



## **REPORT PD-2016-005**

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### INFORMATION REPORT

FROM: Kelly Patzer, Development Coordinator

DATE: February 17, 2016

SUBJECT: Public Meeting - Rezoning Application, File D14/TSO  
Tsounis Capital Investments Ltd., Part Lot 16, Plan 199, municipally  
known as 40 Brock Road South.

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### **BACKGROUND:**

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

This report is to provide an outline to Council and the Public of application D14/TSO and the review completed to date in advance of the Public Meeting being held Thursday February 18, 2016 at 7 p.m. regarding the Zoning By-law Amendment on the lands located at 40 Brock Road South, Aberfoyle.

#### **2. Application**

An application has been submitted to rezone the subject property from Hamlet Residential (HR) Zone to a Hamlet Commercial Special (C1-\_\_) Zone to permit a personal service shop offering manicures, pedicures, facials, body and facial waxing and massage therapy within the existing building on the property.

A Planning Justification report, attached, has been submitted as part of the application package. An amended zoning sketch has been submitted noting and illustrating the one-way entrance into the property, not permitting traffic to exit from the Brock Road access, as well as the accessible parking space. The sketch is included with the Planning Justification and labeled for the purposes of this report as "Figure 1".

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

The subject site, known municipally as 40 Brock Road S, contains an existing single detached dwelling and is located on the east side of Brock Road in Aberfoyle. The property has frontage and entrances on both Brock Road and Old Brock Road.

The abutting properties to the north and south include single family residential dwellings. Across Brock Road there is a commercial property that permits the sale of

antiques, arts and crafts and residential properties. On the opposite side of Old Brock Road there are single detached dwellings (see aerial below).



## **APPLICATION CHRONOLOGY:**

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

The application was submitted and deemed complete November 2, 2015.

### **2. Notice:**

November 23, 2015: 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.

December 8, 2015: Application presented for comment at the Planning Development and Advisory Committee.

January 29, 2016: Notice of a Complete Application & Public Meeting was published in The Wellington Advertiser.

February 18, 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 is attached, including staff/consultant comments received.

The Township has not received any written comments from the public in support of or against the rezoning application.

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

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

Schedule A7-1 of the Official Plan (Aberfoyle) designates the property as CENTRAL BUSINESS DISTRICT in the Aberfoyle Urban Centre. The Central Business District (CBD) is to be used for general commercial purposes, including personal service establishments. Re-use of existing buildings within the Central Business District is encouraged.

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

The subject lands are zoned Hamlet Residential (HR) Zone. Permitted uses under the HR Zone include single detached dwellings. The proposed Hamlet Commercial Special (C1-\_\_) Zone would be required to permit the use of an aesthetics/spa commercial service business.

### **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" – Staff/Agency Review Comments

Attachment "C" – Planning Justification Report prepared by Black, Shoemaker,  
Robinson & Donaldson Limited

## Attachment "A" - County of Wellington Planning Report



### PLANNING REPORT for the TOWNSHIP OF PUSLINCH

Prepared by the County of Wellington Planning and Development Department

**DATE:** January 11, 2016  
**TO:** Kelly Patzer, Development Coordinator  
Township of Puslinch  
**FROM:** Sarah Wilhelm, Senior Planner  
County of Wellington  
**SUBJECT:** **FIRST CIRCULATION D14/TSO (Tsounis Capital Investments Ltd.) V2**  
**Zoning By-law Amendment**  
**40 Brock Road South, Puslinch (Aberfoyle)**

#### SUMMARY

This zoning by-law amendment application was deemed complete and circulated by the Township. A public meeting has not yet been scheduled. The purpose of this report is to provide our preliminary comments concerning the application materials submitted by the applicant's agent (Nancy Shoemaker, BSR&D). County Roads requires the Brock Road entrance to be restricted to one-way access. We have no concerns with the application proceeding to a public meeting once a revised rezoning sketch addressing our comments is available.

#### INTRODUCTION

The land subject to the proposed zoning by-law amendment (Application D14/TSO) is bounded by Brock Road South to the south and by Old Brock Road to the north (Figure 1). The property is legally described as Part of Lot 16, Registered Plan 116. This property has 20.2 m of frontage on Brock Road South and 21.9 m frontage on Old Brock Road. The property is 890 m<sup>2</sup> in size, with an existing 2 storey dwelling, deck and garage. The garage encroaches slightly into the road allowance of Old Brock Road.

The existing asphalt driveway straddles the east lot line, leaving space for one-way vehicular access currently bounded by a chain link fence. There are deciduous and coniferous trees along the west property line.

#### PROPOSAL

The purpose of the proposed zoning by-law amendment is three-fold:

1. To rezone the property from the current Hamlet Residential (HR) Zone to a site-specific Central Business District (C1-\_\_) Zone to allow for a personal service shop with accessory retail sales on the entire property
2. To introduce a site specific provision to allow for a reduction in the minimum lot area
3. To introduce a site specific provision to increase the minimum required parking

In support of the rezoning application, the proponent has filed the following information:

- Planning Justification Report
- Topographic Survey and Site Plan
- Rezoning Sketch



**Figure 1** Property Location



**Figure 2** View from Brock Road South and Old Brock Road



## PROVINCIAL PLANNING POLICY

The Provincial Growth Plan (Places to Grow) provides for a mix of land uses and concentrated development within settlement areas such as Aberfoyle. The Provincial Policy Statement (2014) also directs growth and development to settlement areas as a priority.

