



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Ruth Conard, Planner – Development Review

DATE: May 16, 2023

REPORT NO.: PD-2023-044

SUBJECT: Recommendation Report for a proposed Temporary Use Zoning By-law Amendment to extend the Microbrewery use for two years and to permit a seasonal patio for three years at 1 Elgin Street – Furnace Room Brewery (Georgetown)

RECOMMENDATION:

THAT Report No. PD-2023-044, dated May 16, 2023, regarding “Recommendation Report for a proposed Temporary Use Zoning By-law Amendment to extend the Microbrewery use for two years and to permit a seasonal patio for three years at 1 Elgin Street – Furnace Room Brewery (Georgetown)”, be received;

AND FURTHER THAT the Temporary Use Zoning By-law Amendment, to amend Town of Halton Hills Comprehensive Zoning By-law 2010-0050, for the lands municipally known as 1 Elgin Street (Georgetown), as generally shown on SCHEDULE 3 – ZONING BY-LAW AMENDMENT, be approved.

KEY POINTS:

The following are key points for consideration with respect to this report:

- A Temporary Use Zoning By-law Amendment was approved by Council on May 24, 2022, to permit a Microbrewery at 1 Elgin Street for a period of two years (to expire on May 24, 2024). The permission for the Microbrewery allowed Furnace Room Brewery to serve food and beverages within the building, in addition to the beer manufacturing and retail component already allowed on-site.
- Furnace Room Brewery (the Applicant) is now seeking to extend the Microbrewery temporary permissions for an additional two years (to expire in 2026) and also to obtain temporary permissions for three years to operate a seasonal patio from March until October (also to expire in 2026), which would allow food and beverages to be served outdoors.

- The Statutory Public Meeting for this application was held on May 8, 2023. There were no members of the public present at the Public Meeting.
- Town staff and external agencies have completed their review of the application and proposal. This report recommends approval of the Temporary Use Zoning By-law Amendment application for 1 Elgin Street – Furnace Room Brewery.

BACKGROUND AND DISCUSSION:

1.0 Location and Site Characteristics

The subject property is located on the east side of Elgin Street (adjacent to the GO Station parking lot), just north of King Street in the urban area of Georgetown; see **SCHEDULE 1 – LOCATION MAP**. The 0.2 hectare (0.5 acre) property has frontage of approximately 30.35 metres (99.57 feet) on Elgin Street and contains the Furnace Room Brewery.

Surrounding land uses to the subject parcel includes:

- | | |
|---------------|---|
| To the North: | CN rail tracks and a proposed high density residential development further north (1 Rosetta Street and 6 and 8 Saint Michaels Street) |
| To the East: | Single detached dwellings and Greenwood Cemetery further east |
| To the South: | Single detached dwellings |
| To the West: | Single detached dwellings and the Georgetown GO Station |

2.0 Application History

On May 24, 2022, Council approved a Temporary Use Zoning By-law Amendment (File No. D14ZBA20.012) to permit a Microbrewery on the subject property for a period of two years, expiring on May 24, 2024. The temporary permission for a Microbrewery allowed the consumption of food and beverages to occur within the existing Furnace Room Brewery building, which expanded upon the beer manufacturing and accessory retail uses already permitted on-site.

The Applicant originally sought to permit the food and drink service/consumption on a permanent basis. However, the application was revised to seek approval of a Temporary Use Zoning By-law Amendment to permit the food and drink for a two-year period only, in order to allow staff to monitor the use and associated parking and traffic implications. Staff continues to monitor the use.

It should be noted that the Furnace Room Brewery also obtained permission to operate a patio on-site in 2022 from July to October under the Town's Al Fresco patio program, which was discontinued at the end of 2022. Approval of the patio was conditional upon it only operating until 9:00 p.m. on Friday and Saturday and 6:00 p.m. on Sunday and that non-amplified music be permitted until 6:00 p.m. on Friday and Saturday only, for the duration of its operation.

