

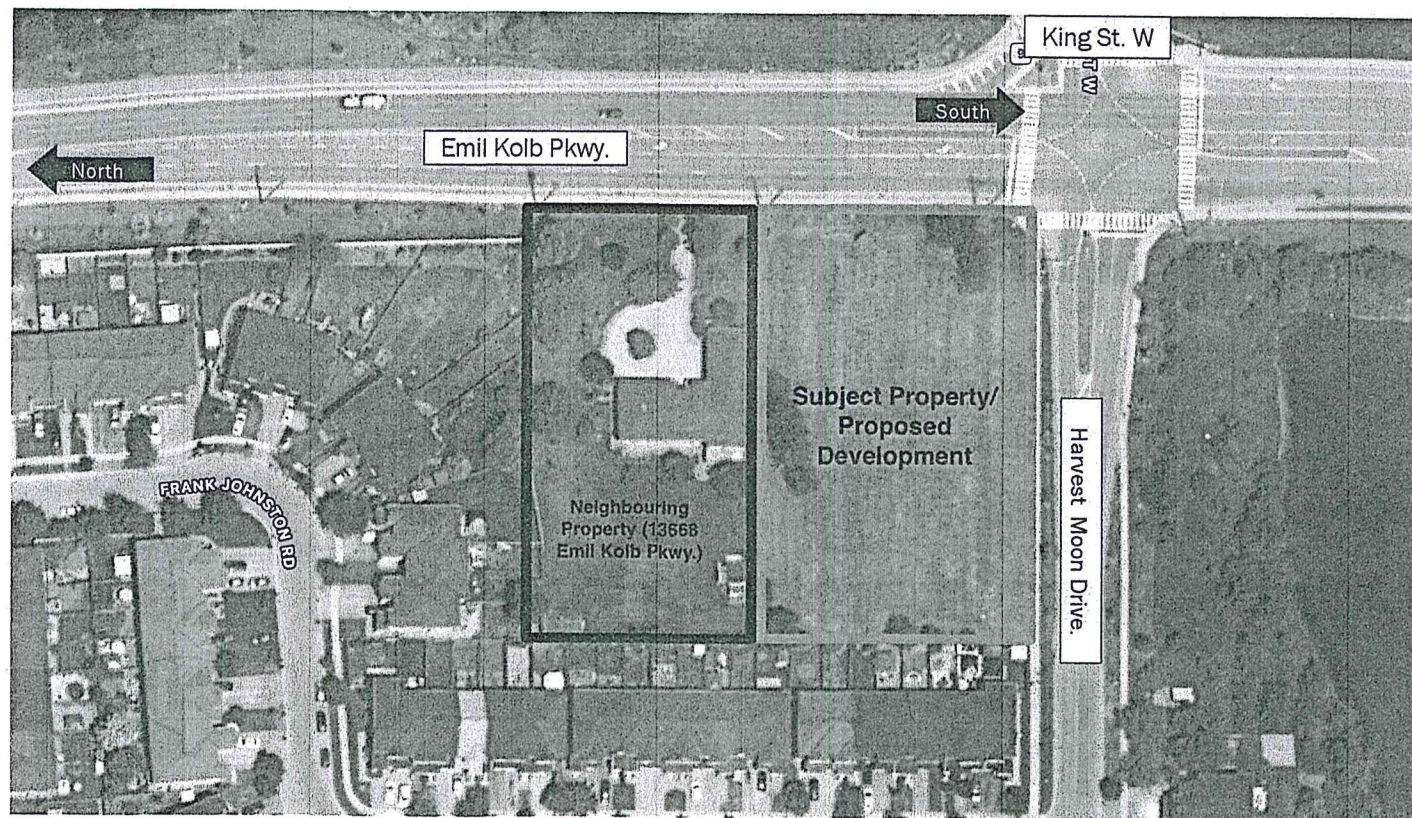


PUBLIC MEETING:  
13656  
EMIL KOLB PKWY BOLTON ON. L7E 3B3

## **Applicant's Impact Onto the Northerly Abutting Property at 13668 Emil Kolb Pkwy.**

1. The inclusion of a reciprocal access easement onto the applicant's property to comply with policy 7.4.6 included in the Town of Caledon's Official Plan Amendment
2. Development's setback from property line is minimal
3. Inadequate privacy fencing along the property line
4. Loss of privacy and limited trees buffering property line to protect our property's privacy
5. The loss of sunlight onto our property

# Proposed Development and Neighbouring Property (13668 Emil Kolb Pkwy.)





# 1a. Requirement of a “*Reciprocal Access Easement*” Onto the Proposed Development

Based on the applicant's development plan, a reciprocal access easement has not been identified in favor of the northernly property at 13668 Emil Kolb Pkwy.

Why this request for *reciprocal access easement*?