## COUNTY OFFICIAL PLAN

According to Schedule A7-1 of the Official Plan (Aberfoyle), the property is designated CENTRAL BUSINESS DISTRICT in the Aberfoyle Urban Centre. The Central Business District (CBD) is to be used for general commercial purposes, including personal service establishments. Re-use of existing buildings within the Central Business District is encouraged. Design considerations for development or redevelopment within the CBD include the following:

“Council shall ensure that such proposals are both aesthetic and functional with respect to building height, bulk, setback, landscaping, parking and vehicular circulation. In addition, where any development or redevelopment is proposed adjacent to residential areas, appropriate measures shall be taken to provide adequate setbacks and screening for the residential areas.”

Our discussion of these design considerations is as follows.

<b>Building Height</b>	No changes are proposed to the exterior of the existing building, which is a two storey residential dwelling 6 m (20 ft) in height.
<b>Bulk</b>	No changes are proposed to the exterior of the existing house.
<b>Setback</b>	No changes are proposed to the footprint of the existing house. The application requests that the location of the existing garage with a 0.0 m setback from the property line adjacent to Old Brock Road be recognized in the proposed amending by-law.
<b>Landscaping</b>	There is existing landscaping along the western property line. We would like to see area of the minimum 25% landscaped open space requirement indicated on the rezoning sketch.
<b>Parking</b>	This application requests to increase the required parking from 1 space to 4 spaces. At the Planning and Development Advisory Committee meeting, the owner indicated that there would be a maximum of 3 on-site employees and that they would be willing to remove the existing deck to accommodate additional parking. As a result, we would prefer to see one more parking space, preferably a barrier free space.
<b>Vehicular Circulation</b>	Vehicles will be required by County Roads to circulate in one direction only through the site – from Brock Road South to Old Brock Road.
<b>Setbacks and Screening</b>	Properties to the east and west of the subject lands are designated Central Business District, but zoned Hamlet Residential (HR). The Hamlet Commercial (C1) Zone contains provisions requiring a 1.5 m wide area for a privacy fence or plantings adjacent to a Residential Zone.

## **PUBLIC AND AGENCY COMMENTS**

No public comments have been filed at this time. The Township's consulting ecologist (GWS Ecological & Forestry Services) advised of no concerns. The Township's consulting engineers (GM BluePlan) advised of privacy fence requirements, the need to address traffic access (subject to County Roads comments) and the requirement for a Grading Plan as part of the Site Plan process. In a memo of December 21, 2015 (attached), County Roads advised that they require that the Brock Road entrance is to be restricted to one-way access.

## **PDAC (PLANNING AND DEVELOPMENT ADVISORY COMMITTEE)**

At the December 8, 2015 meeting of PDAC, the Committee offered the following comments:

- Note: Commercial businesses will be required to be fully accessible by 2025
- Variances such as lot area, parking, landscaping buffer required to be incorporated into rezoning
- PDAC supports rezoning application

## **TOWNSHIP ZONING BY-LAW**

According to Schedule 'A' of Zoning By-law 19/85, the subject property is zoned Hamlet Residential (HR) which generally allows for low density residential housing forms. This rezoning request would amend the zoning to a site-specific Central Business District (C1-\_\_\_) Zone to allow for a personal service shop with accessory retail sales on the entire property.

Parking for a personal service shop is required at a rate of 1 parking space plus 1 additional parking space per 20 square metres in excess of 200 square metres. As the floor area of the building is 130 square metres, only one parking space is required by the zoning by-law. The applicant is willing to provide four parking spaces and include that as a requirement in the amending by-law.

## **Site-specific Provisions Requested**

Other regulations are proposed to introduce site specific provisions to allow for:

- A reduction in the minimum lot area from 1,000 m<sup>2</sup> to 890 m<sup>2</sup>
- An increase in the required parking from 1 space to 4 spaces
- A reduction in the setback for the existing garage

## **Additional Site-Specific Provision Needed**

To support the application as proposed, an additional site-specific provision would be needed to provide relief from the following requirements:

One barrier free space is required when four or more parking spaces are required	<ul style="list-style-type: none"><li>• A barrier free space is not technically required for this proposal, but we would recommend that the increase in required parking should be from 1 space to 4 spaces plus one barrier free space.</li></ul>
A 1.5 m wide area for a privacy fence or plantings	<ul style="list-style-type: none"><li>• This area is required adjacent to every portion of any lot line that abuts any Residential Zone not separated by a public road according to Section 11(3)(f) of the Zoning By-law.</li><li>• The east property line could accommodate a privacy fence, but not a 1.5 m wide area.</li></ul>

## **MATTERS TO BE ADDRESSED BY THE APPLICANT**

The rezoning sketch should be revised to:

- Indicate one-way traffic movement;
- Provide one additional parking space which is a barrier free parking space;
- Indicate how the 25% open space requirement has been satisfied;
- Identify the location and type of privacy fence on the east side of the property; and
- Identify the area of the 1.5 m privacy plantings on the west side of the property.

We note the corner of the existing garage encroaches into the road allowance of Old Brock Road. The Township may wish to enter into an encroachment agreement with the applicant to address the garage. While a garage use is permitted under the existing Hamlet Residential (HR) Zoning, the setbacks for the garage would be non-complying.

