



STAFF REPORT Planning Approvals

Title: Zone Change Application Z-16-03, Muslim Association of Canada, 510 Erbsville Road

Report Number: IPPW2017-044

Author: Trevor Hawkins and Rita Szilock

Meeting Type: Council Meeting

Council/Committee Date: June 26, 2017

File: Z-16-03

Attachments: Appendix "A" – Minutes of Informal Public Meeting
Appendix "B" – Agency Comments
Map 1

Ward No.: Ward 2 - Northwest

Recommendation:

1. That Council approve IPPW2017-044;
2. That Council approve Zone Change Application Z-16-03, Muslim Association of Canada, for 510 Erbsville Road, in accordance with Section 7 of IPPW2017-044.

A. Executive Summary

The Applicant has requested to rezone the subject lands from Agriculture 'A' to Institutional 'IN' and Green One 'G1'. The Applicant intends to use the existing single detached dwelling and accessory garage for spiritual purposes (mosque) in the short term. In the future, the Applicant intends to construct a new, larger spiritual use building (mosque with ancillary uses) within the lands to be zoned Institutional 'IN'.

The subject lands are designated 'Low Density Residential' in the Official Plan. Spiritual uses are identified as a complementary use of land within the Low Density Residential designation, meaning such lands may be zoned to permit spiritual uses. Integrating institutional uses into residential neighbourhoods (schools, spiritual uses, etc) represents good planning. The Official Plan defines "spiritual use" as an establishment where a group of people gather for prayer and or to worship.

Spiritual uses are permitted in the City's Zoning By-law as "religious uses" and "churches", and are permitted in the 'R', 'SR1', 'SR2', 'SD' and 'MR' zones, which comprise most of Laurelwood.

2 Integrated Planning & Public Works

Neither the Official Plan nor the Zoning By-law limits the amount of spiritual uses in a neighbourhood or area of the city, as is evident in west Waterloo where several spiritual uses serve different faiths. Neither differentiates between the types of spiritual uses. Performance standards are established by the implementing zone category (setbacks) and the general provisions (parking) of the Zoning By-law, and are the same for all types of spiritual uses.

Planning Approvals has received over 230 emails from the public regarding this application, both in support of and in opposition to the proposed zone change. The most common concern was impact to Erbville Road. Erbville Road is a two lane regional arterial road designed to accommodate up to 20,000 vehicles per day. The Region of Waterloo has no concerns with the proposed zone change, and has indicated that this section of Erbville Road currently has 11,800 vehicles per day on average. The minor traffic volumes generated by the proposed spiritual use will not negatively impact Erbville Road.

The desire to construct a new, larger spiritual use building on the lands in the future is conceptual. As such, limited information exists for staff to evaluate. With uncertainties around future development on the property, planning staff are recommending that a holding (“H”) symbol be applied to require further studies to assess and manage impacts from future development.

Based on Planning Approvals’ review of the application, we support Zone Change Application Z-16-03 in accordance with Section 7 of IPPW2017-044, for reasons including:

- The application conforms to the City of Waterloo Official Plan. The Official Plan contemplates spiritual uses in Low Density Residential areas, and contains policies to protect significant natural features on and adjacent to the lands.
- The inclusion of a holding (“H”) symbol ensures that additional technical studies (Traffic Impact Study, Servicing Report, Noise Study and updated Environmental Impact Study) will be required prior to the construction of a new building on the subject lands.
- The protection of significant natural features on the lands through the application of the Green One “G1” zone and a conservation easement.
- The inclusion of spiritual uses within neighbourhoods improves the sense of community and allows residents to travel shorter distances to practice their faith and interact with their neighbours. Spiritual uses are commonly located within neighbourhoods throughout Waterloo.
- The lands have direct access to a regional arterial road. No impacts to the regional arterial road are anticipated.
- The physical separation between the building envelope on the lands to be zoned Institutional ‘IN’ and the rear yards of the two closest dwellings on Old Oak Drive is substantial, with protected natural features in between.

B. Financial Implications

Staff is not aware of any municipal financial implications with respect to the requested application. Should the application be appealed, potential costs related to an Ontario Municipal Board hearing may be incurred.

C. Technology Implications

None.

D. Legal Considerations

Staff did not seek legal advice.

E. Link to Strategic Plan/Economic Vitality

(Strategic Pillars: Multi-modal Transportation, Infrastructure Renewal, Strong Community, Environmental Leadership, Corporate Excellence, Economic Development)

Zone Change Application Z-16-03 supports the City’s Strategic Plan by:

- Fostering inclusivity and ensuring that we build a diverse community where every religious group has a sense of belonging (Strong Community);
- Protecting the environment through the rezoning of the identified natural features on the subject property to Green One ‘G1’ (Environmental leadership).

F. Previous Reports on this Topic

N/A.

G. Approvals

Name	Signature	Date
Author: Trevor Hawkins		
Author: Rita Szilock		
Director: Joel Cotter		
Commissioner: Cameron Rapp		
Finance: N/A		

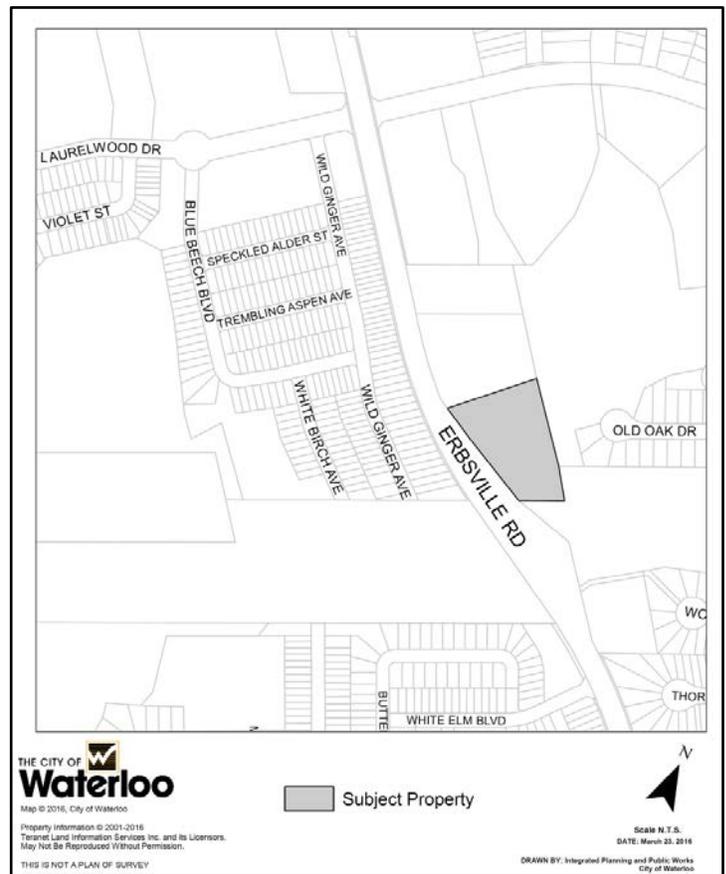
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**Zone Change Application Z-16-03, Muslim Association of Canada,
510 Erbsville Road
IPPW2017-044**

SECTION 1 – SUBJECT LANDS

Location	510 Erbsville Rd (see inset map)
Ward	Northwest Ward
Lot Size	1.2 hectares
Land Owner	Muslim Association of Canada
Existing Land Use	Single Detached Dwelling
Proposed Land Use	Spiritual Use
Public Input	An Informal Public Meeting was held on May 9, 2016 – minutes are included in Appendix 'A'. An Applicant initiated Neighbourhood Meeting was held on March 8, 2017.



The public and agency comments received have been considered during the preparation of this report, where appropriate.

