



Jul 15, 2020

July 14, 2020

Our File: 972-001

Planning & Development
Community Services
6311 Old Church Road
Caledon, Ontario, L7C 1J6

**Re: Temporary Zoning By-Law Amendment
2203315 Ontario Corp.
10819 Hwy 9, Caledon,
Town of Caledon, Region of Peel**

Glen Schnarr & Associates Inc. (GSAI) is pleased to submit an application for Temporary Zoning By-law Amendment for the above-noted lands (herein referred to as ‘subject property’) on behalf of our client 2203315 Ontario Corp. The subject property is located at the t-intersection of Highway 9 and Tottenham Road, on the south side of Highway 9, along the Town’s municipal north boundary. The subject property is municipally addressed 10819 Highway 9 and legally described as Pt Lt 26 Con 10 Albion Pt 1, AS IN RO727124, Caledon.

The property has a total site area of 0.64 hectares (1.58 acres) and is currently occupied by a vacant single-storey industrial building fronting Highway 9, and a two-storey residential dwelling located at the rear of the property. The subject property is located within the ‘Palgrave Estate Residential Community’ boundary area and designated ‘Policy Area 4’, as shown on Schedule G in the Town Official Plan. Furthermore, portions of the subject property are partially designated ‘Environmental Zone 1’ by Schedule I of the Town of Caledon Official Plan. The subject property is partially zoned Rural Oak Ridges Moraine – Exception 450 (A2-450-ORM) and partially zoned Rural Oak Ridges Moraine – Exception 450 Environmental Policy Area (A2-450-ORM E) under the Town of Caledon Zoning By-law 2006-50.

Background:

In the year 1988 the subject property was used for a single-family dwelling, a commercial garage, with an accessory office, a confectionary stand and four (4) double gasoline pumps. In the year 1996 the gasoline pumps were discontinued, while the remaining uses continued, and the underground storage tanks remained on the subject property. In the year 2009, our client purchased the subject property with the intent of continuing the use of the gasoline pumps.

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In 2015, our client submitted a legal non-conforming use application, which was refused by the town as staff had determined that the motor vehicle gas bar use was interrupted, therefore losing its Legal Non-conforming status. The proposed Temporary Use Zoning By-law amendment application is intended to reinstate the historical employment uses on the subject property for a temporary period.

Proposal:

Our client is proposing to renew the discontinued use of a motor vehicle gas bar with an accessory retail store, in addition to adding a restaurant use for a period of three (3) years through redeveloping the subject property. To facilitate the proposed development both the existing residential dwelling and industrial building will be demolished to permit a new temporary single-storey commercial building which will be used for an accessory retail store and restaurant.

As shown on the Development Concept Plan, the proposed commercial building will have an area of approximately 260 square metres (2,799 square feet). The proposed development will also include the addition of three (3) double gasoline pumps with new underground storage tanks. The proposed development will have access through a proposed full moves access at the existing signalized intersection of Highway-9 and Tottenham Road. There is a total of thirteen (13) parking spaces provided, one (1) barrier free parking space, and one (1) loading space being proposed on the subject site. The Highway Commercial (CH) zone best represents an appropriate zone for the proposed temporary uses based on the subject property’s location, therefore considerable design efforts have been made to accommodate the zoning by-law requirements of this zone.

Required Planning Approvals:

The *Rural Oak Ridges Moraine – Exception 450* zone primarily permits agriculture and farm related uses such as farm equipment storage, livestock facility and open storage, accessory. The site-specific exception (A2-450-ORM) permits a motor vehicle repair facility, while the suffix ‘E’ identifies the lands as designated ‘Environmental Policy Area’ in the Official Plan. Though a gasoline pump island, accessory use is permitted on the property, this use permits dispensing gasoline solely to vehicles owned or leased by the occupant. It should be noted that the proposed temporary uses will operate and function similarly to the permitted gasoline pump island, accessory in regards the required infrastructure, however the proposed use is intended to function as a commercial business. The proposed Temporary use By-law Amendment seeks to reinstate the historical employment uses on the subject property to bring the property into conformity with the Town of Caledon Zoning By-law.

Section 6.2.13 of the Town of Caledon Official Plan outlines policies which allow Council to pass a Temporary Use By-law to permit a specific use on the site for a renewable period up to three (3) years. Temporary Use By-laws are intended to provide a way to zone lands where it is known that a specific use is appropriate in the short-term. Prior to passing a Temporary Use By-law, the application must satisfy the following conditions:

- *That it is compatible with neighbouring land use activities;*



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- That adequate parking can be provided;
- That an adverse impact on traffic will not be created;
- That the construction of a permanent building or structure is not encouraged;
- That the use cannot become permanent and difficult to terminate; and,
- That adverse environmental impacts will be avoided, minimized or mitigated.