## **NEXT STEPS**

We would have no objection to this application proceeding to a public meeting once a revised rezoning sketch addressing our comments is resubmitted. Materials associated with the application should be available to the public at the Township's office prior to the public meeting date. Following the public meeting Township Council may further consider the applicant's response to any matters raised at the public meeting and the technical comments and concerns already raised. 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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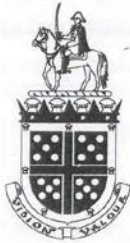
Sarah Wilhelm, BES, MCIP, RPP  
Senior Planner

Attachments:

County Engineering Services, Dec. 21, 2015 memo



## Attachment "B" - Staff/Agency Review Comments



### COUNTY OF WELLINGTON

OFFICE OF THE COUNTY ENGINEER  
ADMINISTRATION CENTRE  
74 WOOLWICH STREET  
GUELPH ON N1H 3T9  
T 519.837.2601  
T 1.866.899.0248  
F 519.837.8138

GORDON J. OUGH, P. Eng.  
COUNTY ENGINEER

### MEMORANDUM

**TO:** Kelly Patzer, Development Coordinator – Township of Puslinch  
Via Email – kpatzer@puslinch.ca  
Sarah Wilhelm, Senior Planner – County of Wellington

**FROM:** Pasquale Costanzo, Technical Services Supervisor – County of Wellington

**RE:** Site Plan – D11/TSO (Tsounis Capital Investment)  
40 Brock Road South, Aberfoyle

**DATE:** December 21, 2015

The County Roads Division has reviewed the submitted site plan for the above noted development and has the following comment,

- Require that the Brock Road entrance is to be restricted to one-way access in which patrons can enter from Brock Road then exit onto Old Brock Road. This will direct traffic leaving the site to the signalized intersection that will provide safer movements back onto Brock Road.

Sincerely

A handwritten signature in blue ink, appearing to be 'P. Costanzo', written over a horizontal line.

Pasquale Costanzo C.E.T.  
Technical Services Supervisor

The County of Wellington  
Planning Dept.

DEC 21 2015



PEOPLE | ENGINEERING | ENVIRONMENTS

December 2, 2015  
Our File: 115006-21

Township of Puslinch  
RR 3, 7404 Wellington Road 34  
Guelph, ON N1H 6H9

Attention: Ms. Kelly Patzer  
Development Coordinator

Re: D11/TSO (Tsounis Capital Investment)  
40 Brock Road South, Aberfoyle  
Township of Puslinch

Dear Ms. Patzer,

We have reviewed the application and information submitted in support Rezoning Application for 40 Brock Road South in the Township of Puslinch and are pleased to provide you with comments for further consideration by the applicant.

Documents submitted and reviewed include:

- Zoning By-law Amendment Application for 40 Brock Road South, dated November 2, 2015
- Planning Justification Report prepared by BSR&D, dated November 2015
- Legal Plan of the Proposed Specialized Hamlet Commercial property, dated October 29, 2015

Based on our review of the documents listed above, we have the following comments regarding the proposed zone change:

1. The existing driveway entrance from Brock Road South is approximately 3.5m wide. As per the Township of Puslinch Zoning Bylaw Section 3, (16) (i) (ii), driveways and parking aisles shall have a minimum unobstructed width of 6 metres where two-way traffic is permitted. The proponent will need to either expand the entrance to allow for two way traffic or clearly explain and show how one-way traffic will be accommodated. However, due to the expected low usage of the site, an exemption may be justified. We defer this comment to The County of Wellington.
2. As per Section 11 (3) (f), a privacy fence shall be provided and maintained adjacent to every portion of any lot line that abuts any Residential Zone not separated by a public road. The proponent shall show on the plan the proposed privacy fence along both property limits that abut a residential zone.
3. We generally agree that the proposed 3.3% increase in imperviousness is negligible and will not affect the Brock Road South drainage design.
4. The proponent shall provide a grading plan as part of the Site Plan Approval process.



If you have any questions or require additional information, please do not hesitate to contact us.

Yours truly,

GM BLUEPLAN ENGINEERING LIMITED

Per:

A handwritten signature in black ink, appearing to be 'SC' followed by a stylized flourish.

Steve Conway, C.E.T., rcsi  
Senior Project Manager, Partner

SC/



Harden Environmental Services Ltd.  
4622 Nassagaweya-Puslinch Townline Road  
R.R. 1, Moffat, Ontario, L0P 1J0  
Phone: (519) 826-0099 Fax: (519) 826-9099

Groundwater Studies  
Geochemistry  
Phase I / II  
Regional Flow Studies  
Contaminant Investigations  
OMB Hearings  
Water Quality Sampling  
Monitoring  
Groundwater Protection  
Studies  
Groundwater Modeling  
Groundwater Mapping  
Permits to Take Water  
Environmental Compliance  
Approvals

Our File: 1603

Puslinch File: D14 / TSO

January 14, 2016

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

Attention: Ms. Kelly Patzer;  
Development Coordinator

Dear Ms. Patzer;

Re: 40 Brock Road: Tsounis Capital Investments Ltd.

We have reviewed the Planning Justification Report prepared by BSR&D (November 2015).

The property size is 0.09 hectares (0.22 acres) and is serviced by private septic service and a private well.

The applicant will have to determine to their own satisfaction that the existing well on the site is capable of providing an adequate water supply for the proposed land use.