- Proposed Official Plan Amendment – Town Initiated Report - Proposed Revision to the Official Plan Amendment, Dec 9, 2008 - Report PD-2008-081
  - The proposed Official Plan amendment to policy 7.4.6 Local Commercial – (Document 1)
  - This report addressed the **reciprocal access arrangements** that will be required between the two properties in this location as a result of the Coleraine Dr. access restrictions in place pursuant to By-Law No. 2008-112” (Document 1, Bottom of Page 4-5)
  - “The existing access to Coleraine Dr. from the abutting property to the north can remain in place while the property continues to be used for residential purposes. However, if and when that property is converted to a **commercial use**, the existing residential access to Coleraine Dr. **shall be closed, with access to the commercial development provided from Harvest Moon Dr.** (Document 2, Page 3-5)



## 1b. Requirement of a “*Reciprocal Access Easement*” Onto the Proposed Development

- Under policy 7.4.6 of the Town of Caledon’s Official Plan – Land Commercial designation was identified for both properties, the proposed development site and 13668 Emil Kolb Pkwy. which is our property.
- “Reciprocal access easements between and across the properties contained within the Local Commercial area shall be secured through the Site Plan approval process to ensure that their commercial development functions efficiently as an integrated whole and to ensure that access to Harvest Moon Drive is available to the northerly of the two properties in this location” – Town of Caledon Official Plan (Document 3)

# 1c. Review of By-Law No. 2008-112

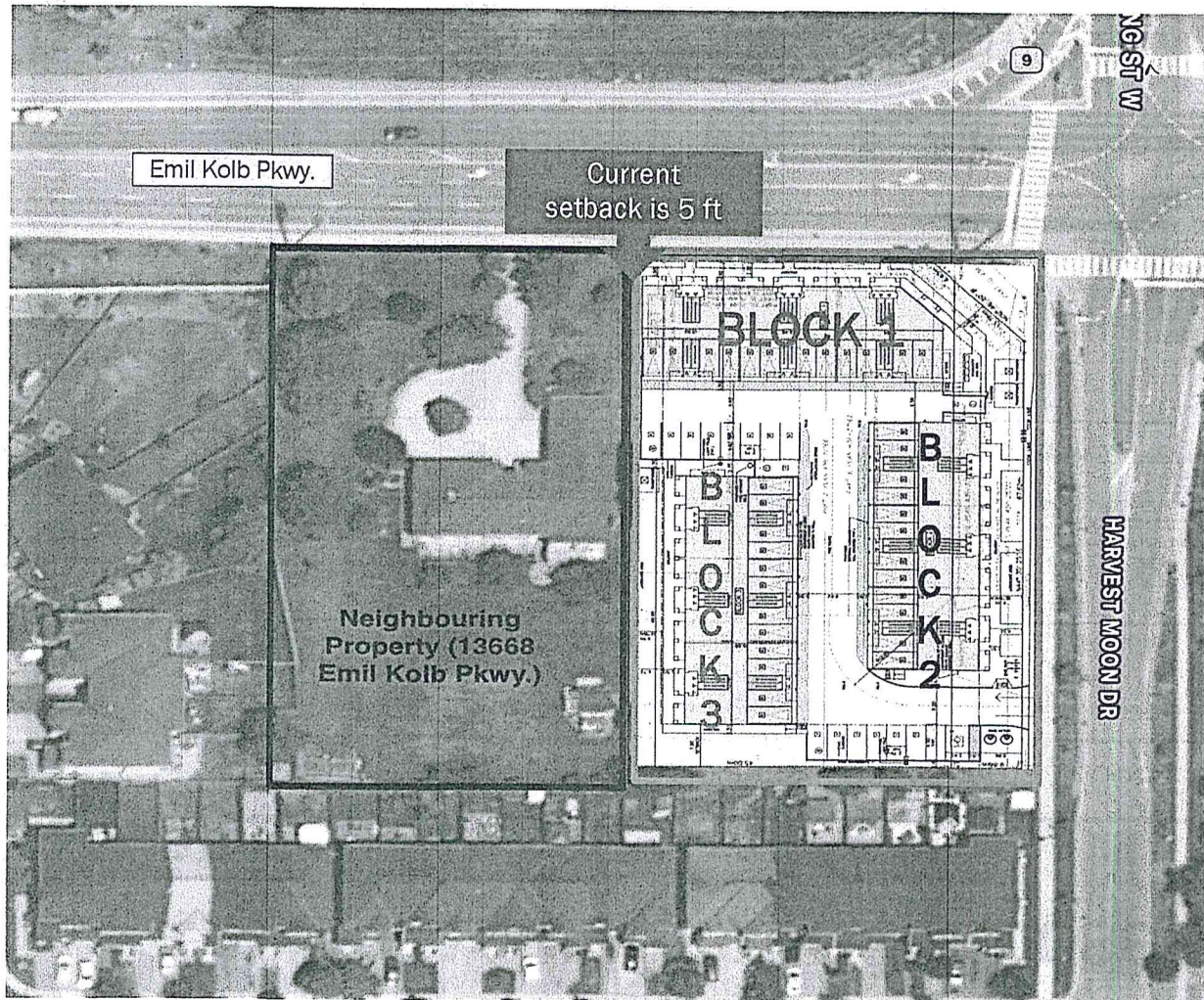
## What is the purpose of By-Law No. 2008-112 (previously mentioned)

- Regulate access to Coleraine Dr. as Coleraine Dr. is designated as a controlled access road
- Purpose of this by-law, is to limit and reduce number of motor vehicles entering and exiting from Coleraine Dr. via accesses located on properties abutting Coleraine Dr. which includes 13668 Emil Kolb Pkwy. (Document 4)

## Why a reciprocal easement is needed on the neighbouring property – (Applicant's Property).

- Without the “**reciprocal access easement**” across the applicant's property onto Harvest Moon, the northerly abutting property at 13668 Emil Kolb Pkwy. will be “land locked” as there will be no future access to the property
- **Land Locked** - The property is surrounded by other properties and only accessible through the property that surrounds it, by way of this By-law and Policy 7.4.6
- **Without a reciprocal access easement** this will jeopardize ANY future developments into “**Land Commercial**” or “**High - Density Residential**” as there will be no entry or exits into the property (13668 Emil Kolb Pkwy.)
- The requirement of a **reciprocal access easement** is a requirement that the Town has approved in order to better utilize the future development of this Northwestern quadrant of Emil Kolb Pkwy. and Harvest Moon Dr. And without an easement, it will severely limit our property's future potential and outlook for the development of this intersection, as proposed in the Official Plan Amendment.





