



Corporation of the Township of Brock

Staff Report to the Mayor and Members of Council

From: Robin Prentice, MCIP, RPP

Position: Director of Development Services

Title / Subject: Zoning By-law Amendment (ZBA-2024-01) Application,
Beaverton Commons – Recommendation Report

Date of Report: May 17, 2024

Date of Meeting: May 27, 2024

Report No: 2024-DS-007

1.0 Issue / Origin

On March 22, 2024, an application to amend Zoning By-law 287-78-PL was received by the Township from Weston Consulting (the Agent and Applicant) on behalf of Beaverton Commons Inc. (the Owner). This application was submitted to facilitate a commercial development.

The purpose of this report is to provide a recommendation regarding the Zoning By-law Amendment application.

2.0 Background

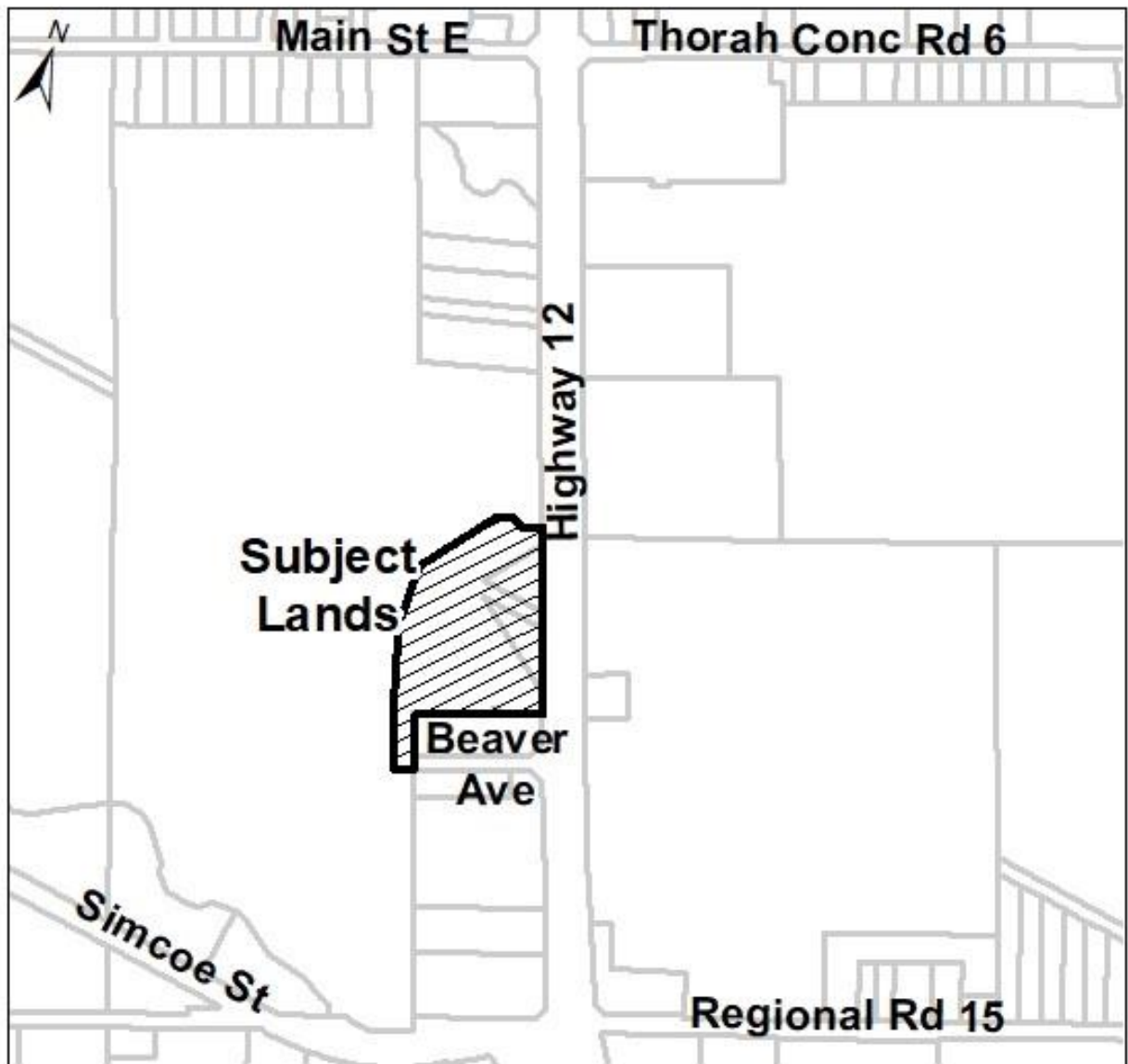
2.1 Proposal

In 2020, Beaverton Commons Inc. submitted a Zoning By-law Amendment application (File No. 4-2020-RA) to permit a retail commercial development on the subject property. Zoning By-law 3038-2021 was approved by Township Council on May 31, 2021 to zone the subject lands as Highway Commercial Exception Nine (C4-9) in the Township's Zoning By-law 287-78-PL (as amended). Although the purpose and intent of the previous application was to permit a range of commercial uses on the subject lands, retail commercial uses were not reflected in the implementing Zoning By-law and are not currently permitted within the C4-9 zone exception. As a result, the owners have submitted this application to address the additional commercial uses being sought for this site. The purpose of the proposed Zoning By-law Amendment is to include a more fulsome list of permitted uses within the C4-9 zone (Attachment 1 – Draft Zoning By-law).

2.2 Location and Context

Location:	Part of Lot 11, Concession 5
Official Plan Designation:	Beaverton Urban Area – Mixed Use Corridors
Zoning:	Highway Commercial Exception Nine (C4-9)
Present Use:	Vacant
Adjacent Uses:	Agricultural, commercial, environmental, rural residential

The property will initially be serviced with a private sewage system and well until such time as municipal water and sanitary servicing is extended to this area.



3.0 Analysis

3.1 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. It provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. All planning decisions within the Province shall be consistent with the PPS.

