

Staff Report 2022-0198

Meeting Date: June 21, 2022

Subject: Proposed Zoning By-law Amendment to Remove a Holding ("H") Symbol, The Alton Development Inc., 1402 Queen Street West, Alton, Ward 1

Submitted By: Adam Wendland, Community Planner, Development and Design, Planning Department

RECOMMENDATION

That the By-laws attached as Schedule 'D' and 'E' to Staff Report 2022-0198 be enacted to amend Comprehensive Zoning By-law 87-250, as amended and Comprehensive Zoning By-law 2006-50, as amended, to remove a site-specific Holding Symbol ("H" and "H10") from 1402 Queen Street West, to permit a place of assembly, place of entertainment and restaurant uses.

REPORT HIGHLIGHTS

- The applicant, The Alton Development Inc, currently operates as an artist studio, art gallery, paper service restaurant, and museum. The subject lands are approximately 3.9 hectares (9.6 acres) in area.
- Zoning By-law Amendment applications were initially submitted in 2005 to rezone the property from Unserviced Industrial (MU) and Unserviced Industrial – Floodplain (MU-F) to site-specific Village Commercial zones (CV-35-F-H and CV-461-H10) to permit a range of commercial uses on the subject lands.
- Staff Report 2008-25 was approved by Council on April 15, 2008 which recommended the enactment of Zoning By-law Amendments to permit the proposed development, subject to a Holding ('H') Symbol restriction. The inclusion of a Holding ('H') Symbol restriction was based on the review comments received from the Credit Valley Conservation ("CVC") and internal staff which found that an inclusion of a *place of assembly, place of entertainment or restaurant* (unless the *restaurant* uses paper service only) would be acceptable subject to confirmation of adequate sewage capacity and flood proofing. Council passed implementing By-laws No. 2008-032 and No. 2008-033 on April 15, 2008.
- By-laws No. 2008-032 and No. 2008-033 contain a site-specific Holding Symbol ("H") restriction which prohibits certain commercial uses until all conditions specified by the By-law have been satisfactorily fulfilled. The conditions for the removal of this Holding ('H') Symbol relate to sewage capacity and floodproofing matters and require the applicant to complete site works to the satisfaction of the Town, CVC, and Ministry of Environment (if applicable).
- On October 28, 2021, the applicant submitted an application to remove the site-specific Holding Symbol ("H" and "H10") from the subject lands and provided documentation demonstrating how the related conditions for removing this Holding ('H') Symbol have been fulfilled.
- The application and supporting documents were circulated to Town staff and CVC for review and comment to determine if the conditions specified in the site-specific Holding Symbol ("H" and "H10") have been satisfactorily cleared. Based on the review, technical staff from the Town and CVC have advised that the documentation submitted in support of the application to remove the Holding ('H') Symbol from the subject lands is satisfactory.

- The Region and CVC have no objections to the Town's enactment of a Zoning By-law Amendment to remove the site-specific Holding Symbol ("H" and "H10") from the subject lands.

DISCUSSION

The purpose of this report is to recommend that Council enact the proposed Zoning By-law Amendments which will remove a Holding ("H") Symbol restriction from a portion of the subject lands.

Subject Lands

The subject land is located at 1402 Queen Street West, on the west side of Amelia Street, north of Queen Street West and east of Credit Street, in Alton. The lands are legally described as Part of Lot 23, Concession 4 WHS (Caledon); Part of Mill Privilege No.4 in Block 5 on CAL5 (Village of Alton); Part of Mill Privilege No. 5 in Block 5 on CAL5 (Village of Alton), Town of Caledon, Regional Municipality of Peel. See Schedule 'A' – Location Map. The property is approximately 3.9 hectares (9.6 acres) in size and is currently used for an arts and cultural centre. The surrounding land uses are residential to the east, and south, and residential and environmental lands to the north and the west. See Schedule 'B', Aerial Photograph.

Proposed Development

On October 28, 2021, the Town received a Zoning By-law Amendment (RZ 2021-0016) application from The Alton Development Inc. for the subject lands to remove the Holding ("H") Symbol restriction. The applications were deemed 'complete' on December 10, 2021.

The purpose of the application is to remove site-specific Holding Symbols ("H" and "H10") from the subject lands which will permit place of assembly, place of entertainment and restaurant uses. The application was circulated to internal departments and external agencies for review and comment. Comments are attached to this report as Schedule 'C'. The draft by-laws for the lifting of the Holding Symbol ("H") formed part of the review. See Schedule 'D', Draft Zoning By-law Amendment for Zoning By-law 87-250 and Schedule 'E', Draft Zoning By-law Amendment for Zoning By-law 2006-50, as amended.

