



PUBLIC MEETING-2019-0009

Proposed Temporary Use By-law Amendment to permit a Transport Terminal (for a period of 3 years) at 7866 Winston Churchill Boulevard (Halton Hills Premier Gateway Business Park).

Minutes of the Public Meeting Committee held on Monday, June 17, 2019, 7:38 p.m., in the Council Chambers, Town of Halton Hills, Town Hall, 1 Halton Hills Drive, Halton Hills.

Councillor W. Farrow-Reed chaired the meeting.

Councillor W. Farrow-Reed advised the following:

The purpose of this Public Meeting is to inform and provide the public with the opportunity to ask questions or to express views with respect to the development proposal. The Councillors are here to observe and listen to your comments; however, they will not make any decisions this evening.

As the Chair, I am informing you that when Council makes a decision, should you disagree with that decision, the Planning Act provides you with an opportunity to appeal the decision to the Local Planning Appeal Tribunal for a hearing, subject to Tribunal validation of your appeal. Please note that if a person or public body does not make oral submissions at a public meeting or written submissions to the Town of Halton Hills before the decision is made, the person or public body is not entitled to appeal the decision of the Town of Halton Hills to the Local Planning Appeal Tribunal. In addition, if a person or public body does not make oral submission at a public meeting, or make written comments to the Town of Halton Hills before the decision is made the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal, unless, in the opinion of the Tribunal, there are reasonable grounds to do so. You may wish to talk to Planning staff regarding further information on the appeal process.

The Planning Act requires that at least one Public Meeting be held for each development proposal and that every person in attendance shall be given an opportunity to make representations in respect of the proposal.

The format of this Public Meeting is as follows:

- The Town will generally explain the purpose and details of an application;
- Next, the applicant will present any further relevant information, following which the public can obtain clarification, ask questions and express their views on the proposal.

The applicant and staff will attempt to answer questions or respond to concerns this evening. If this is not possible, the applicant and/or staff will follow up and obtain this information. Responses will be provided when this matter is brought forward and evaluated by Council at a later date.

SPECIFIC PROPOSAL

This Public Meeting involves an application by 1906221 Ontario Inc. (Associated Paving) For a Temporary Use Amendment to the Town of Halton Hills Zoning By-law 00-138, as amended to permit a temporary transport terminal for transport trucks and trailers for a period of 3 years.

TOWN'S OPPORTUNITY

The Chair called upon the Town's representative, John McMulkin, Planner, to come forward to explain the proposal.

J. McMulkin stated that the purpose of the meeting is to provide a summary of the Temporary Use Zoning By-law Amendment application submitted by 1906221 Ontario Inc. (Associated Paving) for the property located at 7886 Winston Churchill Boulevard in the Halton Hills Premier Gateway Business Park. A Public Meeting is required for Zoning By-law Amendments under the Planning Act.

This Public Meeting is being held in accordance with the Mayor's Task Force on Public Engagement and the Public Engagement Charter. The Public Engagement Charter speaks to three levels of engagement, which are to Inform, Consult and Collaborate. Tonight the Town of Halton Hills is informing you and consulting with you, the public, and providing an opportunity for you to ask questions and share your views on the subject development proposal.

The subject lands are located on the west side of Winston Churchill Boulevard, north of Hwy 407 and in the Halton Hills Premier Gateway Business Park. The lands have an approximate area of 3.96 hectares (9.8 acres) and contain frontage on Winston Churchill Boulevard (approx. 110 metres). 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. The transport terminal is currently operating without the necessary zoning approvals, which has led to By-law Enforcement bringing forward charges that are before the court.

Surrounding land uses to the subject site include: to the North a Self-storage business, contractor's yard and agricultural properties. To the East are industrial properties located in the City of Brampton. To the South are Highway 407, Highway 401 and commercial properties located in the City of Mississauga. To the West are vacant agricultural properties located within the Halton Hills Premier Gateway Business Park.

The application seeks to obtain the necessary land use approval to permit a temporary transport terminal for transport trucks and trailers for a period of three (3) years. The site is accessed by a driveway that is proposed to provide full vehicular movement onto Winston Churchill Boulevard and the use is intended to be serviced by existing private well and septic system services as

there are currently no existing municipal services available along this portion of Winston Churchill Boulevard.

