

PLANNING JUSTIFICATION **REPORT**

ZONING BY-LAW AMENDMENT

275 Erb Street East
City of Waterloo

Date:

February 2024

Prepared for:

Brason Montessori School

Prepared by:

MacNaughton Hermesen Britton Clarkson Planning Limited (MHBC)

540 Bingemans Centre Drive, Suite 200

Kitchener, Ontario

T: 519.576.3650

Our File 23407

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1.0 INTRODUCTION

MHBC Planning has been retained by Brason Montessori School to provide planning advice related to the proposed addition of a 'private school' and 'child care centre' within the existing building located on the property municipally known as 275 Erb Street East in the City of Waterloo (hereinafter referred to as the "subject lands").

The subject lands are located on the south side of Erb Street East, between Bluevale Street South and Terrystone Walk and are currently developed with a spiritual use (Parkminster United Church) and large surface parking lot. The lands have two existing accesses from Erb Street East and one from Cardinal Crescent. No changes to the accesses or parking lot are proposed.

The proposal is to permit a 'private school' and a 'child-care centre', both operated by Brason Montessori Schools, within the existing building. No additions to the church building are proposed – the uses will be accommodated through internal renovations. The existing parking lot has over 150 parking spaces and no additional spaces are proposed. The private school and child-care centre would operate at different times of the day and week than the church, which is busiest on weekends.

This Planning Justification Report reviews the planning framework relative to the proposed use of the lands and includes the following:

- An introduction and general description of the subject lands, surrounding uses and existing conditions;
- An overview of the proposed use and application;
- A review of the existing policy framework and assessment of consistency with the Provincial Policy Statement and conformity with the Growth Plan, Regional Official Plan and the City of Waterloo Official Plan;
- Consideration and integration of recommendations and conclusions from the supporting studies and reports.

1.1 Pre-Consultation Meeting

A pre-application consultation meeting was held with the City of Waterloo and agencies on February 12, 2024. Pre-consultation application comments were provided by the City of Waterloo and considered in the preparation of this Report and the application submission.

In addition to this Planning Justification Report, the following submission requirements were identified in the pre-consultation:

- Cover letter;
- Complete application form and required fees;
- Permission to enter form; and
- Owner Authorization form.

2.0 SITE DESCRIPTION & SURROUNDING LAND USES

The subject lands are located in the southeast portion of the City of Waterloo, on Erb Street East, between Bluevale Street South and Terrystone Walk. The subject lands are significant in size, with the existing spiritual use building situated on the south portion of the site, closer to Cardinal Crescent. Surface parking is located between the building and Erb Street East.

The surrounding area is characterized by low-rise residential housing to the east, west and south. Erb Street abuts the front of the lands. A context plan is included as **Figure 1** to this Report.

Generally, surrounding land uses include the following:

- NORTH:** Low density residential dwellings on the opposite side of Erb Street East.
- EAST:** Low density residential dwellings on Terrystone Walk and Arlene Place.
- SOUTH:** Low density residential dwellings on Cardinal Crescent. The subject lands have a driveway on Cardinal Crescent.
- WEST:** Low density residential dwellings on Bluevale Street South.

The subject lands are developed with an existing spiritual use (Parkminster United Church), which has occupied the site for more than 60 years.

In summary, the site is located within an existing residential neighbourhood and currently contains a church and large surface parking lot. The proposed use will occupy a portion of the existing church building and use the existing surface parking.

