



## **REPORT PD-2016-019**

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### INFORMATION REPORT

FROM: Kelly Patzer, Development Coordinator

DATE: June 15, 2016

SUBJECT: Public Meeting - Rezoning Application, File D14/HAY  
Gerry Hayden, Part Lots 24 & 25, Concession 3, municipally known as  
7128 Smith Road.

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### **BACKGROUND:**

#### **1. Purpose of Report**

This report is to provide an outline to Council and the Public of application D14/HAY and the review completed to date in advance of the Public Meeting being held Thursday June 23, 2016 at 7 p.m. regarding the Zoning By-law Amendment on the lands located at 7128 Smith Road, Aberfoyle.

#### **2. Application**

An application has been submitted to rezone a portion of the subject property from Agricultural (A) Zone to an Agricultural Special (A\_\_) Zone to permit a landscaping contractor's yard with an office and outdoor storage of equipment and landscape materials. The existing accessory building on the property is proposed to be used as the shop for the business. The remainder of the lands in the location of the rezoning will be used for outdoor storage of equipment and materials, the growing of crops, or trees and grass.

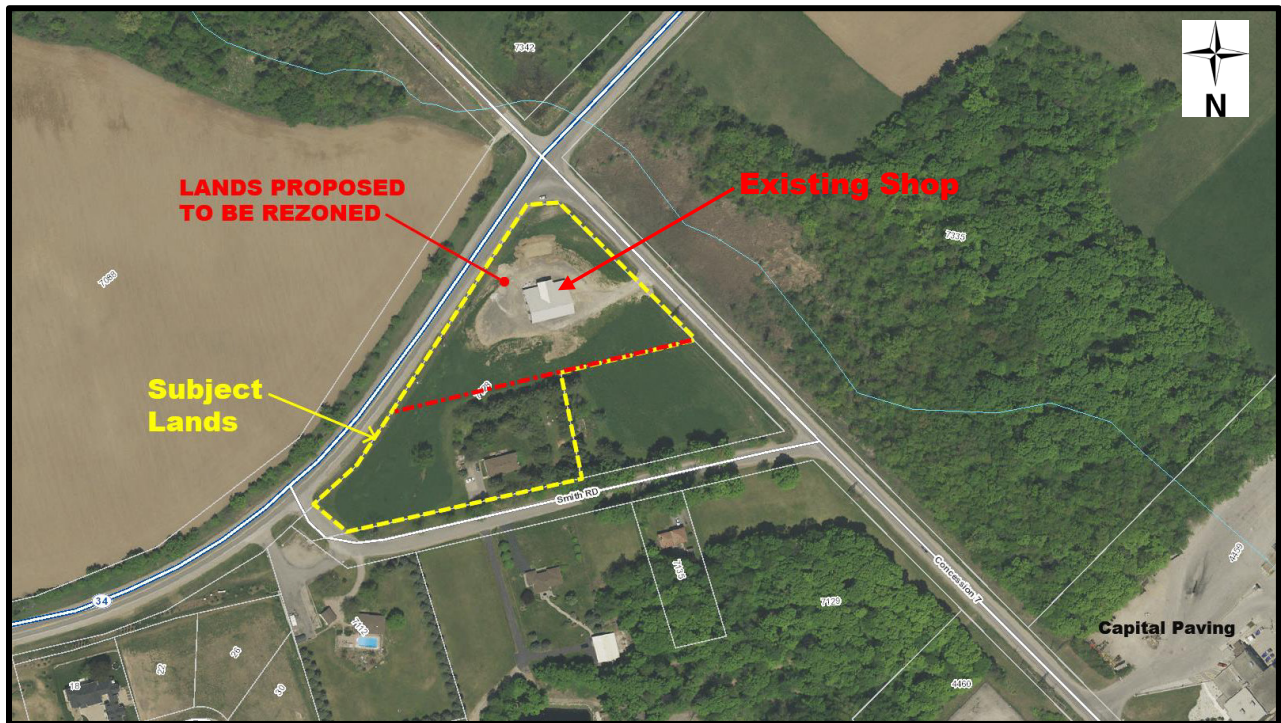
A Planning Justification report, attached, has been submitted as part of the application package.

#### **3. Location & Site Characteristics**

The subject land proposed to be rezoned is approximately 1 hectare (2.4 acres) in area and is located on the property municipally known as 7128 Smith Road. The property contains an existing single detached dwelling with frontage on Smith Road and an existing accessory building/shop. The location of the landscape contractor's yard surrounds the existing accessory building/shop that is located at the corner of

Concession 7 and Wellington Road 34. The proposed shop has an existing commercial access onto Concession 7.