5 Integrated Planning & Public Works

The mechanisms utilized for gathering input in regards to Z-16-03 are as follows:

Mechanism	Date	Results
Agency Circulation	March 29, 2016	Agency comments provided as Appendix B
Informal Public Meeting	May 9, 2016	Minutes of meeting attached as Appendix A
Applicant Initiated Neighbourhood Meeting	March 8, 2017	Notice of the Neighbourhood Meeting was circulated to those who requested notice at the Informal Public Meeting
Advertise Formal Public Meeting	June 8, 2017	Advertised in Waterloo Chronicle and notice sent to property owners within 120 metres of the subject lands, and those who requested notice at the Informal Public Meeting and Neighbourhood Meeting
Formal Public Meeting	June 26, 2017	Council considers the application

SECTION 2 – PROPOSED LAND USE

The Applicant intends to use the existing single detached dwelling and accessory garage on the subject lands for spiritual uses (mosque) with supporting surface parking. The existing structures are visible in the inset photo.

In the longer term, the Applicant intends to construct a new, larger spiritual use building on the property with associated surface parking. In response to community interest about the longer term plans for the property, the Applicant contracted an architect to prepare concept plans and renderings to provide a basic representation of the Applicant's current thinking. The concept building and accompanying site plan are neither being supported nor reviewed in detail by staff through this report, given the holding ("H") symbol recommendation.



Site Plan Control applies to both the conversion of the existing buildings as well as any new institutional buildings constructed on the lands. Prior to the issuance of a building permit, the Applicant will be required to pay all applicable development charges.

SECTION 3 – APPLICATION

The Applicant has applied to rezone the lands from Agriculture ‘A’ to Institutional ‘IN’ and Green One ‘G1’. The ‘G1’ zoning would apply to significant natural features and associated buffers.

The Applicant has not requested any site specific zoning provisions to accommodate the use, other than to recognize the location of the existing buildings.

The Applicant has suggested a holding (“H”) symbol to restrict the proposed spiritual use to the existing buildings until such time as full municipal services are available.

In response to community feedback, the Applicant has scoped the range of permitted uses being sought under the Institutional ‘IN’ zone to:

- single detached dwelling;
- child care centre;
- private school;
- spiritual uses; and,
- any uses accessory to the foregoing including recreational uses (those commonly found in a church, synagogue or mosque, such as a gym and recreation/meeting room).

SECTION 4 – POLICY EVALUATION OF THE APPLICATION

In staffs’ opinion, the application conforms to the Growth Plan for the Greater Golden Horseshoe, and the Regional Official Plan (ROP), and is consistent with the 2014 Provincial Policy Statement (PPS).

City of Waterloo Official Plan (2012):

<i>Low Density Residential</i>	Schedule “A”
<i>Open Space</i>	Schedule “A”
<i>Core Natural Feature and Supporting Natural Features</i>	Schedule “A4”
<i>Low Density 10 Metres</i>	Schedule “B1”
<i>Built Up Area</i>	Schedule “B3”
<i>Erbsville Road is a Regional Arterial Road</i>	Schedule “E”

The westerly and southerly portion of the site is designated Low Density Residential. In addition to residential uses, the Low Density Residential designation allows for spiritual uses, child care centres and community uses, including schools. As such, the proposed use of the lands for spiritual uses, a single detached house, child care centre and private school conforms to the Official Plan.

The northerly and easterly portion of the site is designated Open Space, more specifically Core Natural Feature and Supporting Natural Feature. The Applicant intends to rezone the natural features to Green One 'G1'. The Applicant submitted an Environmental Impact Statement (EIS) to identify the limits of the natural features and assess the impact of the proposed land uses on the features. The EIS was reviewed by the Grand River Conservation Authority, the Region of Waterloo and the City of Waterloo. City, GRCA and Regional staff are satisfied that significant natural features have been identified and appropriate mitigation measures included (namely physical separation via natural buffers) as it pertains to the immediate use of the existing structures and associated surface parking that will be required.

The lands are identified as Low Density 10 Metres, which establishes a maximum building height of 10 metres, although lower heights may be applied through zoning based on context and other site considerations (re: Policy 3.4.3). The Applicant has not requested an increased building height through this application. Planning staff is recommending a maximum building height of 9 metres, with further provisions for rooftop architectural features and mechanical equipment. The recommended 9 metre building height limit responds to: (i.) topography on the property (moderate grades); and (ii.) context, including the surrounding residential properties to the east which are located at a lower elevation than the developable portion of the subject lands. Staff notes that building height will be measured as currently specified in Zoning By-law 1418 (i.e. from the finished average ground level at the front of the building), meaning that part of a future building might exceed 9 metres and part of the building might be less than 9 metres if grades are maintained.

Erbsville Road is a regional arterial road, intended to carry large volumes of traffic on a daily basis. In this location (between Willow Wood Drive and Laurelwood Drive) the carrying capacity of the road is up to 20,000 vehicles per day. Currently the traffic volumes are approximately 11,800 vehicles per day, well below the design capacity. The Region of Waterloo does not forecast the need to widen Erbsville Road until beyond 2031 in accordance with their Transportation Master Plan.

SECTION 5 – PLANNING EVALUATION

Context

The subject lands are located within the Laurelwood District, fronting onto Erbsville Road. Old Oak Park, a protected natural feature, is located to the east. Old Oak Park is ~30 metres wide at its narrowest point. Beyond Old Oak Park are residential homes. To the south is a single detached dwelling on a large lot with restrictive site specific zoning. To the north is an industrial-type use. To the west, across Erbsville Road, are single detached dwellings that front onto Wild Ginger Avenue and back onto Erbsville Road.

Further to the north on Erbsville Road are a public high school, retirement residence, and two commercial plazas that serve the needs of the surrounding residential neighbourhoods.

Signalized intersections are located to the north at Laurelwood Dr/Erbsville Rd and to the south at Erbsville Rd/Willow Wood Dr/Columbia Forest Blvd.

Institutional (IN) Zone and Proposed Uses

The Applicant is requesting that the Institutional 'IN' zone be applied to the front portion of the lands, closest to Erbsville Road. In the near term, the Applicant intends to use the existing single detached dwelling and accessory garage for spiritual (religious) uses. A "religious use" is permitted in the Institutional 'IN' zone.

The Institutional 'IN' zone permits a broader range of uses. To provide greater certainty to the community, the Applicant has scoped its request to the following uses:

- single detached dwelling;
- child care centre;
- private school;
- spiritual uses; and,
- any uses accessory to the foregoing including recreational uses (those commonly found in a church, synagogue or mosque, such as a gym and recreation room).

Spiritual Use

The subject lands are designated 'Low Density Residential' in the Official Plan. Spiritual uses are identified as a complementary use of land within the Low Density Residential designation, meaning such lands may be zoned to permit spiritual uses.

Locating spiritual uses in residential areas is common practice in Waterloo. Most low density residential zones permit spiritual uses as a complementary use of land. The inclusion of spiritual uses within neighbourhoods improves the sense of community, and provides worshippers with convenient access to practice their faith and interact with their neighbours.

The subject lands are sufficiently sized and suitably located for a spiritual use, in staff's opinion. Planning staff support the proposed "spiritual use" in accordance with Section 7 of IPPW2017-044.

Single Detached Dwelling

A single detached dwelling is permitted under the existing Agriculture 'A' zone, and aligns with the Low Density Residential designation of the Official Plan. However, a single detached dwelling is not permitted in the Institutional 'IN' zone.

The Applicant has indicated that their request to permit a single detached dwelling on the site is to allow a spiritual leader residence if a new mosque is built in the future. Locating spiritual leader residences next to or on the same lands as a spiritual use building is a common practice in Ontario.

Further, permitting a “single detached dwelling” provides land use direction, establishing the City’s expectation that the lands be used for low density residential purposes in the event the Applicant does not proceed with the “spiritual use”, or ceases the “spiritual use” in the future.

Planning staff support the proposed “single detached dwelling” use in accordance with Section 7 of IPPW2017-044.

Child Care Centre

The Applicant has requested that a child care centre be permitted. If a new spiritual use building (mosque) is constructed in the future, the Applicant would like the flexibility to incorporate a child care centre into the new building. It is common to see child care centres associated with spiritual use buildings. For example, child care centres operate out of the First United Church (King St/William St) and the Lutheran Church (Willow St/William St).