## 2a. Property Setback

- Current setback from neighbouring property for **Block 1** only is 1.5 m (5')
- Requesting that setback of Block 1 is in line to Block 3 which is at 6.2m (20') from the property line.
- Additionally Block 1's building height is proposed at 10.33m (33')

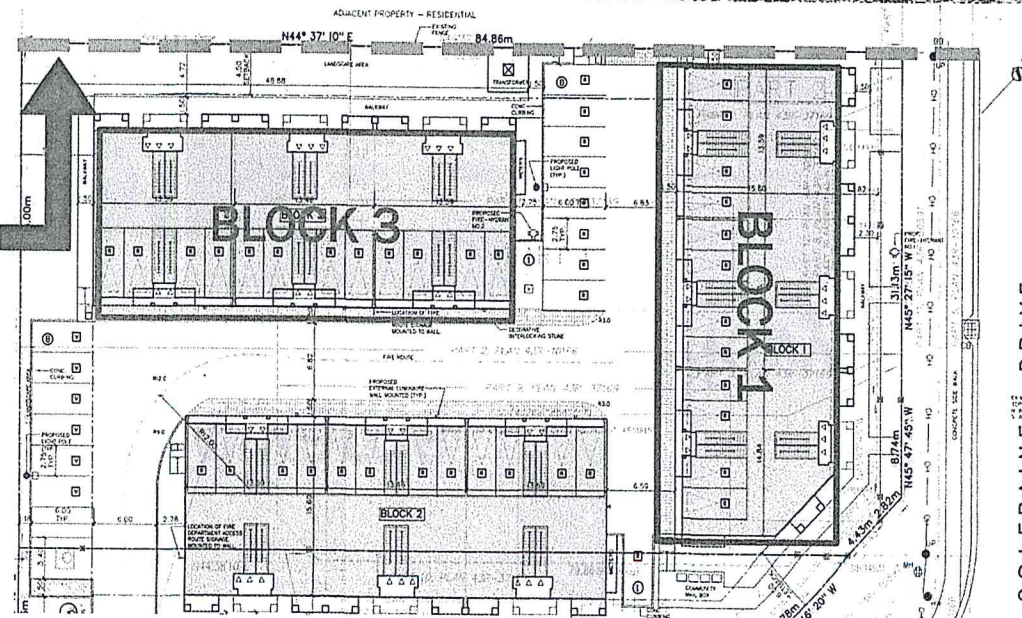
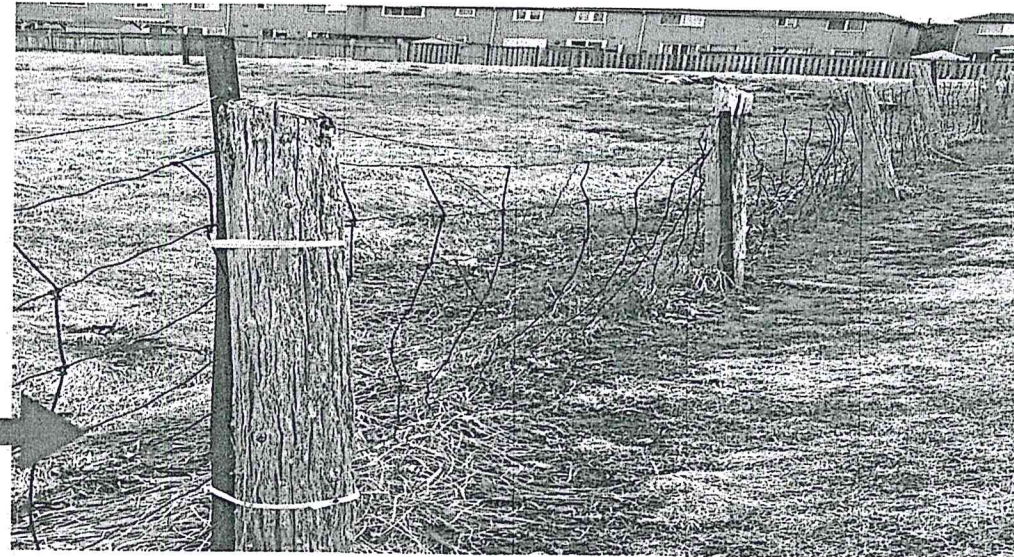