The abutting properties to the north and east include agricultural lands. Capital Paving is located to the south on Concession 7. Rural residential properties are located to the south along Smith Road and to the east in the Heritage Lake subdivision (see aerial below).



Source: County of Wellington 2015 Air Photo & Parcel Fabric

## **APPLICATION CHRONOLOGY:**

### **1. Township of Puslinch Zoning Application**

The application was submitted December, 2015 and deemed complete February 8, 2016.

### **2. Notice:**

February 22, 2016: Notice of a Complete Application was mailed to required agencies and property owners within 120 metres of the subject property and a notice sign has been placed on the subject property.

April 12, 2016: Application presented for comment at the Planning Development and Advisory Committee.

May 27, 2016: Notice of a Public Meeting was published in The Wellington Advertiser and mailed to required agencies and property owners within 120 metres of the subject property.

June 23, 2016: Public Meeting to be held at Township of Puslinch

### **3. Staff, Agency & Public Circulation Comments:**

The zoning application was circulated for review to the Township's consultants and External Agencies for comments. The County of Wellington Planning report detailing the proposed rezoning and comments received is attached that includes the staff/consultant comments received.

The application was commented on by the Planning & Development Advisory Committee (PDAC) at the April 12, 2016 meeting. PDAC recommends the following for the rezoning application:

- Permit a maximum lot coverage of 10% for the rezoned lands; and
- Staff is to ensure there is adequate screening and landscaping of outdoor storage areas and along residential property lines.

The Township has not received any written comments from the public in support of or against the rezoning application. Any further comments received, including those at the Public Meeting, will be reviewed and included in the final Recommendation Report.

### **APPLICABLE LEGISLATION & REQUIREMENTS:**

#### **1. County of Wellington Official Plan**

Schedule A7 of the Official Plan (Puslinch) designates the property as SECONDARY AGRICULTURAL. Section 6.5.4 of the Official Plan allows for small scale commercial and industrial uses in the Secondary Agricultural Area subject to criteria listed in the County of Wellington Planning comments.

#### **2. Township of Puslinch Zoning By-Law**

The subject lands are zoned Agricultural. Permitted uses in the A Zone include such items as agricultural uses, a single detached dwelling, a home occupation and a retail farm sales outlet accessory to an agricultural use. The rezoning proposes a site specific Agricultural (A-\_) Zone to permit a landscape contractor's yard with office.

### **CONCLUSION:**

Once all relevant information, reports and comments have been reviewed and completed, a final Recommendation Report will be brought forward to Council with any

required proposed amending By-law which will summarize all agency and public comments and assess the merits of the application.

**ATTACHMENTS:**

Attachment "A" - County of Wellington Planning Report

Attachment "B" – Planning Justification Report prepared by Stovel and Associates Inc.

# Attachment "A"



## PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

**DATE:** June 14, 2016  
**TO:** Kelly Patzer, Development Coordinator  
Township of Puslinch  
**FROM:** Aldo L. Salis, Manager of Development Planning  
County of Wellington  
**SUBJECT:** **PUBLIC MEETING D14/HAY**  
**Zoning By-law Amendment**  
**7128 Smith Road, Part of Lots 24 & 25, Concession 3**  
**Township of Puslinch**

### SUMMARY

The purpose of this zoning by-law amendment application is to allow for the establishment of a landscaping and property maintenance operation with outdoor storage. The statutory public meeting is scheduled for June 23, 2016. This report provides a preliminary overview of the proposal, agency and peer review comments received to-date, and highlights some of the planning and technical matters that require further attention by the proponent.

### INTRODUCTION

We have received a copy of the Notice of Public Meeting regarding the above-referenced application and provide the following comments for Council's consideration.

The land subject to the proposed zoning by-law amendment is located at the corner of Wellington Road 34 at Concession 7, north of Smith Road, east of Highway 6. Figure 1 illustrates the entire property, but only the northern portion (with the existing building) is subject to the rezoning application. The area to be rezoned is to access Concession 7 and has an approximate lot area of 0.8 hectares (2 acres).

Figure 1 Property Location



According to the application, the subject land contains an existing storage building (shop) of approximately 485 sq. m (5,220 sq. ft.). The land uses surrounding the subject land include rural residential, agricultural, large natural areas, and the Heritage Lake Estates residential development.