Child care centres are identified as a complementary use of land within the Low Density Residential designation, meaning such lands may be zoned to permit child care centres. Child care centres are permitted in the Institutional ‘IN’ zone (identified as “nursery school”).

Planning staff support the proposed ancillary “child care centre” use in accordance with Section 7 of IPPW2017-044. To ensure the size of the child care centre is not greater than the main spiritual use, staff recommends that child care centres be restricted to a maximum thirty-five percent (35%) of the building floor area of the spiritual use building.

Private School

The Applicant has requested that a private school be permitted, but have not indicated their specific intentions for a private school. Locating faith-based private schools next to or on the same lands as a spiritual use building is not uncommon.

Community uses are identified as a complementary use of land within the Low Density Residential designation, meaning such lands may be zoned to permit uses such as private schools.

Planning staff support the proposed ancillary “private school” use in accordance with Section 7 of IPPW2017-044. To ensure the size of the private school is not greater than the main spiritual use, staff recommends that private schools be restricted to a maximum thirty-five percent (35%) of the building floor area of the spiritual use building.

Green One (G1) Zone and Natural Features

The Applicant has requested that significant natural features and associated buffers on the lands be zoned Green One 'G1'. The Green One 'G1' zone is intended for conservation, protecting significant natural areas such as core woodlands and wetlands through restrictive zoning.

To determine the boundary of the Green One 'G1' zone, staff from the Grand River Conservation Authority (GRCA), Region of Waterloo and City of Waterloo, together with the Applicant's environmental consultant, conducted a site visit and identified the core environmental feature boundary. The Applicant then prepared an Environmental Impact Statement (EIS) that recommended appropriate setbacks (buffers) and mitigation measures to both protect the significant wetland and woodland feature and to allow compatible development adjacent to the feature and buffer area.

The Applicant's intention is to proceed in two phases. The first phase involves the use of the existing structures (with supporting surface parking) as a mosque, while the second phase proposes the construction of a new spiritual use building. Given limited information on the second phase, the EIS is unable to evaluate potential impacts of the future building (if any) on the natural feature. A holding ("H") symbol is recommended to require an updated EIS prior to the construction of any future building. The updated EIS will evaluate the impacts of the future building on the natural features and will recommend mitigation measures specific to that building.

GRCA, Regional and City staff have reviewed the EIS and support the identified boundary of the Green One 'G1' zone.

Conservation Easement

The City often seeks to acquire open space lands for protection through municipal ownership. In this case, the Applicant intends to retain ownership of the Green One 'G1' lands as private open space. Section 8.2.2(20) of the Official Plan (re: Natural Heritage) states that the City will support private landowners in their efforts to maintain, enhance, and restore the natural system, and may use tools such as conservation easements.

To further protect the significant natural features and associated buffers comprising the Green One 'G1' lands, planning staff recommends that a conservation easement be applied. The conservation easement will provide additional assurances that the environmental features and systems on the subject lands are conserved. Uses and activities on the 'G1' lands would be restricted by zoning and the conservation easement. The intent of the conservation easement is to ensure that the lands are managed sustainably by the owner, and to prohibit the disturbance of environmental features and systems, including restrictions on grading and tree removal unless authorized by the City's Manager of Forestry.

Servicing

A municipal water service exists on Erbsville Road. The existing single detached dwelling is connected to municipal water.

Municipal sanitary services are not currently available. A septic system exists for the single detached dwelling. The Applicant is requesting to use a private sewage (septic) system in the interim, for the existing structures only. Any new building will require a connection to municipal sanitary services.

Based on the Applicant's request, staff required verification from a qualified engineer as to whether the existing septic system could accommodate the proposed change in use from a single detached dwelling to a spiritual use (within the same building). The Applicant submitted a "Sewage System and Consultation and Capacity Analysis", prepared by Van Harten Land Surveyors and Engineers, which confirmed that the sewage flow for the proposed spiritual use, at 520 L/day, are estimated to be less than the sewage flow of a three bedroom single detached dwelling at 1,600 L/day. The Van Harten report also assessed the condition of the existing septic system and determined that it did not comply with existing Ontario Building Code (OBC). Van Harten recommends that the septic system be updated to comply with current OBC requirements. As such, it is recommended that the existing septic system be replaced in accordance with the Ontario Building Code and recommendations from the Sewage System and Consultation and Capacity Analysis.

As previously noted, any new building on the subject lands will require a connection to municipal sanitary services. How services are extended to the subject lands requires further detailed engineering review. To ensure that such a review is undertaken by the Applicant to the satisfaction of relevant agencies with jurisdiction, staff is recommending that a holding ("H") symbol be applied to require a detailed servicing report that evaluates sanitary servicing options and recommends the preferred manner in which to extend municipal sanitary services to the subject lands. Staff notes that servicing solutions should have minimal impact on the natural environment, and the City may restrict or prohibit servicing works within and adjacent to significant natural features located on municipal lands.

Access to Subject Lands

The subject lands have a driveway access from Erbsville Road, which the Applicant intends to maintain. The Region of Waterloo has not identified any concerns with using the existing access for the proposed spiritual use.

Although no easement exists, vehicles from the lands to the north at 516 Erbsville Road have historically crossed the subject lands (with the owner's permission) to gain access to the industrial-type operation. To mitigate potential conflicts between the spiritual use and trucks crossing the site to access 516 Erbsville Road, and to ensure those visiting 510 Erbsville Road use its designated driveway for access/egress, staff recommends

that the driveway between the two properties be closed. The closure will be secured through the site plan process.

Community Input and Comments

Staff received significant community feedback on this application, both in favour and in opposition. With regard to the comments identifying concerns or objecting to the use, most of the comments can be grouped into common themes as described below. A number (but not all) of the concerns were raised by a group identified as “Residents Opposing 510 Erbsville Road Rezoning”.

The use of the lands for a Mosque

A number of residents, many of whom live a significant distance from the subject lands, objected to the use of the lands as a mosque. The objection was specific to the spiritual use being a mosque, and the “unjustified need” for a mosque in this part of Waterloo. Staff finds no land use planning basis in this objection. The appropriateness of the use is determined by the Official Plan – spiritual uses, regardless of faith, are identified as a complementary use of land within the Low Density Residential designation, meaning 510 Erbsville Road may be zoned to permit spiritual uses. As previously noted, the subject lands are sufficiently sized and suitably located for a spiritual use, in staff’s opinion.

If the need for a spiritual use ceases in the future, permitting “single detached dwellings” per staff’s recommendations establishes the alternative land use expectation of the City for the lands.

Decrease in Property Values

This is often a concern raised when new development is proposed. The value of property is not a land use planning consideration. Just as staff does not support an application because it might increase someone’s property value, staff would not recommend refusal of an application based on the assumption that it might negatively impact property values.

Property impacts are typically proximity based. Erbsville Road effectively separates the subject lands from the existing residential homes to the west. Old Oak Park provides an effective naturalized buffer that separates the subject lands from the existing residential homes to the east. Old Oak Park is ~30 metres wide at its narrowest point, and the lands to be zoned Green One ‘G1’ will enhance this separation.

Traffic

The Region of Waterloo has jurisdiction over Erbsville Road, and has no concerns related to traffic impacts from the proposed spiritual use. Erbsville Road has sufficient capacity to accommodate the use of the existing buildings on site for spiritual uses. For a development of this scale (less than 350 square metres of building floor area) on a regional arterial road, a Transportation Impact Study is not required.

Erbsville Road is intended to carry large volumes of traffic on a daily basis. In this location, the carrying capacity of the road is up to 20,000 vehicles per day. Currently the traffic volumes are approximately 11,800 vehicles per day, well below the design capacity.

