



## REPORT

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**TO:** Mayor Lawlor and Members of Council

**FROM:** Josh Salisbury, Senior Policy Planner

**DATE:** September 4, 2024

**REPORT NO.:** PD-2024-061

**SUBJECT:** Recommendation Report for a proposed Zoning By-law Amendment seeking to permit an existing gymnastics club and to obtain temporary 3-year permission for an existing retail store within the existing 1-storey industrial building at 12 Armstrong Avenue (Georgetown)

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### RECOMMENDATION:

THAT Report No. PD-2024-061, dated September 4, 2024, regarding a “Recommendation Report for a proposed Zoning By-law Amendment seeking to permit an existing gymnastics club and to obtain temporary 3-year permission for an existing retail use within the existing 1-storey industrial building at 12 Armstrong Avenue (Georgetown),” be received;

AND FURTHER THAT the Zoning By-law Amendment, to amend Town of Halton Hills Zoning By-law 2010-0050, as amended, for the lands municipally known as 12 Armstrong Avenue (Georgetown), as generally shown on SCHEDULE 2 – ZONING BY-LAW AMENDMENT, be approved on the basis that the application is consistent with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the Town of Halton Hills Official Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in Report PD-2024-061, dated September 4, 2024.

AND FURTHER THAT in accordance with Section 34 (17) of the Planning Act, no further notice is determined to be necessary.

## **KEY POINTS:**

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

- The Town has received a Zoning By-law Amendment application seeking to permit an existing commercial fitness centre use (gymnastics club Cartwheels) and to also obtain a Temporary Use Zoning By-law Amendment to permit an existing retail store (WasteWise) to operate for a period of 3-years within the existing 1-storey industrial building.
- The Statutory Public Meeting for the application was held on July 8, 2024. No members of the public spoke at the meeting and Town staff have not received any correspondence from the public to date.
- Town and agency staff have completed their review of the application and have no objections.
- This report recommends approval of the proposed Zoning By-law Amendment.

## **BACKGROUND AND DISCUSSION:**

### **1.0 Location and Site Characteristics:**

The subject property is located on the south side of Armstrong Avenue, east of Mountainview Road North in the urban area of Georgetown; see SCHEDULE 1 – LOCATION MAP. The property is approximately 0.43 hectares (1.06 acres) in size with frontage of approximately 46.2 metres (151.6 feet) on Armstrong Avenue. There is currently a one-storey industrial building on the property that contains two leasable units – the first unit is occupied by Cartwheels Gymnastics Club (operating since 2012); the second is occupied by the WasteWise retail store (operating since 2012).

Surrounding land uses to the subject property include:

- To the North: Industrial uses a commercial/industrial plaza and residential uses further north
- To the East: Industrial uses
- To the South: Industrial uses, an automotive sales centre and street-level commercial retail uses
- To the West: Christ the King Catholic Secondary School, residential uses and the Georgetown GO Station Major Transit Station Area

### **2.0 Development Proposal:**

On June 3, 2024, the Town received a Zoning By-law Amendment application (File No. D14ZBA24.004) submitted by Sustain Design Architects Inc. (the Applicant), on behalf of McNally Ltd. (the Owner), seeking to obtain the following:



Further details about the development are outlined below:

<b>Design Elements</b>	<b>Application Proposal</b>
Gross Floor Area	Cartwheels = 1,182 m <sup>2</sup> WasteWise = 594 m <sup>2</sup>  Total = 1,776 m <sup>2</sup>
Height	1-story (4.6 m)
Parking	45 spaces (including 2 barrier-free)
Access	One entrance point and one loading path off of Armstrong Avenue

The Zoning By-law Amendment is also seeking site-specific relief regarding the number of parking spaces provided on-site for the two uses. Comprehensive Zoning By-law 2010-0050 requires a total of 100 parking spaces to be provided for the commercial fitness centre and retail store uses, whereas the site currently has only 45 parking space available. Relief is also being sought to permit parking spaces to be located 0.9 metres from the existing building whereas the By-law requires parking spaces to be located 1.2 metres from the building; see **SCHEDULE 2 – DRAFT ZONING BY-LAW AMENDMENT**.

### **3.0 Planning Context and Policy Framework:**

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

#### **a) Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe and Provincial Planning Statement:**

The 2020 Provincial Policy Statement (PPS) provides broad based 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 areas are set out in Section 1.3 of the PPS.

The Growth Plan 2020 directs new growth to locations that make efficient use of transportation and servicing infrastructure and sets out general policies for employment and commercial lands.