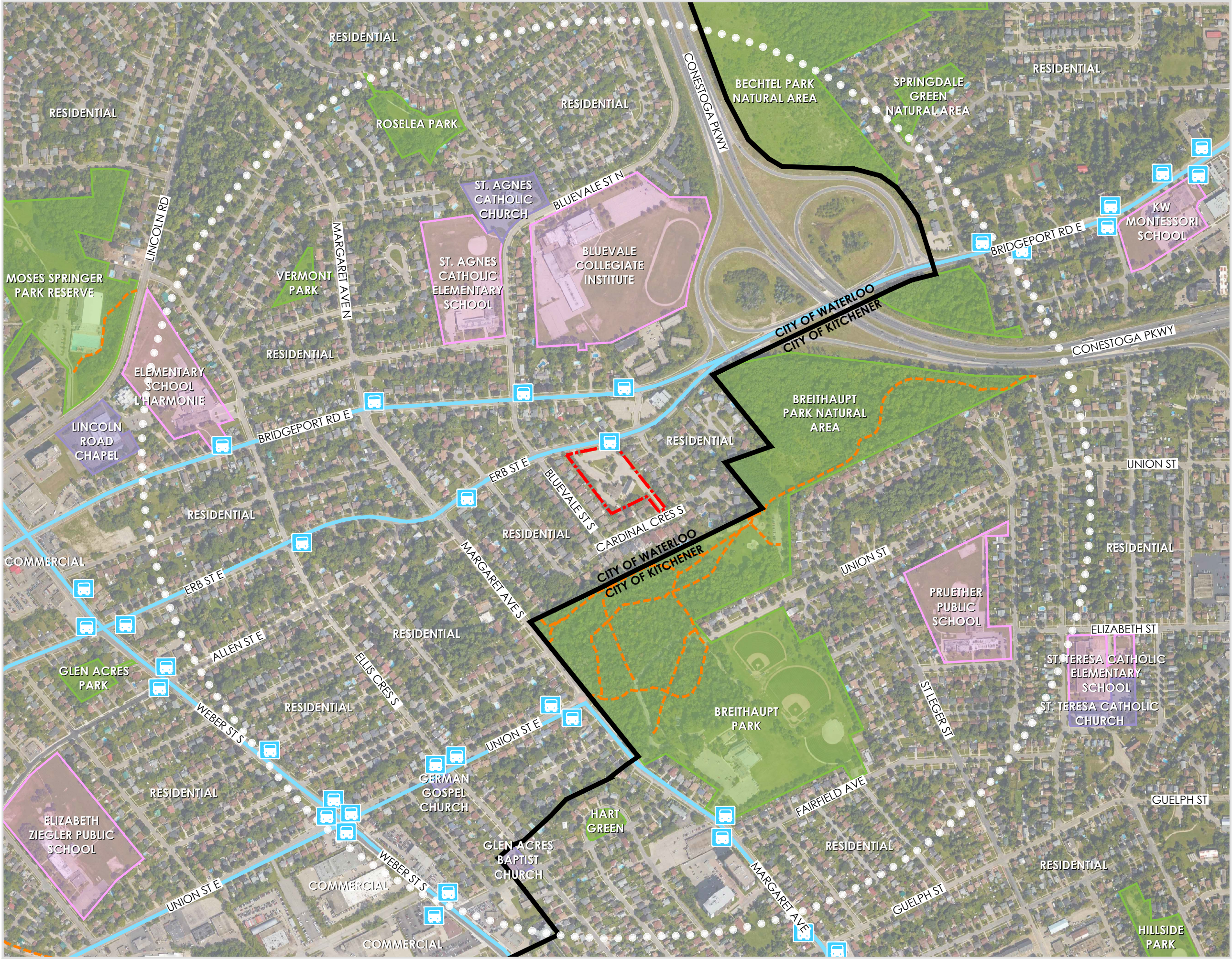


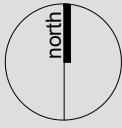
Figure #:1
Context Plan

275 Erb St E
City of Waterloo
Region of Waterloo

LEGEND

- Subject Lands
- Municipal Boundary
- 800m Walking Radius
- School
- Church
- Park/Open Space
- GRT Bus Route
- GRT Bus Stop
- Multi Use Trails

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3.0 PROPOSED DEVELOPMENT

3.1 Proposed Application

Brason Montessori School proposes to use space within the existing church building, through internal renovations, for a proposal private school and child care centre. No expansion to the existing building is proposed. The private school and child care centre propose to occupy 340 m² of 'exclusive' building floor area, with an additional 466 m² that would be shared with the church (foyer, gym, kitchen, hallways, etc.). Three classrooms are proposed. The school and church would not occupy the building at the same time, as typical use of the church is in the evenings and on weekends, while the private school and child care centre operate during the day and not on weekends.