### 3. Privacy Fence Proposed

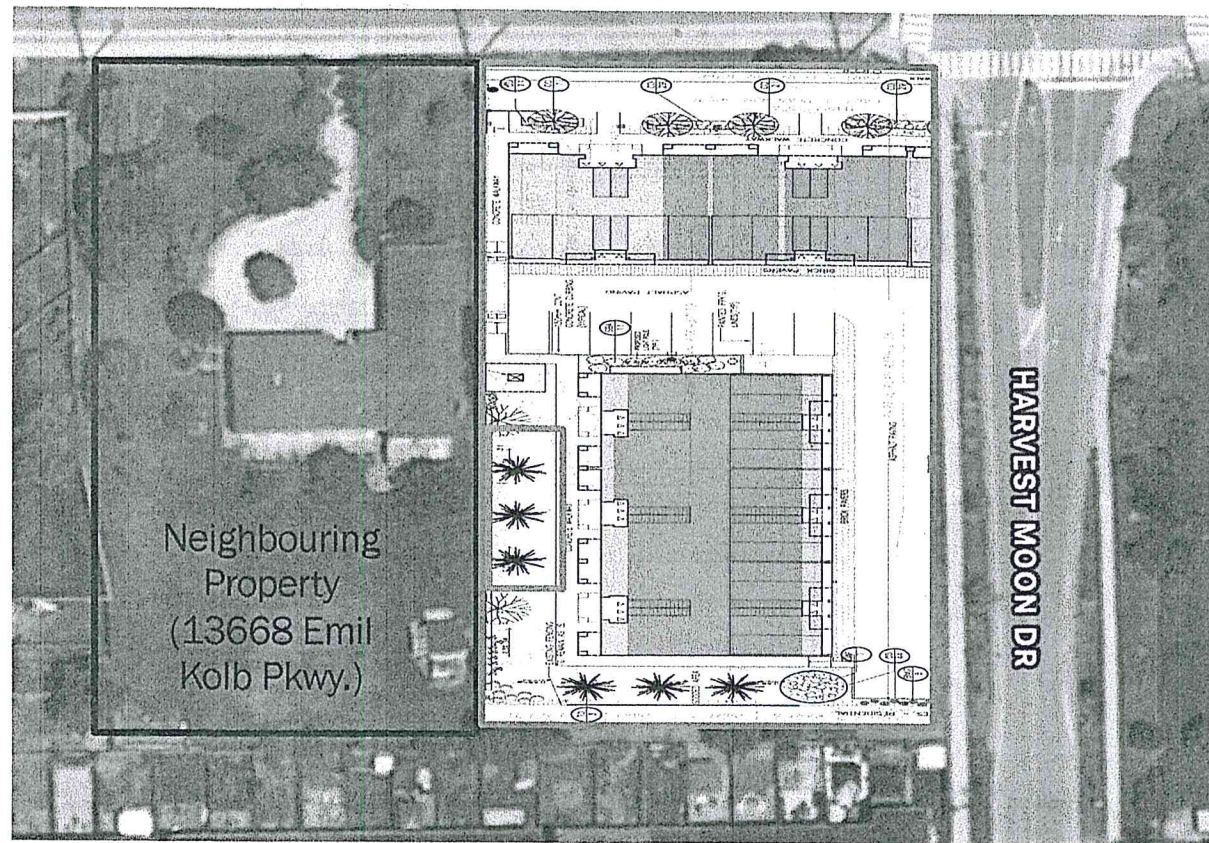
- Requesting that the developer absorb all costs associated with the removal of the existing fence and redevelopment/ construction of an 8-foot privacy fence, along the entire property line on the northern side of the subject property. (between 13668 & 13656 Emil Kolb Pkwy.)
- Newly proposed privacy fence shown on site plan in **GREEN** shall be owned and maintained by applicant or future Condo Corporation.





## 4. Limited Trees for Privacy Towards Neighbouring Property (13668 Emil Kolb Pkwy.)

- The proposed Landscape plan on the Northern side of the subject properties line provides minimal privacy towards the neighbouring property (13668 Emil Kolb Pkwy.)
- Requesting additional trees be planted that will add height and additional privacy to adjacent property





1. The first part of the document is a title page. It contains the title "The Role of the State in the Development of the Economy" and the author's name "John Doe".

2. The second part of the document is an abstract. It summarizes the main points of the paper, including the role of the state in the development of the economy.

3. The third part of the document is the introduction. It discusses the importance of the state in the development of the economy and the role of the state in the development of the economy.

4. The fourth part of the document is the main body of the paper. It is divided into several sections, each discussing a different aspect of the role of the state in the development of the economy.

5. The fifth part of the document is the conclusion. It summarizes the main findings of the paper and discusses the implications of the findings.