The PPS directs growth to settlement areas where there are to be a mix of land uses to efficiently use land and minimize impacts on the environment. As outlined in Section 1.3 of the PPS, planning authorities are required to promote economic development and competitiveness by providing for an appropriate mix and range of employment (including industrial and commercial), institutional, and broader mixed uses to meet long-term needs, as well as providing opportunities for a diversified economic base. The proposed development is intended to provide for the efficient use of land, and a mix of uses to accommodate projected commercial needs.

While municipal sewage and water services are the preferred form of servicing for settlement areas, Section 1.6.6.3 of the PPS permits the use of private communal sewage and water services where municipal services are not available. The private servicing is proposed to be used on an interim basis until such time as municipal services are extended to this area.

It is Planning Staff's opinion that the proposed zoning by-law amendment found in Attachment 1 is consistent with the PPS.

3.2 Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan contains policies to guide land use planning and development. The principles of the Growth Plan include building compact and complete communities with a diverse mix of land uses, including a range and mix of housing types, high quality public open spaces and easy access to local stores and services.

The proposed commercial uses are within a settlement area and will help to provide a mix of land uses and access to more local stores and services. The subject lands are outside of any significant natural heritage features and located along a goods movement corridor (Hwy 12).

It is Planning Staff's opinion that the proposed zoning by-law amendment found in Attachment 1 conforms to the Growth Plan.

3.3 Greenbelt Plan (2017)

The Greenbelt Plan identifies where urbanization should occur in order to provide permanent protection to the agricultural land base and the ecological features and functions that occur in the rural landscape. The subject lands are located within the Beaverton Urban Area, which is identified as a "Town/Village" in the Greenbelt Plan.

Towns/Villages within the Greenbelt Protected Countryside are subject to the policies of the Growth Plan, the Region of Durham's Official Plan and the Township of Brock Official Plan.

It is Planning Staff's opinion that the proposed zoning by-law amendment found in Attachment 1 conforms to the Greenbelt Plan.

3.4 Lake Simcoe Protection Plan

The Lake Simcoe Protection Plan (LSPP) is a comprehensive plan designed to protect and restore the ecological health of Lake Simcoe and its watershed. It applies to the Lake Simcoe watershed which includes the subject lands.