3.2 Zoning By-law Amendment

The subject lands are zoned Residential One (R1), though the lands have been used as a church for 60+ years (a 'spiritual use' is permitted as a complementary use in the R1 zone). A 'child care centre' and a 'private school' are not permitted in the R1 zone. In this regard a Zoning By-law Amendment is required to add both uses as 'primary uses' under Section 7.1.1.1. As the uses will both be located within the existing building, no changes to other regulations are proposed – the building exists in its current location and there is substantial existing surface parking (150+ spaces), as well as vehicular entrances from both Erb Street East and Cardinal Crescent South. The ZBA is detailed in **Section 4.5** of this report.

4.0 POLICY ANALYSIS

The following is a review of the Provincial and Municipal planning policy framework as it relates to the subject lands and the proposed development.

4.1 Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) was issued by the Province of Ontario in accordance with Section 3 of the Planning Act. The PPS provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages an efficient use of land, resources and public investment in infrastructure. The PPS encourages a diverse mix of land uses in order to provide choice and diversity to create complete communities. The PPS strongly encourages development that will provide long-term prosperity, environmental health and social wellbeing. One of the key considerations of the PPS is that planning decisions '*shall be consistent*' with the PPS. The following is an analysis of the proposed development in the context of the policies in the PPS.

One of the key themes of the PPS is building strong, healthy communities and achieving efficient and resilient development patterns. Section 1.1.1 of the PPS provides that healthy, liveable and safe communities are sustained by: promoting efficient development and land use patterns; accommodating institutional uses; avoiding development which may cause environmental or public health and safety concerns; avoiding development and land use patterns that would prevent the efficient expansion of settlement areas; and, promoting cost effective development patterns to minimize land consumption and servicing costs.

The proposal to increase the capacity for education and childcare within the community is consistent with the PPS, and the use of an existing building, with existing municipal services, represents an efficient use of land and infrastructure.

Settlement Areas

Section 1.1.3.1 of the PPS states that Settlement Areas shall be the focus of growth and development, and that their vitality and regeneration shall be promoted. The proposed

development is located within the Urban Area and Built-Up Area of the City of Waterloo, a designated Settlement Area. Accommodating the education and childcare use within a Settlement Area is consistent with the PPS.

Infrastructure and Public Service Facilities

Section 1.6 of the PPS provides policy direction for the development of new public infrastructure, and identifies that the use of existing infrastructure and public service facilities should be optimized and opportunities for adaptive re-use should be considered, wherever feasible. The subject lands and the existing building are already connected to municipal services.

No new buildings are proposed. A portion of the existing building is proposed to be renovated to permit the new uses. The redevelopment will efficiently use the land, existing building and existing services, including municipal services, the road and access and available alternative transportation options.

In summary, the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement.

4.2 A Place to Grow – Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe ('A Place to Grow') applies to the City of Waterloo. The Growth Plan is the framework for implementing the Provincial Government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps the communities achieve a high quality of life.

The policies of the Growth Plan centre on the key themes of directing growth to Built-Up Areas, promoting intensification in strategic growth areas and a healthy mix of residential and employment land uses.

Section 2.2.1.4 of the Growth Plan states that applying the policies of the Growth Plan will support the achievement of complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities. The proposed education and childcare uses provide a supporting use that helps contribute towards a complete community.

In summary, the proposed Zoning By-law Amendment conforms to the Growth Plan.

