



## REPORT

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** John McMulkin, Planner – Development Review

**DATE:** May 31, 2019

**REPORT NO.:** PLS-2019-0045

**RE:** Public Meeting for a proposed Temporary Use Zoning By-law Amendment to permit a transport terminal for a period of 3 years at 7886 Winston Churchill Boulevard (Halton Hills Premier Gateway Business Park)

### RECOMMENDATION:

THAT Report No. PLS-2019-0045, dated May 31, 2019, with respect to the “Public Meeting for a proposed Temporary Use Zoning By-law Amendment to permit a temporary transport terminal for a period of 3 years at 7886 Winston Churchill Boulevard (Halton Hills Premier Gateway Business Park)”, be received;

AND FURTHER THAT all agency and public comments be referred to staff for a further report regarding the disposition of this matter.

### PURPOSE OF REPORT:

The purpose of this report is to advise Council and the public about a Temporary Use Zoning By-law Amendment application seeking to obtain the necessary approval to permit a temporary transport terminal for transport trucks and trailers for a 3-year period at 7886 Winston Churchill Boulevard in the Halton Hills Premier Gateway Business Park.

### BACKGROUND:

#### 1.0 Location & Site Characteristics:

The subject lands, municipally known as 7886 Winston Churchill Boulevard, are located on the west side of Winston Churchill Boulevard, just north of Highway 407; see **SCHEDULE 1 – LOCATION MAP**. The lands have an approximate area of 3.96 ha (9.79 ac) and contain frontage on Winston Churchill Boulevard (109.52 m). The property is occupied by a single detached dwelling, which is being used as an office to support the transport terminal currently operating on the lands.

Since acquiring the property in the late 1980s, the Applicant has used the property as a contractor’s yard and a transport terminal, without all of the necessary Planning Act

approvals. Temporary Use Zoning By-law Amendments (1991 & 1997) were previously granted for the contractor's yard, subject to the approval of Site Plan applications, which were never submitted. In 2016, the Applicant started operating a transport terminal for transport trucks and trailers on the property, which led to the Town receiving a complaint regarding the illegal use shortly thereafter. The 2016 complaint led to property violation charges issued by the Town's By-law Enforcement Department, which resulted in a registered conviction in 2017 for the Planning Act offence. There are currently additional charges now before the court regarding the transport terminal.

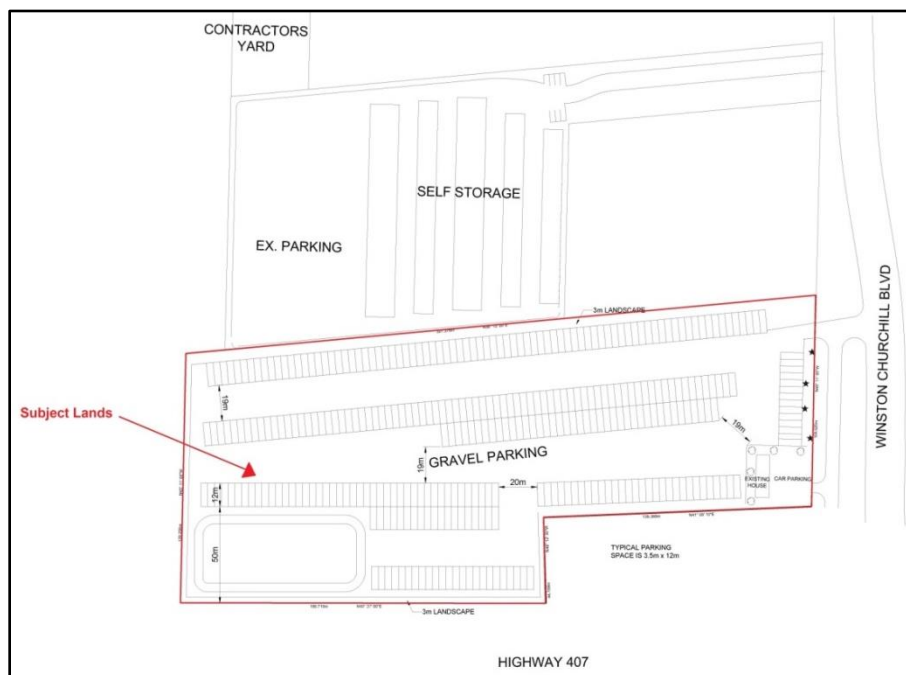
Surrounding land uses to the subject site include:

- To the North: Self-storage business, contractor's yard and agricultural properties;
- To the East: Industrial properties located in the City of Brampton;
- To the South: Highway 407, Highway 401 and commercial properties located in the City of Mississauga; and,
- To the West: Vacant agricultural properties located within the Halton Hills Premier Gateway.

## 2.0 Development Proposal:

On May 21, 2019, the Town deemed complete the Temporary Use Zoning By-law Amendment application (File No. D14ZBA18.012) submitted by Riepma Consultants Inc. (the Agent) on behalf of 1906221 Ontario Inc. – Associated Paving (the Applicant).

The application seeks to obtain the necessary land use approval to permit a temporary transport terminal for transport trucks and trailers for 3 years; see site plan below:



The site is accessed by a driveway that is proposed to provide full vehicular movement on to Winston Churchill Boulevard and the use is intended to be serviced by existing private well and septic system services. There are currently no existing municipal services available along this portion of Winston Churchill Boulevard.

A larger site plan drawing is attached as **SCHEDULE 2 – SITE PLAN** and a draft of the temporary use zoning by-law amendment is attached as **SCHEDULE 3 – DRAFT ZONING BY-LAW AMENDMENT**.

A list of drawings and reports submitted in support of the application is attached as **SCHEDULE 4 – SUBMISSION MATERIALS** to this report.

Should the Temporary Use Zoning By-law Amendment application be approved the proposed development will require the submission of a Site Plan application to facilitate the orderly development of the property.

For Council's information, if the Applicant were to obtain Temporary Use Zoning and Site Plan approvals the Planning Act related charges against the Applicant that are currently before the court would be resolved.

## **COMMENTS:**

### **1.0 Planning Context**

In Ontario, when reviewing applications seeking to amend Zoning By-laws, development proposals are expected to conform with and meet the intent of all applicable Provincial, Regional and Municipal policy documents. This section discusses the relevant policy framework that applies to the subject site and proposal.

#### **1.1 Provincial Policy Statement**

The 2014 Provincial Policy Statement (PPS) provides broad based policies that promote efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term. The proposal is required to be consistent with the relevant policies of the PPS in accordance with Section 3 of the Planning Act.

Specifically, Section 1.3.2 of the PPS speaks to employment areas. This section (subsections 1.3.2.1 to 1.3.2.4) requires municipalities to protect and preserve employment areas for current and future uses, especially those in proximity to major goods movement facilities and corridors.

## **1.2 Growth Plan for the Greater Golden Horseshoe**

The subject lands are part of a larger designated urban area along the Premier Gateway Employment Area. The 2019 Growth Plan directs new growth to locations that make efficient use of transportation and servicing infrastructure and sets out general policies to preserve employment areas for future economic opportunities. As per Section 3 of the Planning Act, the proposal shall conform and not conflict with the Growth Plan.

## **1.3 Region of Halton Official Plan**

The 2009 Regional Official Plan (ROP) designates the subject lands as Urban Area (Halton Hills Premier Gateway Business Park). Section 76 of the OP states that the range of permitted uses and the creation of new lots in the Urban Areas will be in accordance with Local Official Plans and Zoning By-laws. The lands are also identified as forming part of the “Employment Area” overlay under the 2009 Plan; the employment area policies provide direction to preserve employment area lands for current and future employment uses (Policy 77.4(2)). Section 77.4(1) prohibits residential and other non-employment uses, including major retail uses, in Employment Areas except to recognize uses permitted by specific policies of a Local Official Plan in force on December 16, 2009.