**PROPOSAL**

The purpose of the amendment is to rezone a portion of the subject land (currently Agricultural) to a site-specific agricultural zone that would allow for the establishment of a landscaping and property maintenance business. If approved, the land associated with the existing residential use (AREA NOT SUBJECT TO ZONING illustrated on Figure 2 below) is to be severed from the landscape business land. The concept for the proposed landscape contractor’s yard is shown on Figure 2. Part of the business is winter property maintenance and therefore the activities at the site will be year-round rather than seasonal (summer).

**Figure 2 – Development Concept**



The proposed uses include: a building for business administration office and repair/storage use within the existing building; outdoor storage of landscape products and equipment, a potential salt storage structure, and staff/visitor parking area. The existing access to Concession 7 will remain and function as the driveway for this use: there will be no vehicle access to Wellington Road 34. The site is serviced by private well and septic (separate from the existing dwelling on the related lands). New landscaping and fencing will be provided as shown on Figure 2 and subject to the Township’s site plan application review process. There is no intent to have retail sales from the subject property.

## PROVINCIAL PLANNING POLICY

The Provincial Growth Plan (Places to Grow) encourages employment growth through the “development of vacant and/or underutilized properties and to provide “an appropriate mix of employment uses including industrial, commercial and institutional uses...”. The Provincial Policy Statement (2014) provides similar policy direction regarding the provision and promotion of employment lands at appropriate locations and under appropriate conditions. Such development is to consider the adequacy of site services, transportation systems, and protection of the natural environment, among other matters. Wellington Road 34 is a major road and capable of handling the proposed traffic from the proposed use.

## COUNTY OFFICIAL PLAN

According to Schedule A7 (Puslinch) of the Official Plan, the property is designated SECONDARY AGRICULTURAL. While there are CORE GREENLANDS and GREENLANDS designations in the area, the land to be rezoned for the landscape business is well-removed from any natural heritage features.

Section 6.5.4 of the Official Plan allows for small scale commercial, industrial and institutional uses in Secondary Agricultural Areas provided that:

- a) appropriate sewage and water systems can be established;
- b) the proposed use is compatible with surrounding uses;
- c) the use requires a non-urban location due to:
  - market requirements;
  - land requirements;
  - compatibility issues.
- d) the use will not hinder or preclude the potential for agriculture or mineral aggregate operations;
- e) the use will be small scale and take place on one lot and large scale proposals or proposals involving more than one lot will require an official plan amendment.

In support of their rezoning application, the proponent has filed a planning report prepared by Stovel and Associates. The report provides an opinion regarding conformity with the applicable County policies for the Secondary Agricultural designation. The report concludes that given the separation of land uses and proposed vegetated buffer for areas of the property, it not anticipated that the proposed landscape business will generate negative impacts associated with site services, noise, traffic, or outdoor storage.

## PUBLIC AND AGENCY COMMENTS

At the time of writing this report, comments have been received from the Township’s peer review consultants and public agencies. The comments are summarized as follows:

- Wellington County Emergency Manager - no comments;
- Wellington County Engineering Services - no access to Wellington Road 34 permitted; and a storm water management brief should be submitted for review;
- Puslinch Fire & Rescue - no comments at this time;
- Township’s consulting engineers (GM BluePlan) - requested detailed site plan and a “conceptual grading plan to ensure proper drainage of stormwater”;

- Township’s consulting ecologist (GWS) - recommended perimeter landscaping of native conifers to provide buffering/screening of the proposed uses from public roads and adjacent sites;
- Township’s consulting hydrogeologist (Harden Environmental) - reviewed initial nitrate impact analysis prepared by CMT Engineering and had no concerns; but recommended that any “future buildings with bathroom facilities must be accompanied by a revised nitrate impact analysis or not be permitted on the property to be zoned”; and that “oil and grit separators may be required for floor drains”;
- GRCA - asked to review any stormwater management information, if such was required by the Township.

**TOWNSHIP ZONING BY-LAW**

According to Schedule ‘A’ of Zoning By-law 19/85, the subject property is zoned Agricultural (A). As requested, this application proposes to change the zoning to the specialized Agricultural Zone.

**MATTERS TO BE ADDRESSED BY APPLICANT**

In addition to addressing the specific comments noted above, the applicant will need to respond to comments from the public, the Planning and Development Advisory Committee, and any matters raised by Council. We would also ask that the proponent provide the following information:

- confirm the number of on-site staff/employees;
- type and number of outdoor equipment operating on the subject property;
- the location of method of on-site lighting; and
- proposed hours of operation.

**NEXT STEPS**

The public meeting for this application is scheduled for June 23, 2016. Staff will be in attendance at the public meeting to hear the applicant’s presentation and responses to matters raised above (if available), public input, and Council discussion.

We trust that these initial comments are of assistance to the Township. Our planning recommendations will be provided following the public meeting and resolution of outstanding issues.

Respectfully submitted,  
County of Wellington Planning and Development Department




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Aldo L. Salis, M.Sc., MCIP, RPP  
Manager of Development Planning



# Attachment "B"

## Stovel and Associates Inc. *Planners, Agrologists and Environmental Consultants*

February 1, 2016

Township of Puslinch  
7404 Wellington Road 34  
Guelph, ON  
N1H 6H9

Attention: Karen Landry, CAO/Clerk

Re: Application to amend the Zoning By-Law (Hayden)  
7128 Smith Road  
Part of Lots 24 and 25, Concession 3  
Township of Puslinch  
County of Wellington

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Gerry and Chad Hayden have retained Stovel and Associates Inc. to prepare the Zoning By-law Amendment application for their proposed property in the Township of Puslinch. Please accept this letter as a planning assessment of the proposal.

### **Background**

The lands in question are approximately 1.4 ha in size and owned by Chad and Gerry Hayden. The subject property is a triangular piece of land located between three roads - Smith Road, Concession 7 Road, and Wellington Road 34 (see attached figure). Access for the subject property is from Concession 7, however the onsite dwelling has access to Smith Road.

There is one additional property included in this triangular piece of land. This parcel fronts onto Smith Road and is located in the southeast corner is also owned by Christine Hayden and Nick Islic (and is in the process of being sold to the mother of Chad and Gerry Hayden). This +/- 0.6 ha parcel is a residential severance that was granted in 2012. There is no house on this property.

Chad and Gerry Hayden operate a landscaping and lawn/property maintenance business in the Township of Puslinch. In the winter, the Hayden's plow snow. There are 6-7 part-time/seasonal employees in the spring/summer months and two employees in the winter.

The owners applied to the Township and were granted three building permits to construct an accessory structure (referred to as a "shop/shed" in the context of this report). At the time of submission, Gerry Hayden lived on the property and this was his primary residence. The owners of the property constructed the accessory structure as per the provisions of the Township of Puslinch Comprehensive Zoning By-law. This structure provided storage for the owner's equipment. In addition, some limited external storage also occurred.

In 2014, Mr. Hayden made application to the Township to expand the shop/shed. The building permit was granted in 2014. However, shortly after the permit was granted, the Township became aware that Mr. Hayden had moved to a different location in the township. As such, the Township does not consider the shop/shed to be an accessory structure and an amendment to the Zoning By-law is required.

### **Description of the Site and Surrounding Area**

The lands subject to the zoning application are approximately 0.79 ha in size. These lands include an existing shop/shed. A commercial access for the shop/shed was constructed to municipal standard in 2013. Access for the shop/shed is from Concession 7 Road.

The shop/shed is approximately 297 m<sup>2</sup> in size. The addition is approximately 189 m<sup>2</sup>. The addition

includes an office. The total floor area of the shop/shed is 486 m<sup>2</sup>.

As part of the construction of the shop/shed, a septic system and parking lot were constructed. The septic system was constructed to service the shop/shed and an office. The remaining lands are cropped for agricultural purposes.

Approximately 35 m south of the shop/shed, there is a treed woodland area. The existing residence (owned by the Hayden's) is located a further 30 m from the shop/shed. Although not part of the proposed zoning amendment application, this existing residence is set on approximately 0.69 ha of land. Access for this residential dwelling is from Smith Road.

On the south side of Smith Road are three rural residential lots. These houses are approximately 150 m from the existing shop/shed. East of Concession 7 is a woodland/wetland system. Capitol Paving is located over 200 m southeast of the subject property. Northwest and northeast of the subject properties are agricultural parcels.