4.3 Region of Waterloo Official Plan (ROP)

The Regional Official Plan (“ROP”) outlines a vision for growth and development within the Region and establishes a number of general policies to plan and manage growth and implement provincial land use policy. An overarching goal of the ROP is to promote balanced growth by directing a larger share of new growth to the Built-Up Area.

The subject lands are located within the Urban Area and Built-Up Area of the City of Waterloo, where the majority of growth is to be accommodated.

Urban Area and Built-Up Area

As per the ROP, the Urban Area is planned to accommodate the majority of growth within the Region and to create a more compact urban form with a greater mix of employment, housing and services in close proximity to each other. Section 2.B of the ROP provides that a substantial portion of growth in the Urban Area is to be accommodated within the Built-Up Area.

The subject lands are located within the Built-Up Area and the development of the lands with an education use and child care centre contributes to the mix of employment, housing, and services in the community. The proposed development is consistent with the direction provided in Policy 2.D.1 as they:

- Will be serviced by municipal water, sanitary and stormwater services appropriately sized to accommodate the proposed development;
- Contribute to the creation of complete communities by providing for a mix of land uses in what is predominantly a residential neighbourhood;
- Support the use of existing transit, walking and cycling;
- Do not negatively affect any existing natural or cultural heritage resources; and,
- Respect the scale, physical character and context of the surrounding neighbourhood.

The proposed renovation of a portion of the existing structure minimizes any impacts on surrounding uses; contributes to the mix of employment, housing, and services in the community; and utilizes existing infrastructure, including the existing accesses from Erb Street East.

In summary, the proposed Zoning Bylaw Amendment conforms to the Region of Waterloo Official Plan.

4.4 City of Waterloo Official Plan

The lands are designated “Low Density Residential” on Schedule A (Land Use Plan). The Low Density Residential designation permits a variety of ‘complementary’ uses, including ‘child care centres’ and ‘community uses.’ Community uses are further defined within the Official Plan as including private schools (see below). As such, both the proposed private school and the child care centre are permitted in the Official Plan.

Places, facilities, amenities and services to support the health, educational, recreational, social and cultural needs of the community, and include:

- a) Public schools;*
- b) Municipal facilities;*
- c) Open space;*
- d) Government and public services;*
- e) Temporary farmers markets; and,*
- f) Community gardens*

In this regard, the Official Plan contemplates a child care centre and a private school as a complementary use and no amendment to the Official Plan is required. This was confirmed through the pre-consultation meeting with City staff.

As the uses will occupy a portion of an existing building, without requiring an expansion, nor additional parking, the impact on any surrounding uses will be minimal.

In summary, the proposed Zoning Bylaw Amendment conforms to the City of Waterloo Official Plan.

4.5 City of Waterloo Zoning By-law

4.5.1 Proposed Zoning By-law Amendment

The lands are zoned “Residential One – R1”, as shown on **Figure 2** in Bylaw 2018-050. A ‘child care centre’ and a ‘private school’ are not permitted in the R1 zone. In this regard a Zoning By-law Amendment is required to add both uses as ‘primary uses’ under Section 7.1.1.1. As the