We read that linens will be washed after every service in hot water, detergent and bleach. We recommend that an estimate of the overall daily water use be provided to the Chief Building Official for a comparison with typical sewage rates from a single family dwelling to ensure that the septic system is sized appropriately.

We also read that specialized products will be used to disinfect any implements following their use. Septic systems rely on a healthy bacteriological community to assist in the breakdown of organic matter. The beneficial bacteria may be eliminated from the septic system if bleach and certain disinfectants are used. This could lead to the ultimate failure of the septic system. We recommend that any disinfection products discharged to the septic system be 'septic system safe'.

Township of Puslinch  
January 14, 2016  
Page 2

Sincerely,

Harden Environmental Services Ltd.

A handwritten signature in black ink, appearing to be 'S. Denhoed', followed by a long horizontal line.

Stan Denhoed, M.Sc., P.Eng.  
Senior Hydrogeologist



**From:** Greg Scheifele  
**To:** Kelly Patzer  
**Cc:** Aldo Salis  
**Subject:** 40 Brock Road South, D14/TSO  
**Date:** December-15-15 12:56:14 PM

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Kelly,

As requested, I have reviewed the Planning Justification Report and Site Plan for the proposed rezoning application at 40 Brock Road South in Aberfoyle. Based on the information provided, proposed expansion of the existing asphalt parking area should not affect existing tree cover on the subject property or neighbouring properties. I therefore have no concerns with this application.

Regards,

Greg W. Scheifele M.A., R.P.F.  
Principal Ecologist/Forester  
GWS Ecological & Forestry Services  
4670 Townline Road  
Cambridge, Ontario N3C 2V1

**From:** Jason Benn  
**To:** Kelly Patzer  
**Subject:** D11/TSO 40 Brock Road  
**Date:** December-09-15 11:37:45 AM

---

Kelly,

(D11/TSO – 40 Brock Rd S)

I have no comments at this time for this application.

Should this be approved, the applicant will have to adhere to the Ontario Fire Code for fire safety measures.

Yours in fire safety

**Jason Benn CMM, JFIS**

Chief Fire Prevention Officer  
Puslinch Fire & Rescue Services  
7404 Wellington Rd. 34  
Guelph, ON N1H 6H9  
Tel: 519-821-3010  
Fax: 519-936-6421  
Email: [jbenn@puslinch.ca](mailto:jbenn@puslinch.ca)  
Prevention Begins With You!

## Kelly Patzer

---

**From:** Robert Kelly  
**Sent:** January-15-16 1:47 PM  
**To:** Kelly Patzer  
**Subject:** Spa Re-Zoning

Kelly,

I have no comments for the spa re-zoning in Aberfoyle.

**Robert Kelly, CBCO RASDT**  
**Chief Building Official**

Township of Puslinch  
7404 Wellington Rd. 34  
Guelph, ON N1H 6H9  
Ph: 519)763-1226 ext 216  
Fax: 519)763-5846

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**Attachment "C" - Planning Justification Report  
Appendices Excluded**

**Planning Justification Report**

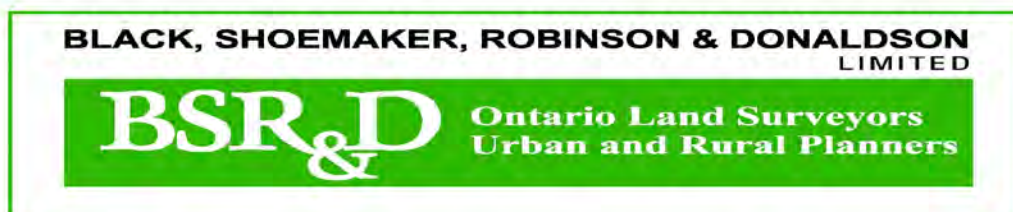
Part of Lot 16, Registered Plan 116  
40 Brock Road, Township of Puslinch



Prepared for:  
Tsounis Capital Investments Ltd.

Prepared By:  
Black, Shoemaker, Robinson & Donaldson Limited

November 2015



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- Appendix 1: County Official Plan (relevant excerpts)
- Appendix 2: Township of Puslinch Zoning By-law 19/85 (relevant excerpts)
- Appendix 3: Proposed Zoning By-law Amendment



## **1.0 INTRODUCTION**

Black, Shoemaker, Robinson and Donaldson Limited have been retained by Boom Boom Beauty Bar to assist in obtaining approvals to locate their day spa at 40 Brock Road in Aberfoyle.

This planning report provides background information and review of relevant planning policy and regulations in support of an application for a Zone Change for the subject lands located within the Township of Puslinch.

The property is legally described as Part of Lot 16, Registered Plan 119, in the Township of Puslinch. It is located on the northeast side of Brock Road (County Road 46) in the hamlet of Aberfoyle. The Hamlet of Aberfoyle is situated along Brock Road, between the City of Guelph to the north and Highway 401 to the south.

The property is owned by Tsounis Capital Investments Ltd.

## **2.0 SITE ANALYSIS AND EXISTING CONDITIONS**

### **2.1 Existing Conditions**

The property subject to this application has 20.16 metres (66.13') of frontage along the northeast side of Brock Road (County Road 46) and 21.85 metres (71.7') of frontage along Old Brock Road. It includes 0.09 hectares (0.22 ac.) of land.

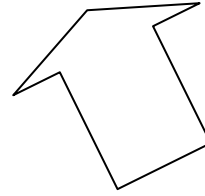
The site has been developed with a single detached dwelling unit and a detached garage. Access to the property is from Brock Road with a through driveway which exists onto Old Brock Road. The property is fenced along the common property lines of both the west and east adjacent residential dwellings.