It should be noted that the Province announced that the new Provincial Planning Statement 2024 will come into effect on October 20, 2024. The new Provincial Planning Statement will integrate the PPS 2020 and Growth Plan 2020 into a singular province-wide policy document. While the new Provincial Planning Statement maintains the general intent of the PPS 2020 and Growth Plan 2020 as it pertains to employment areas and uses, it makes some substantial changes by prohibiting commercial, retail and institutional uses in employment areas, moving forward. Municipalities are required

to update employment area policies in their Official Plan to conform to the new Planning Statement policies.

Planning staff is of the opinion that the proposed Zoning By-law Amendment application is consistent with the policies of the 2020 PPS and in conformity with the 2020 Growth Plan. While the new Provincial Planning Statement does not come into effect until October 20<sup>th</sup>, staff are satisfied that that the proposed Zoning By-law Amendment does not conflict with its intent. The approval sought to permit Cartwheels is consistent with the Town's Official Plan and would not introduce a new commercial or retail use into the Armstrong employment area, rather acknowledge an existing use that has operated on-site since 2012. With regards to the temporary permission requested for WasteWise, the 3-year approval would allow a use that has also existed on-site since 2012 to continue to operate until staff can complete a comprehensive review of the Town's Official Plan. Among other matters, the comprehensive review will bring the Official Plan into conformity with the new Provincial Planning Statement and also determine whether some lands within the Armstrong Industrial Area (including 12 Armstrong Ave.) are more appropriate to be included within the adjacent Commercial Sub-Area designation, which will continue to permit commercial and retail uses (see additional information in the Halton Hills Official Plan section below).

**b) Region of Halton Official Plan:**

The subject property is designated Urban Area, with an Employment Area overlay in the Regional Official Plan (ROP) as recently amended by ROPA 48 and 49.

Section 76 of the ROP states that the range of permitted uses and creation of lots within the Urban Area are to be in accordance with Local Official Plans and Zoning By-laws. Section 72(10) states an objective of the ROP is to provide for an appropriate range and balance of employment uses including industrial, office, retail and institutional uses to meet long-term needs. More detailed policies for Employment Areas are set out in Section 77.1 of the ROP.

As a result of Bill 185, the Town has assumed responsibility for the Regional Official Plan as it pertains to lands within our municipal boundaries. Planning staff are of the opinion that the development conforms to the Urban Area and Employment Area policies of the ROP.

**c) Town of Halton Hills Official Plan:**

Under the Town's Official Plan the property is located within the General Employment Area. This designation permits a wide range of employment related uses, including data processing facilities, industrial malls and distribution facilities located primarily within wholly enclosed buildings.

As per Section D3.4.1.4.4, the Town's Official Plan also permits a range of secondary uses in the General Employment Area, including free-standing office buildings, restaurants, day nurseries and commercial fitness centres (which includes a gymnastics

club), subject to a Zoning By-law Amendment (Section D3.4.1.4.5), provided such an application can demonstrate the use satisfies the following criteria:

- a) will not have a negative impact on the operation of industrial uses on abutting lands;
- b) will not compromise the ability of adjacent industrial uses to expand in the future;
- c) will complement and support the employment uses in the area;
- d) is supported by adequate parking and loading facilities on the site;
- e) is designed to blend in with its surroundings and with other buildings in the area;
- f) incorporates landscaping to enhance the site and surrounding area; and,
- g) if it abuts or is in close proximity to an existing residential use, fencing, landscaping, berming or a combination of these features are utilized to ensure that there is adequate screening between the uses.

Staff is satisfied that the proposed Zoning By-law Amendment to permit the commercial fitness centre use (Cartwheels) satisfies the criteria of Section D3.4.1.4.5, as follows:

- a & b) The existing building and Cartwheels operation does not negatively impact the operation of any of the current industrial uses occurring on abutting lands, nor should it impact any of the adjacent industrial uses in the future should they wish to expand;
- c) The use complements and supports the other employment uses in the area and their employees;
- d) Town Transportation staff have reviewed the parking brief submitted by the Applicant and are satisfied that sufficient parking is available on-site to support the use (33 spaces);
- e) The fitness centre operates within a commercial/industrial unit within the existing industrial building, which blends in with the industrial buildings in the area; and,
- f & g) The property incorporates soft landscaping at the front of the property and is not located near any residential use.

A standalone retail store is not a primary or secondary use permitted in the General Employment Area. Therefore, an Official Plan Amendment would be required to permit the use on a permanent basis. However, Section G4.1 of the Official Plan states that Town Council may pass by-laws permitting the temporary use of lands, buildings or structures, which may not conform to this Plan, up to a period of 3 years, subject to satisfying the criteria set out in Section G4.1.2, which are:

- 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.