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. 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.

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. The property is also located within the Halton Peel Boundary Area Transportation Study/Greater Toronto Area West Corridor Protection Area (Official Plan Amendment No. 21), which is currently being held in abeyance by the Region of Halton at Council's request.

The proposal is subject to the Temporary Use By-law criteria outlined within Section G4.1 of the Town's Official Plan, which 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 the proposed use will be temporary, compatible with surrounding uses and not infringe upon the long term vision of the area; the use will not require the extension of municipal services or cause traffic issues; and, sufficient on-site parking is provided and the use will be beneficial to the neighbourhood or community as a whole.

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

In addition to the contents of the draft zoning by-law contained within Schedule 3 of the staff report, a definition of "Transport Terminal" will need to be provided since this use is not defined in Zoning By-law 00-138. Since Transport Terminal is defined within the Town's Comprehensive Zoning By-law 2010-0050, it is proposed that the same definition be used for the proposed by-law. Transport Terminal means the use of land for the purpose of storing, servicing, washing, repairing or loading of trucks or transport trailers with materials or goods that are not manufactured, assembled, warehoused or processed on the same lot.

Comments have been received from all of the circulated internal departments/external agencies. Several departments and agencies raised a number of concerns with the proposal, including: Town Development Engineering, Halton Region, Peel Region and Town Planning.

With respect to traffic concerns, Town Development Engineering, Halton Region and Peel Region have noted concerns regarding whether the existing entrance onto Winston Churchill Boulevard has sufficient sightlines to provide safe access into and from the site. The application proposes to use the existing entrance as a full-movement access; however, both Halton Region and Peel Region have noted that the entrance does not conform to their spacing requirements for a full-movement access. In addition, northbound gap analysis of traffic along Winston Churchill Boulevard has not been provided. As such, vehicles will not be permitted to make left turns from the site onto Winston Churchill Boulevard (only right-in, right-out and left-in) and the Traffic Impact Study will need to be amended with this information in order to address traffic concerns.

With respect to policy concerns, Halton Region has concerns that the proposed use would not meet the intent of the Growth Plan and the Regional Official Plan, as it is unclear how the proposal would meet the definition of an employment use; and, the development is proposed within an area under corridor protection, an approved phasing area where development is not permitted until post 2021, as well as an Urban Area, which requires connection to full municipal services.

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

The application was deemed complete by the Town on May 21, 2019, and the Public Meeting Notice Sign was posted by the Applicant shortly thereafter. The Public Meeting Notice was mailed to all properties within 120 m of the subject lands on May 24, 2019. The Public Meeting Notice was posted in the Independent & Free Press on May 23, 2019, with a courtesy Notice published on June 13, 2019.

There have been no comments received from the Public to date. Any comments received from the Public will be reviewed by Town staff and addressed through the review of this application.

For future steps staff are; awaiting public comments, the deadline for public comments is July 8, 2019, awaiting second submission that addresses Town and external agency comments, working through identified issues and a final report will be prepared for Council on the disposition of this matter

APPLICANT'S OPPORTUNITY

The Chair called upon the applicant to provide further information and details on the proposal.

Roger Campbell, Legal Counsel for 1906221 Ontario Inc. (Associated Paving) and on behalf of the Planning Consultant Claire Riepma who was unable to attend.

R. Campbell stated that he had some comments to add and clarifications regarding the planner's presentation. Mr. Campbell stated that the parcel has been in the ownership of the Associated Paving family of companies for about 30 years. R. Campbell stated that Sam Capobianco of Associated Paving and his daughter Lucia Capobianco were present and he advised that Associated Paving company itself has been in business about 50 years. He stated that the property has a history of use that is not inconsistent with what the owners are wanting to do on the property. The property was originally acquired with some encouragement of the local councillor at the time because it was believed it would be good for the economy, because they were going to operate an asphalt plant and a concrete crushing plant on the property. What did happen ultimately is the that they ran a concrete crushing plant for about 7 years in the 1990's. One clarification Mr. Campbell wanted to offer is that according to their information this was done with full permit approval, he noted that in the package for the Councillors it states that it was done without approval. He also said that they got an industrial driveway permit. He says it was done with, if not the permission then the blessing of Council at the time.