The Applicant's desire to construct a new, larger spiritual use building on the lands in the future is conceptual. Given the limited information available on the future building, planning staff are recommending that a holding ("H") symbol be applied to require a Scoped Transportation Impact Study for the new spiritual use building. The study would determine if the traffic associated with the future building could be accommodated within the existing road network and whether any transportation improvements would be required to accommodate the new building. The study would also assess other means of travel to the site, such as public transit, cycling and walking. No new buildings would be permitted until such time as the holding symbol was removed by Council.

Noise

Concerns have been expressed that the proposed spiritual use would disrupt the neighbourhood. Specifically noted are noise concerns from children ("run around the neighbourhood, yelling and screaming for fun"), cars, and events (weddings, parties).

In staff's experience, vehicle noise from Erbsville Road will exceed any noise generated from cars visiting the site. Parking associated with the spiritual use will be located to minimize impacts (through the site plan process), and located between the existing buildings and the Erbsville Road street line where feasible.

Behaviour related noise from individuals and events is managed by the City's Noise By-law. The Noise By-law, not the Zoning By-law, is the appropriate tool to regulate behavioural related noise issues.

In terms of context, immediately to the north is an industrial-type operation with heavy equipment and significant storage of vehicles and other related equipment. To the south is a single detached dwelling more than 150 metres away from the nearest structure on the subject lands and approximately 70 metres from the shared property line. To the east, Old Oak Park provides a physical separation (minimum 30 metre of naturalized buffer) to the backyards of two single detached dwellings that front onto Old Oak Drive, with the separation distance enhanced by the lands to be zoned Green One 'G1' where development will be prohibited.

Future Use

In response to community and staff feedback following the Informal Public Meeting, the Applicant retained an architect to conceptualize their future plans. The result was a proposed spiritual use building and associated surface parking lot located on the southerly portion of the lands proposed to be zoned Institutional 'IN'. The conceptual building serves the purpose of clarifying for the City and the community the intended longer term plans of the Applicant at a basic level.

More detailed information is required to fully evaluate the future building concept. As previously noted, planning staff is recommending that a holding (“H”) symbol be applied to secure additional information related to transportation, engineering, noise, and environmental impacts once the future building concept is firmed up.

Application Z-16-03 seeks to establish the land use permissions for the site and define the boundary within which said land use(s) could be developed. The use of a holding (“H”) symbol would restrict the proposed spiritual use to the existing structures only, with associated parking. Any future expansion or development of new buildings would require additional studies (as previously noted) as well as Council approval to remove the holding symbol. As part of this process, the community will have an opportunity to review the submitted plans and studies and provide comments to staff and Council. Although the Planning Act does not require a public meeting for the removal of a holding symbol, staff is recommending that such a meeting be held in this instance to give the community an opportunity to participate in the process. Staff notes that, currently, the Planning Act only permits the Applicant to appeal a decision of Council regarding the removal of a holding symbol.

Impact on Old Oak Drive Homes

Several homeowners on Old Oak Drive retained a professional planner (Stantec) to evaluate the application. Through correspondence and meetings with staff, various concerns were raised. Generally, the concerns relate to preservation of the natural environment, retention of privacy/physical separation, building height, and the shielding of lights from the cars and the proposed future spiritual use building. In addition, requests were advanced to placing further restrictions on how the Institutional ‘IN’ zoned lands could be developed (e.g. even greater setbacks, reduced lot coverage permissions, restrictions on building height) as well as assurances about how the property and building could be used (e.g. concern about weddings taking place at the site, concern with children and youth playing outside). Staff discussed the relevant planning concerns with the residents from Old Oak Drive and their planner as well as the Applicant. To address the concerns, staff is recommending the following:

- Rezoning of the natural features and associated buffers to Green One ‘G1’ and applying a conservation easement. This ensures no structures or parking will be located within the natural areas, and increases the physical separation between the rear yards of the two homes (466 and 468) on Old Oak Drive and development on the subject lands, in addition to the separation already afforded through the width of Old Oak Park.
- The majority of the natural area at the rear of the site and within Old Oak Park is comprised of deciduous vegetation. As such, in the late fall and through the winter and early spring, there is less vegetation to provide screening. Staff discussed the idea of planting additional coniferous vegetation at the rear of the subject lands, particularly to screen any parking areas and to screen some building lights from the homes on Old Oak Drive. The placement of this vegetation can be secured through the site plan process when the layout of the

parking area is known. Lighting is appropriately addressed through the site plan process.

- In terms of physical separation, the combination of the depth of the Green One 'G1' zone, Old Oak Park (woodland/wetland), and the required rear yard setback within the portion of the lands to be zoned Institutional 'IN' will provide substantial physical separation between the single detached homes and buildings on the subject lands. With regard to the existing buildings, staff is of the opinion that any impacts will be negligible, particularly since staff is recommending that any associated parking be located between the buildings and the front lot line (Erbsville Road). With regard to a potential new building, the opportunities for additional landscaping can be determined through the site plan process.

In terms of impacts related to building height, planning staff recommends that a maximum building height of 9 metres be applied to the subject lands. The recommended 9 metre building height limit responds to: (i.) topography on the property (moderate grades); and (ii.) context, including the surrounding residential properties to the east which are located at a lower elevation than the developable portion of the subject lands. Grades vary on the site, with the highest elevations located at the northwest corner, sloping down towards the east and southeast. The homes on Old Oak Drive are sited at a lower elevation than the proposed building envelope on the subject lands. In order to mitigate potential impacts related to the height of the future spiritual use building, staff recommends a maximum building height of 9 metres. The recommended 9 metre building height will allow the Applicant to construct a 2 storey mosque with reasonable floor to ceiling heights, while maintaining a similar building height to a walkout residential building (e.g. single, semi, townhouse).

- To further mitigate potential impacts on the Old Oak Park homes, staff is recommending that rooftop terraces be prohibited, and rooftop architectural features (e.g. minaret, domes) and mechanical equipment be limited to a maximum 3 metres in height and setback from the rear building façade by a minimum 7.5 metres.

SECTION 6 – CONCLUSIONS

Based on Planning Approvals' review of the application, we support Zone Change Application Z-16-03 in accordance with Section 7 of IPPW2017-044, for reasons including:

- The application is consistent with the 2014 Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe.
- The application conforms to the Regional Official Plan (ROP).
- The application conforms to the City of Waterloo Official Plan. The Official Plan contemplates spiritual uses in Low Density Residential areas, and contains policies to protect significant natural features on and adjacent to the lands.

- The inclusion of a holding (“H”) symbol ensures that additional technical studies (Traffic Impact Study, Servicing Report, Noise Study and updated Environmental Impact Study) will be required prior to the construction of a new building on the subject lands.
- The protection of significant natural features on the lands through the application of the Green One “G1” zone and a conservation easement.
- The inclusion of spiritual uses within neighbourhoods improves the sense of community and allows residents to travel shorter distances to practice their faith and interact with their neighbours. Spiritual uses are commonly located within neighbourhoods throughout Waterloo.
- The lands have direct access to a regional arterial road. No impacts to the regional arterial road are anticipated.
- The physical separation between the building envelope on the lands to be zoned Institutional ‘IN’ and the rear yards of the two closest dwellings on Old Oak Drive is substantial, with protected natural features in between.
- Objections related to the practice of any faith, the notion that property values may be impacted, and the objection to the specific use of the lands for a mosque based on “unjustified need” are not land use planning considerations.

SECTION 7 – RECOMMENDATIONS

- A. That By-law No. 1418 is hereby amended by changing the land use designation as shown on the Zoning Map attached to the said By-law No. 1418 as Appendix ‘A’ for the lands as shown on Map 1 attached hereto and illustrated as Subject Property (the “LANDS”) from “Agriculture (A)” to “(Holding) Institutional (IN)” and “Green One (G1)” provided further that:

Holding Symbol

- 1.1 The holding prefix “(H)” means that the LANDS are zoned as a holding provision area for which the following applies:
- 1.1.1 the LANDS shall not be developed or used for any purpose, save and except:
- Single Detached Dwelling;
 - Spiritual Use, as defined in section 1.6.1, within a building or buildings existing on the date of passing of this by-law,
- until the holding provision is removed;
- 1.1.2 the holding provision as it applies to the LANDS shall not be removed until the owner has:

- 1.1.2.1 Submitted a Transportation Impact Study to the satisfaction of the City of Waterloo and the Regional Municipality of Waterloo, to determine:
- a.) the traffic impact of any proposed new building(s);
 - b.) transportation improvements required to accommodate the proposed new building(s);
 - c.) opportunities for Transportation Demand Management; and,
 - d.) access and egress improvements required to accommodate the proposed new building(s).