In accordance with ROPA 43, the subject lands are located within the Halton Peel Boundary Area Transportation Study/Greater Toronto Area (HPBATS/GTA) West Corridor Protection Area, which prohibits development until the completion of the appropriate Environmental Assessments by the Province. ROPA 43 corridor protection policies are under appeal at the Local Planning Appeal Tribunal. The lands also fall within an approved phasing area where development is not permitted until post 2021 as per ROPA 43.

## **1.4 Town of Halton Hills Official Plan**

Under the Town’s Official Plan, the subject lands are located within the Phase 2A Employment Area and are designated Gateway Area. A transport terminal is not a permitted use within the Gateway Area designation. Section D3.5.4.2 of the Official Plan states that it is the objective of the Gateway Area designation to:

- a) establish visually attractive points of entry into the Town of Halton Hills that will provide commercial services in support of the Prestige Industrial Area;*
- b) draw the travelling public off Highway 401/407 allowing an introduction to the Town of Halton Hills and its attractions and amenities beyond the Premier Gateway Employment Area; and,*
- c) provide a location for services that are important to the support of the primary industrial function of the Corridor such as hotels, financial services and opportunities for shopping.*

The property is also located within the HPBATS/GTA West Corridor Protection Area (Official Plan Amendment No. 21), which is currently being held in abeyance by Halton Region at Council’s request. Section F6.6.3 states that it is the policy of the Official

Plan to prohibit the development of lands within the HPBATS/GTA West Corridor Protection Area until the completion of the appropriate Environmental Assessments by the Province and the Town's Official Plan has been amended to lift the corridor protection policies.

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.

### **1.5 Town of Halton Hills Zoning By-law 00-138**

The subject lands are zoned Corridor Gateway Holding (H)(G) under Town of Halton Hills 401 Corridor Zoning By-law 00-138, which does not permit a transport terminal or other outdoor storage uses. The Town of Halton Hills 401 Corridor Zoning By-law was passed by Council in 2000 at a time when the entire corridor did not have municipal servicing available.

The purpose of the Holding (H) Provision is to ensure that development does not proceed until lands are connected to full municipal services, the Owner has entered into any necessary Site Plan agreement with the Town and all of the necessary financial securities and payments have been submitted.

The Applicant is seeking a Temporary Use Zoning By-law Amendment to permit a temporary transport terminal for 3 years.

## **2.0 Issues Summary**

### **2.1 Department and Agency Circulation Comments**

The application was circulated for review and comment to Town departments and external agencies on November 26, 2018. Comments have been received from all circulated departments and agencies.

Several departments and agencies have raised a number of concerns/issues with the proposal, which include:

#### Town Development Engineering

Development Engineering staff will not be in a position to comment on the Temporary Use Zoning By-law Amendment until all items listed below have been addressed:

- Confirmation that the entrance onto Winston Churchill Boulevard has sufficient sightlines based on the latest version of the Transportation Association of Canada (TAC) Guidelines;
- The Functional Servicing and Stormwater Management Report needs to be amended to assess the entire drainage area (both upstream and downstream) associated with the subject property in order to be consistent with the requirements of the 401 Scoped Subwatershed Study. The proposed stormwater management features are not adequate to provide the quantity and quality control required for this site and need to be modified to ensure they are more appropriate with the proposed temporary use;
- Photometrics (lighting) information is submitted; and,
- Further lot grading and drainage information is provided.

#### Halton Region

Regional staff is unclear how the proposed use would meet the definition of an employment use, as defined in the Growth Plan, as it involves the parking of trucks and trailers. Additionally, Regional staff is presently of the opinion that the proposed development is not in conformity with the policy direction of the Growth Plan as it proposes development within an area under corridor protection.

With respect to the Regional Official Plan (ROP), it is Regional staff's position that the proposed development does not conform to the Regional Official Plan policies as the property is within the HPBATS/GTA West Corridor Protection Area which prohibits development until the completion of the appropriate Environmental Assessments. Further, the property falls within an approved phasing area where development is not permitted until post 2021. The Regional Official Plan also requires all development within the Urban Area designation to be on full municipal services, which are not available for the site. Therefore, the Region believes the Applicant has not provided sufficient information that would indicate how the proposed temporary use conforms to the Employment Area overlay policies of the ROP.