Staff is also satisfied that the proposed Temporary Zoning By-law Amendment to permit the retail store use (WasteWise) satisfies the criteria of Section G4.1.2, as follows:

- a) The retail store is only seeking permission to operate for a 3 year period, and will continue to operate within the existing commercial/industrial unit without requiring any major construction or investment from the owner;
- b) The proposed use should not effect any long-term development contemplated in the future;
- c) Staff consider the existing WasteWise operation to be compatible with adjacent land uses and should not impact the character of the surrounding neighbourhood;
- d) The building currently operates off full municipal services and no upgrades, extensions or expansions are required to service the retail use;
- e & f) Transportation staff are satisfied that the retail store will not cause any traffic hazard or unacceptable levels of traffic for the surrounding roads and all parking spaces are located on-site (12 spaces); and,
- g) the temporary permission to allow WasteWise to continue to operate on the subject lands should allow them to continue to serve the local community.

For the reasons given above, Planning staff is of the opinion that the proposed Zoning By-law Amendment will allow for the use of the subject property in a manner consistent with the Official Plan.

Also it should be noted that through Report No. PD-2024-048, Council recently approved the Terms of Reference for a comprehensive review of the Town's Official Plan. The review will include an updated employment land needs assessment and a retail market demand study which will inform appropriate updates to the Town's employment and commercial policies. Among other matters, through the review the boundary between the General Employment Area designation (applying to the Armstrong Industrial Area) and adjacent Community Node – Secondary Commercial Sub-Area (applying to the lands along Mountainview Road North) is expected to be evaluated and a determination made whether some lands within the General Employment Area are more appropriate to be included within the Commercial Sub-Area designation. Given 12 Armstrong Avenue is located directly adjacent to this boundary the potential inclusion of the site within the Secondary Commercial Sub-Area is anticipated to be considered as part of that assessment. As per Section D2.5.2.4 of the Official Plan, a retail uses are permitted under the Secondary Commercial Sub-Area designation. It is expected that the comprehensive review of the Official Plan is

expected to be completed prior to the 3 temporary use permission for WasteWise expiring.

#### **d) Town of Halton Hills Zoning By-law:**

The subject property is zoned Employment One (EMP1) under Zoning By-law 2010-0050, as amended, which permits employment related uses. Only commercial fitness centres that existed prior to the effective date of the By-law (ie. 2010) are permitted. A retail store is not a permitted use in the EMP1 zone. Given Cartwheels began operating out of the property in 2012 (after the effective date of the by-law), a Zoning By-law Amendment is required for the commercial fitness centre. The Applicant is proposing to permit the retail store (WasteWise) to operate for a 3-year period through a Temporary Use amendment.

The commercial fitness centre is to only be permitted for the portion of the building which Cartwheels currently operates out of; the total square metres permitted for the commercial fitness centre is 1,182 square metres (12,722 sq.ft.). The retail store is only to be permitted for the portion of the building which WasteWise currently operates out of; the total square metres permitted for the temporary use of a retail store is 594 square metres (6,394 sq.ft.).

The application is also seeking relief from the following parking standards under By-law 2010-0050:

- to rely on the 45 parking spaces available on-site to service the commercial fitness centre and retail store, whereas the By-law requires 100 parking spaces to be provided; and,
- allow parking spaces to be located 0.9 m from the building whereas the By-law requires parking spaces to be located 1.2 m from the building.

Town staff are recommending approval of the proposed Zoning By-law amendment and site-specific parking standards for the following reasons:

- the application and proposed uses conform to the Town's Official Plan policies, as explained above;
- Town Transportation staff are satisfied that sufficient parking is available on-site to serve the two uses and that the location of the existing parking spaces in relation to the building is acceptable; and,
- The permission for the commercial fitness centre will be limited to 1,182 m<sup>2</sup> (12,722 sq.ft.) and the retail store to 594 m<sup>2</sup> (6,394 sq.ft.) to ensure the uses do not expand beyond the amount of parking available to adequately meet the needs of the uses. The suggested gross floor area maximums reflect the current size of each business.

#### **4.0 Department and Agency Comments:**

Zoning By-law Amendment application D14ZBA24.004 was circulated to Town departments and external agencies for review and comment. Staff have completed their



review and have indicated that they have no concerns or objections to the proposed Zoning By-law Amendment being approved.

## **5.0 Public Comments:**

The proposed Zoning By-law Amendment was presented to Council and the Public by way of Report No. PD-2024-050 through a Statutory Public Meeting on July 8, 2024. No members of the public spoke at the meeting and Town staff have not received any comments from the public before or after the meeting.

## **STRATEGIC PLAN ALIGNMENT:**

This report identifies a thriving economy as one of the Town's Strategic priorities.

## **RELATIONSHIP TO CLIMATE CHANGE:**

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

## **PUBLIC ENGAGEMENT:**

Public Engagement has been conducted as follows: A Statutory Public Meeting was held on July 8, 2024. 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 in 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