6. The sixth part of the document is the bibliography. It lists the sources used in the paper.

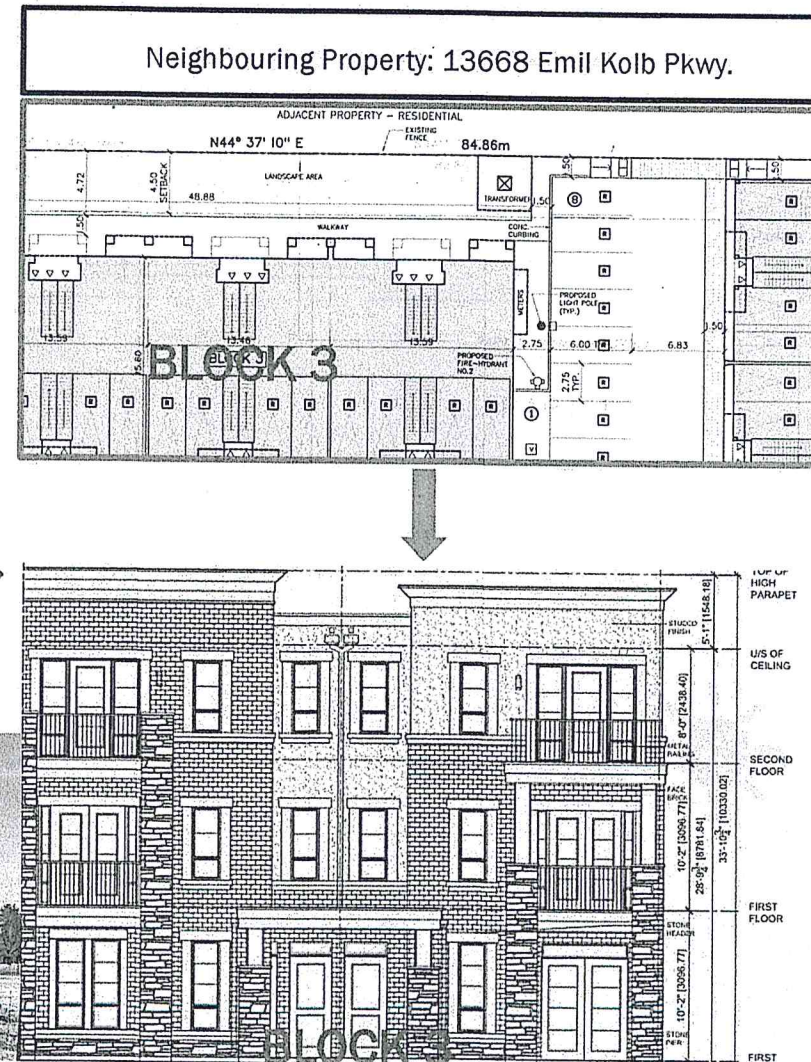
7. The seventh part of the document is the appendix. It contains additional information related to the paper.

8. The eighth part of the document is the index. It lists the pages where each topic is discussed.

9. The ninth part of the document is the glossary. It defines the terms used in the paper.

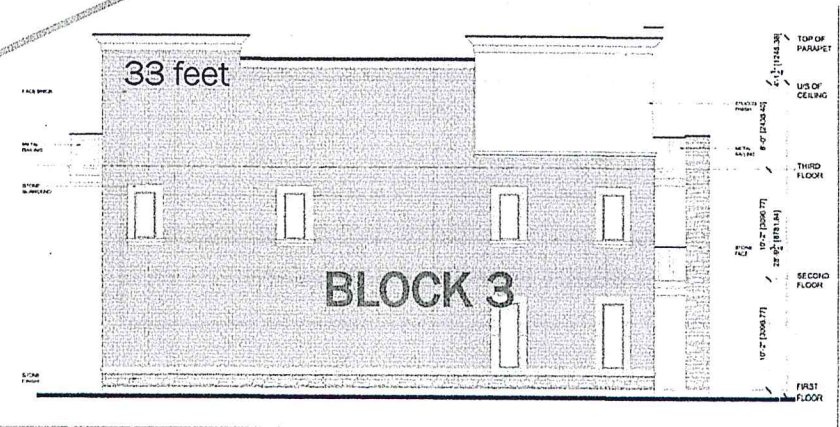
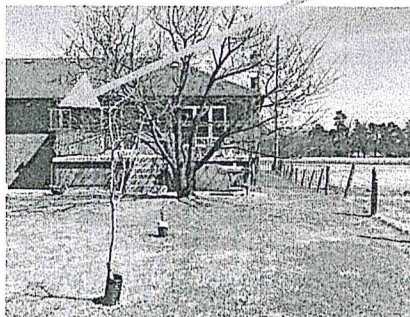
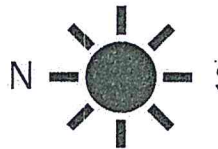
10. The tenth part of the document is the endnotes. It contains additional information related to the paper.

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## 5b. Overcasting Shadow

- Requesting the developer to complete a shadow impact analysis for the subject property to display the shadow impacts on neighbouring property (13668 Emil Kolb Pkwy.) and discuss results with neighbouring owners.
- Requesting that the building height of Block 1 and Block 3 be reduced to double stacked townhouse.
- Since Block 1 and 3 have extensive heights at 33 feet, this will cast larger shadows onto our property.





# In Conclusion:

- We are requesting the following:
  - Block 1 building setback be pushed back to 6.2m (20') from the property line, in line to Block 3 setback
  - Removal of current farm fence and installation of an 8 feet privacy fence installed along entire property line which will be owned and maintained by the developer or Condo Corporation.
  - Additional trees be planted that will add height for additional privacy to our property
  - The building height of Block 1 and Block 3 be reduced to double stacked townhouses reducing the loss of sunlight onto our property.
  - Complete a shadow impact analysis for the development and discuss its effects on the neighbouring property with neighbouring owners
  - The inclusion of a registered reciprocal access easement onto the applicant's property, allowing future access to Harvest Moon Dr. in favor of 13668 Emil Kolb Pkwy., in the event of future development and in compliance to policy 7.4.6 of the Town of Caledon Official Plan Amendment.