With respect to technical considerations, the vehicle access location proposed for the temporary use does not conform to the spacing requirements outlined in the Halton Region Access Spacing Guidelines for a full-movement access. While the Region of Peel is the approval authority related to site access and Traffic Impact Study issues affecting Winston Churchill Boulevard, the two Regions coordinate to resolve shared concerns.

### Peel Region

Given that the property abuts Brampton, the application was circulated to Peel Region for comment as they have authority over Winston Churchill Boulevard. Regional staff requires the Traffic Impact Study (TIS) to be amended to address:

- The TIS proposes a full-movement access off of Winston Churchill Boulevard, which does not conform to the spacing requirements in the Region's Controlled Access By-law. As such, full-movement access is not supported by the Region; and,
- Outstanding sight line and northbound gap analysis of traffic along Winston Churchill Boulevard needs to be provided.

In addition, further lot grading, drainage, stormwater management and landscaping information is required to be provided to the Region for review.

### Ministry of Transportation Ontario (MTO)

Further information and clarification is required with respect to lot grading, drainage, functional servicing and stormwater management as part of the second submission.

### Town Planning

Planning staff acknowledges the technical and policy concerns raised by Development Engineering, Halton Region and Peel Region, which will require further analysis and discussion.

At this time, staff believes that insufficient analysis has been provided by the proponent to justify that the proposed use conforms to the temporary use by-law criteria outlined within the Town's Official Plan.

## **2.2 Public Comments**

To date, Planning staff has not received any correspondence or inquiries from the public related to the application.

## **RELATIONSHIP TO STRATEGIC PLAN:**

The final Recommendation Report will address the relationship between the proposed development and the Town's Strategic Plan.

## **FINANCIAL IMPACT:**

There is no financial impact associated with this particular report.

## **CONSULTATION:**

### Pre-Consultation:

The proposed Temporary Use Zoning By-law Amendment application was considered at the October 5, 2017, Development Review Committee Pre-Consultation meeting (D00ENQ17.029). At the meeting the Applicant was provided with comments from various Town Departments and external agencies including Halton Region, Peel Region and the Ministry of Transportation Ontario (MTO).

## **PUBLIC ENGAGEMENT:**

Planning staff will continue to ensure that Transparency, Notification and Participation, as defined in the Town's Public Engagement Charter, will be at the core of the Public Consultation Strategy throughout the review process for the subject proposal.

## **SUSTAINABILITY IMPLICATIONS:**

The final Recommendation Report will address the relationship between the proposed development and any sustainability implications.

## **COMMUNICATIONS:**

### **Public Notification Key Dates:**

- Immediate: Sign posted along the Winston Churchill Boulevard property frontage explaining the purpose of the proposed application and Public Meeting.
- May 23, 2019: Notice of Public Meeting was published in the Independent & Free Press.
- May 24, 2019: Notice of Received Application and Public Meeting mailed out to all property owners assessed within 120 m of the subject property.
- June 13, 2019: Courtesy Notice to be published in the Independent & Free Press.



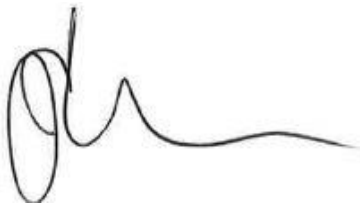
**CONCLUSION:**

The proposed Temporary Use Zoning By-law Amendment would facilitate the use of the lands located at 7886 Winston Churchill Boulevard in the Halton Hills Premier Gateway as a temporary transport terminal for transport trucks and trailers for a period of 3 years. Once all relevant information, reports and comments have been reviewed, a final Recommendation Report, which summarizes all agency and public comments and assesses the merits of the proposal, will be prepared.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read 'Jeff Markowiak', written in a cursive style.

**Jeff Markowiak, Manager of Development Review**

A handwritten signature in black ink, appearing to read 'John Linhardt', written in a cursive style.

**John Linhardt, Commissioner of Planning and Sustainability**

A handwritten signature in black ink, appearing to read 'Brent Marshall', written in a cursive style.

**Brent Marshall, Chief Administrative Officer**