Prior to commencement of the Transportation Impact Study, the Terms of Reference for the study shall be accepted by City and Regional staff.

- 1.1.2.2 Submitted a Traffic Noise Study to the satisfaction of the City of Waterloo and the Regional Municipality of Waterloo assessing any traffic noise impacts on any proposed new building(s) and associated sensitive uses.
- 1.1.2.3 Submitted a Stationary Noise Study to the satisfaction of the City of Waterloo and the Regional Municipality of Waterloo assessing any stationary noise impacts associated with any proposed new building(s) on surrounding sensitive uses.
- 1.1.2.4 Submitted an updated Environmental Impact Study to the satisfaction of the Grand River Conservation Authority, the Regional Municipality of Waterloo and the City of Waterloo evaluating the environmental impact, if any, of any new buildings, structures and parking areas relative to significant natural features and determine required mitigation measures.
- 1.1.2.5 Submitted a Slope Stability Assessment, prepared by a Geotechnical Engineer, to the satisfaction of the City of Waterloo in consultation with the Grand River Conservation Authority.
- 1.1.2.6 Submitted a Servicing Report, to the satisfaction of the City of Waterloo, which evaluates the options to extend full municipal services to the subject lands, with recommendations on a preferred option. The holding symbol shall not be removed until full municipal services are available to service the new building(s) as determined by the City, and agreements and financial securities are in place to ensure connection of the new

18 Integrated Planning & Public Works

building(s) to the municipal services. The form and content of the agreements and financial securities shall be to the satisfaction of the City of Waterloo.

- 1.1.2.7 Submitted an Urban Design Brief and Site Plan for the new building(s) and any associated parking, with measures to facilitate compatibility with adjacent sensitive uses. The site plan submission shall include preliminary grading and drainage plans.

1.2 “Institutional” Lands

The following regulations shall apply to the lands zoned Institutional ‘IN’ on Map 1 attached hereto:

- 1.2.1 Notwithstanding the permitted uses in Section 14 of By-law 1418, for the lands zoned Institutional ‘IN’ on Map 1 attached hereto, the permitted uses shall be restricted to the following:

- Spiritual Use, as herein defined in section 1.6.1; or,
- Single Detached Dwelling

- 1.2.2 The following uses shall be permitted as ancillary uses to a Spiritual Use, meaning said uses are subordinate and incidental to the Spiritual Use:

- a) One (1) spiritual leader’s residence, being a dwelling unit for a leader of the Spiritual Use. Notwithstanding anything to the contrary, one (1) parking space shall be provided for said dwelling unit.
- b) Child Care Centre, as herein defined in section 1.6.2. Notwithstanding anything to the contrary, Child Care Centre shall be located within the main Spiritual Use building, and shall not exceed thirty-five percent (35%) of the building floor area of the Spiritual Use building.
- c) Private School, as herein defined in section 1.6.3. Notwithstanding anything to the contrary, Private School shall be located within the main Spiritual Use building, and shall not exceed thirty-five percent (35%) of the building floor area of the Spiritual Use building.

- 1.2.3 Notwithstanding anything to the contrary, the total floor area devoted to Child Care Centre and Private School combined shall not exceed thirty-five percent (35%) of the building floor area of the Spiritual Use building.

- 1.2.4 Notwithstanding anything to the contrary, “accessory religious uses” within a Spiritual Use building shall not collectively exceed forty percent (40%) of the building floor area.
- 1.2.5 Notwithstanding anything to the contrary, rooftop terraces are prohibited.

Building Height

- 1.3 Notwithstanding anything to the contrary:
- 1.3.1 The maximum height of any building or structure shall be nine (9) metres.
- 1.3.2 Notwithstanding section 1.3.1, rooftop mechanical equipment shall be permitted to exceed the maximum building height provided:
- a.) the mechanical equipment does not contain habitable or useable floor space;
 - b.) the height of the mechanical equipment does not exceed three (3) metres;
 - c.) the mechanical equipment is setback a minimum seven and a half (7.5) metres from the rear building façade;
- 1.3.3 Notwithstanding section 1.3.1, rooftop architectural features (such as spires, cupolas, minarets, domes) shall be permitted to exceed the maximum building height provided:
- a.) the architectural feature does not contain habitable or useable floor space;
 - b.) the height of the architectural feature does not exceed three (3) metres;
 - c.) the architectural feature is setback a minimum seven and a half (7.5) metres from the rear building façade.

Location of Existing Buildings

- 1.4 Notwithstanding anything to the contrary, the location of the existing buildings on the LANDS shall be deemed to conform to this by-law. The term “existing buildings” in the preceding sentence means buildings existing on the date of passing of this by-law.

Parking

- 1.5 Notwithstanding anything to the contrary, parking for all uses specified in sections 1.2.1 and 1.2.2, with the exception of Single Detached Dwelling, shall be provided at a rate of eight (8) spaces per one hundred (100) square metres of building floor area.

Definitions

1.6 For the purposes of this By-law, the following definitions shall apply:

1.6.1 “Spiritual Use” - means a building or part thereof used by a religious organization as a place of worship for religious services, ceremonies or rites. May include accessory religious uses such as a spiritual leader’s residence, gymnasium, and multi-purpose room. A religious organization means a corporation or an association that is charitable according to the laws of the Province of Ontario, and organized for the advancement of a religion.

1.6.2 “Child Care Centre” - means a premises operated by a person licensed under the Child Care & Early Years Act to operate a child care centre for the purpose of providing temporary care to children for a continuous period not to exceed twenty-four (24) hours.

1.6.3 “Private School” - means a private elementary school and or private secondary school that is primarily funded by private organizations and private individuals, but operates in accordance with the requirements under the *Education Act, R.S.O. 1990, c.E.2* as amended. Excludes a “Commercial School”

Zone Boundary

1.7 The zone boundary dividing the Institutional ‘IN’ zone and the Green One ‘G1’ zone on Map 1 attached hereto shall be deemed to be a lot line for the purposes of this by-law.