THANK YOU

PLANNING AND DEVELOPMENT DEPARTMENT  
DEVELOPMENT SECTION  
Report PD-2008-081

To: Mayor and Members of Council

From: Mary Hall, Director of Planning and Development

Meeting: December 9, 2008

Subject: **PROPOSED OFFICIAL PLAN AMENDMENT - TOWN-INITIATED  
REVISIONS TO LOCAL COMMERCIAL POLICY  
NORTHWEST CORNER OF HARVEST MOON DRIVE AND COLERAINE  
DRIVE, BOLTON,  
TOWN OF CALEDON;  
FILE NO.: POPA 08-08**

RECOMMENDATION

Requires Action



For Information Only



THAT Report No. PD-2008-081 regarding a proposed Town-initiated Official Plan Amendment to Local Commercial Policy 7.4.6 of the Town of Caledon Official Plan, Northwest Corner of Harvest Moon Drive and Coleraine Drive, Bolton, Town of Caledon; File No.: POPA 08-08 be received; and,

THAT Council authorize Planning staff to proceed with the preparation of a Town-initiated Official Plan Amendment to revise Local Commercial Policy 7.4.6 of the Town of Caledon Official Plan; and,

THAT Council authorize Planning staff to proceed with a statutory Public Information Meeting regarding the proposed Town-initiated Official Plan Amendment.

**ORIGIN/BACKGROUND**

The Town of Caledon has received a rezoning application (RZ 08-12) to amend Comprehensive Zoning By-law 2006-50, as amended, to permit the development of a neighbourhood commercial centre at the northwest corner of Harvest Moon Drive and Coleraine Drive in Bolton.

The proposed development site and the abutting residential property to the north are designated Local Commercial in the Town's Official Plan (West Bolton Secondary Plan, Schedule-C3). Policy 7.4.6 of the Official Plan contains guidance as to the nature and scale of commercial development contemplated in this location. Policy 7.4.6 refers to 'A *small area (0.5 hectare)*' and that '*Total commercial floor space shall be restricted to a maximum of 1,300 m<sup>2</sup> (14,000 ft<sup>2</sup>)*'. These specific requirements were traced to an Ontario Municipal Board decision on the West Bolton Secondary Plan (OPA 134) in July, 1997. However, Planning staff could not determine why these numbers were selected or if there was any justification for them.



Rezoning application RZ 08-12 proposes to rezone an undeveloped site at the corner of Harvest Moon Drive and Coleraine Drive from Agricultural (A-1) to Neighbourhood Commercial-Exception (CN-E), consistent with its Local Commercial designation in the Official Plan. The proposed development would consist of approximately 1,000 m<sup>2</sup> (10,775 ft<sup>2</sup>) of ground floor commercial space (convenience store, restaurant, bank etc.) with a partial second floor containing approximately 285 m<sup>2</sup> (3065 ft<sup>2</sup>) of business office space. The total floor area proposed is 1,285 m<sup>2</sup> (13,840 ft<sup>2</sup>). This scale of development would account for almost all of the 1,300 m<sup>2</sup> (14,000 ft<sup>2</sup>) of commercial floor space allocated to this location in Official Plan Policy 7.4.6. However, Schedule C-3 to the Official Plan illustrates that the Local Commercial designation applies to both the property immediately at the corner of Harvest Moon Drive and Coleraine Drive and the abutting residential property to the north. Although not stated in Policy 7.4.6, there is an implication that the neighbourhood commercial floor space allocated in this location is to be distributed between both properties. The residential property is under separate ownership and is not part of the commercial rezoning currently being considered. Proposals for its commercial development have not been submitted and are not expected at present.

A previous proposal (RZ 05-01) by a different owner to develop the corner property with a 1,300 sq m (13,993 ft<sup>2</sup>) neighbourhood shopping centre was received by the Town in December, 2004. Planning staff did not support this proposal as it would have accounted for the entire commercial floor space allocated both to the subject property and the abutting residential property combined, through Official Plan Policy 7.4.6. The applicant at that time was not prepared to revise the rezoning application or to seek an Official Plan amendment to address the situation. The Town's file on the application was closed in November, 2005.

Due to this previous experience and in order to provide clarity and direction in assessing the current development proposal, staff is recommending an amendment to Official Plan Policy 7.4.6 to remove uncertainties regarding the size of the area that may be developed and the amount of commercial floor space that may be permitted on it.

## DISCUSSION

In its review of rezoning application RZ 08-12, staff referred to Official Plan Policy 7.4.6 for guidance. It became apparent that there was a discrepancy between the size of the Local Commercial area referenced in Policy 7.4.6 and the combined area of the two properties designated Local Commercial in the Official Plan as shown on Schedule C-3, West Bolton Secondary Plan. (Schedule 'A', attached, shows the Local Commercial area designated on Official Plan Schedule C-3 and applicable to POPA 08-08).

The reference in Policy 7.4.6 is to '**A small area (0.5 hectare)**'. However, when measured, the combined area of the two properties is approximately 0.857 ha. The property immediately at the corner of Harvest Moon Drive and Coleraine Drive, which is the subject of rezoning application RZ 08-12, is approximately 0.454 ha in size. The abutting residential property to the north is approximately 0.403 ha in size. Planning staff prefer to rely on an actual measurement of the area designated Local Commercial on Schedule C-3 rather than the '**0.5 hectare**' area referenced in Policy 7.4.6 which is not



only unusually precise for inclusion in a policy document such as an Official Plan, but also inaccurate.

Based on an increased Local Commercial designation of 0.857 ha (2.12 acs), Planning staff also consider it reasonable to increase the maximum commercial floor space permissible within this designation proportionately. This would generate a revised maximum permissible commercial floor area of 2,228 m<sup>2</sup> (23,975 ft<sup>2</sup>).