A Site Plan Application has not been filed for this property but provided that renovations to include these uses are made to the interior to the building, Site Plan Approval will not be required.

Background

The Alton Development Inc. submitted Zoning By-law Amendment application (File No.: RZ 05-11) to the Town on May 30, 2005 to seek permissions for the use of the subject lands as an arts-oriented tourist destination.

On April 15, 2008, the Zoning By-law Amendment application was approved by Council which rezoned the subject lands from Unserviced Industrial (MU) and Unserviced Industrial – Floodplain (MU-F) to a site-specific Village Commercial zones (CV-35-F-H and CV-461-H10) to permit a range of commercial uses on the subject lands. A portion of the lands were subject to Comprehensive Zoning By-law 87-250 and the rest were subject to Comprehensive Zoning By-law 2006-50. Due to this split zoning, Council enacted two By-laws: By-law No. 2008-032 amending Comprehensive Zoning By-law 87-250; and By-law No. 2008-033 amending Comprehensive Zoning By-law 2006-50. These by-laws were similar in intent but differed in verbiage based on the verbiage of the applicable Comprehensive Zoning By-law.

The applicant provided a report by Terraprobe dated November 23, 1998 which indicated that effluent from the proposed “china-service” restaurant and assembly space uses would exceed the existing septic system’s capacity. The applicant, in consultation with the Credit Valley Conservation authority (CVC), was also instructed to undertake the necessary channel works within the Shaw’s Creek to improve flow of Shaw’s Creek, thereby lowering the flood elevation.

The Region, CVC, and Town staff reviewed and accepted these recommendations, provided that a Holding (‘H’) Symbol restriction was implemented with conditions requiring the completion of septic system works providing sufficient sewage capacity to service the lands and completion of the channel works and floodproofing. The Holding (‘H’) Symbol would prohibit the “china-service” restaurant, place of assembly and place of entertainment uses until all such conditions specified by the By-laws have been fulfilled, at which point the applicant may apply to have the Holding (‘H’) symbol removed to allow those restricted uses.

On April 15, 2008, a staff recommendation report (“Staff Report 2008-25”) was considered by Council and recommended that a Zoning By-law Amendment be enacted to permit the proposed arts-oriented tourist destination, subject to a Holding (‘H’) symbol restriction being imposed on a portion of the subject lands as described above. The recommendations presented in Staff Report 2008-25 and the corresponding Zoning By-law Amendments (By-law No. No. 2008-032 and No. 2008-033) were passed by Council on April 15, 2018.

Planning Review: Conditions to Remove the Holding (‘H’) Symbol

On October 28, 2021, the Town received a Zoning By-law Amendment (RZ 2021-0016) application from The Alton Development Inc. for the subject lands to remove the Holding (‘H’) Symbol restriction from the subject lands. This application was circulated to pertinent internal Town departments and external public agencies for review and comment. An analysis of the clearance of the conditions for the removal of the Holding Symbols (‘H’ and ‘H10’) are provided below:

By-law 2008-032

The holding provisions for the CV-35-F-H shall not be so removed until such time as it has been confirmed by the Corporation of the Town of Caledon, that the following conditions have been satisfied:

1. *The owner can satisfy the Town of Caledon, Credit Valley Conservation and the Ministry of Environment (if applicable) that there is sufficient sewage capacity to service the proposed development of the subject lands; and,*
2. *A qualified structural engineer has confirmed that any buildings within the floodplain have been flood proofed to the satisfaction of Credit Valley Conservation.*

By-law 2008-033

The holding “H” symbol for the CV-461-H10 zone shall not be so removed until such time as:

1. *The owner can satisfy the Town of Caledon, Credit Valley Conservation and the Ministry of Environment (if applicable) that there is sufficient sewage capacity to service the expected development of the subject lands; and,*
2. *A structural engineer has confirmed that any building in the flood plain has been flood proofed to the satisfaction of Credit Valley Conservation.*

Prior to the submission of the Holding ('H') Symbol removal application, the applicant worked with the CVC and Town to obtain approvals for works in connection with flood proofing and sewage capacity.

1. *The owner can satisfy the Town of Caledon, Credit Valley Conservation and the Ministry of Environment (if applicable) that there is sufficient sewage capacity to service the proposed development of the subject lands. (By-law 2008-032)*
1. *The owner can satisfy the Town of Caledon, Credit Valley Conservation and the Ministry of Environment (if applicable) that there is sufficient sewage capacity to service the expected development of the subject lands. (By-law 2008-033)*

The applicant submitted a Sewage System Report (Terraprobe, July 26, 2015) to the CVC for review and comment to indicate the nitrate loading for the proposed uses. The CVC found this report to be satisfactory and encouraged the applicant to continue to look at ways of upgrading the existing system in the future. The Town's Building and Municipal Law Enforcement Services Department reviewed the proposed materials in support of the application, including the Terraprobe report, and determined that there are no concerns with the lifting of the 'H' provisions. This clearance is contingent on the fact that any future development of this site will require the applicant to obtain the necessary building permits and this will include the proponent demonstrating full compliance with the requirements of the Ontario Building Code including sufficient sewage capacity. Approval by the Ministry of Environment Conservation and Parks may be required for any proposed future developments should the daily sewage amounts exceed those regulated by the Ontario Building Code.

