



## REPORT

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

**REPORT FROM:** Tharushe Jayaveer, Planner – Policy/Development Review

**DATE:** March 26, 2021

**REPORT NO.:** PD-2021-0016

**RE:** Public Meeting for a proposed Zoning By-law Amendment to permit a Gas Bar at 9989 Trafalgar Road (Ashgrove)

### RECOMMENDATION:

THAT Report No. PD-2021-0016, dated March 26, 2021, with respect to a “Public Meeting for a proposed Zoning By-law Amendment to permit a Gas Bar at 9989 Trafalgar Road (Ashgrove)”, be received;

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

### BACKGROUND:

#### 1.0 Purpose of the Report:

The purpose of this report is to advise Council and the public about a Zoning By-law Amendment application seeking to obtain the necessary approvals to permit a gas station and accessory retail store at 9989 Trafalgar Road (Ashgrove).

#### 2.0 Location & Site Characteristics:

The subject lands, municipally known as 9989 Trafalgar Road, are located on the south east corner of the intersection of Trafalgar Road and 10 Side Road in Ashgrove; see **SCHEDULE 1 – LOCATION MAP**. The lot has an area of approximately 3,487.59 m<sup>2</sup> (37,540 sq.ft.) with frontage of approximately 51.0 m (167.3 ft.) on Trafalgar Road and 51.4 m (168.7 ft.) flanking 10 Side Road. The property currently contains a one-storey building which functions as a motor vehicle repair garage and a temporary structure containing a take-out eating establishment.

The existing 135.0 m<sup>2</sup> (1,453 sq.ft.) building, which is currently functioning as a motor vehicle repair garage, will be retained and renovated to accommodate the intended accessory retail store associated with the Gas Bar. The property will continue to be accessed off Trafalgar Road and 10 Side Road and 7 parking spaces will be provided on the property; see **SCHEDULE 2 – SITE PLAN and ELEVATIONS**.

To accommodate the proposal the Applicant is suggesting to rezone the property from a Rural Cluster Commercial (RCC) Zone to a site-specific Rural Cluster Commercial (RCC) Exception Zone to permit the Gas Bar use; see **SCHEDULE 3 – DRAFT ZONING BY-LAW AMENDMENT**. The proposal and existing building comply with the RCC zone lot frontage, building height and setbacks standards.

A Site Plan application (File No. D11SPA19.003) has also been submitted and is being reviewed concurrently with the proposed Zoning By-law Amendment.

## **COMMENTS:**

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

In Ontario, when reviewing an application seeking to amend local 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 (PPS):**

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. Further, the PPS promotes a policy-led system that provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The proposal is required to be consistent with the relevant policies of the PPS in accordance with Section 3 of the Planning Act.

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

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

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 (ROP):**

The 2009 Regional Official Plan (ROP) designates the subject lands as Agricultural Area. As per Section 106(4), the ROP permits local Official Plans to designate existing settlement areas within the Agricultural Area as Rural Clusters; within Rural Clusters some small-scale commercial uses serving the local community may be permitted. The Local Official Plan will set out the development guidelines for the Rural Cluster. Ashgrove is considered to be a Rural Cluster in context of the Regional Official Plan.

#### **1.4 Town of Halton Hills Official Plan (HHOP):**

Under the Town's Official Plan, the subject property falls within the Rural Cluster of Ashgrove and is designated Rural Cluster Area (RCA). Permitted uses allowed under this designation include commercial uses such as convenience stores and gas stations.

#### **1.5 Town of Halton Hills Zoning By-law 2010-0050:**

Under Comprehensive Zoning By-law 2010-0050 the subject property is zoned Rural Cluster Commercial (RCC), which only permits Gas Bars if they legally exist prior to the enactment of the By-law (ie. before 2010) and have a maximum net floor area of 500m<sup>2</sup>. Therefore, a Zoning By-law Amendment is required as the Applicant is looking to establish a new Gas Bar.

#### **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 16, 2020. The following comments/issues have been identified which require further discussion:

##### Region of Halton:

The subject property is located outside the Urban Area and is therefore not eligible for connection to municipal water or wastewater services. When private services are utilized, Halton Region requires proposed development to be self-sustaining on individual on-site water and sewage systems. There are concerns regarding the current location of the on-site well and its water quality/supply; it is not certain that an alternative well location will produce better results. Additional information is required to evaluate.

Moreover, the impacts from the proposed on-site sewage disposal system on other private wells in the area must be examined in more detail. An assessment of the on-site and off-site water quality impact from on-site sewage disposal is required as per the Halton Guidelines.

In regard to the submitted Traffic Impact Study (TIS), the projected trips appear to be underestimated and require further investigation. Also, the TIS is to be updated based on the most recent site plan to demonstrate correct traffic operation conditions. Additionally, more details are to be provided regarding the Right-in/Right-out (RIRO) islands to illustrate that fuel tank trucks can make appropriate turning movements from the RIRO access points and safely exit the site. The Town's Transportation Department has provided similar comments.

Further, lands adjacent to Trafalgar Road and 10 Side Road are to be conveyed to Halton Region for the purposes of a road widening. This will result in a net loss of lot area of approximately 3,003.15 m<sup>2</sup> (32, 325 sq ft) for the site. No trees, planting beds,

feature walls, hardscape, columns or fencing are to be placed in the expanded Right-of-Way on Trafalgar Road and 10 Side Road.

## **2.2 Public Comments:**

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

The purpose of the Public Meeting is to obtain additional comments and feedback from the community. Any further comments received from the public will be reviewed, addressed and included in the final Recommendation Report.

## **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 Zoning By-law Amendment application was originally considered at the August 10, 2017, Development Review Committee Pre-Consultation meeting (D00ENQ17.027). The Applicant was provided with Pre-Consultation notes that outlined comments from the various departments and agencies together with their submission requirements.

## **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:**

March 19, 2019: Notice of Received Application mailed out to all property owners assessed within 120 m of the subject property.

March 15, 2021: Notice of Public Meeting was mailed out to all property owners assessed within 120 m of the subject property and to anyone who requested notification.

March 18, 2021: Notice of Public Meeting was published in the Independent & Free Press.

April 8, 2021: Courtesy Notice to be published in the Independent & Free Press.

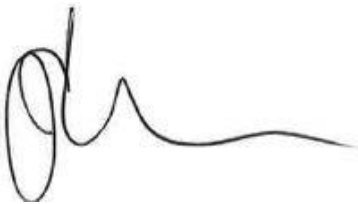
**CONCLUSION:**

The proposed Zoning By-law Amendment seeks to permit a Gas Bar at 9989 Trafalgar Road. 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,



Jeff Markowiak, Director of Development Review



John Linhardt, Commissioner of Planning and Development



Chris Mills, Acting Chief Administrative Officer