See Figure1: Location Plan.

### **2.2 Surrounding Uses**

Abutting land uses include single detached residential dwellings to the east and west. To the south, along the opposite side of Brock Road is the Abbey Interiors and Boutique and to the north, along the opposite side of Old Brock Road are single detached dwellings.

Brock Road serves as the main arterial road bisecting the Hamlet of Aberfoyle and it accommodates a mix of commercial, institutional and residential uses in the vicinity of the subject lands.



**FIGURE 1 – LOCATION PLAN**

### **3.0 DEVELOPMENT PROPOSAL**

It is the owners' intention to rezone the property from the existing Hamlet Residential (HR) to a Specialized Hamlet Commercial Zone (C1-?) to permit a personal service shop within the existing building currently located on the property.

The services provided by Boom Boom Beauty Bar will include manicures, pedicures, facials, body and facial waxing and massage therapy. The sale of skin care, pedicure and manicure products will also be available for retail. There will be two staff members working on the premises at all times, serving only one client at a time.

One of the most important parts of the business is the cleaning and sterilization process of implements, linens and surfaces used after every service. Linens will be washed after every service in hot water, detergent and bleach. Waxing is performed with a honey based wax that is used with a cotton strip and discarded in regular waste. Facials, pedicures and massages all use

products such as oils and creams that are healthy and safe for all skin types as well as the environments. Gel and Shellac nails use products that include 70-90% alcohol, nail polish remover and gauss, all which can be discarded in regular garbage.

Any implements used on the clients will be disinfected with the following products.



### FASTER - CLEANER - SAFER - RESPONSIBLE

**ACCEL® Accelerated Hydrogen Peroxide Infection Control Products.** **ACCEL®** is manufactured by the Canadian company Virox Technologies Inc. This is a leading company in Canada for cleaners, disinfectants and chemosterilant products. Virox works closely with Health Canada on an on-going basis. During SARS, ACCEL® was the only product approved for use in hospitals. It is also the current choice dealing with the C. Diff outbreaks occurring in various hospitals around Southern Canada. The list of organizations now using this technology includes

NASA, The Environmental Protection Agency Head Office and the RCMP. **ACCEL® ensures** that salon and spa standards of infection control are at a level that can be recognized and accepted by the government and industry standards, while also being safe, effective and environmentally responsible to the beauty industry workers and their clients. **ACCEL® Accelerated Hydrogen Peroxide Infection Control Products.** **ACCEL®** is manufactured by the Canadian company Virox Technologies Inc. This is a leading company in Canada for cleaners, disinfectants and chemosterilant products. Virox works closely with Health Canada on an on-going basis. During SARS, ACCEL® was the only product approved for use in hospitals. It is also the current choice dealing with the C. Diff outbreaks occurring in various hospitals around

Southern Canada. The list of organizations now using this technology includes NASA, The Environmental Protection Agency Head Office and the RCMP. **ACCEL®** ensures that salon and spa standards of infection control be at a level that can be recognized and accepted by the government and industry standards, while also being safe, effective and environmentally responsible to the beauty industry workers and their clients.

The topographic survey and site plan illustrates the existing site development and the location of 4 parking spaces. The additional area required to accommodate these spaces includes 29.5 square metres of impervious area which represents approximately 3.3% increase in impervious area of the site.

The existing asphalt area of the site drains mainly to Brock Road, excepting a small part of the driveway adjacent to the free-standing garage. This part of the site driveway drains towards Old Brock Road. The increased asphalt area will be directed toward Brock Road. Save for this small change to the site, the property will continue to perform as under current conditions.

Access to the site will continue to be from Brock Road, as well as Old Brock Road.

See Figure 2: Topographic Survey and Site Plan.

