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planning + urban design



The Town of Caledon  
Planning and Development Division  
6311 Old Church Road  
Caledon, ON  
L7C 1J6

July 29, 2020  
5576-1

Attn.: Sylvia Kirkwood

Dear: Madam,

**RE:** Planning Justification Brief in Support of  
Application for Temporary Use By-law PRE 2020-0087

7904 Mayfield Road, Town Caledon  
Tarpa Construction Co. Limited

Weston Consulting has been retained by Tarpa Construction Co. Limited to provide professional planning services relating to 7904 Mayfield Road (Subject Property) in the Town of Caledon. The Subject Property is located on the north side of Mayfield Road, west of Humber Station Road in the Town of Caledon. It is legally described as Part of Lot 1, Concession 4, Town of Caledon, Regional Municipality of Peel, with a lot area of approximately 3.9 hectares and a lot frontage of approximately 93 metres.

This is for an application for a Zoning By-law Amendment, for the purposes of *refreshing* Temporary Use By-law 2017-42, which permits a commercial nursery and garden supply centre at 7904 Mayfield Road.

The Subject Property is currently zoned Agricultural (A1-T14) and Environmental Protection Areas (EPA1-T15) and (EPA2-T16), subject to Temporary Use By-law 2017-42. An application for a Temporary Use By-law was originally submitted in May 11, 2012, to permit the uses of a commercial nursery and garden supply centre. The Temporary Use By-law was approved on June 20, 2017, with the implementing Site Plan approval obtained on February 8, 2018, following a detailed review.

The approved Temporary Use By-law for these lands were approved for a period of three years and have expired as of June 20<sup>th</sup>, 2020. Additional formal applications including a Site Plan Control application and TRCA Permit were obtained in conjunction with several submitted technical reports/studies. Various submitted studies/plans included:

- Traffic Impact Study;
- Functional Servicing Report/Stormwater Management Report;
- Noise Feasibility Study;
- Environmental Impact Study;

- Planning Rationale Report; and
- Architectural/ Civil Engineering Plans.

### **Current Application**

On behalf of the Tarpa Construction Co. Limited, we respectfully submit this application to extend the current Temporary Use By-law for a period of three (3) years. The Subject Property has since been developed for the approved commercial nursery and garden supply centre use. The approved and proposed structures, engineering, and landscaping works have been erected and implemented. This is evident through the Region of Peel, Town of Caledon Engineering and Landscape Department successful return of Tarpa Constructions site securities.

Since the planning approvals of these lands, no fundamental site changes/ alterations have occurred. The previously submitted/ approved plans and technical studies remain relevant and applicable to this application. The Subject Property have been developed for the approved commercial nursery and garden supply centre use. The approved structures, landscaping, grading, and land conveyances have since been erected and implemented.

### **Planning Analysis**

#### *Provincial Policy Statement & Growth Plan*

The Province of Ontario recently updated the Provincial Policy Statement (PPS) 2020 and the Growth Plan 2019. From the time when the previous application was approved in 2017 both policy documents have been updated. The proposed continues to conform to the latest policy documents.

#### *Region of Peel Official Plan*

The Subject Property is located in the *Prime Agricultural Area* and designated *Rural System* on Schedule 'D' – Regional Structure in the Region of Peel Official Plan. Key policies within the Region of Peel Official Plan include the protection of the prime agricultural area for agricultural land uses. Agricultural-related uses include farm related commercial and industrial uses that are small scale and directly related to the farm operation. The proposed continual use for the approved commercial nursery and garden supply centre use, including the approved and proposed structures/ landscaping works is a permitted use, and in conformity with the Region of Peel Official Plan.

#### *Town of Caledon Official Plan*

The Subject Property is designated *Prime Agricultural Area* on Schedule 'A' - Town of Caledon Land Use Plan, within the Town of Caledon Official Plan. Uses permitted in the *Prime Agricultural Area* include agricultural uses, agriculture-related commercial and agriculture-related industrial uses in a single detached dwelling. The requirements of Section 6.2.13.2 must be met in order to permit the temporary use of a garden centre. Below is an analysis in how this proposal conforms to the policies contained herein:

6.2.13.2 *“Prior to the passing of a Temporary Use By-law, Council shall be satisfied that the proposed temporary use meets the following conditions”:*

*a) That it is compatible with neighbouring land use activities;*

The current use of growing and selling horticultural products on site is compatible with the surrounding land uses, which are used for farming and agricultural purposes. Many properties in the immediate area presently farm for cash crop operations, the contemplated use is mindful of the neighbouring land use, while representing compatible land use.

*b) “That adequate parking can be provided”;*

Upon a review of the parking requirements in Zoning By-law 2006-50, the parking on-site complies with the Zoning By-law 2006-50. The previously approved parking supply associated with original Temporary Zoning By-law Amendment remains unchanged. No changes to previous site parking arrangements are contemplated within this proposal.