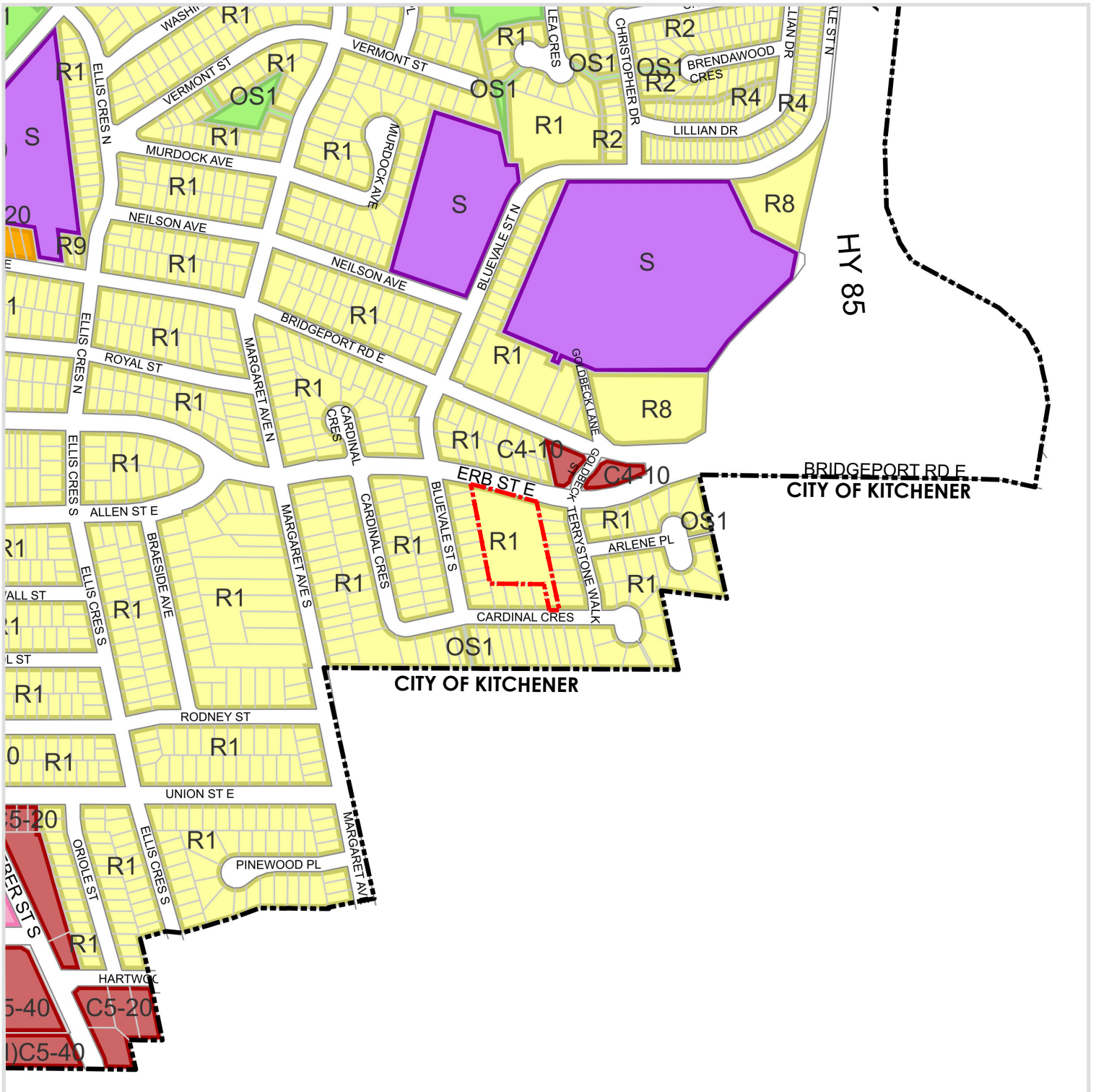


Figure #2

City of Waterloo Zoning By-law Zoning Map Schedule 'A'

275 Erb St E
City of Waterloo
Region of Waterloo

LEGEND

 Subject Lands

Zone Classifications

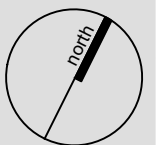
 Academic	 Environmentally Sensitive Landscape
 Institutional	 Commercial
 Educational Institution	 Uptown
 School	 Employment
 Residential	 Waste Management
 Residential Mixed-Use	 Future Determination
 Residential Northdale	 Zone Change
 Open Space	

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URBAN DESIGN
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ARCHITECTURE

200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

uses will both be located within the existing building, no changes to other regulations are proposed – the building exists in its current location.

The private school and child care centre propose to occupy 340 m² of 'exclusive' building floor area, with an additional 466 m² that would be shared with the church (foyer, gym, kitchen, hallways, etc.). The church is approximately 1,394 m² including the choir loft and stairs leading to the loft. As such, the church already has excess parking (approximately 40 spaces).