The LSPP requires all application for major development (construction of buildings greater than 500 square metres) to be accompanied by a stormwater management plan. A stormwater management report, inclusive of a phosphorus budget and water balance assessment, is required to be submitted as part of the site plan application before any construction takes place.

Also, in accordance with policy 4.20-DP, the following measures are required to be incorporated into the site plan agreement:

- a) keep the removal of vegetation, grading and soil compaction to the minimum necessary to carry out development activity;
- b) removal of vegetation shall not occur more than 30 days prior to grading or construction;
- c) put in place structures to control and convey runoff;
- d) minimize sediment that is eroded offsite during construction;
- e) seed exposed soils once construction is complete and seasonal conditions permit; and
- f) ensure erosion and sediment controls are implemented effectively.

It is Planning Staff's opinion that the proposed zoning by-law amendment found in Attachment 1 conforms to the LSPP.

3.4 Current and 2023 Region of Durham Official Plan (DROP)

The current DROP was approved by the Minister of Municipal Affairs and Housing in 1993 and was subsequently amended (Amendments 114 and 128) based on a comprehensive review of the Plan. The amendments were approved in 2008 and 2013.

A proposed new DROP was adopted in May 2023 and has been submitted to the Province for approval. No significant changes have been made in the proposed Plan with respect to the subject lands which are located in the Beaverton Urban Area and designated "Living Areas" currently, and "Community Areas" in the 2023 DROP.

Community/Living Areas are intended to develop as complete communities creating opportunities for residents to live, shop, work and access services and amenities within their community.

Commercial uses are to be provided in appropriate locations, with larger concentrations directed to Rural Regional Centres. Major retail uses are permitted in Community Areas.

Rural Regional Centres are intended to be focal points for urban activities and centralized hubs for commercial uses such as retail shopping and service uses, public service facilities and the establishment of community hubs, office uses, and residential and mixed-use development.

It is Planning Staff's opinion that the proposed zoning by-law amendment found in Attachment 1 conforms to the DROP.

3.5 Township of Brock Official Plan

The subject lands as located within the Beaverton Urban Area and are designated “Mixed Use Corridors.”

One of the goals in the Township’s Official Plan is to create strong, complete communities that having a balance between the residential, commercial and employment sectors, by:

- Ensuring the continued expansion of economic opportunities and diversification of the economic base in appropriate locations within Settlement Areas; and
- Supporting and encouraging the continuing vibrancy of the commercial centres in Beaverton, Cannington and Sunderland.

The objectives of the Mixed Use Corridors designation are to:

- a) recognize a diversity of uses within specific portions of the Urban Area along major corridors;
- b) provide for the appropriate integration of uses and to ensure new development is compatible with existing uses;
- c) maintain the commercial function and character of Regional Centres (i.e. the downtown cores); and
- d) promote transit supportive uses and high quality urban design.

The Official Plan notes that Mixed Use Corridors will be zoned for a variety of uses, with the predominant use being commercial.

The Mixed Use Corridors designation is meant to compliment the commercial uses within the downtown areas. The intent is not to duplicate the functions of downtown Beaverton but complement the existing commercial structure by providing additional opportunities for large-format retail uses and other types of commercial uses that may not be feasible in the downtown.

Development within the Mixed Use Corridors designation shall address matters such as urban design, integrated access, landscaping, signage, compatibility and scale of development, which will be addressed through the site plan application.

Development within the Mixed Use Corridors is supposed to be serviced by municipal water and sewer systems. Any development proposal shall be reviewed with the Region of Durham to ensure the availability of adequate services. The private servicing for this site is proposed to be used on an interim basis until such time as municipal services are extended to this area.

It is Planning Staff’s opinion that the proposed zoning by-law amendment found in Attachment 1 conforms to the Township’s Official Plan.

3.6 Township of Brock Zoning By-law 287-78-PL

Zoning By-law 3038-2021 was approved by Township Council on May 31, 2021 to zone the subject lands as Highway Commercial Exception 9 (C4-9) in the Township’s Zoning By-law 287-78-PL (as amended). Although the purpose and intent of previous application was to permit a range of commercial uses on the subject lands, retail commercial uses are not permitted within the C4-9 zone. As a result, the owners have submitted this application to address the additional commercial uses being sought for this site.

