



## **REPORT PD-2016-021**

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### **INFORMATION REPORT**

FROM: Kelly Patzer, Development Coordinator  
DATE: June 15, 2016  
SUBJECT: Public Meeting - Rezoning Application File D14/J2K – J2K Capital Inc. – Rear Part Lot 26, Concession 7, municipally known as 0 Brock Road S

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### **BACKGROUND:**

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

This report is to advise Council and the Public of the application for a Zoning By-law Amendment located on Brock Road. The proposed amendment seeks to rezone the vacant subject property that fronts Brock Road from Agricultural (A) Zone to Highway Commercial (C2) Zone.

#### **2. Application**

The Zoning By-law Amendment application was originally submitted in November 2014 which proposed a car wash and a retail strip mall. Review comments raised a number of concerns with the development of a car wash on the property and the owner requested the development proposal be removed from the application submission.

The revised application was submitted April 2016. There are no specific development plans associated with this zoning by-law amendment.

There are not any required reports or studies accompanying this application. Prior to any development, Site Plan Approval will be required where a technical review of site design, landscaping, stormwater management, building requirements, hydrogeology etc. will be completed by staff.

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

The subject site, known municipally as 0 Brock Road, is located on the west side of Brock Road, on the property south of the Esso Station, 227 Brock Road (see aerial photo below). The vacant land is approximately 1.31 ha/3.24 acres. The location along Brock Road is surrounded by existing commercial and Industrial uses.



Source: County of Wellington 2015 Air Photo & Parcel Fabric

#### **APPLICATION CHRONOLOGY (revised application):**

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

The revised application was submitted and deemed complete May 5<sup>th</sup>, 2016.

##### **2. Notice:**

May 20, 2016: Notice of a Revised Application and Public Meeting was mailed to property owners within 120 metres of the subject property and all required agencies.

May 27, 2016: Notice of a Revised Application and Public Meeting was published in The Wellington Advertiser.

June 14, 2016: Application to be presented for comment at the Planning Development and Advisory Committee.

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 is attached. Staff/consultant comments received to date are also attached.

Township Staff has not received any written comments as of the date of this report from the public regarding the application. Any further comments received, including those at the Public Meeting, will be reviewed, addressed and included in the final Recommendation Report.

## **APPLICABLE LEGISLATION & REQUIREMENTS:**

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

The Official Plan designates the subject property as Rural Industrial. The property is located within the special policy PA7-1. This policy recognizes that this area of the Township is the predominant location for business and industry and encourages the development of new employment uses, including those commercial uses that would require locations that provide large sites or are situated along major transportation routes.

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

The subject property is zoned Agricultural (A) Zone and is proposed to be rezoned to Highway Commercial (C2) Zone.

## **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 for final approval.

## **ATTACHMENTS:**

Attachment "A" - County of Wellington Planning Report

Attachment "B" – Staff/Agency Review Comments

Attachment "C" – Letter prepared by Black, Shoemaker, Robson & Donaldson

# **Attachment "A"**



## **PLANNING REPORT for the TOWNSHIP OF PUSLINCH**

Prepared by the County of Wellington Planning and Development Department

**DATE:** June 10, 2016  
**TO:** Kelly Patzer, Development Coordinator  
Township of Puslinch  
**FROM:** Sarah Wilhelm, Senior Planner  
County of Wellington  
**SUBJECT:** PUBLIC MEETING D14/J2K (J2K Capital Inc.)  
Amended Zoning By-law Amendment  
East of 227 Brock Road (Wellington Road 46)  
Part of Lot 26, Concession 7, Puslinch

### **SUMMARY**

This revised zoning by-law amendment has been scheduled for a public meeting June 23, 2016. The purpose of this report is to provide our preliminary comments concerning the revised application materials submitted by the applicant's agent (Nancy Shoemaker, BSR&D). There were no comments or concerns with the revised submission at the time of writing this report.

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

### **INTRODUCTION**

The land subject to the proposed zoning by-law amendment (Application D14/J2K) is located south of McLean Road West, on the west side of Brock Road (see Figure 1). This vacant property has 197 m (627 ft) of frontage on Brock Road and a total lot area of 1.3 ha (3.3 ac). Surrounding land uses along this high volume road are predominantly industrial and highway commercial.

### **BACKGROUND**

We originally commented on this zoning by-law amendment application on February 13, 2015. At that time, the request was to change the zoning from Agricultural (A) to Highway Commercial (C2) based on a concept plan which included a new car wash and commercial plaza. There were numerous zoning deficiencies and technical concerns with the proposal, particularly related to the car wash.