Table 6A in the Zoning By-law provides a specific parking rate for a child care centre:

Where the total building floor area on a lot is less than 1,000 square metres, 4 PARKING SPACES per 100 square metres of building floor area, except in zones U1, U2, C1A, C2A, C2B, C4A, E2A and E2B where the parking regulations in the zone category shall apply.

Parking for a 'private school' is required at a rate of 2 spaces per teaching area. There are three classrooms proposed, resulting in the need for 6 spaces. However, in the event there is a mix of both uses, and to be conservative, the Bylaw would require 14 parking spaces if the entire exclusive space was used for a child-care centre (note that the shared space was not used as that would effectively double count required parking and since the spiritual use requires a higher parking rate, this is a conservative approach). As noted, there are more than 150 spaces on the site and the church would operate at different times of the day (evenings) and week (weekends) compared with the private school and child-care centre. Further, the church could not use the exclusive space occupied by the school or child care centre so there would be no additional floor area generated as a result of the application. The combination of the church floor area and private school/day-care floor area still results in a surplus of parking on the site.

For clarity, Brason Montessori School does not propose and is not requesting that the size of the child-care centre and private school be limited to a certain floor area. This would unduly restrict a potential future expansion of the use (e.g. taking up more space within the existing building), should the community, for example, require more child care spaces. As the City would be able to evaluate any building permit proposing an expansion of either use, there would be an opportunity for staff to confirm the lands remain in compliance with the By-law in terms of the minimum supply of parking, for which there is already a surplus.

In our opinion, the proposed Zoning Bylaw to permit a Private School and a Child Care Centre as additional permitted uses is appropriate for the lands.

5.0 PUBLIC CONSULTATION STRATEGY

The Planning Act (specifically O. Reg 544/06, amended by O. Reg. 178/16) requires that applicants submit a proposed strategy for consulting with the public with respect to an application as part of the 'complete' application requirements. This section summarizes the proposed Public Consultation Strategy.

We propose that the public consultation process for the proposed Zoning By-law Amendment application follow the Planning Act statutory requirements. The following points of public consultation are proposed:

- Public notice on site – sign posted on the property
- Written responses to comments raised through the public consultation process, if shared with the applicant, will be provided to City Staff for their review and consideration in the preparation of a City Staff Report
- Preparation of a City Staff Report, with the Report to be available to the public in advance of City Council's consideration of the applications. It is understood that City Staff will post information on the City's website for public review. This will include the City Staff Report and may also include technical studies and reports prepared in support of the applications.
- A Public Meeting (Formal Public Meeting) held at a Council Meeting at which time the City Staff Report, all available information, and public input will be considered and a decision made.

The consultation strategy proposed will provide members of the public with opportunities to review, understand and comment on the proposed Zoning By-law Amendment application. The consultation strategy will be coordinated with City Staff.

6.0 Summary and Conclusions

The purpose of this Planning Justification Report is to evaluate the proposed development of the lands with a private school and child care centre within the existing church building, in the context of existing land use policies and regulations including the provincial, regional and local planning framework. The analysis contained in this report demonstrates that the:

- I. Proposed development is consistent with the Provincial Policy Statement;
- II. Proposed development conforms to the Growth Plan for the Greater Golden Horseshoe and supports the achievement of a complete community;
- III. Proposed development conforms to the Regional Official Plan;
- IV. Proposed development conforms to the City of Waterloo Official Plan;
- V. The proposed development will provide much needed child care spaces to support the community; and
- VI. The proposed development will make use of existing infrastructure, including existing services, the existing building and surface parking, and the existing entrances/exits from Erb Street East and Cardinal Crescent South.

Based on the forgoing, in our opinion, the proposed Zoning By-law Amendment application represents good planning.

Yours Truly,

MHBC



Trevor Hawkins, M.PL, MCIP, RPP
Partner