Staff from the CVC and the Town have reviewed the Terraprobe Report and concur with the findings and recommendations contained therein and have advised that this analysis is

satisfactory for the purposes of satisfying this condition for the removal of the Holding ('H') Symbol.

2. *A qualified structural engineer has confirmed that any buildings within the floodplain have been flood proofed to the satisfaction of Credit Valley Conservation. (By-law 2008-032)*
2. *A structural engineer has confirmed that any building in the flood plain has been flood proofed to the satisfaction of Credit Valley Conservation. (By-law 2008-033)*

The CVC provided a letter dating November 17, 2016 confirming that the applicant, The Alton Development Inc., has cleared the flood proofing measures in accordance with the CVC permit. The CVC advised the applicant that any changes to the existing buildings or addition of new buildings within the flood plain may require an additional CVC permit and an update to the flood proofing of the buildings.

The applicant has not proposed any changes to the existing buildings and construction of new buildings at this time and would be subject to additional Site Plan Control (if exterior changes), Building Permit, and CVC Permits.

Technical staff from the CVC have reviewed the submission materials provided by the applicant with respect to the clearance of the above-noted conditions for the removal of the site-specific Holding Symbol ('H') and are satisfied that these conditions have been adequately fulfilled. The review comments received from the Region and CVC are attached to this report as Schedule 'C'.

Staff recommends that the above-referenced conditions for the removal of this site-specific Holding Symbol ('H' and 'H21') restrictions have been fulfilled. Draft amending By-laws to remove the Holding Symbol from the subject lands are attached to this report as Schedule 'D' to amend Comprehensive Zoning By-law 87-250, as amended and Schedule 'E' to amend Comprehensive Zoning By-law 2006-50, as amended.

FINANCIAL IMPLICATIONS

For property tax purposes, 1402 Queen Street West is currently assessed as mostly Commercial Lands (\$2.32 million CVA), and has its owner listed as The Alton Development Inc. The Town's share of property taxes levied, based on current value assessment is approximately \$17,000. As at May 18, 2022, the property tax account and arrangements are determined to be satisfactory.

If the proposed developments were to proceed as planned, (to remove the holding symbols on the subject property, and further to allow for a restaurant on property), the taxable assessment value of the property may change to reflect the developments that would have taken place.

Development Charges:

1. Application to solely remove the holding symbols on the subject property will not attract Development Charges.

2. Application to allow for a restaurant on the property: Buildings for those proposed activities are classified as 'retail' under current Town of Caledon, and Region of Peel Development Charges By-laws. Development Charges will therefore be levied at the Non-Residential Other rates that were in effect on the date when the rezoning application was deemed complete, i.e. December 10, 2021. Those rates were:
 - a. Town of Caledon: \$71.15 per m² of new or added floor space.
 - b. Region of Peel: \$232.90 per m² of new or added floor space.
 - c. Education: \$9.69 per m² of new or added floor space.

Interest on Development Charges will apply for the period December 11, 2021 through to the date on which those charges are received by the Town.

The Development Charges comments and estimates above are as at May 18, 2022 and are based upon information provided to the Town by the applicant, current By-laws in effect and current rates, which are indexed twice a year. For site plan or rezoning applications dated on or after January 1, 2020, Development Charges are calculated at rates applicable on the date when an application is determined to be complete; and are payable at the time of building permit issuance. Interest charges will apply for affected applications. For site plan or rezoning applications dated prior to January 1, 2020, Development Charges are calculated and payable at building permit issuance date. Development Charge by-laws and rates are subject to change. Further, proposed developments may change from the current proposal to the building permit stage. Any estimates provided will be updated based on changes in actual information related to the construction as provided in the building permit application.

COUNCIL WORK PLAN

Connected Community: Preserve heritage and natural areas

ATTACHMENTS

Schedule A: Location Map

Schedule B: Aerial Photograph

Schedule C: Agency and Department Comment Sheet

Schedule D: Draft Zoning By-law Amendment for Comprehensive Zoning By-law 87-250

Schedule E: Draft Zoning By-law Amendment for Comprehensive Zoning By-law 2006-50