



Committee of Adjustment Hearing Minutes
Wednesday, January 12, 2011
1:00 p.m.
Council Chambers, Town Hall

MEMBERS PRESENT:

Chair: L. French
R. Cannon
B. Duncan
S. Norberg
J. Partridge

MEMBERS ABSENT:

J. DiCresce
J. Metcalfe

STAFF PRESENT:

Acting Secretary-Treasurer: C. Finnerty
Community Development Planner: B. Lauder
Intermediate Planner: S. McVittie
Municipal Solicitor/Prosecutor: C. Grant

1. **CALL TO ORDER**

The Chair called the meeting to order at 1:00 p.m.

2. **DISCLOSURE OF PECUNIARY INTEREST** – None stated.

3. **ADOPTION OF MINUTES** – None scheduled.

4. **REQUESTS FOR DEFERRAL OR WITHDRAWAL OF APPLICATIONS** – None stated.

5. **DEFERRED APPLICATIONS** – None.

6. **APPLICATIONS**

- | | | |
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| 6.1 | A001/11 | Owner: 677297 Ontario Ltd., (Agent: James D. Lethbridge)
Property Location: 20 Wiggins Road, Caledon (Ward 2) |
| 6.2 | A002/11 | Owner: SMS and Sons Inc., (Agent: James D. Lethbridge)
Property Location: 0 Wiggins Road, Caledon (Ward 2) |
| 6.3 | A003/11 | Owner: 2181302 Ontario Ltd., (Agent: James D. Lethbridge)
Property Location: 31 Sloan Drive, Caledon (Ward 2) |
| 6.4 | A004/11 | Owner: Maple Valley Acres Ltd., (Agent: James D. Lethbridge)
Property Location: 20 Sloan Drive, Caledon (Ward 2) |
| 6.5 | A005/11 | Owner: Maple Valley Acres Ltd., (Agent: James D. Lethbridge)
Property Location: 51 Sloan Drive, Caledon (Ward 2) |

The applicant is seeking permission to permit a transportation depot as a permitted use on all five applications noted above.

The agent, James Lethbridge of Lethbridge and Lawson requested that Applications A001/11 through A005/11 be heard concurrently as the subject properties are all located in a common development, have the same MU-424 zoning and address the same matter. The addition of a transportation depot as a permitted use would not be out of character of the uses that are currently permitted. The agent is aware of the conditions should the applications be approved and find them to be acceptable.

Planning staff advised that staff were unable to enter the subdivision from either Hurontario Street or Wiggins Road as barricades were erected at the entrances by the development owner. Although the Notice of Hearing signs could be visually identified throughout the subdivision, staff confirmed that the signs were posted in the proper location or with proper information and therefore unable to confirm that proper notice as per the *Planning Act* was provided as the signs were not visible to the public. The subject properties are designated Victoria Business Park and Dry Industrial in the Victoria Settlement Area of the Official Plan. It is Planning staff's opinion that the proposal meets the general intent and purpose of the Official Plan. The subject properties are zoned Unserviced Industrial – Exception 424 by By-law 2006-50, as amended. Conditions have been requested by the Town of Caledon Public Works and Engineering Department, the Region of Peel and the Ministry of Transportation to ensure that a traffic impact study has been executed and that agreements have been entered into regarding intersection improvements. For

application A002/11, there is an additional condition that the applicant completes a noise and vibration study as the proposal lies within 300 metres of a residential use.

The Chair inquired as to whether the sites would be used to store containers. Steve Lawson of Lethbridge and Lawson indicated that containers may be on site. Planning staff confirmed that the zoning of the site does permit accessory open storage so containers would be permitted in a designated area subject to size limitations.

The Committee inquired whether the applicant or agent had submitted photographs of the Notice of Hearing signs to the Secretary-Treasurer. The Acting Secretary-Treasurer advised that no photographs were received. Mr. Lawson advised that barricades were erected to prevent people from dumping on site and that the Engineering Department had authorized the placement of the barricades. Legal Services staff advised that Section 3 of Ontario Regulation 200/96 addresses the issue of notice. One requirement is to post a notice that is clearly visible and legible from a public highway or other place to which the public has access. The position of the Legal Services Department is that a notice was not visible and legible from the roadways. The Committee expressed concern that the *Planning Act* requirements have not been met and therefore the applications should not be considered at this time. Resident Richard DeLonte, who owns the building adjacent to the park came forward and advised that he saw the signs and received the notice. Brian Neely who owns the property on the east side of Highway 10 came forward to advise that he has also seen the signs.

6.1 A001/11 Owner: 677297 Ontario Ltd., (Agent: James D. Lethbridge)
Property Location: 20 Wiggins Road, Caledon (Ward 2)

Moved by J. Partridge – Seconded by R. Cannon

That the application be approved as it meets the 4 tests and the applicant has demonstrated that the signs were posted in the correct locations subject to the following conditions:

1. That the Secretary-Treasurer receive written confirmation from the Region of Peel Public Works Department, Development Services Division that satisfactory arrangements have been made to ensure the existing road system can handle any potential increase in traffic.
2. That the Secretary-Treasurer receive written confirmation from the Town of Caledon's Public Works Department that the applicants have entered into an agreement with the MTO and/or The Region of Peel for improvements to the intersections of Sloan Drive and King Street as well as Wiggins Road and Hurontario Street if deemed necessary as a result of findings of the requested Traffic Impact Study.
3. That the Secretary-Treasurer receive written confirmation from the Ministry of Transportation that a Traffic Impact Study (prepared by a Registry, Appraisal and Qualification System (RAQS) approved consultant) has been submitted, reviewed and approved by the MTO and that any necessary improvements to Highway 10 have been completed at the property owner's expense.