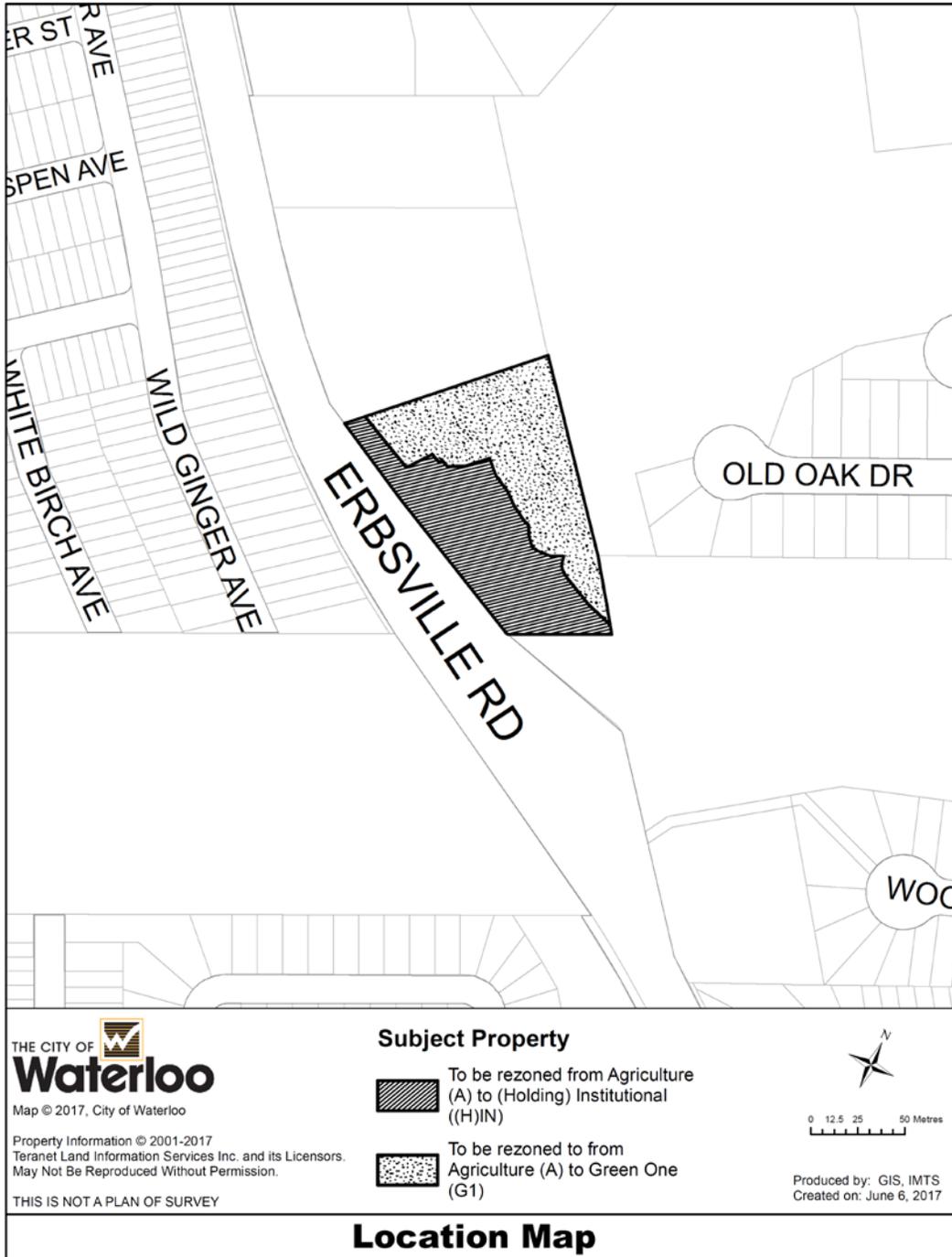
- B. That Council support the requirement that the following matters be addressed through the Site Plan Review Process:
- a.) The driveway connecting 510 Erbsville Road and 516 Erbsville Road be closed.
 - b.) That the required landscape plan contain new coniferous vegetation near the rear of the property to provide year round screening and lessen lighting impacts on 468 and 466 Old Oak Drive.
 - c.) That Spiritual Use parking be located in the front yard to the extent possible, preferably between the existing buildings and the front lot line.
 - d.) Examine opportunities to mitigate building height impacts through design measures such as articulated and interesting rooflines.
- C. That Council require a Conservation Easement, in favour of the City of Waterloo, over the Green One ‘G1’ zoned lands as illustrated on Map 1 attached hereto, forthwith after the implementation of the Zoning By-law or the disposition of any appeal thereto. The form and content of the Conservation Easement shall be to the satisfaction of the City’s Director of Legal Services.

- D. That prior to the passing of the Zoning By-law, the Owner shall submit to the City of Waterloo a Solicitor's Undertaking for the establishment of the Conservation Easement required in Recommendation 'C' of this report.

MAP 1

Zone Change Application Z-16-03

This is Schedule 'A' to By-law No. 2017-____ passed this ____ day of _____, 2017



APPENDIX “A”

**MINUTES OF INFORMAL PUBLIC MEETING
(May 9, 2016)**

FORMAL/INFORMAL PUBLIC MEETINGS

Informal Public Meeting

- a) **Title: Zone Change Application Z-16-03, 510 Erbsville Road, Muslim Association of Canada.**
Prepared By: Rita Szilock

The Chair advised that the Informal Public Meeting was the first opportunity to inform Council and the public of the application and emphasized that no decision would be made by Council at this meeting.

Rita Szilock, Development Planner provided Council with a brief overview of Zoning By-law Amendment Application advising that the applicant is requesting to amend the City's Zoning By-law No. 1418 by rezoning the lands from Agriculture (A) to Institutional (IN) and Green One (G1). The application is being advanced to permit the use of the existing building for community uses (including spiritual uses) associated with the Muslim Association of Canada, while protecting the natural heritage features of the existing property. As part of the current application, no new buildings or building additions are contemplated on the subject site however the applicant has expressed an interest in building a multi-purpose community centre in the future.

Thomas Hardacre, IBI Group, on behalf of the applicant, spoke in support of the application and responded to questions from Council.

Zhan Wang spoke against this application citing concerns with the size of the proposed development and its impact on the neighbourhood including increased traffic.

Douglas W. Stewart, Senior Planner, Stantec spoke of his clients' concerns with the vagueness and inconsistencies with the information provided by the applicant.

Shanmei Li spoke against the application citing concerns with increased traffic and parking demands.

Ghufran Mahboob, on behalf of the Muslim Association of Canada, advised there is a need for the prayer centre in the Laurelwood area as there are at least 150 Muslim families in the neighbourhood.

As no one else was present to speak to the application, the Chair concluded the Informal Public Meeting and indicated that staff will review the issues and report back to Council at a later date.

APPENDIX “B”

AGENCY COMMENTS

No Comments or Concerns:

- Waterloo Fire Rescue
- Waterloo Region District School Board
- Integrated Planning and Public Works (Engineering Services)

Comment Summaries:

Integrated Planning and Public Works (Growth Management)

May 27, 2016

The Low Density Residential designation is intended to accommodate primarily low-rise residential land uses and contemplates certain complementary uses, such as community uses and spiritual uses, provided those uses do not impact the ability of the lands to achieve the vision and policies of the Low Density Residential designation. Planning Approvals staff should satisfy themselves that the full range of uses permitted under the Institutional zone do not impact the ability of the Low Density Residential designation to meet its vision and policies and may wish to restrict certain uses and/or the scale of those uses permitted in the Institutional zone (e.g. stadium) through the implementing zoning bylaw.

The Core Natural Feature designation identifies lands that are either provincially or regionally significant. In the case of the subject lands, the Core Natural Features identified are a Regionally Significant Woodland and Provincially Significant Wetland. The intent of the designation is to ensure that the form and ecological function of Core Natural Features will be maintained, enhanced or, where feasible, restored.

The Supporting Natural Features designation identifies lands that contain natural features that are locally significant. The designation on the subject property refers to a Locally Significant Woodland that is classified as Supporting “A” Natural Feature. Like the Core Natural Feature designation, the intent of the Supporting “A” Natural Feature designation is to ensure that the form and ecological function of the features will be maintained, enhanced or, where feasible, restored.

The following comments relate specifically to the proposed boundary, municipal servicing and supporting documentation:

1. For the Core Natural Features (i.e. the Provincially Significant Wetland and Regionally Significant Woodland), we understand Region staff will incorporate the refinements into the Regional Official Plan by way of a future housekeeping update. The new feature limits will then be incorporated into the City’s Official

Plan as part of a future comprehensive review, as per Official Plan Policy 8.2.2 (4). For the Supporting Natural Feature (i.e. the Locally Significant Woodland), the Official Plan enables minor boundary refinements to be made through EISs without an amendment to the Plan. Therefore, staff intend to incorporate this refinement through a future housekeeping update.