### **CURRENT PROPOSAL**

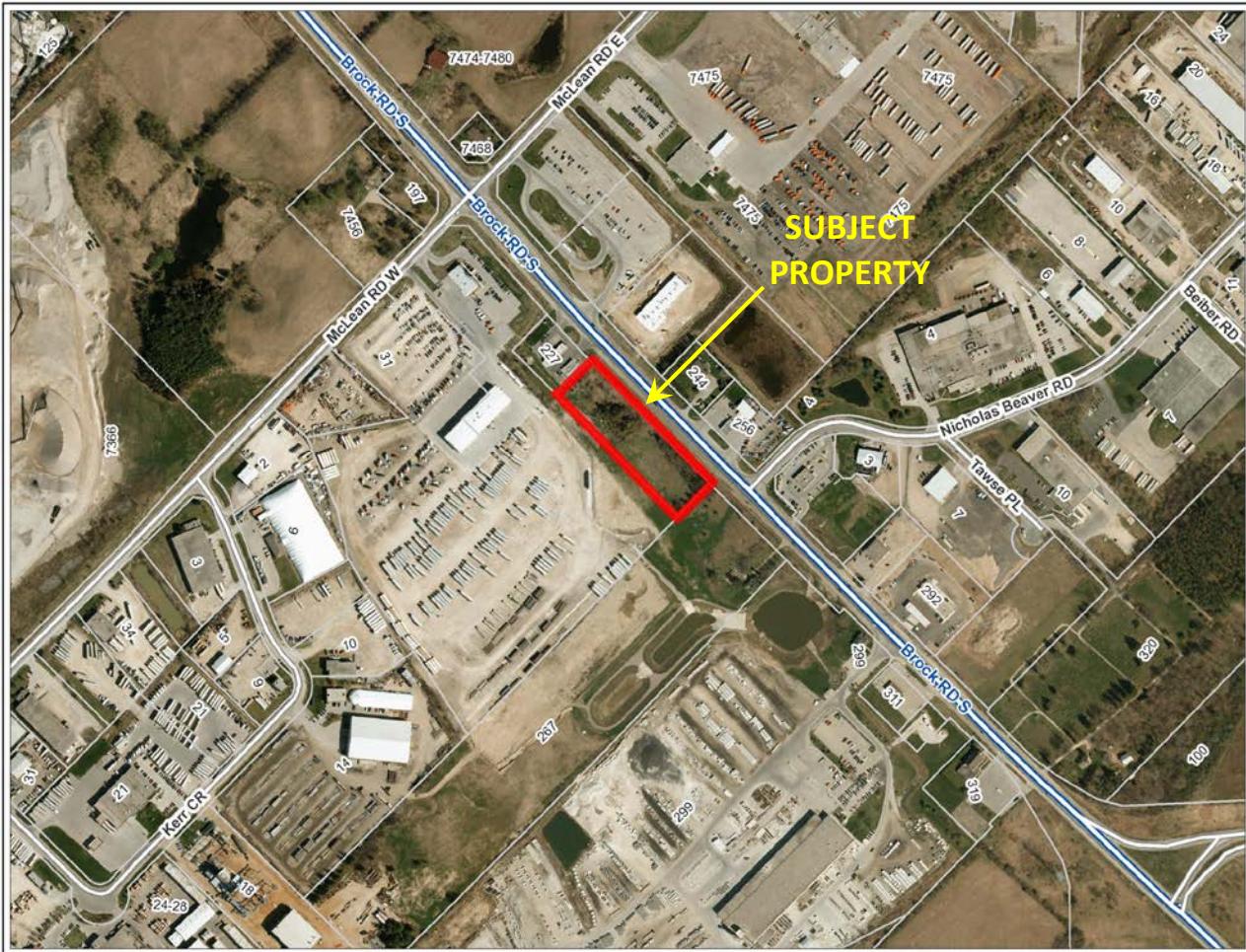
In light of these difficulties, the owner is no longer requesting a car wash use. The owner also requested that the Site Plan application for the car wash and commercial plaza be closed. The current proposal is to rezone the property to Highway Commercial (C2). There are no specific development plans associated with this zoning by-law amendment.

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

- Topographic Sketch identifying the vacant lands
- Explanation Letter by Nancy Shoemaker of BSR&D

If approved, the property would be subject to site plan control for any future highway commercial development.

**Figure 1** Property Location



#### **PROVINCIAL PLANNING POLICY**

The Provincial Growth Plan (Places to Grow) places an emphasis on intensification and optimizing the use of existing land supplies. Under Section 2.2.6 – Employment Lands – municipalities are to provide “an appropriate mix of employment uses including industrial, commercial and institutional uses...” The Growth Plan also encourages employment growth through the “development of vacant and/or underutilized lots within previously developed areas” or by “infill development”.

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.

#### **COUNTY OFFICIAL PLAN**

This application was deemed complete November 28, 2014. The County’s five year review of the Official Plan (OPA 81) came into effect December 19, 2014. As a result, OPA 81 does not apply to this application.