3.0 Development Proposal

On March 23, 2023, the Town received a new Temporary Use Zoning By-law Amendment application (File No. D14ZBA23.002) submitted by Furnace Room Brewery (the Applicant) seeking to:

- extend the Microbrewery use for an additional two years, to now expire in 2026 instead of 2024; and,
- permit a 32-seat seasonal patio (March until October) for a three-year period (to also expire in 2026).

The patio is proposed to share a location with the existing on-site loading area. The Applicant suggests that loading occurs infrequently and can take place during off-peak hours. The Applicant has also proposed an alternate patio location (within the middle of the brewery parking lot) for Saturdays only; see **SCHEDULE 2 – PROPOSED SITE PLAN OPTIONS**. The Saturday proposal would result in no parking spaces being available on site while the patio is in use.

Under the Town of Halton Hills Zoning By-law 2010-0050, the property is zoned Employment One Exception 110 Temporary 1 (EMP1(110)(T1)) which permits a Microbrewery on the subject property from May 24, 2022, to May 24, 2024, with the following special provisions:

- To provide a minimum of 16 parking spaces on-site;
- To permit a minimum width of an aisle providing access to a parking space within a parking area of 6.0 metres; and,
- To permit a minimum parking space width of not less than 2.6 metres and length of not less than 5.5 metres.

The subject Zoning By-law Amendment seeks to extend those permissions for an additional two years (i.e. to 2026) and also include the following extra temporary permissions within the T1 zone, through to 2026:

- A seasonal patio that allows outdoor consumption of food and beverage from March to October;
- 0 parking spaces on Saturday only between March and October, subject to off-site parking arrangements having been secured at the beginning of each year, to the Town's satisfaction;
- No amplified music outdoors; and,
- To permit the existing loading space to be shared with the proposed patio; see **SCHEDULE 3 – ZONING BY-LAW AMENDMENT**.

4.0 Planning Context and Policy Framework:

The purpose of this section is to evaluate the proposed Temporary Use Zoning By-law Amendment against the relevant Provincial, Regional and Town policy framework to determine conformity with the applicable policies and guidelines.

Provincial Policy Statement:

The 2020 Provincial Policy Statement (PPS) provides policies that promote an appropriate range and mix of employment, including industrial and commercial uses, to meet the long-term needs of residents and make appropriate use of infrastructure to support the development of healthy communities. Policy direction pertaining to employment is set out in Section 1.3 of the PPS. The proposal is required to be consistent with the relevant policies of the PPS in accordance with Section 3 of the Planning Act.

Planning staff is of the opinion that the proposed Temporary Use Zoning By-law Amendment is consistent with the policies of the 2020 PPS.

Growth Plan for the Greater Golden Horseshoe:

The subject lands are part of a larger designated urban area of Georgetown. The Growth Plan contains policies that speak to achieving complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities. As per Section 3 of the Planning Act, the proposal shall conform and not conflict with the Growth Plan.

Planning staff is of the opinion that the proposed Temporary Use Zoning By-law Amendment is in conformity with the Growth Plan for the Greater Golden Horseshoe.

Region of Halton Official Plan:

The 2009 Regional Official Plan (ROP) designates the lands as Urban Area (Georgetown). Section 76 of the ROP establishes that the range of permitted uses and the creation of new lots within the Urban Area shall be in accordance with local Official Plans and Zoning By-laws.

Regional staff has confirmed that the application is in conformity with the ROP.

Town of Halton Hills Official Plan:

The subject property is located within the Georgetown GO Station Secondary Plan Area and situated in the South Precinct. The property is designated Employment Area, which recognizes and permits the use of the lot and existing buildings and additions to the buildings, for industrial, office and other non-residential uses, including retail and service commercial uses. This designation does not preclude the use of the property as a beer manufacturing facility with ancillary or associated uses.

