

**DATE:** October 16, 2023

**TO:** Mayor and Members of Council

**FROM:** Haiqing Xu, Deputy City Manager, Planning and Growth Management

**RE: COMMUNICATION – COUNCIL  
REPORT NO. 39, ITEM #2  
CO-MART HOLDINGS LTD.  
20 ROYSUN ROAD  
VICINITY OF MARTIN GROVE ROAD AND HIGHWAY 7**

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### **Recommendation**

The Deputy City Manager, Planning and Growth Management recommends:

- a) THAT Attachment 8 (Table 1) - “Zoning Exceptions to Zoning By-law 001-2021” of Report No. 39, Item #2 of the October 3, 2023, Committee of the Whole, be deleted and replaced with Attachment 1 attached hereto, to correct an inadvertent omission with respect to an amendment to Zoning By-law 001-2021, for the maximum outdoor amenity area that can be located on a rooftop or terrace.
- b) THAT Recommendation 3 of Report No. 39, Item #2 of the October 3, 2023, Committee of the Whole, be revised to include the following Holding (“H”) condition:
  - e. The Owner shall provide a revised Noise Feasibility Study to the satisfaction of the Development Engineering Department that includes an assessment of additional nearby industrial lands uses, including but not limited to: the NAPCO-Royal Building Products (Westlake company) located along Regalcrest Court, to ensure compatibility with adjacent industrial land uses and confirm whether a Class 4 Acoustical designation is necessary for the Subject Lands.

Should the revised Noise Feasibility Study recommend the need for a Class 4 Acoustical designation for the Subject Lands, the City shall require the report be peer reviewed. The Owner will be responsible for paying the applicable peer review fees, in accordance with the City’s Fees and Charges By-law.

If following the City’s peer review, it is determined that a Class 4 Acoustical designation is required for the Subject Lands, the Owner shall pay the surcharge fee in accordance with the City’s Fees and Charges By-

law, to amend the City's Noise By-law to recognize the Class 4 Acoustical designation for the Subject Lands.

## **Background**

The Development Planning Department inadvertently omitted the proposed zoning exception for the maximum outdoor amenity area that can be located on a rooftop or terrace, in Attachment 8 (Table 1) – “Zoning Exceptions to Zoning By-law 001-2021” to Report No. 39, Item #2 of the October 3, 2023, Committee of the Whole. On this basis, the revised Attachment 8 (Table 1), attached hereto to this Communication, includes the additional amendment (redlined), and should replace the original Table 1.

In addition, the City received a letter and email dated October 12, 2023 from Phil Stewart of Pound and Stewart Associates Limited on behalf of the NAPCO-Royal Pipe manufacturing business located on Regalcrest Court and raised concern regarding noise compatibility with their facilities that are located in proximity to the proposed residential development. Based upon a review of this correspondence and further review of the Noise Feasibility Study that was submitted in support of the Applications, the Development Engineering Department recommends an additional Holding (“H”) condition be applied for the approval of Zoning By-law Amendment Application File Z.21.056, Recommendation 3 of Report No. 39, Item #2 of the October 3, 2023, Committee of the Whole. The "H" condition ensures that the applicant provides a revised Noise Feasibility Study that assesses additional noise impacts from surrounding industrial facilities and to determine if a Class 4 Acoustical designation is warranted for the Subject Lands, to the satisfaction of the Development Engineering Department.

For more information, contact Rebecca Roach, Planner of Development Planning, Extension 8626.