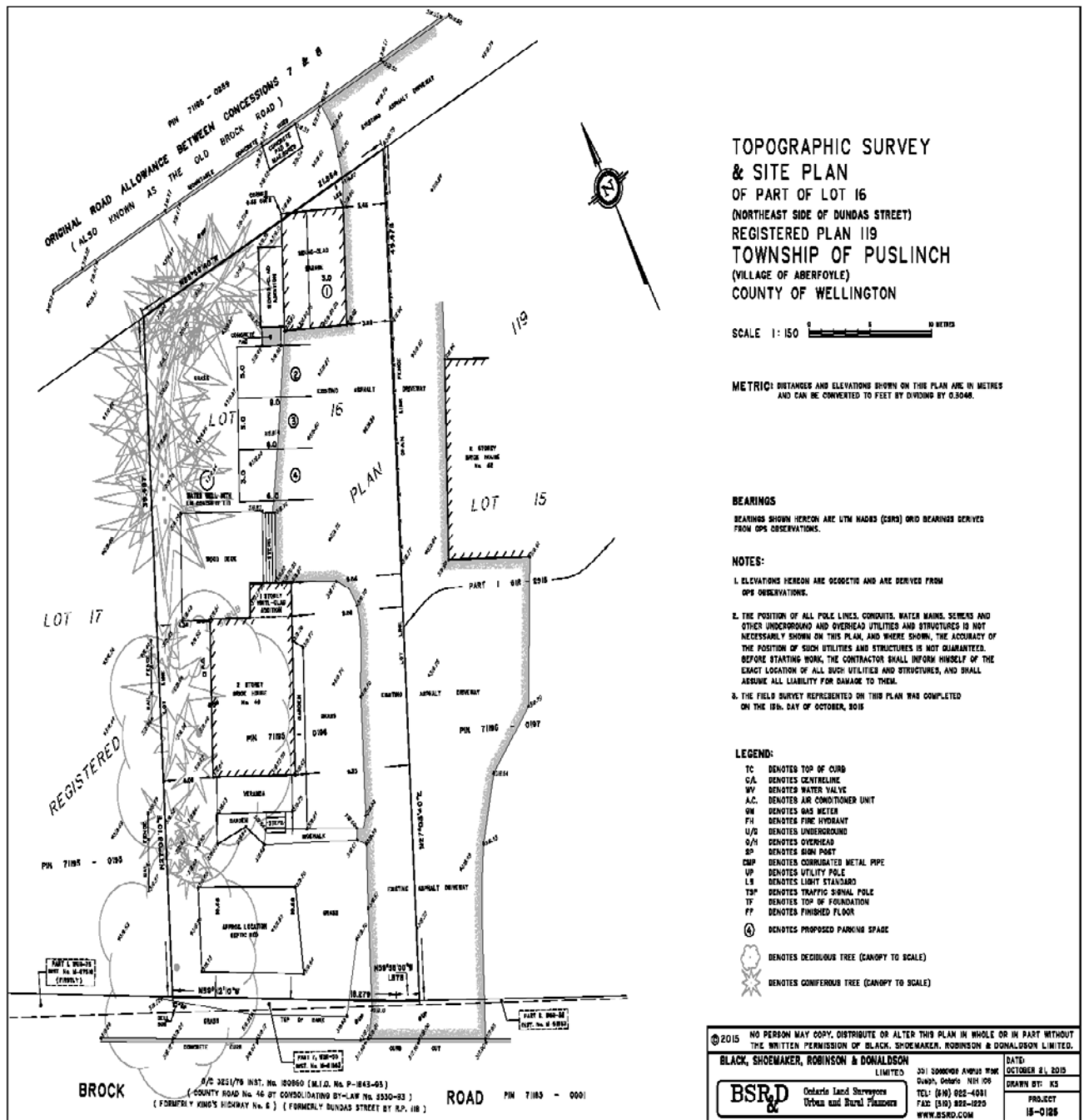


FIGURE 2: TOPOGRAPHIC SURVEY AND SITE PLAN

## 4.0 PLANNING AND POLICY FRAMEWORK

This section reviews the policies and guidelines that have been considered as part of the overall analysis of the site development of this property.

### 4.1 Provincial Statutes

#### 4.1.1 PLACES TO GROW ACT, 2005

This legislation creates the legal framework necessary for the government to designate a geographic area of the province as a growth plan area and subsequently to develop a growth plan for that area. It enables the government to plan population growth, economic expansion, and the protection of environmental and agricultural land.

##### 4.1.1a) Growth Plan for the Greater Golden Horseshoe, 2006

The subject property is located within the "Rural Areas" designation of the "Growth Plan". According to Section 2.2.9.1 rural settlement areas are key to the vitality and economic well-being of rural communities. Municipalities are encouraged to plan for a variety of cultural and economic opportunities.

*The subject lands are located within the settlement area identified as the Aberfoyle Urban Centre. These areas are expected to provide a full range of land use opportunities.*

*The proposed use of the land for commercial purposes conforms to the policies established in the Growth Plan.*

#### 4.1.2 THE PLANNING ACT

The Planning Act establishes the ground rules for land use planning in Ontario and describes how land uses may be controlled, and who may control them.

Section 3 (1) of the Planning Act, R.S.O. 1990, and c.P.13, as amended establishes that policy statements may be issued by the Minister to deal with matters of provincial interest.

Section 3(5) of the Planning Act states that in exercising any authority that affects planning matters, every group who exercises such authority shall be consistent with policy statements issued under Subsection (1) of the Act.

##### 4.1.2.a) Provincial Policy Statement 2014

The Provincial Policy Statement (PPS) was approved by the Lieutenant Governor in Council, by Order in Council No. 107/214.

The Provincial Policy Statement is intended to promote a policy-led system that recognizes that there are complex inter-relationships among environmental, economic and social factors in land use planning.

Section 1.1.1 b) speaks to the importance of accommodating an appropriate range and mix of residential, employment (including industrial, commercial and institutional uses); recreational and open space uses to meet long term needs of the community.



*The subject property is part of the Aberfoyle Urban Centre which is expected to accommodate a full range of land uses.*

Section 1.1.3 of the PPS establishes policies for settlement areas and states that these areas are to be the focus for growth and development. Their vitality and regeneration is to be promoted.

Section 1.3 establishes policies around employment. Specifically Section 1.3.1 b) states that planning authorities shall provide opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

Section 1.3.2.1 notes that planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure the necessary infrastructure is provided to support current and projected needs.

Section 1.3.2.3 requires planning authorities to protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations.