While this scale of development would not necessarily generate the need for a Commercial Impact Study, Planning staff discussed the revised projected floor area number with one of the Town's consultants for the Commercial Land Needs component of the South Albion-Bolton Community Plan (2007). Given the geographic location of the Local Commercial site, its small scale and the nature of its intended uses, it was the consultant's opinion that commercial development on this scale would not have a negative impact on Bolton's established commercial structure or planned function pursuant to the Commercial Land Needs Study.

Based on the preceding rationale, it would be possible to include revised metrics in an amended Policy 7.4.6. However, given the past difficulties in implementing this policy, and to allow reasonable flexibility in considering the current development proposal for a portion of the area and a possible future development proposal for the remainder of the area, Planning staff recommend that the references to both the area designated Local Commercial and the permissible commercial floor space that can be developed should be removed from Policy 7.4.6. Instead, staff recommend that reference be made simply to 'The northwest quadrant of the future intersection of King Street and Coleraine Drive ....' and that 'Total commercial floor space shall be determined by the applicable zoning provisions in effect .....'. According to Comprehensive Zoning By-law 2006-50, as amended, the maximum building area permissible in a Neighbourhood Commercial (CN) zone is 30%. Based on a site area of 0.857 ha (2.12 acs), the maximum building area permitted would be 2571 m<sup>2</sup> (27,665 ft<sup>2</sup>). This is reasonably consistent with the numbers extrapolation exercise outlined above.

Staff also recommend that a maximum floor space of 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) for any one retail store be retained and that a provision be added to limit development to a maximum of two storeys. It is recommended that all other provisions of Policy 7.4.6 including references to site plan control and high quality design and landscaping principles be retained.

At its meeting of November 25, 2008, Council adopted By-law No. 2008-112, being a by-law to regulate access to Coleraine Drive. The adoption of this By-law will affect the access provisions to the two properties which are the subject of the proposed Official Plan amendment (POPA 08-08). Pursuant to By-law No. 2008-112, access to the southerly property proposed for neighbourhood commercial development at the corner of Coleraine Drive and Harvest Moon Drive (RZ 08-12) will be restricted to Harvest Moon Drive, only. The existing access to Coleraine Drive from the abutting property to the north can remain in place while the property continues to be used for residential purposes. However, if and when that property is converted to a commercial use, the existing residential access to Coleraine Drive shall be closed, with access to the commercial development provided from Harvest Moon Drive. This rearrangement of





access provisions will necessitate the provision of reciprocal access easements between and across the property to the south currently proposed for commercial development at the corner of Coleraine Drive and Harvest Moon Drive.

A requirement for these reciprocal access provisions will be included in the proposed Official Plan amendment (POPA 08-08).

The text of existing Official Plan Policy 7.4.6 and a draft of the proposed new policy is attached as Schedule 'B'.

### **FINANCIAL IMPLICATIONS**

In addition to staff time, it is anticipated that additional costs incurred by the Town as a result of the proposed Official Plan amendment will amount to approximately \$1,500.00. These costs would include the preparation and posting of a Public Notice sign on the subject property, a newspaper advertisement regarding a future Public Information Meeting (PIM) and the direct mailing of notice regarding the PIM to property owners within 120 m (400 ft) of the subject property.

### **CALEDON COMMUNITY WORK PLAN**

N/A

### **POLICIES/LEGISLATION**

The *Planning Act*, R.S.O. 1990, as amended  
Town of Caledon Official Plan

### **CONSULTATIONS**

Planning & Development Department – Policy  
Scott Morgan, W. Scott Morgan & Associates Limited.


### **ATTACHMENTS**

Schedule 'A': Location Map

Schedule 'B': Existing and Draft Revised Local Commercial Policy 7.4.6

### **CONCLUSION**

The proposed Official Plan amendment (POPA 08-08) will remove the current ambiguity and inaccuracy associated with portions of the text of Local Commercial Policy 7.4.6 in the Town's Official Plan and replace it with a revised policy which better reflects the intent of the Local Commercial designation shown on Schedule C-3 of the Official Plan for the northwest quadrant of Harvest Moon Drive and Coleraine Drive. This will assist staff in better assessing the neighbourhood commercial development application (RZ 08-12) within this designation which is currently before the Town. The proposed Official Plan amendment will also address the reciprocal access arrangements that will be required between the two properties in this location as a result of the Coleraine Drive access restrictions put in place pursuant to By-law No. 2008-112.




Prepared by:  
Eric Conley  
Senior Planner



Approved by:  
Sylvia Smith  
Manager of Development



Recommended by:  
Mary Hall  
Director, Planning & Development



Recommended by:  
Doug Barnes  
Chief Administrative Officer



## 7.4.6

OPA 220

**Local Commercial**

A small area (0.5 hectare) in the northwest quadrant of the future intersection of King Street and Coleraine Drive is designated for Local Commercial and its design shall be co-ordinated and integrated with the adjacent High Density Residential designation as a community design focal point. Total commercial floor space shall be restricted to a maximum of 1,300 m<sup>2</sup> (14,000 ft<sup>2</sup>) with a maximum floor space of 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) for any one retail store. Site plan control and the design principles of Section 7.4.4 shall apply to this area. In addition, enhanced landscaping provisions shall be identified in the zoning by-law recognizing the importance of this intersection. The northwest quadrant of the Harvest Moon Drive – Coleraine Drive intersection is designated for Local Commercial use and its design shall be co-ordinated and integrated with the adjacent High Density Residential designation as a community design focal point. The total neighbourhood commercial floor space available for development within the Local Commercial designation shall be determined by the applicable zoning provisions in effect and shall be distributed proportionately between the two properties contained within this designation based on their respective sizes.