According to Schedule A7 (Puslinch) of the Official Plan, the property is designated RURAL INDUSTRIAL. The property is also located with special policy area PA7-1. This policy recognizes that this area of the Township is the predominant location for business and industry and encourages the development of new employment uses, including those commercial uses that would require locations that provide large sites or are situated along major transportation routes. Puslinch Industrial Policy 9.8.3 provides for Rural Industrial areas in Puslinch to have additional uses such as complementary commercial uses (automotive uses, restaurants, motels and limited retail).

#### **PUBLIC AND AGENCY COMMENTS**

In comments of June 6, 2016 the County Engineering Services Department indicated no objection to the application. There were no other comments or concerns received at the time of writing this report.

#### **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 Highway Commercial (C2) Zone.

#### **NEXT STEPS**

The public meeting for this application is scheduled for June 23, 2016. Materials associated with the application should be available to the public at the Township office prior to the public meeting date. Following the public meeting, Township Council may further consider the applicant's response to any matters raised by the public and other comments and concerns identified. We will be in attendance at the public meeting to hear the applicant's presentation, public comments and Council discussion.

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

May 24, 2016  
Our File: 113006-3

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

Attention: Ms. Kelly Patzer  
Development Coordinator

Re: D14/J2K – Rezoning Application for  
227 Brock Road South, J2K Capital  
Inc.

Dear Ms. Patzer,

We have reviewed the application in support of the rezoning application for 227 Brock Road, J2K Capital Incorporated.

Documents submitted and reviewed include:

- Zoning By-law Amendment Application Form, dated April 29, 2016
- Proposed Zone Change Application Letter prepared by BSRD Ltd, dated April 29, 2016
- Topographic Sketch of the site, dated April 25, 2013

Based on our review of the documents listed above, we have no comments for the proposed rezoning application. However, we note that prior to construction:

- 1) The Applicant shall undergo the Site Plan Approval process.
- 2) The Applicant shall obtain an Entrance Permit from the County of Wellington.

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

Yours truly,

GM BLUEPLAN ENGINEERING LIMITED

Per:



Steve Conway, C.E.T., rcsi, PMP  
Senior Project Manager, Partner  
SC/mh

**From:** [Jason Benn](#)  
**To:** [Kelly Patzer](#)  
**Subject:** RE: D14/J2K - Zoning Application Cirucation  
**Date:** May-24-16 9:00:23 AM

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No comment(s) at this time.

Jason

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# Attachment "C"

BLACK, SHOEMAKER, ROBINSON & DONALDSON

LIMITED



351 Speedvale Avenue West  
Guelph, Ontario N1H 1C6

TEL: 519-822-4031  
FAX: 519-822-1220

April 6<sup>th</sup>, 2015

Project: 14-9959

Ms. Kelly Patzer  
Development Coordinator  
Township of Puslinch  
R.R. #3  
GUELPH, Ontario  
N1H 6H9

Dear Ms. Patzer:

**Re: Proposed Zone Change Application D14/J2K  
From the Agricultural (A) Zone to the Highway Commercial (C2) Zone  
Part of Lot 26, Concession 7, Township of Puslinch  
East of 227 Brock Road  
Owner: J2K Capital Inc.**

The owner of the above-noted property has asked Black, Shoemaker, Robinson & Donaldson Limited to assist them with their zone change application for the above-noted property.

We understand the zone change application was filed with the Township in November 2014. The purpose of the amendment is to change the existing Agricultural (A) Zone to the Commercial (C2) Zone to permit the development of this property for highway commercial purposes.

The subject lands are designated Rural Industrial in the County's Official Plan with an Aggregate and Special Policy Area overlay. Policy Area PA7-1 is known as the Puslinch Economic Development Area. This area is the predominant location for business and industry in the Township. In addition to industrial uses, complementary commercial uses such as automotive uses, restaurants, motels, offices and limited retail uses are permitted. Development may occur as an after use when the aggregate related use has ceased or is incorporated into the plan. Policies also are specified within the OP to address development along Wellington Road 46.

The size of this parcel, the location and the existing development around the site makes aggregate removal unfeasible. The use of the property for commercial development is in-keeping with the County's vision and policy statement for this area.

The Township's Zoning By-law includes this parcel in the Aberfoyle Industrial Area. Almost all of the frontages along Wellington Road 46 (Brock Road), between McLean Road and Highway 401 are zoned Commercial.

We understand the owner has also filed a development concept for this parcel of land which includes a commercial plaza and a car wash. In support of this development concept, a number of studies have also been submitted to the Township.

In reviewing the responses received from the various commenting agencies, there appears to be a number of concerns regarding the development of a car wash on this property.

To expedite the processing of the zone change application, the owner has asked that the car wash development be removed from the application.

Please advise how we can move forward as quickly as possible with a recommendation to Township Council regarding the requested zone change of this property.

Thanks you for your attention in this matter.

Yours very truly

**BLACK, SHOEMAKER, ROBINSON & DONALDSON LIMITED**



**Nancy Shoemaker, B.A.A., M.C.I.P., R.P.P.**

Attachments

Copy: J2K Capital Inc. (Dave Jassal)