Carried.

6.2 A002/11 Owner: SMS and Sons Inc., (Agent: James D. Lethbridge)
Property Location: 0 Wiggins Road, Caledon (Ward 2)

Moved by J. Partridge – Seconded by R. Cannon

That the application be approved as it meets the 4 tests and the applicant has demonstrated that the signs were posted in the correct locations subject to the following conditions:

1. That the Secretary-Treasurer receive written confirmation from the Region of Peel Public Works Department, Development Services Division that satisfactory arrangements have been made to ensure the existing road system can handle any potential increase in traffic.
2. That the Secretary-Treasurer receive written confirmation from the Town of Caledon's Public Works Department that the applicants have entered into an agreement with the MTO and/or The Region of Peel for improvements to the intersections of Sloan Drive and King Street as well as Wiggins Road and Hurontario Street if deemed necessary as a result of findings of the requested Traffic Impact Study.

3. That the Secretary-Treasurer receive written confirmation from the Planning and Development Department that a satisfactory noise and vibration study has been received, if required.
4. That the Secretary-Treasurer receive written confirmation from the Ministry of Transportation that a Traffic Impact Study (prepared by a Registry, Appraisal and Qualification System (RAQS) approved consultant) has been submitted, reviewed and approved by the MTO and that any necessary improvements to Highway 10 have been completed at the property owner's expense.

Carried.

6.3 A003/11 Owner: 2181302 Ontario Ltd., (Agent: James D. Lethbridge)
Property Location: 31 Sloan Drive, Caledon (Ward 2)

Moved by J. Partridge – Seconded by R. Cannon

That the application be approved as it meets the 4 tests and the applicant has demonstrated that the signs were posted in the correct locations subject to the following conditions:

1. That the Secretary-Treasurer receive written confirmation from the Region of Peel Public Works Department, Development Services Division that satisfactory arrangements have been made to ensure the existing road system can handle any potential increase in traffic.
2. That the Secretary-Treasurer receive written confirmation from the Town of Caledon's Public Works Department that the applicants have entered into an agreement with the MTO and/or The Region of Peel for improvements to the intersections of Sloan Drive and King Street as well as Wiggins Road and Hurontario Street if deemed necessary as a result of findings of the requested Traffic Impact Study.
3. That the Secretary-Treasurer receive written confirmation from the Ministry of Transportation that a Traffic Impact Study (prepared by a Registry, Appraisal and Qualification System (RAQS) approved consultant) has been submitted, reviewed and approved by the MTO and that any necessary improvements to Highway 10 have been completed at the property owner's expense.

Carried.

6.4 A004/11 Owner: Maple Valley Acres Ltd., (Agent: James D. Lethbridge)
Property Location: 20 Sloan Drive, Caledon (Ward 2)

Moved by J. Partridge – Seconded by R. Cannon

That the application be approved as it meets the 4 tests and the applicant has demonstrated that the signs were posted in the correct locations subject to the following conditions:

1. That the Secretary-Treasurer receive written confirmation from the Region of Peel Public Works Department, Development Services Division that satisfactory arrangements have been made to ensure the existing road system can handle any potential increase in traffic
2. That the Secretary-Treasurer receive written confirmation from the Town of Caledon's Public Works Department that the applicants have entered into an agreement with the MTO and/or The Region of Peel for improvements to the intersections of Sloan Drive and King Street as well as Wiggins Road and Hurontario Street if deemed necessary as a result of findings of the requested Traffic Impact Study.
3. That the Secretary-Treasurer receive written confirmation from the Ministry of Transportation that a Traffic Impact Study (prepared by a Registry, Appraisal and Qualification System (RAQS) approved consultant) has been submitted, reviewed and approved by the MTO and that any necessary improvements to Highway 10 have been completed at the property owner's expense.

Carried.

6.5 A005/11 Owner: Maple Valley Acres Ltd., (Agent: James D. Lethbridge)
Property Location: 51 Sloan Drive, Caledon (Ward 2)

Moved by J. Partridge – Seconded by R. Cannon

That the application be approved as it meets the 4 tests and the applicant has demonstrated that the signs were posted in the correct locations subject to the following conditions:


1. That the Secretary-Treasurer receive written confirmation from the Region of Peel Public Works Department, Development Services Division that satisfactory arrangements have been made to ensure the existing road system can handle any potential increase in traffic.
2. That the Secretary-Treasurer receive written confirmation from the Town of Caledon's Public Works Department that the applicants have entered into an agreement with the MTO and/or The Region of Peel for improvements to the intersections of Sloan Drive and King Street as well as Wiggins Road and Hurontario Street if deemed necessary as a result of findings of the requested Traffic Impact Study.
3. That the Secretary-Treasurer receive written confirmation from the Ministry of Transportation that a Traffic Impact Study (prepared by a Registry, Appraisal and Qualification System (RAQS) approved consultant) has been submitted, reviewed and approved by the MTO and that any necessary improvements to Highway 10 have been completed at the property owner's expense.

Carried.

7. CLOSED MEETING – None.

8. ADJOURNMENT

On verbal motion moved by R. Cannon and seconded by B. Duncan, the hearing adjourned at 1:33 p.m.


Chair
Lily French


Acting Secretary-Treasurer
Chrisanne Finnerty