2. The Preliminary Functional Grading, Servicing and SWM Report states that Location 1 is the preferred option for sanitary servicing. This would involve installing the sanitary sewer using trenchless methods under the Provincially Significant Wetland. Though the subsection of the policy is currently under appeal, the Official Plan provides the direction that only essential infrastructure for which no other alternative is feasible will be considered within Core Natural Features. Detailed evaluation and consideration of all the alternatives will be required in the future to determine the most appropriate servicing approach.
3. Section 6.2.1 of the EIS notes that breeding bird surveys were conducted for the site and within 120 metres of the site. However, Table 5.1 notes that the entire site was surveyed within the fence line and area specific searches were conducted in potentially significant habitat within the fence line and adjacent woodland within the property boundaries. The extent of the breeding bird surveys needs to be confirmed (i.e. did they extend 120 metres into the woodland/wetland on the adjacent City-owned property?). Also, it should be confirmed whether the bird survey data presented in the Old Oak Park Management Plan was used to help inform the recommendations of the EIS.
4. Given the significant slope on the property, GRCA had requested a geotechnical study. The EIS notes that the geotechnical study will be completed as part of the Phase 2 work once the development plan is better understood. Staff defer to the GRCA as to whether it is appropriate to establish zoning limits, and in doing so, a development envelope, without a geotechnical study.
5. Though Section 7.5.1 of the EIS notes that potential impacts and recommended mitigation measures for bat maternity colonies are described in Section 11, bats are only briefly discussed in Table 11.1 and bat maternity colonies are not included under the Significant Wildlife Habitat lists in Section 9.0 and 11.0.
6. The EIS notes that the likelihood of a Blanding's Turtle in the area is low but provides recommendations for mitigating potential impacts. Staff defer to MNRF as to whether these recommendations are appropriate and whether an Information Gathering Form is to be completed at a future date.
7. The EIS notes that it is anticipated that stormwater can be managed on site with a variety of infiltration features to be developed in future stages. However, the Preliminary Functional Grading, Servicing and SWM Report states that a geotechnical investigation will be required to determine if native soils are suitable for active infiltration.
8. In Table 11.1 of the EIS, the breeding bird season is noted as being between May 1 and July 31. For reference, the City typically applies a more conservative window of April 1 to September 10.

9. Though the EIS notes that turtle habitat potential exists on the site and adjacent lands, turtles are not included in the discussion under Habitat for Species of Conservation Concern.
10. Staff are supportive of the proposed 30 metre buffer from the Provincially Significant Wetland and the 10 metre buffer from the Regionally Significant Woodland. While some inconsistencies and deficiencies have been noted in the EIS and additional technical work needs to be undertaken in Phase 2 of the EIS once the development plan is better understood, the proposed buffers reflect sound practice and are appropriate for protecting the natural features given the context of the site.
11. For future reference, it is preferred if a final version of the EIS Terms of Reference is prepared and submitted. For this application, a draft was submitted, agency comments were provided but a final version was never submitted.
12. The EIS states that it was “prepared to support an Official Plan and zoning bylaw amendment...”. For clarity, only a zone change application has been submitted; there is no application to amend the Official Plan.

March 6, 2017

The following comments are provided as it relates to the revised Scoped EIS for 510 Erbsville Road, dated December 2016 :

1. During the agency-attended site staking that occurred in September 2015, it became clear that the Supporting Natural Feature (a Locally Significant Woodland) no longer extends onto the subject property. Through the process outlined in my previous comments, the Official Plan mapping will be updated at some point in the future. Since the feature remains in close proximity to the subject property, the applicant will need to have regard for it if development proceeds on the site. It will need to be considered during the Phase 2 EIS work to ensure it will not be adversely impacted by any proposed development.
2. The revised EIS now discusses site servicing and notes that the preferred option is to service the site via a connection with the existing sanitary sewer at Old Oak Drive. As noted in my previous comments, detailed evaluation and consideration of all the alternatives will be required in the future to determine the most appropriate servicing approach.
3. As noted in my previous comments, the City typically applies a more conservative breeding bird window of April 1 to September 10. This will need to be considered during the Phase 2 EIS.

Integrated Planning and Public Works (Transportation Services)

- Erbsville Road is a regional road, therefore no city issues with access, etc.
- We may require a traffic impact study in the future when pursuing the larger facility.

Building Services

1. The findings of the Septic System Capacity analysis are acceptable.
2. Change of use permit is required to change use from Agricultural to Institutional and Green One.
3. Building permit will be required for the installation of the new septic system.

Grand River Conservation Authority (GRCA)

May 19, 2016

Based on the comments below, we recommend deferring approval until such time that the following concerns can be addressed. We recommend deferral because failure to address these concerns may lead to a conflict with future GRCA permitting approvals once a development concept is prepared:

1. The boundary between the Institutional zone and the Green One zone is considered to be a "Limit of Development". Once this boundary is finalized, future storm water management controls will need to fit within the developable area. We feel it is in the best interest of the City and the applicant to confirm that the proposed developable area is feasible to accommodate the stormwater management and infiltration measures being proposed.
2. To support the zone change, it needs to be demonstrated that the top of slope has been properly identified and an appropriate setback determined. The top of slope and the setback will need to be captured in the Green One zone. A Slope Stability Analysis, or geotechnical equivalent, would provide the type of analysis needed to inform the final zoning boundary.
3. Ensure that the slope, slope setback and areas cleared of vegetation are illustrated on Figure 3, Development Limit.
4. EIS Table 11.1 includes some of the potential impacts that would be associated with site grading, but does not explicitly identify or address grading as a development activity. Please update this table to include this activity, associated impacts and proposed mitigation. Similarly, installation of services and utilities is a development activity and should also be addressed in the impact assessment.

We recommend that R.J. Burnside address the following items in the EIS:

- a) The Environmental Management Plan for Old Oak Park should be provided for review.
- b) The EIS should address each Significant Wildlife Habitat (SWH) type and include rationale for why a habitat has been determined to be present or absent.
- c) Breeding bird methods and locations should be verified (eg. point counts and/or transects, length of point counts, map of locations etc.).
- d) Please verify breeding bird survey dates.
- e) Bat maternity colonies should be discussed further in the report.
- f) It should be noted that the Significant Wildlife Habitat Ecoregion 6E Criterion Schedule does not specify a minimum habitat size for this habitat type.
- g) It should be demonstrated that the Ministry of Natural Resources and Forestry is in agreement with the methods, assessments and conclusions made in Section 7.7 and Section 12.0.
- h) The breeding bird season stated in Table 11.1 should be amended to be consistent with Environment and Climate Change Canada's nesting calendar for Waterloo.
- i) There are inconsistencies between the observed SWH identified in the summary of natural features (Section 9.0) and the list of SWH identified in Table 12.1.
- j) As noted in the EIS, GRCA wetland mapping does not currently illustrate ELC polygon MAS2-1 as a regulated wetland feature.
- k) Reference to a buffer "design" should be removed, but restoration activities in portions of the buffer that have cleared would be acceptable.
- l) Any compliance or effectiveness monitoring recommendations should be specified or identified as being addressed during the next phase.

Please be advised that GRCA staff consider the Preliminary Functional Grading, Servicing and SWM Report prepared by IBI Group to be premature at this time.

May 9, 2017

Please be advised that we have no objection to the use of the existing building for the uses being requested (single detached dwelling, child care centre, private school, spiritual use and any accessory use to the foregoing including recreational uses). It is our understanding that any permitted uses within the existing building would continue to be serviced by a private sewage system. A connection to municipal services would only be required for future development (ie. new building) and an evaluation of servicing options would be assessed through a future servicing review and scoped EIS (Phase 2).

With respect to the Green One zone boundary, we offer the following comments to the municipality.

1. We note that the recommended buffer to the wetland adjacent to Erbsville Road extends slightly onto the south-east corner of the site. These lands are proposed

to be zoned institutional. Given the required setbacks from the property line, we are comfortable that any future development will remain outside the recommended buffer, and this small area at the south-east corner of the property does not need to be zoned Green One.

However, if future development is proposed and a future Phase 2 EIS recommends a larger buffer to this feature given the development proposal, the ultimate development limit would need to be revisited. We note that these lands will remain regulated; therefore the GRCA will review any future proposal to ensure the final buffer is maintained.

2. We have previously expressed concern with the presence of steep slopes on-site. Upon further review, it appears the slopes are not associated with a riverine erosion hazard. Therefore, the slopes themselves are not regulated by the GRCA under Ontario Regulation 150/06 (however the property remains regulated due to the presence of wetlands and associated allowances).