The Planning Justification Report included as part of this submission provides fulsome rationale as to how the proposal conforms to the Official Plans Temporary Use By-law policies.

We also wish to note for staff that the Temporary Zoning By-law amendment will be seeking relief from the following zoning standards:

- Permitted uses;
- Minimum lot area;

The Draft Zoning By-law Amendment which has been included as part of the submission provides further detail on the proposed amendments to the Zoning By-law.

Submission Deliverables:

There are several documents identified in the Pre-Consultation (DART) checklist which will not be submitted as part of this proposed Temporary use By-law Amendment application package, as they are more suited to be submitted as part of the Site Plan Application. The omitted submission from the Pre-Consultation (DART) checklist material is outlined below:

- The Site Plan Application Form and Site Plan Application fee will be provided once we advance to the Site plan Application stage.
- The OBC Matrix will be provided at the Site Plan Application stage once site specific details have been identified through the Temporary use By-law Amendment process.
- The Draft Reference Plan will not be provided as part of the submission as the Survey Plan included in the submission identifies the boundaries of the site, which are not subject to change as part of this application. An email from the MTO has been included as part of this submission which confirms they will not be requiring a road widening along Highway 9.

In support of the Temporary By-law Amendment application, we have enclosed the following items:

Item	Materials
1.	One (1) digital copy of the Cover Letter; prepared by Glen Schnarr & Associates Inc.;
2.	One (1) digital copy Application Summary Form with Owner Authorization;
3.	One (1) digital copy of the Pre-Consultation (DART) Meeting Form;



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4.	One (1) digital copy of the Site Plan prepared by Glen Schnarr & Associates Inc., dated April 21, 2020;
5.	One (1) digital copy of the Functional Servicing and Stormwater Management Report prepared by Crozier & Associates Inc., dated May, 2020;
6.	One (1) digital copy of the Hydrogeological Impact Assessment prepared by Safetch Environmental Ltd., dated August, 2019;
7.	One (1) digital copy of the Planning Justification Report, prepared by Glen Schnarr & Associates Inc., dated April, 2020;
8.	One (1) digital copy of the Site Grading Plan, prepared by C.F Crozier & Associates Inc., dated May 13, 2020;
9.	One (1) digital copy of the Traffic Impact Study prepared by C.F Crozier & Associates Inc., dated April, 2020;
10.	One (1) digital copy of the Urban Design Brief prepared by Glen Schnarr & Associates Inc., dated April, 2020;
11.	One (1) digital copy of the Engineering Costs Estimate (Opinion of Probable Cost) prepared by C.F Crozier & Associates Inc., dated May 8, 2020;
12.	One (1) digital copy of the Engineering Letter of Conformance prepared by C.F Crozier & Associates Inc., dated October, 2019;
13.	Seven (7) copies of the Zoning By-law Matrix prepared by Glen Schnarr & Associates Inc.;
14.	One (1) digital copy of the Survey Plan prepared by Avanti Surveying, dated January 22, 2019;
15.	One (1) digital copy of the Draft Zoning By-Law Amendment and Schedule 'A' prepared by Glen Schnarr & Associates Inc.;
16.	One (1) digital copy of the Erosion and Sediment Control Plan prepared by C.F Crozier & Associates Inc., dated May 13, 2020;
17.	One (1) digital copy of the Geotechnical Report prepared by Peto MacCallum Ltd., dated March 23, 2020;
18.	One (1) digital copy of the Landscape Plan prepared by Baker Turner Inc., dated March, 2020;
19.	One (1) digital copy of the Noise and Vibration Study have been prepared by HGC, dated March 23, 2020;
20.	One (1) digital copy of the Phase 1 and 2 Environmental Site Assessment Reports prepared by Safetch Environmental Ltd.

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21.	One (1) digital copy of the Site Servicing Drawing prepared by C.F Crozier & Associates Inc., dated May, 2020;
22.	One (1) digital copy of the Landscape Cost Estimate prepared by Baker Tuner Inc., dated March 10, 2020;
23.	One (1) digital copy of the Landscape Letter of Conformance prepared by Baker Turner Inc., dated October 2019;
24.	One (1) digital copy of the Drainage Plan prepared by C.F Crozier & Associates Inc., dated May 2020;
25.	One (1) digital copy of the Engineering Sections prepared by C.F Crozier & Associates Inc., dated May 2020;
26.	One (1) digital copy of email from MTO
27.	One (1) digital copy of the Acknowledgement of Public Information

** It should be noted that the Conceptual Renderings, Elevations, and Floor Plans have been included in the enclosed Urban Design Brief.*

We trust that the enclosed material is sufficient in satisfying the requirements for an application for a Temporary Zoning By-law Amendment.

Respectfully submitted,

GLEN SCHNARR & ASSOCIATES INC.

Patrick Pearson
Planner