*The rezoning of the subject lands to permit a commercial use fits well with the provincial vision of creating employment opportunities within municipalities and protecting these areas for economic activity. As noted previously, the subject lands are located with the settlement area of Aberfoyle, in that part of the hamlet designated as the Central Business Area.*

*The proposed development of the subject land is consistent with the policies of the 2014 Provincial Policy Statement.*

#### **4.2 County of Wellington Official Plan (covering Township of Puslinch)**

The 1999 Official Plan for the County of Wellington was approved by the Ministry of Municipal Affairs and Housing on April 13, 1999. The County of Wellington has undertaken a comprehensive 5-year review of its Official Plan (OPA 81) which was adopted by County Council on September 26, 2013 and approved by the Ministry of Municipal Affairs and Housing on April 29, 2014. OPA 81, in its entirety, was appealed to the Ontario Municipal Board. On December 19<sup>th</sup>, 2014, the Ontario Municipal Board approved, with modifications, Official Plan Amendment 81.

Appendix 1 contains relevant excerpts from the County's Official Plan.

The subject lands are designated in the Official Plan as "Aberfoyle Urban Centre" on Schedule A7 (Township of Puslinch Land Use Schedule) and Central Business District on Schedule A7-1.

Part 4 of the Official Plan outlines General County Policies. In this regard, Section 4.2 speaks to economic development and notes that the County will encourage a variety of employment opportunities for industrial, commercial and recreation activities in appropriate locations and will ensure an adequate supply of employment land is available at all times.

Section 4.6 of the Official Plan notes that in order to assess the merit of planning applications the municipality may require studies to be undertaken to measure various impacts and propose methods for reducing or eliminating impacts.

*In this regard, the owner met with County, Township and Conservation Authority staff to determine the appropriate studies that would be required in support of this application. At that meeting it was determined that a planning impact assessments should be undertaken. In addition, a topographic survey should be completed to assess the existing site development and to ensure that works associated with the use of this property for a personal service shop would not impact the overall grading and stormwater drainage on the property.*

Part 7 of the Official Plan sets out policies for the Urban System, noting that the majority of growth over the planning period should occur within the urban system.

Section 7.5 states that Urban Centres are expected to provide a full range of land use opportunities.

Part 8 of the Official Plan provides detailed Urban Centre policies with Section 8.4 addressing Central Business District policies.

The objectives of the Central Business District are to, among other things:

- Ensure the downtown remains the primary focus for retail, office, service, administration and cultural activities;
- Provide adequate commercial facilities to serve the needs of the local community and surrounding population; and
- Promote the Central Business District and various commercial and business services it provides.

Section 8.4.3 notes that the Permitted Uses in the CBD should accommodate a wide variety of retail, administrative, religious, cultural, entertainment, as well as service uses including restaurants, personal service establishments and financial institutions

*The subject lands are located within this CBD designation. The use of the existing building for a personal service shop complies with the policies of the Official Plan.*

#### **4.3 Township of Puslinch Zoning By-law 19/85**

The subject lands are currently located in the Hamlet Residential (HR) Zone. This zone restricts the use of the site to:

- (a) a single detached dwelling;
- (b) a semi-detached or duplex dwelling;
- (c) a rooming house or boarding house;
- (d) a home occupation;
- (e) a public use.

The proposed use of this property for personal service shop will require a zone change.

This application is requesting that the lands be rezoned to the Specialized Hamlet Commercial (C1) Zone to permit a personal service shop providing manicures, pedicures, facials, body and facial waxing and massage therapy. The sale of skin care, pedicure and manicure products will also be available for retail.

Specialized regulations will also be required to recognize the existing lot area, accessory structure and the provision of parking in excess of current zoning regulations.