Since the property stopped being used as a crushing plant it has been used as a contractors yard, there has been heavy equipment and trucks used on the parcel throughout the history of their ownership. Not all of the parking has been by their people it has been by others as well.

The situation that they now face with the property is with regard to By-law No. 00-138. He noted that by-law is from 2000, so this property has been in a holding designation for nearly 19 years and they differ from the Town in what this property can legally be used for in the face of this. He stated that 19 years is a long time to be sitting on a property that you cannot use. The parcel was designated agricultural at one time but it is less than 10 acres, so not an economical use for agricultural, so the applicants have asked to be able to use the land for something that would not intrude upon the future development of the property and checks all the boxes under the Town's by-law and the official plan. As the planner says it doesn't have to, in a temporary use situation conform to the long range plan for the property or even the official plan in place at the time, it's a matter of if you meet the criteria laid out for the temporary use zoning.

R. Campbell acknowledged that there have been comments coming back saying that there has to be further information provided by the applicant and further study, he stated that this is being done. He stated that his client has been dealing with this with the Town since 2016 looking to have the temporary use. The Region originally took the position that this application had to be for the ultimate use of the property and therefore had to meet all of the requirements that would have to be met if this was the ultimate development for the property. This would negate the whole provision of a temporary use for a property. The Regional Official Plan is silent with respect to temporary uses and the Town Official Plan permits it. So they were in a position where the Region was saying that there had to be a subwatershed impact study. A subwatershed study would be a comprehensive study for the entire area that involves perhaps two years of study and perhaps \$200,000 or more in costs for his client to just to make use of a property that has been

sitting with a hold on it for 19 years. The accommodation that has been made with the Town is that his client had agreed to do the study, if requested, but the application has been seen as complete and they can now finally move forward with the application.

It is their position that once they have addressed the specific concerns about traffic by the Town and their comments that they will have checked all of the boxes for a temporary use. This is something that has been undertaken with enormous studies and significant expense to his client and he noted that this temporary use will not use municipal services, it will use septic services and the existing well.

The parking is actually being used and has been used for an extended period of time and that is the issue that they have had with the Town, whether they can or they can't do use the property for this. It is not a hypothetical anymore it is a known, that the property can actually be used and has been used for the temporary use and it has not caused any incidents or problems. They believe that they have addressed the concerns adequately. When the matter comes back to Council and they hope that they will get Council's support as this is not the ultimate use for the parcel. He stated that they wish to respect the long range planning process and feel that the temporary use has been demonstrated that it can be done safely and will not impinge on what this property will ultimately be used for in the future.

PUBLIC'S OPPORTUNITY

The Chair asked if there were any persons in attendance that have questions, require further clarification or information or wish to present their views on the proposal to come forward.

The following persons came forward.

Jim Waldbusser, 5 Ostrander Boulevard, Georgetown

J. Waldbusser noted that based on the use and activities on this property should there be consideration of soil or water contamination..

FINAL COMMENT FROM STAFF

The Chair asked if there was any further information which Town Staff wished to provide prior to the conclusion of the meeting.

J. McMulkin noted that there is no need to evaluate contamination as the land is not going to be used for a more sensitive land use in the future.

CONCLUSION OF MEETING

The Chair declared the Public Meeting closed. Council will take no action on this proposal tonight. Staff will be reporting at a later date with a recommendation for Council's consideration.

If you wish to receive further notification of this proposal, please leave your name and contact information with Mr. McMulkin in the foyer outside this Council Chamber, or with the Town Clerk during regular business hours. Only those persons who leave their names and contact information will be provided further notification. If you wish to speak to the proposal when it is brought before Council in the future, you must register as a delegation with the Town Clerk prior to the meeting.

If you wish to make a written submission the deadline for comment is July 8, 2019.

The meeting adjourned at 8:04 p.m.

Rick Bonnette

MAYOR

Suzanne Jones

CLERK