Respectfully submitted,



Haiqing Xu  
Deputy City Manager, Planning and Growth Management

### Attachments

1. Attachment 8 (Table 1) – Zoning Exceptions to Zoning By-law 001-2021

**Attachment 8 (Table 1) – Zoning Exceptions to Zoning By-law 001-2021**

	<b>Zoning By-law 001-2021 Standard</b>	<b>MMU Mid-Rise Mixed-Use Zone Requirement</b>	<b>Proposed Exceptions to the MMU Mid-Rise Mixed-Use Zone Requirement</b>
a.	Definition of Front Lot Line	In the case of a corner lot with two street lines of equal lengths, or a through lot, the lot line that abuts the wider road or abuts a Regional or Provincial road or highway shall be deemed to be the front lot line. In the case of both roads being under the same jurisdiction, or of the same width, the City may designate either street line as the front lot line	The front lot line shall be Roysun Road
b.	Permitted Uses	All uses listed for the MMU Zone (Table 8-2) of the comprehensive Zoning By-law	The development shall be restricted to the following uses: <ul style="list-style-type: none"> <li>• Apartment dwelling</li> <li>• Art studio</li> <li>• Financial institution</li> <li>• Business service</li> <li>• Office</li> <li>• Health and fitness centre</li> <li>• Clinic</li> <li>• Veterinary clinic</li> <li>• Pet care establishment</li> <li>• Pet services establishment</li> <li>• Community facility</li> <li>• Commercial school</li> <li>• Restaurant</li> <li>• Restaurant, take-out</li> <li>• Retail, convenience</li> <li>• Supermarket</li> <li>• Personal service</li> <li>• Retail</li> <li>• Day care centre</li> </ul>
c.	Minimum Exterior Side Yard Setback (Martin Grove Road)	5 m	3 m to intake or exhaust shaft

	<b>Zoning By-law 001-2021 Standard</b>	<b>MMU Mid-Rise Mixed-Use Zone Requirement</b>	<b>Proposed Exceptions to the MMU Mid-Rise Mixed-Use Zone Requirement</b>
d.	Minimum Exterior Side Yard (Sovereign Court)	5 m	1.8 m to intake or exhaust shaft
e.	Minimum Rear Yard	7.5 m	3.6 m
f.	Podium & Tower Requirements	Minimum Podium Height – 10.5 m Maximum Podium Height – 20 m Minimum Tower Step-Back – 3 m Maximum Tower Floor Plate – 850 m <sup>2</sup> Minimum Tower Separation – 30 m	Maximum Podium Height – 22.5 m  Minimum Tower Step Back – 0 m  Maximum Tower Floor Plate – Shall not apply  Minimum Tower Separation – Shall not apply
g.	Tower Setback from any Rear and Interior Lot Line	12.5 m	9 m from the rear lot line 5 m from the interior lot line
h.	Minimum Street Wall Height	9 m	6 m
i.	Minimum Landscape Strip Abutting a Street	5 m	1.8 m
j.	Minimum Setback to Accessory Structure (Intake Shaft) to Underground Parking Garage	The accessory structure shall not be located in the exterior yard and shall have a minimum setback of 3.0 m from a street	An accessory structure (intake or exhaust shaft) may be located in an exterior yard and shall have a minimum setback of 1.8 m from a street
k.	Short-term Bicycle Parking Spaces within Sight Triangle	Short term bicycle parking spaces are not permitted within the sight triangle	Short term bicycle parking spaces shall be permitted within the sight triangle
l.	Build-to Zone	A 5 to 10 m build-to zone is required on a corner lot and shall apply to a minimum of 50% of the street frontage.	The build-to zone shall not apply with respect to Sovereign Court

	<b>Zoning By-law 001-2021 Standard</b>	<b>MMU Mid-Rise Mixed-Use Zone Requirement</b>	<b>Proposed Exceptions to the MMU Mid-Rise Mixed-Use Zone Requirement</b>
m.	Loading Space	A minimum of 1 Type D loading space (for Residential Use) measuring at least 4 m width x 13 m length x 6.1 m vertical clearance and a minimum of 1 Type B loading space (for Non-Residential Uses) measuring at least 3.4 m width x 11 m length x 4 m vertical clearance are required	A consolidated Type B and D loading space shall be provided measuring 6 m width by 18 m length with a vertical clearance of 7.5 m
n.	Maximum Outdoor Amenity Area Percentage	A maximum of 20% of the required minimum outdoor amenity area may consist of amenity area located on a rooftop or terrace	A maximum of 140 m <sup>2</sup> of outdoor amenity space shall be accommodated on a rooftop or terrace