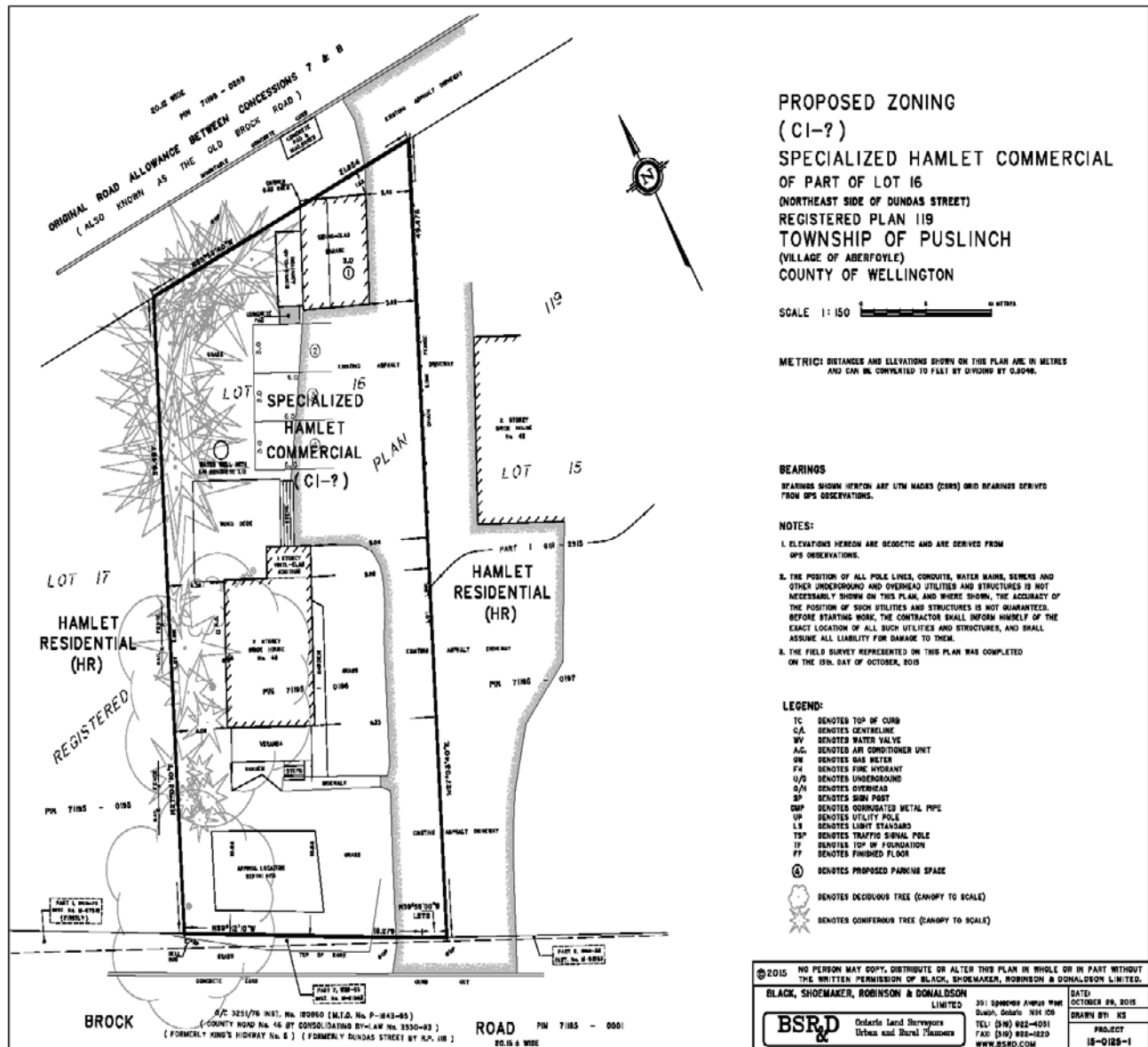


FIGURE 3: PROPOSED ZONING PLAN

Appendix 2 provides relevant excerpts from the Township's Zoning By-law.  
Appendix 3 provides a draft zoning By-law.

## 5.0 PLANNING CONSIDERATIONS

- a) The need taking into account other lands in the area.

The subject property is part of the Aberfoyle Central Business District. This area is planned to provide the adequate commercial and service uses for the local community and surrounding population. At the present time, the owner provides this service as part of a home occupation within the Township. Through the operation of their current home based business, the owners have identified a need to expand the level of service currently provided beyond the scope of a home occupation.

- a) The appropriateness of the site taking into account the size and shape and the ability to accommodate the intensity of use.

The Site Plan illustrates that there is sufficient area on the property to accommodate parking for this use in excess of the by-law requirements. At the same time, the appearance of the building from both Brock Road and Old Brock Road will remain largely unchanged.

- b) Adequacy of the proposed method of servicing the site

The site is currently serviced by an existing individual septic system and well. The proposed use of the site for a small scale, personal service establishment will not generate significantly more demand on the water and septic system than a traditional single detached residential property.

- c) Compatibility

The property is currently buffered from the property to the north with mature vegetation. It is the owners' intention to construct a privacy fence along the southerly property line, in place of the existing chain link fence. This will provide sufficient buffering for that neighbour.

The use should be viewed as an unobtrusive small scale business that will generate limited traffic and operate within normal business hours.

- d) Impact on natural resources

There are no significant environmental features on the property. All existing vegetation will be maintained.

- e) Exterior design

No changes to the existing building are proposed, thereby maintaining the appearance of a residential dwelling.

Discrete signage will be added to the property in accordance with the Township's Sign By-law.

- f) Site contamination

The site has been used historically for residential purposes. There is no known site contamination.

g) Eliminating negative impacts

The impervious area of the site currently drains to Brock Road, excepting that part of the driveway adjacent to the detached garage which drains to Old Brock Road. The increase to the impervious area of the site is approximately 3.3 % which represents an insignificant increase in the volume of water draining to Brock Road.

To address privacy for the neighbour immediately adjacent to the southerly property line, the owners are proposing to construct a wood privacy fence in place of the existing chain link fence.

## 6.0 CONCLUSION

The owner of 40 Brock Road in Aberfoyle is proposing a zone change for their property. The purpose of the zone change is to permit a personal service shop, shop providing manicures, pedicures, facials, body and facial waxing and massage therapy. The sale of skin care, pedicure and manicure products will also be available for retail. To ensure the long term viability of the business, the zone change proposes to permit a personal service shop, including accessory sales of products. The broader personal service shop use will allow for additional services should the owner decide to add a service allowed for under the definition of "Personal service shop" in the future.

At the present time, no physical changes to the property are anticipated save for a small expansion to the asphalt parking area in the rear of the property. The site's location within the Aberfoyle Central Business District is appropriate for this small scale commercial operation.

This proposal conforms to the Growth Plan for the Greater Golden Horseshoe and is consistent with the Provincial Policy Statement.

The County of Wellington Official Plan designates this property as part of the Central Business District of Aberfoyle and the uses being requested by this zone change application are supported by the policies found in the Official Plan. The proposed zone change to recognize this personal service shop conforms to the Official Plan.

In my professional opinion, the proposal to rezone the subject lands from the current Hamlet Residential (HR) Zone to a Specialized Hamlet Commercial (C1 -?) Zone is appropriate and represents good planning.

  
Prepared By Nancy Shoemaker, RPP  


November 2, 2015

Date:



