

February 20th, 2025

Partners:

Glen Broll, MCIP, RPP
Colin Chung, MCIP, RPP
Jim Levac, MCIP, RPP
Jason Afonso, MCIP, RPP
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In Memoriam, Founding Partner:

Glen Schnarr

February 11th, 2025

Our File: 972-002

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

Attention: Tanjot Bal, MCIP, RPP
Senior Planner

**Re: Official Plan and Zoning By-Law Amendment
Nucon Property Development Inc.
10795 Hwy 9, Caledon,
Town of Caledon, Region of Peel**

Glen Schnarr & Associates Inc. (GSAI) is pleased to submit an application for an Official Plan and Zoning By-law Amendment for the above-noted lands (herein referred to as 'subject property') on behalf of our client Nucon Property Development Inc.

Site Description:

The subject property is located approximately 70 metres west of 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 10795 Highway 9 and legally described as *Pt Lt 26 Con 10 Albion Pt 1, 34R17925, Caledon*. The subject property contains a two-story building fronting Highway 9 used as an office for the existing demolition company (Building A), and an industrial garage building in the rear (Building B) with accessory open storage also at the rear of the site.

Policy Framework:

The subject property is designated "*Natural Linkage Area*" by the ORMCP. The subject property is located within the Palgrave "*Palgrave Estate Residential Community*" designation as shown on *Figure 4 – Regional of Peel Schedule E-1*. The subject property is located within the "*Palgrave Estate Residential Community*" designation and within the "*Oak Ridges Moraine Conservation Plan Area*" on Schedule A1 – Town Structure of the Town of Caledon Official Plan. The subject property is further designated '*Policy Area 4*', as shown on Schedule G in the Town Official Plan. The subject property is partially zoned *Rural – Oak Ridges Moraine 'A2-ORM'* and *Environmental Policy Areas 2 – Oak Ridges Moraine 'EPA2-ORM'* under the Town of Caledon Zoning By-law 2006-50.

Site History:

Based on our review of the materials provided to us by our client and public records, it appears the Subject Property has been used for various commercial and industrial-related uses since the 1970's.

The Owner purchased the Subject Property in 2006, at which time the site was being occupied by a business use that appeared to sell, store, and repair various commercial trucks and equipment on Site. The Owner purchased the property with the intention of using it as the maintenance and repair arm of their demolition and excavation business (herein referred to as "Lion's Demolition/Excavation Repair Facility").

In 2006, the Owner applied for a Site Plan Application to construct an addition to the existing industrial garage building at the rear of the Subject Property. Through the Town's review of the Site Plan Application (Town File No.: SPA 06-63), the zoning administrator identified that the use the Owner was proposing was not permitted within the existing Rural ORM (A2 - ORM) zone on the Subject Property however, it was identified that a *Motor Vehicle Repair Facility* use permitted on Site as a legal non-conforming use. It should also be highlighted that the Town's Zoning By-law at the time (and even to this day) did not include a specific definition for a demolition business operation. As a result, Town staff suggested a Minor Variance application be submitted to permit the expansion of the legal non-conforming use of a *Motor Vehicle Repair Facility* on Site to facilitate the approval of the industrial building expansion being proposed through SPA 06-63. Subsequently, the Owner submitted a Minor Variance application to expand the legal non-conforming use of a *Motor Vehicle Repair Facility* on Site, which was approved on May 16, 2007.

The Town of Caledon's Zoning By-law 2006-50 defines a *Motor Vehicle Repair Facility* use as follows:

Motor Vehicle Repair Facility means a premises used to conduct repairs of motor vehicles of a mechanical or structural nature and may include an associated towing service, motor vehicle service centre and motor vehicle rentals but does not include a motor vehicle body shop.

Since the approval of the above-noted Minor Variance application, Lion's Demolition/Excavation Repair Facility has been maintaining, repairing, and servicing its own motor vehicles and construction equipment associated with the business operation on the Site which continues to operate to this day.

In 2009, the Owner received a notice letter from the Town of Caledon stating that some of the activities on the Subject Property were **NOT** in conformance with the legal non-conforming use of a *Motor Vehicle Repair Facility*. Staff pointed out that not all the items being stored on the property (construction equipment and steel bins) were considered by the Town as *Accessory Open Storage* to the permitted *Motor Vehicle Repair Facility* use. Since 2009, the Owner has pursued several avenues in an attempt to rectify the Town's land use permission concerns, including a

Minor Variance application (2010), Legal Non-Conforming Use Application (2017), and a Temporary Use Zoning By-law Amendment (2020)). Ultimately, it was determined that an Official Plan Amendment and Rezoning application would be required to permit the repair and storage of construction equipment, and steel bins on Site.

Current Business Operation:

Lion's Demolition/Excavation Repair Facility is a maintenance and repair division of a demolition and excavation business that provides demolition services in the Greater Toronto Area (GTA). As shown on Figure 3 – Development Concept Plan, there are two (2) buildings on the Subject Property (Building A & B). The building closer to Highway 9 (Building A) is used for administrative purposes related to the Lion's Demolition/Excavation Repair Facility. Building B, which is located central to the Site (the existing industrial garage building) is used as a mechanic shop to maintain, repair, and service trucks and equipment associated with the Lion's Demolition/Excavation Repair Facility (trucks, construction equipment etc.). The southern yard portion of the Subject Property is primarily used to store large trucks, and construction equipment that are waiting to be serviced/repaired.

The Owner uses the Subject Property for the maintenance, repair, and servicing of its own vehicle/equipment fleet associated with the Lion's Demolition/Excavation Repair Facility. No servicing or repair of external equipment takes place. The trucks/equipment associated with the demolition business only come to the Highway 9 property for maintenance, repair, and servicing. Once the trucks/equipment are in operational condition, they are stored and dispatched from a separate location in Toronto.

However, over the years, various other items associated with Lion's Demolition/Excavation Repair Facility have been stored on Site, which were not associated with the maintenance, repair, and servicing of the business's fleet (such as outside storage of tools, construction equipment attachments, shipping containers, push carts etc.). In an attempt to address the concerns of the Town and bring the Site back into conformity with the original intent of the *Motor Vehicle Repair Facility* use, the Owner has recently started to relocate these various items to their other properties within the GTA.

Proposed Development:

In order to address the Town of Caledon's concerns regarding various uses on the Site not being permitted under the current legal non-conforming use, the Owner is proposing to submit a site-specific Official Plan and Zoning By-Law Amendment application (herein referred to as the "Amendments") to recognize the existing Lion's Demolition/Excavation Repair Facility business operation by expanding the existing *Motor Vehicle Repair Facility* definition to allow for the repair of construction equipment.

Town staff have taken the position that not all uses on the Site (construction equipment and steel bins) are permitted under the legal non-conforming use of a *Motor Vehicle Repair Facility*. Lion's

Demolition/Excavation Repair Facility has maintained the *Motor Vehicles Repair Facility* use aspect of its business operation (servicing/repairing motor vehicles used by their company) since the Subject Property was purchased eighteen (18) years ago.

Town staff have taken the position that the construction equipment being repaired/stored on Site is not permitted under the *Motor Vehicle Repair Facility* use definition. However, we are of the opinion that the maintenance and repair of construction equipment have a similar operational scope as the maintenance and repair of motor vehicles. Whether it is a transport truck or an excavator/steel bin, the general scope of the activity remains similar. The tools, staff, and equipment required to repair both are largely the same. Both activities require heavy lifting capabilities, specialized diagnostic tools, welding and fabrication equipment, and a workspace designed to accommodate the machinery. The core mechanical skill and repair process overlap significantly. The main difference is the size of the machinery being repaired. Repairing larger machines (construction equipment) could potentially have greater visual impacts associated with the use. Given the size and location of the existing industrial garage building on Site, the maintenance and repair of construction equipment can be accommodated within the existing building (Building B). Additionally, the location of Building B provides a large setback from Highway 9, which further mitigates any visual impact potential. Lastly, the Site provides screening from the east and west through existing vegetation and grading, further buffering the use from public view. For these reasons, we are of the opinion that the Proposed Use will have a similar impact as a *Motor Vehicle Repair Facility* use.

In order to rectify staff's concerns with respect to the construction equipment and steel bins being stored on the Site, we are proposing an Official Plan and Zoning By-Law Amendment application to convert the existing legal non-conforming *Motor Vehicle Repair Facility* use to a similar, slightly modified use to better accommodate the Owners current business operation. We are proposing to amend the existing *Motor Vehicle Repair Facility* definition as follows:

Motor Vehicle Repair Facility (Modified) means a premises used to conduct repairs of motor vehicles of a mechanical or structural nature (***including construction equipment***) and may include an associated towing service, motor vehicle service centre and motor vehicle rentals but does not include a motor vehicle body shop.

No new development is being proposed on the Subject Property at this time, however, in order to improve the ecological integrity of the Site, the Owner is proposing to provide enhancements to the existing woodlot features on the Site by expanding the Environmental Protection Area Zone limits in certain areas (herein referred to as 'woodlot enhancement areas'). These woodlot enhancement areas are intended to expand the woodlot feature beyond the staked dripline limits identified in the recent site staking exercise. Detailed planting and restoration plans can be provided at the detailed design stage to further define and improve the proposed woodlot enhancement areas. Moreover, if the proposed Amendments are approved, there will be further opportunities to enhance the Site through the Site Plan Approval process, which could include but are not limited to improvements in grading, drainage, and landscaping treatments etc.

