework for the Open Space land use designation. The Official Plan provides that Open Space areas are intended to protect ecologically significant natural features and to provide a comprehensive and connected open space system that balances the needs of the community in terms of recreation/leisure, culture, transportation, infrastructure and environmental management. This area is also identified as a Core Natural Feature, as described below, and accordingly is also subject to the natural heritage policies of the Official Plan.

3.2.3 Natural Heritage System

Schedule 'A4' of the City of Waterloo's Official Plan shows that the parts of the property that are designated as Open Space are also identified as a Core Natural Feature. The Official Plan provides that Core Natural Features are natural features which have been identified as being provincially or regionally significant, and which are the most significant natural elements of the regional landscape in terms of protecting and enhancing biodiversity and ecological functions. Core Natural Features include: Significant Habitat of Endangered or Threatened Species; Provincially Significant Wetlands; Environmentally Sensitive Policy Areas; Regionally Significant Woodlands; and, Environmentally Significant Valley Features.

Development or site alteration is not permitted within Core Natural Features, except for the following purposes:

- a) restorative, scientific, and educational uses related to on-site resources;
- b) flood or erosion control projects;
- c) essential infrastructure for which no other alternative is feasible;
- d) minor alterations to legal non-conforming land uses; and,
- e) new mineral aggregate operations in accordance with Section 9.C of the Regional Official Plan.

It is noted that the applicant is proposing to change the zoning of this portion of the property to "Green 1", which would limit the use of this portion of the site to conservation and natural resource uses in accordance with the City of Waterloo's Zoning By-Law. No institutional uses are proposed on this portion of the property.

3.3 City of Waterloo Zoning By-Law

The Subject Property is currently zoned "A – Agriculture" by City of Waterloo Zoning By-Law No. 1418, as shown on Figure 3, below. Uses permitted in the zone are limited to farms, a single

detached dwelling, group homes, bed and breakfast operations, recreational uses (parks and playgrounds) or conservation areas.



As this part of the property is proposed to be used for spiritual and community uses, the applicant is proposing to rezone part of the property as 'Institutional', as described in Section 4 of this report.

4 Proposed Zoning By-Law Amendment

As noted earlier in this report, the applicant is seeking to use the existing building for community uses associated with the Muslim Association of Canada, including spiritual uses (i.e. a prayer room). At this time, no new buildings or building additions are being proposed on the property, however the applicant has indicated their intent to potentially build a multi-purpose community centre on the property at some point in the future.

To allow for the proposed spiritual/community uses, the applicant is seeking a Zoning By-Law Amendment to change the zoning for the Subject Property from "Agricultural" to "Institutional" and "Green 1", as shown on Figure 4 on the following page, and as Appendix A, attached.



The portion of the site proposed to be re-zoned “Institutional” corresponds with the development limit identified by the Scoped Environmental Impact Study (Stage 1) prepared by R.J. Burnside and Associated Limited.

Further, the portion of the site which is proposed to be re-zoned “Green 1” corresponds to the boundaries of the City of Waterloo’s Open Space land use designation applicable to the site, and protects areas of environmental constraint on the property, inclusive of the woodlot limit and buffer and wetland limit and buffer as determined by the Scoped Environmental Impact Study.

As noted earlier in this report, the applicant is not currently proposing any building expansions or new buildings on the Subject Property, but may consider development of the site in the future for the purposes of building a multi-purpose community centre depending on community growth. Any future development of the site would only occur on the on the portion of the site proposed to be re-zoned “Institutional”.

5 Planning Justification

This section of the report provides planning justification for the proposed re-zoning of the Subject Property.

5.1.1 Conformity with the City of Waterloo Official Plan

The City of Waterloo’ in-effect Official Plan designates the Subject Property as “Low Density Residential”, “Open Space”, and “Core Environmental”. The portion of the property proposed to be zoned “Institutional” corresponds with the boundaries of the Low Density Residential designation applicable to the site, while the portion of the site proposed to be re-zoned “Green

1” corresponds with the boundaries of the Open Space and Core Environmental designations applicable to the site.

As noted previously, the Official Plan permits “Spiritual Uses” and “Community Uses” within the Low Density Residential land use designation. In that regard, the proposed institutional zoning conforms to the intent of the Official Plan designation, as it will permit the proposed prayer room and community uses associated with the Muslim Association of Canada.