Section G4.1 of the Official Plan states that Council may pass by-laws permitting the temporary use of lands, buildings or structures, which may not conform to the policies of the Official Plan, subject to Council being satisfied that:

- a) the proposed use is of a temporary nature and shall not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon the termination of the temporary use;
- b) the proposed use will not prejudice the long-term intent of or the orderly development contemplated by the provisions and land use designations contained in this Plan;
- c) the proposed use is compatible with adjacent land uses and the character of the surrounding neighbourhood;
- d) the proposed use will not require the extension or expansion of existing municipal services;
- e) the proposed use will not cause traffic hazards or an unacceptable level of congestion on surrounding roads;
- f) parking facilities required by the proposed use will be provided entirely on-site; and,
- g) the proposed use shall generally be beneficial to the neighbourhood or the community as a whole.

As per Section G4.1, a temporary use may be authorized for a specific time period up to 3 years. Subsequent by-laws granting extensions of up to 3 years may be passed.

Town staff is of the opinion that the proposed Temporary Use Zoning By-law Amendment satisfies the criteria of Section G.4.1 of the Official Plan as follows:

- a) No external renovations are required to the site to support the temporary use.
- b) The subject property is designated Employment Area under the Town's Official Plan, which allows industrial uses and does not preclude the use of the building as a beer manufacturing facility. The temporary amendment does not require any substantial permanent changes to the site that would affect its redevelopment for another use consistent with the Employment Area designation.
- c) Staff supports extending the Microbrewery use for an additional two years and permitting a seasonal patio for three years as the Furnace Room Brewery is already a permitted use on an industrially zoned parcel that has historically existed within a predominantly low-density residential neighbourhood. On-site food and drink consumption is common for many craft breweries and Town staff did not receive any complaints from residents in 2022 while Furnace Room Brewery was formally allowed to operate a patio (under the Town's Al Fresco patio program) and serve food and drink under the temporary Microbrewery permissions. Extending the microbrewery permission an additional 2 years and permitting a patio for 3 years on a temporary basis will allow staff to continue to monitor its operation to determine if it creates any compatibility issues for the site and neighbourhood beyond those generated by the existing brewery or as could

be expected when an industrial property is located within a low-density residential neighbourhood.

- d) No changes to the municipal services are required as a result of the proposed Temporary Use Zoning By-law Amendment. The Region of Halton has no concerns from a Regional servicing perspective.
- e) & f) The Applicant suggests that the volume of traffic that will be generated will not exceed the 2022 conditions. However, limiting approval to a temporary use at this time will provide staff with an opportunity to continue to observe the parking situation and traffic patterns associated with the use to determine if they are adequate and appropriate on a long-term basis.

As mentioned, the Applicant is proposing two patio locations. The first location is shared with the existing on-site loading area. The Applicant has indicated that loading occurs infrequently and can take place during off-peak hours, which will avoid any conflict. All 16 parking spaces are retained on-site with this location.

The second location is in the middle of the brewery parking lot on Saturdays only, resulting in the 16 on-site spaces being unavailable. The Applicant has reached an agreement with Metrolinx to lease 16 parking spaces within the adjacent GO Station parking lot on Saturdays during the months of patio operation in 2023, to replace the lost on-site spaces (Furnace Room Brewery had a similar arrangement with Metrolinx in 2022 under the AI Fresco program). However, due to a planned parking lot rehabilitation starting in June 2024, the GO Station parking lot may not be available for use by Furnace Room Brewery at that time. Therefore, the draft Zoning By-law Amendment has been worded in a manner that ensures that appropriate parking arrangements are secured each year, subject to the Town's satisfaction. If appropriate parking arrangements cannot be made, then the Saturday configuration will not be permitted for that year.

- g) The Furnace Room Brewery has been operating at its current location since 2018. The brewery is the first of its kind in Halton Hills and since opening has become a local destination and tourist draw.

Town of Halton Hills Zoning By-law:

The subject property is zoned Employment One Exception 110 Temporary 1 (EMP1(110)(T1)) under Zoning By-law 2010-0050. The EMP1 Exception 110 zone permits employment and industrial related uses, including beer manufacturing. In 2018 the site also received minor variance approval (File No. D13VAR17.012H) to permit an accessory retail use, to a maximum of 15% of the gross floor area of the building, which allows for tasting of the product to be provided on-site.