As part of the proposal, the Site will maintain the existing access points along Highway 9 which provides access to the surface parking lot in the front of Building A and the Open Storage Area at the rear lot. All existing building setbacks will be maintained.

It is our opinion that the proposed Amendments will rectify staff concerns regarding construction equipment and steel bins on Site, ultimately bringing the Owners business into conformity with the Town's Official Plan, and Zoning By-law.

Proposed Amendments:

Official Plan Amendment:

The subject property is currently designated as *Policy Area 4* on Schedule G – Palgrave Estate Residential Community in the Town of Caledon Official Plan. Permitted uses in the Policy Area 4 designation generally include agriculture and associated residential uses, intensive recreation, and legally existing uses.

In order to permit the proposed use of a *Motor Vehicle Repair Facility (Modified)*, amendments to the Town of Caledon Official Plan are required. As such, the proposed Official Plan Amendment (the “OPA”) will provide the following designations:

1. Apply a site-specific designation that will redesignate the subject property from “Policy Area 4” to Policy Area 4 - #” to permit the proposed *Motor Vehicle Repair Facility (Modified)* use.

Zoning By-law Amendment:

The subject property is currently zoned *Rural – Oak Ridges Moraine “A2-ORM”* and *Environmental Policy Areas 2 – Oak Ridges Moraine “EPA2-ORM”*. The A2-ORM zone primarily permits agricultural and farm-related uses such as farm equipment storage, livestock facility and open storage, accessory. The EPA2-ORM zone is more restrictive, and permits uses related to existing agricultural, forest management and utilities.

In order to permit the proposed use of a *Motor Vehicle Repair Facility (Modified)*, amendments to the Town of Caledon's Zoning By-law 2006-50 are required. The Proposed Use will be restricted to the portions of the Site zoned A2-ORM. As such, the proposed Zoning By-law Amendments (the “ZBLA”) will provide the following revisions:

1. Rezone the portion of the Subject Property from “A2 - ORM” to “A2 – ORM - #” to permit the proposed *Motor Vehicle Repair Facility (Modified)* use;
2. Rezone the portion of the Subject Property from “A2 - ORM” to “EPA2-ORM” to provide additional woodlot enhancement areas on site.

Submission Deliverables:

It is our opinion that the documentation provided herein will be sufficient to facilitate Town staffs review of the application(s) being pursued. In support of the Official Plan and Zoning By-law Amendment application, we have enclosed the following items:

1. One (1) copy of the Application Form;
2. One (1) Planning Justification Report prepared by GSAI, dated February 7th, 2025;
3. One (1) copy of the Phase 1 Environmental Site Assessment prepared by Safetech Environmental Ltd., dated April 18, 2019
4. One (1) copy of the Phase 2 Environmental Site Assessment prepared by Safetech Environmental Ltd., dated June 6, 2019
5. One (1) copy of the Environmental Update Letter prepared by TorontoInspection, dated July 11, 2024;
6. One (1) copy of the Underground Storage Tank Investigation Letter prepared by TorontoInspection, dated May 21, 2021;
7. One (1) copy of the Soil Remediation Report prepared by TorontoInspection, dated September 30, 2021;
8. One (1) copy of the Groundwater Sampling Report prepared by TorontoInspection, dated August 16, 2022;
9. One (1) copy of the Stage 1-2 Archaeological Assessment Report prepared by New Era Archaeology, dated August 21, 2024;
10. One (1) copy of the Development Concept Plan prepared by Glen Schnarr & Associates Inc.;
11. One (1) copy of the Draft Official Plan Amendment prepared by Glen Schnarr & Associates Inc.;
12. One (1) copy of the Draft Zoning By-law Amendment prepared by Glen Schnarr & Associates Inc.;
13. One (1) copy of the Environmental Impact Study (Scoped) prepared by Dillon Consulting dated February 6, 2025;
14. One (1) copy of the Floor Plan Drawings (Building A & B) prepared by Antrix, dated October 24, 2018;
15. One (1) copy of the Hydrogeological Impact Assessment prepared by SafeTech dated August 2019;
16. One (1) copy of the Noise Feasibility Study prepared by HGC dated February 5, 2025;
17. One (1) copy of the property PINS;
18. One (1) copy of the Site Servicing and Stormwater Management Memo prepared by Crozier and Associates, dated January 22, 2025
19. One (1) copy of the Topographic Survey prepared by Avanti Surveying dated October 11, 2024;
20. One (1) copy of the Traffic Assessment prepared by Crozier and Associates, dated February 6, 2025;

21. One (1) Email from Town staff confirming that no Geotechnical Study is required

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

Respectfully submitted,

GLEN SCHNARR & ASSOCIATES INC.



Patrick Pearson, MCIP, RPP
Associate