Based on our discussions, we understand adjustments to the Green One zone boundary could be made in the future if recommended through the completion of studies submitted to support a future development proposal. Please be advised we have no objection to the delineation of the Green One boundary as proposed. If needed, a boundary adjustment could be made in the future through other municipal processes.

We understand that applicant may consider future development on the property depending on several factors. We offer the following comments to be addressed prior to future development:

3. A Phase 2 Scoped EIS required to support a future site plan application would confirm the development setbacks in the Phase 1 EIS are appropriate or provided new recommendations based on the proposed development. The Phase 2 EIS would need to demonstrate that the proposal will not have any negative impacts on the adjacent wetlands.
4. Further assessment of servicing options and associated impacts would be required as part of a Phase 2 EIS to determine the final servicing option.
5. Depending on the future development proposal, if peat removal (and associated dewatering) is contemplated, impacts on adjacent wetlands would need to be assessed in the Phase 2 EIS.
6. A review of the proposed site plan, grading and stormwater management plans would be required and mitigations measures would need to be incorporated to ensure no negative ecological or hydrological impacts on the surrounding wetlands. Future development plans must also respect the development limits recommended in the Phase 1 EIS or as revised in Phase 2 EIS (if applicable).

We understand the proponent has requested consideration of Holding Provisions, to allow for interim use of the existing building for spiritual use, while requiring the completion of various studies prior to future development of the site. If the City is considering approval of the zone change with holding provisions, we recommend the studies required prior to future development be listed in the Holding provision(s) as follows:

- Submission and approval of a satisfactory Phase 2 Environmental Impact Study prior to future development.

The City may also wish to consider including the following provision:

- Submission and approval of a satisfactory slope stability analysis completed by a geotechnical engineer prior to future development.

Please note that if the City proceeds with approval without holding provisions, we would have no objection as any new development requiring a building permit and/or future Planning Act approval (e.g. site plan) would be circulated to GRCA for further comments.

Ministry of Natural Resources and Forestry (MNFR)

April 28, 2016

1. The Blanding's Turtle, is listed as threatened under the *Endangered Species Act* (ESA), and its habitat may include the provincially significant wetlands (PSWs) plus a 30 meter setback (known as Category 2 Habitat).
2. Category 3 Habitat has also been identified on the site.
3. MNFR notes that the proposal to change the use of the existing buildings to support institutional uses should not impact Blanding's Turtle or their habitat.
4. Any additional future development on the property after the Zoning By-law Amendment application has been approved, may require an authorization from the MNRF.
5. It is recommended that the proponent pre-consult with the MNRF to understand the potential implications of the ESA for any future development/activities.

Region of Waterloo

June 23, 2016

1. Water and Wastewater Servicing

Regional staff will require confirmation from the City that municipal services shall be a requirement of any future building(s) constructed on the property, before Regional staff can support the application.

2. Source Water Protection

A Salt Management Plan will be required as part of any future site plan application.

3. Environmental Planning

Following consultations with the proponents and a site visit on September 16, 2015, it was decided that, given the evident physical and ecological constraints of the property, a two-step environmental impact analysis would be appropriate. The first phase will result in the delineation of a potential development envelope, and the second will assess the anticipated environmental impacts associated with the construction of the future spiritual building and its associated site grading, storm water management, servicing, and parking areas.

For the time being, the delineations of the Core Environmental Feature and the required buffers from the Provincially Significant Wetland and Significant Woodland as shown on Figure 3 of the Environmental Impact Study are adequate to define the development envelope. This will necessitate a minor interpretation of the Core Environmental Feature boundary consistent with R.O.P. policy 7.A.6.

Environmental Planning staff has no objection to the proposed re-zoning of the development envelope to permit using the existing structures as a small mosque provided the Core Environmental Feature and the associated buffers are zoned "Green1".

4. Corridor Planning

Regional Road Dedication

- At this location the existing road width of Erbsville Road exceeds the required 30.48 metre width, therefore no road widening will be required along the frontage of the subject property.

Traffic and Circulation

- Access Permit will be required for the change in use of the access.
- Under any future development application the applicant will be required to close the driveway access to the northwest over the former right of way leading into 516 Erbsville Road.

Stormwater Management

- Any future Site Plan application will require a stormwater management (SWM) report and detailed lot grading and drainage control plan, showing drainage deals from the subject property, abutting properties and the road allowance to assure compatible drainage.

Transit Planning

- As part of any future development applications (including Site Plan) Grand River Transit (GRT) may comment on pedestrian connectivity to possible GRT stop locations on Erbsville Road.

Future Erbsville Road Improvements

- This section of Erbsville Road north of Columbia is not currently in the Region's 10 year capital roads project for any type of construction. Erbsville Road from Columbia Street to Wideman Road is listed as "Beyond 20 Years" for improvements in the Regional Transportation Master Plan.

5. Road Traffic and Stationary Noise

- The Region generally concurs with the recommendations of the "Final, 510 Erbsville Road, Waterloo, Ontario, Acoustical Report" associated with the road traffic noise from Erbsville Road.
- The Region's Implementation Guideline for Noise Policies on road traffic noise does not define places of worship as a sensitive use.
- However, the guideline does include daycares/nursery schools, schools, nursing/retirement homes, hospitals as sensitive uses.
- Staff recommends provision be made under this current application (e.g. use of holding provision) for the landowner to complete a road traffic noise study for the above uses if contemplated in the proposed zoning by-law.

April 5, 2017

1. Road Traffic Noise

Phase 1 (existing structures)

Road traffic noise components is acceptable. As it relates to road traffic noise, the following is required:

- a. Should the existing house be used as a residential dwelling, the existing house shall be fitted with provisions for central air conditioning.
- b. The owner will be required to enter into an agreement with the Region of Waterloo to include noise warning clauses in the offer to purchase and deed or rental agreement.
- c. That the Outdoor Living Area be located adjacent to the east façade of the existing house, so that it is protected from the traffic Noise on Erbsville Rd.

Phase 2 (future development)

- a. Recommending a noise study be completed at Site Plan when the property is further developed in the future. IBI's response letter dated February 17, 2017 acknowledges the applicant will update this latest noise study when the site is further developed. This is acceptable to staff.

- b. Region will require any Study recommendations be further implemented through a registered development agreement with the Region should any future Planning Act application allow for such an agreement (e.g. consent).

2. Stationary Noise

Phase 1 (existing structures)

- a. With respect to the storage yard to the north, Regional staff would be prepared to accept the use of a warning clause advising of the adjacent land use and potential stationary noise associated with such use (e.g. Type E warning clause as per NPC 300).
- b. The warning clause should be secured in a development agreement with the City of Waterloo should any future Planning Act application allow for such an agreement (e.g. consent).

3. Source Water Protection

Phase 1 (existing structures)

- a. Since the applicant is not expanding the building or septic system and they are proposing a Holding Provision to require them to hook up to municipal services when an expansion occurs, Hydrogeology and Source Water does not object to the proposed zone change.

4. Environmental

Phase 1 (existing structures)

- a. Staff concurs with the proposed boundaries of, and buffers to, Core Environmental Features shown on Figure 3 of the EIS. The boundaries were verified in the field by Regional Staff.

Phase 2 (future development)

- b. Development Concept – the proposed storm and sanitary servicing of the future development should be further justified.
- c. Recommend that a holding provision be utilized to secure completion of the required EIS to address sanitary servicing.

- 5. Future Sidewalk – Eastern side of Laurelwood Drive and Willow Wood Drive
Regional staff understands a resident in the area commenting on the subject application has inquired as to what would trigger the construction of a sidewalk on the eastern side of Erbsville Road between Laurelwood Drive and Willow Wood Drive. The Region's 2017 Transportation Capital Program is showing

major resurfacing of that section of Erbsville Road, including multi-use trail and sidewalk, in 2022.

Regional staff is prepared to support the application provided that matters related to noise and EIS are satisfactorily addressed.