The Temporary 1 (T1) zone provides temporary two-year permission for a Microbrewery, which allows the formal consumption of food and beverages to occur within the existing Furnace Room Brewery building. The T1 zone currently expires on May 24, 2024, and includes the following special provisions:

- To provide a minimum of 16 parking spaces on-site;
- To permit a minimum width of an aisle providing access to a parking space within a parking area of 6.0 metres; and,
- To permit a minimum parking space width of not less than 2.6 metres and length of not less than 5.5 metres

The proposed Zoning By-law Amendment application seeks to amend the T1 zone to extend the Microbrewery permissions for an additional two years and to also permit a seasonal patio from March until October for three years; both temporary uses are proposed to expire on the same date in May 2026. The By-law also includes the following extra temporary permissions within the T1 zone, to apply to the patio use through to 2026:

- 0 parking spaces on Saturday only between March and October, subject to off-site parking arrangements having been secured at the beginning of each year, to the Town's satisfaction;
- No amplified music outdoors; and,
- To permit the existing loading space to be shared with the proposed patio.

Town staff considers the Temporary Use Zoning By-law Amendment appropriate given that the proposal satisfies the Official Plan criteria for the approval of a Temporary Use Zoning By-law. The intention of granting temporary permission of the above requested use and provisions is to allow Town staff the ability to monitor the use and its operation to identify any possible issues before considering allowing the use on a permanent basis, which the Applicant has indicated is their ultimate desire.

5.0 Department and Agency Comments:

The proposed Temporary Use Zoning By-law Amendment was circulated to Town departments for review, with the most recent circulation occurring in March 2023. Staff from various departments and external agencies have completed their review of the proposal and have indicated that they have no concerns or objections to the proposed Temporary Use Zoning By-law Amendment.

6.0 Public Comments:

The proposal was presented to the public by way of Report No. PD-2023-029 through a Statutory Public Meeting on May 8, 2023. There were no interested persons who spoke at the meeting; however, staff have received correspondence from one area resident regarding the proposed application. The following section describes the specific questions/concerns raised by the resident:

1. Concerns were raised about the presence of amplified music.

Staff response:

The Town's Noise By-law (2010-0030) regulates a variety of different types of noise including amplified sound. The Applicant will be required to adhere to the regulations outlined in the By-law to ensure compliance. Town By-law Enforcement staff has indicated that they will monitor the Furnace Room Brewery operation during the 3-year period and will investigate and address any reports of unacceptable noise volumes to mitigate disruption for area residents. Additionally, the Town included a provision within the Temporary Use Zoning By-law that prohibits amplified music on the patio. While zoning by-laws do not typically govern operational matters such as this, staff felt it appropriate in this situation given the temporary nature of the by-law, in hopes of enforcing the Town's expectations for the operation of the patio use.

2. Issues were raised regarding the location of the patio during the Town's Al Fresco patio program.

Staff response:

Both patio locations are within the 1 Elgin Street property boundary. Town By-law Enforcement staff will monitor the premises to ensure compliance. If at any time the business is found operating outside of the approvals granted, Enforcement staff will consider how best to apply various tools available to them to address the concerns/complaints, which can include fines and other possible measures.

STRATEGIC PLAN ALIGNMENT:

This report aligns to the Town's Strategic plan recognizing the value to foster a prosperous economy, maintain and enhance the economic vitality of the town through the provision of a wide range of opportunities for economic development.

This report also identifies shaping growth as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report impacts and/or helps address climate change and the Town's resiliency through climate adaptation.

PUBLIC ENGAGEMENT:

Public Engagement was conducted as follows: A Statutory Public Meeting was held on May 8, 2023. This meeting fulfilled the requirements for public participation under the Planning Act, and provided Transparency, Notification and Participation, as defined in the Town's Public Engagement Charter.

INTERNAL CONSULTATION:

Planning staff have consulted with the appropriate Town departments and the Region of Halton, Metrolinx and CN in the preparation of this report.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Jeff Markowiak, Director of Development Review

John Linhardt, Commissioner of Planning & Development

Chris Mills, Chief Administrative Officer