### **Existing Designation and Zoning**

The subject property is designated Secondary Agricultural Area in the County of Wellington Official Plan. Permitted Uses and activities in the Secondary Agricultural Area may include:

- a) *All uses allowed in the Prime Agricultural Area;*
- b) *Small scale commercial, industrial and institutional uses;*
- c) *Public service facilities.*

Section 6.5.4 of the Official Plan sets out criteria for considering small-scale Commercial, Industrial and Institutional uses:

- a) *Appropriate sewage and water systems can be established;*
- b) *The proposed use is compatible with surrounding uses;*
- c) *The use requires a non-urban location due to: market requirements, land requirements, compatibility issues;*
- d) *The use will not hinder or preclude the potential for agricultural or mineral aggregate operations;*
- e) *The use will be small-scale and take place on one lot and large-scale proposals or proposals involving more than one lot will require an official plan amendment.*

The subject property is zone A-Agricultural. The Uses Permitted in the A zone are as follows:

- a) *An agricultural use;*
- b) *An intensive agricultural use;*
- c) *A single detached dwelling;*
- d) *A home occupation;*
- e) *A retail farm sales outlet accessory to an agricultural use;*
- f) *Existing churches, schools, community halls, and nursing homes;*
- g) *A wayside pit;*
- h) *Forestry and woodlots;*
- i) *Open space and conservation areas;*
- j) *A fish and wildlife management area;*
- k) *A public use.*

### **The Proposal**

A zoning amendment application has been submitted to the Township of Puslinch. The purpose of the

amendment is to permit the establishment of a landscape contractor's yard with an office, external storage of equipment, and landscape materials with limited agricultural uses (excluding livestock). The amendment affects approximately 0.79 ha of the subject property. The Hayden's would like to continue to use the shop/shed for the storage of equipment and repair of their equipment.

To ensure that the proposal is limited, the maximum size of the shop/shed can be capped in the site-specific zoning. It is suggested that the maximum size of the building be set at 675 m<sup>2</sup>. Another method of capping the size is by limiting the total lot coverage for buildings at 10 per cent.

The equipment that is used as part of the landscaping and maintenance business includes: tractor, truck, mowers, trailer and implements that are part of the landscaping trade, such as a seeder or planter. The owners also plow snow in the winter and therefore they will need to store their plows at the site.

External storage is also proposed. Some of the equipment will need to be stored outside, especially during the offseason. In addition, the Hayden's stockpile a small amount of sand, gravel, topsoil and mulch outside. These products are used as part of the landscaping business.

The remainder of the lands, that are not used for parking or form part of the sewage treatment system, will be used for the growing of crops or trees or grass. A conceptual layout of the proposed land use has been prepared and attached to this report.

#### **Compatibility**

As previously noted, the lands subject to this application are contained within a relatively small triangle of land bordered by three paved municipal roads. There are two parcels of land within this triangle that are owned by the Hayden's. One parcel has an existing dwelling and shop/shed and the other parcel is a residential lot that has not had a house constructed on it yet.

The shop/shed has already been constructed and serviced, as per building permit requirements. The sewage system was designed and installed according to municipal standard. The onsite well was recently drilled to service the shop/shed.

The Hayden's do not propose to change the use of shop/shed, as a result of this application.

The subject property is well separated from the Capital Paving operation. No conflicts with this mineral aggregate operation are anticipated.

The subject property is well separated from existing farm operations. No conflicts with the normal operation of adjacent farm properties are anticipated.

#### **Buffering**

The existing woodland/treeline to the south of the shop/shed provides an effective buffer for a portion of the site. The Hayden's intend to plant and/or maintain the existing tree line along the southern property line with native coniferous trees (i.e. White Pine, White Cedar, White Spruce). No additional planting is proposed along Wellington Road 34 or Concession 7 as there are no residential receptors located immediately adjacent to the subject lands in these areas.

The zoning provisions for this site-specific use could implement a vegetated buffer along the southerly portion of the lands subject to this zoning application. The buffer would be no less than 3 m in width, consisting of native coniferous trees. With the implementation of the buffer plantings to the south of the existing shop/shed, no conflicts with existing residential uses are anticipated.

**Conclusion**

Chad and Gerry Hayden propose to amend the Zoning By-law. The purpose of the amendment is to permit the establishment of a landscape contractor's yard with an office, external storage of equipment, and landscape materials with limited agricultural uses (excluding livestock). The existing shop/shed will be used for storage and repair of equipment/materials. The office will also be established in the shop/shed. No further construction is anticipated.

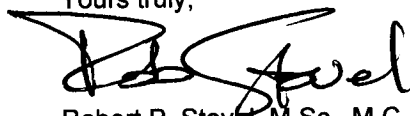
The subject property is well-separated from adjacent land uses, including agricultural operations and mineral aggregate operations.

With the enhancement of an existing tree screen to the south of the subject shop/shed, existing residential land uses will remain well-buffered from the Hayden's operation.

Based on the above information, it is my opinion that the proposal conforms to the County of Wellington Official Plan and is considered to be good planning.

Please do not hesitate to contact me if you have any questions or concerns during the processing of this application.

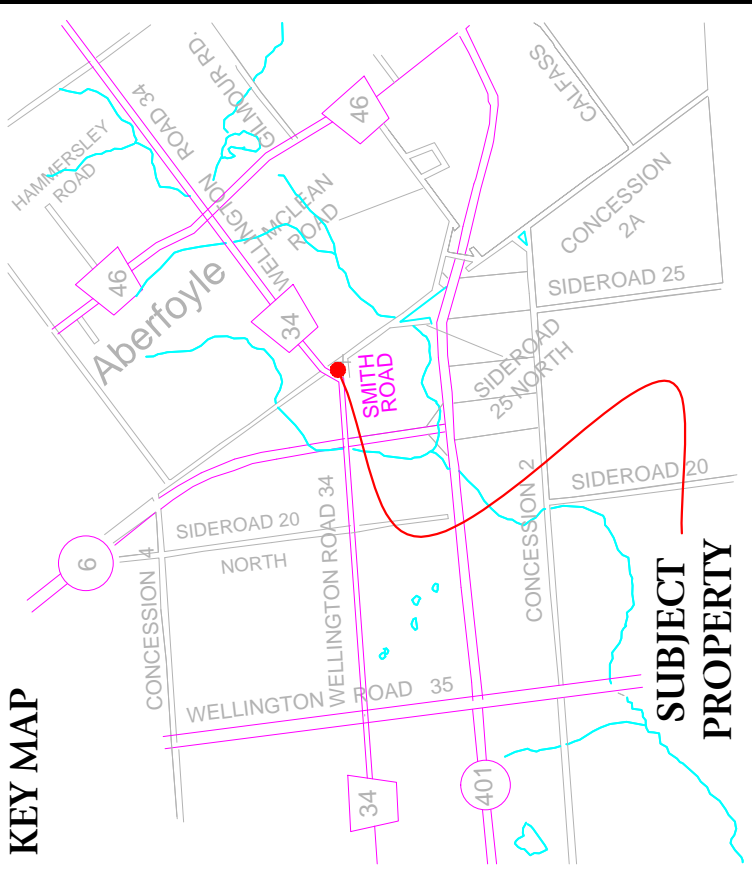
Yours truly,



Robert P. Stovel, M.Sc., M.C.I.P., R.P.P., P.Ag.

Cc Sarah Wilhelm (email copy only)  
Gerry Hayden (email copy only)

**KEY MAP**



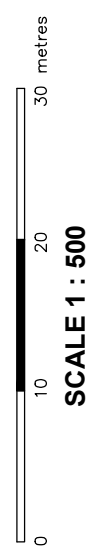
**LEGEND**

- SPOT ELEVATIONS
- PROPOSED TREE SCREENING
- EXISTING TREE LINE
- WELL
- EXISTING CONTOURS
- FENCING 1.8-2.1m
- SLIDING CHAIN LINK GATE
- REG. ZONING APPLICATION LINE
- DUMPSTER
- ENTRANCE

**NOTE:**  
BUILDINGS, SEPARATORS, SEPTIC BED ARE  
EXISTING/CONSTRUCTED

**SITE PLAN FOR:**

**PART OF LOTS 24 & 25, CONCESSION 3  
TOWNSHIP OF PUSLINC  
COUNTY OF WELLINGTON**



**DRAWING REVISION SCHEDULE**

HAYDEN LANDSCAPING  
c/o GERRY AND CHAD HAYEN  
7128 SMITH ROAD

PROJECT No. 23390-15

**STOVEL**  
**and Associates Inc.**

655 ORANGEVILLE ROAD  
FERGUS, ONTARIO  
N1M 1T9  
PHONE (519)843-3112

LOT 27, CONCESSION 7

ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 3 AND 7  
CONCESSION 7 ROAD 20.117m WIDE

AREA SUBJECT TO  
REZONING APPLICATION

LOT 25

61R-11766

PART 1, 61R-11766

ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 2 AND 3 (SMITH ROAD)  
(20.117m WIDE)

USAGE: RURAL RESIDENTIAL

LOT

DWELLING #7128

LOT

DWELLING #7123

DWELLING #7135

LOT

CONCESSION

LOT

LOT