- \* The maximum building height shall be no more than two (2) storeys.

The maximum gross floor area permitted for any one retail store shall not exceed 465m<sup>2</sup> (5,000 ft<sup>2</sup>).

Site Plan Control and the design principles contained in Section 7.4.4 shall apply to this area. In recognition of the importance of the Harvest Moon Drive – Coleraine Drive intersection as a gateway to the residential neighbourhood beyond, development within the Local Commercial area shall incorporate a high standard of urban design. Enhanced landscaping shall be provided consistent with the provisions of the Town's Comprehensive Zoning By-law and the Town's Industrial/Commercial Design Guidelines.

Reciprocal access easements between and across the properties contained within the Local Commercial area shall be secured through the Site Plan approval process to ensure that their commercial development functions efficiently as an integrated whole and to ensure that access to Harvest Moon Drive is available to the northerly of the two properties in this location.

## 7.4.7

**Parks**

The Secondary Plan provides for the development of two neighbourhood parks to meet the active and passive recreational needs of the residents. The approximate locations of these parks are identified on Schedule C-3. Development of park sites will be in accordance with Section 5.15, Public Uses, of the Official Plan.





Document 4

PLANNING AND DEVELOPMENT DEPARTMENT  
DEVELOPMENT SECTION  
Report PD-2008-081

To: Mayor and Members of Council  
From: Mary Hall, Director of Planning and Development  
Meeting: December 9, 2008  
Subject: PROPOSED OFFICIAL PLAN AMENDMENT - TOWN-INITIATED  
REVISIONS TO LOCAL COMMERCIAL POLICY  
NORTHWEST CORNER OF HARVEST MOON DRIVE AND COLERAINE  
DRIVE, BOLTON,  
TOWN OF CALEDON;  
FILE NO.: POPA 08-08

RECOMMENDATION

Requires Action ☒

For Information Only ☐

THAT Report No. PD-2008-081 regarding a proposed Town-initiated Official Plan Amendment to Local Commercial Policy 7.4.6 of the Town of Caledon Official Plan, Northwest Corner of Harvest Moon Drive and Coleraine Drive, Bolton, Town of Caledon; File No.: POPA 08-08 be received; and,

THAT Council authorize Planning staff to proceed with the preparation of a Town-initiated Official Plan Amendment to revise Local Commercial Policy 7.4.6 of the Town of Caledon Official Plan; and,

THAT Council authorize Planning staff to proceed with a statutory Public Information Meeting regarding the proposed Town-initiated Official Plan Amendment.

ORIGIN/BACKGROUND

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The proposed development site and the abutting residential property to the north are designated Local Commercial in the Town's Official Plan (West Bolton Secondary Plan, Schedule-C3). Policy 7.4.6 of the Official Plan contains guidance as to the nature and scale of commercial development contemplated in this location. Policy 7.4.6 refers to 'A small area (0.5 hectare)' and that 'Total commercial floor space shall be restricted to a maximum of 1,300 m<sup>2</sup> (14,000 ft<sup>2</sup>)'. These specific requirements were traced to an Ontario Municipal Board decision on the West Bolton Secondary Plan (OPA 134) in July, 1997. However, Planning staff could not determine why these numbers were selected or if there was any justification for them.

Report PD-2008-081

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December 3, 2008  
Page 1 of 5



THE CORPORATION OF THE TOWN OF CALEDON

BY-LAW NO. 2008-112

Being a by-law to regulate  
access to Coleraine Drive.

WHEREAS Council deems it necessary, *inter alia*, to preserve the function of Coleraine Drive as an arterial road and to maintain, or to increase, safety standards and conditions on Coleraine Drive through the regulation of accesses to Coleraine Drive from the properties abutting Coleraine Drive

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF CALEDON ENACTS AS FOLLOWS.

**Definitions**

1. In this by-law,

"Director" means the Director of Public Works & Engineering or his/her designate.

**Designation**

2. Coleraine Drive, from Mayfield Road to King Street is hereby designated as a controlled access road.

**Objectives and Purpose**

3. The objectives and purpose of this by-law are
- (1) to preserve the function of Coleraine Drive as an arterial road,
  - (2) to preserve, and not to reduce, the capacity of Coleraine Drive,
  - (3) to maintain, and to increase, safety standards and conditions on Coleraine Drive,
  - (4) to address the effect of potential accesses on Coleraine Drive where these accesses result from future development,
  - (5) to avoid compromising the function of Coleraine Drive as an arterial road,
  - (6) to maintain the viability of Coleraine Drive as an alternative truck route to Highway 50, and
  - (7) to limit, or to reduce, the number of motor vehicles entering onto Coleraine Drive or exiting from Coleraine Drive via accesses located on properties abutting Coleraine Drive.
4. No access to Coleraine Drive is permitted except in accordance with the regulations contained in this by-law.

**Regulations – East Side of Coleraine**

5. Any access to Coleraine Drive from the lands located on the east side of Coleraine Drive shall be by way of an access
- (1) which is located no less than 300 metres from an approved access or from the intersection of a public highway and Coleraine Drive, and
  - (2) whose presence and operation will not adversely affect the safety of Coleraine Drive, the function of Coleraine Drive as an arterial road, and will meet the purpose and objectives of this by-law; and