*c) “That an adverse impact on traffic will not be created”;*

A Traffic Impact Study was previously prepared in 2012 by Croziers and Associates which supported the original Temporary Use By-law application. It was determined that uses and functions intended for this site were supportable and feasible from a traffic perspective. Since the Site Plan approval in 2018, the previously required road widenings along Mayfield Road have since been conveyed and brought into the Region's ownership.

*d) That the construction of a permanent building or structure is not encouraged;*

The applicant previously erected a sales trailer, which was not a permanent building. The owner intends to remove the erected sales trailer upon the expiry of a new temporary use by-law ending in 2023.

*e) That the use cannot become permanent and difficult to terminate;*

*Similar to the above response, the applicant previously erected a temporary sales trailer, which is not a permanent building and intends to remove the building once the use permission end upon an additional three years.*

*f) That adverse environmental impacts will be avoided, minimized or mitigated;*

The applicant previously rezoned portions of the Subject Property located within the Regional Flood limit to Environmental Policy Area 1 (EPA1) Zone. The 10 metre buffer from said Regional Flood limit has been rezoned from the Agricultural (A1) Zone to Environmental Policy Area 2 (EPA2) Zone to limit uses and development within that area. In 2017, Town Planning Staff confirmed that the Temporary Use By-law is in conformity with Regional and Town policy. To date nothing in part of this application is subject to change.

The planned continued use of the property is in conformity with Regional and Town Official Plan policies. The included planning analysis illustrates conformity with Regional and Local land use policy. We are of the opinion that the continued uses of a commercial nursery and garden supply centre remain an appropriate use of land, while representing good planning.

### Submission Materials

Consistent with the DART Meeting held on July 2, 2020 and subsequent correspondence, the following materials are submitted to fulfill the requirements of a complete application for Temporary use By-law.

<b>Documents:</b>	<b>Prepared By:</b>	<b>Date:</b>	<b>Copies:</b>
Town of Caledon application for Zoning By-law Amendment	Weston Consulting	July 29, 2020	Digital
Draft Temporary Use By-law Amendment	Weston Consulting	n/a	Digital
Approved Site Plan (Drawing S4)	Weston Consulting	Stamped February 6 <sup>th</sup> 2018	
Approved Floor Plan (Drawing F1)	Weston Consulting	Stamped February 6 <sup>th</sup> 2018	Digital
Approved Elevation Plan (Drawing E1)	Weston Consulting	Stamped February 6 <sup>th</sup> 2018	Digital
Approved Elevation of Landscape Material Corrals (Drawing E2)	Weston Consulting	Stamped February 6 <sup>th</sup> 2018	Digital
Approved Erosion Sediment Control Plan (Drawing (C01))	Crozier & Associates	Stamped February 6 <sup>th</sup> 2018	Digital
Approved Construction Notes and Details (Drawing C02)	Crozier & Associates	Stamped February 6 <sup>th</sup> 2018	Digital
Approved Grading Plan (Drawing C03)	Crozier & Associates	Stamped February 6 <sup>th</sup> 2018	Digital
Approved Pavement Markings Cross Section Detail ((Drawing 301)	Crozier & Associates	Stamped February 6 <sup>th</sup> 2018	Digital
Approved Landscape Plan (Drawing L1)	ArborFront Consulting	Stamped February 6 <sup>th</sup> 2018	Digital
Approved Landscape Details Plan (Drawing L2),	ArborFront Consulting	Stamped February 6 <sup>th</sup> 2018	Digital
Approved Landscape Details Plan (Drawing L3),	ArborFront Consulting	Stamped February 6 <sup>th</sup> 2018	Digital
Correspondence from Hashim Ali Hamdani authorizing the release of Regional securities.	Region of Peel	August 28, 2018	Digital

Correspondence between Tarpa Construction and Nick Pirzas authorizing release of landscape securities	Town of Caledon	June 3 2020	Digital
Certification of Final Lot Grading provided to Jay Menary	Crozier & Associates	November 21 2018	Digital

The Subject Property has since been developed for the approved commercial nursery and garden supply centre use. Since the approval of the Temporary Zoning By-law of these lands, no fundamental site changes/alterations have occurred. The submitted plans and technical studies remain relevant and applicable. We are of the opinion that the continued uses of a commercial nursery and garden supply centre remain an appropriate use of land, while representing good planning.

We trust the above information is in order and constitutes a complete application under the *Planning Act*. We ask that formal notice of same be issued and that the application be circulated to the appropriate agencies and department for review and comment. Please contact the undersigned at ext. 241 or Adam Santos at ext. 276 should you have any question or require additional information.

Should you have any questions or need additional information please do not hesitate to contact the undersigned at (416) 459-5537 or Adam Santos at extension 276.

Yours truly,

**Weston Consulting**

**Per:**



Kevin Bechard, BES, M.Sc., RPP.  
Senior Associate

CC. Sylvia Kirkwood, Principal Planner, Town of Caledon  
Armando Rosano, **Tarpa Construction Ltd.**  
Dan Kraszewski, **D.J.K. Land Use Planning**