Similarly, the proposed “Green 1” zoning proposed on the northern portion of the site conforms with and implements the Open Space and Core Natural Features land use designations applicable to that portion of the site. It is noted that the ‘Green 1’ zoning would restrict land uses on this portion of the site to conservation and natural resource uses, including but not limited to woodlots, wetlands, water courses, and vegetative buffers

5.1.2 Compatibility with neighbouring uses

As shown on Figure 1 on page 3, the surrounding neighbourhood is comprised of a range of land uses, inclusive of residential, commercial, open space and institutional uses. Given this range of uses in close proximity to the site, it is anticipated that the proposed use will fit logically into the neighbourhood context and will not produce conflicts with nearby land uses.

5.1.3 No Adverse Environmental Impacts

As shown on Figure 4, the portion of the site proposed to be re-zoned “Institutional” corresponds with the development limit identified by the Scoped Environmental Impact Study (Stage 1) prepared by R.J. Burnside and Associated Limited. This means that any institutional uses, including any future development of the site for institutional uses, would be limited to the portion of the site within the identified development limit.

Additionally, it is noted that the remainder of the site is proposed to be re-zoned “Green 1”. This proposed zoning will limit the use of this portion of the site to conservation and natural resource uses, including but not limited to woodlots, wetlands, water courses, and vegetative buffers.

5.1.4 Record of Site Condition

Due to the close proximity of a small-scale industrial use (salvage yard and automobile wrecking facility) located immediately north of the Subject Property at 516 Erbsville Road, the Region of Waterloo requested a Record of Site Condition to support the proposed re-zoning of the property. Accordingly, a Phase 1 and Phase 2 Environmental Site Assessment was carried out by SPL Consultants Limited, and a Record of Site Condition was filed with the Ministry of Environment and Climate Change on December 1, 2014 and a copy of these reports have been submitted with the Zone Change application.

5.1.5 Site Servicing

The applicant is proposing to use the existing building for the proposed prayer room and associated community uses and intends to use the existing on-site water and septic system for site servicing. Accordingly, no servicing upgrades are proposed at this time.

As noted previously, the applicant has indicated that it may be their intent to redevelop the property in the future (for a multi-purpose community centre), and as such, the City of Waterloo has requested that a Servicing Brief be prepared.

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Accordingly, a Servicing and Storm Water Management Report was prepared by IBI Group, which outlines servicing options for the site. Should the applicant wish to redevelop the property in the future, it is expected that appropriate servicing be required as a condition to the required building permit.

5.1.6 Acoustical Study – Traffic Noise

An Acoustical Study was undertaken to assess the impact of traffic noise from Erbsville Road. This study concluded that a Noise Warning Clause and provision for air conditioning be required should the existing structure be utilized as a dwelling unit and/or permit accommodations. The study also recommended that this study be reassessed in the future when the applicant comes forward with specific plans for redevelopment and construction.

6 Conclusions

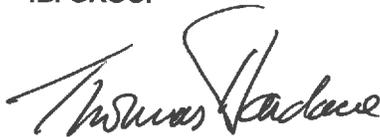
The applicant is seeking approval to rezone the subject property from its current "Agricultural" zoning to "Institutional" and "Green 1". The purpose of this rezoning is to permit the use of the property and existing buildings as a prayer room and for community uses associated with the Muslim Association of Canada.

As detailed in this report, the proposed "institutional" zoning conforms to the City of Waterloo Official Plan's "Low Density Residential" land use designation applicable to the site, which permits community and spiritual uses. Further, the rezoning is not anticipated to generate any land use compatibility issues with surrounding land use.

For these reasons, it is our opinion that rezoning of the Subject Property to "Institutional" and "Green 1" is justified, conforms to the City of Waterloo Official Plan and represents good land use planning.

Respectfully Submitted

IBI GROUP



Thomas C. Hardacre, MCIP, RPP
Associate

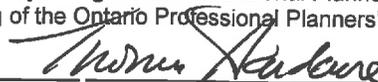


Dave Galbraith, BES

TCH/DG/baw
Encl.



I hereby certify that is Planning Justification Report was prepared by a Registered Professional Planner within the meaning of the Ontario Professional Planners' Institute Act, 1994.



Date Thomas C. Hardacre, MCIP, RPP