The C4-9 zone currently permits the following uses:

- Builder's Supply Dealer
- Business/Professional Office (accessory to a primary use)
- Eating Establishment
- Eating Establishment, Drive-In
- Farm Implement Dealer
- Landscape Contractor
- Marine Sales & Service
- Motel
- Motor Vehicle – Dealership
- Motor Vehicle – Gasoline Bar
- Motor Vehicle – Sales & Service
- Motor Vehicle – Service Station
- Nursery/Greenhouse – Commercial
- Veterinary Clinic
- Dwelling units in a portion of a non-residential building

The owner is proposing to develop the subject lands for a variety of commercial uses as a highway commercial development. The purpose of the proposed Zoning By-law Amendment application is to include a more fulsome list of permitted uses within the C4-9 zone, with the following uses requested to be added as permitted uses in addition to the uses noted above:

- Bakery
- Bank
- Business/Professional Offices (as a primary use rather than accessory use)
- Commercial School
- Convenience Store
- Furniture & Appliance Store
- Medical Clinic
- Place of Entertainment
- Retail Beverage Outlet
- Retail Commercial Establishment
- Personal Service Shop

Township planning staff do not support adding bank as a permitted use on the subject lands. There are currently 2 banks within downtown Beaverton (TD Bank and CIBC), which are an important part of the downtown and help support other businesses in the area. There has been a decline in brick-and-mortar bank locations across Ontario, particularly in smaller communities. As an example, Cannington no longer has a bank. Banks have traditionally been considered institutions providing stability and services within the community. When those services are lost, it can negatively impact the surrounding community. The Township should support and work to protect the bank uses that currently exist within the community, as opposed to encouraging new bank uses. If banks were permitted in this highway commercial area, it may encourage the relocation of the existing banks from downtown Beaverton or bring in new banks that cause the existing banks to close, which could impact the vitality of the downtown area. Township planning staff are of the opinion that adding banks as a permitted use would not conform with intent of the policies in the Township's Official Plan which speak to maintaining the commercial function and character of the Regional Centres or supporting the continuing vibrancy of the commercial centres.

The other proposed uses will offer a wider range of commercial uses that are suitable for the proposed highway commercial area and, in Township planning staff's opinion, conform with the policies of the Township's Official Plan. Please refer to Attachment 1 for the Zoning By-law recommended by Township staff.

3.7 Agency Circulation Comments

The application was circulated to the required agencies in accordance with the Planning Act.

Ministry of Transportation (MTO)

MTO is generally accepting of the ZBA. MTO is currently engaged with the landowners and their engineering consultants regarding access.

Region of Durham:

- **Planning & Economic Development**

No concerns with the proposed ZBA. Broadening the list of commercial uses permitted on the site will provide employment and commercial opportunities to the Beaverton community and conforms to the policies of the ROP.

- **Transportation**

No comments.

- **Works**

No objection. Detailed comments regarding servicing will be provided during the site plan stage.

- **Health Dept.**

No comments. It is noted that the Hydrogeological Report will need to be peer reviewed prior to the submission of the Site Plan application.

- **Transit**

No comments. The site is serviced by rural OnDemand transit services.

Enbridge Gas Distribution

No objection. Reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Hydro One

No comments received.

Durham District School Board

No comments.

Durham Catholic District School Board

No comments received.

Township of Brock:

- **Building**

No comments received.

- **Fire**

No comments received.

- **Public Works**

No comments received.

3.8 Public Comments

The following comments were received from members of the public.

Brock Board of Trade (BBOT)

BBOT supports the proposed zoning by-law amendment and will work to find a way to support downtown businesses through the transition that may arise with the development of this highway commercial area.

J. Grant (Beaverton resident)

The zoning amendment will allow for many more uses that are reflective of the businesses that are located in Beaverton and also Cannington and Sunderland. Basically, the proposed development replicates on Highway 12 the same stores located in the three villages of Brock Township. Allowing uses such as banks, bakeries, LCBO, and brewers retail will ultimately decrease in town customer visits which may mean store closures. This seems counter to the aims of the ongoing Community Improvement Plan review.

Moving retail outlets to the highway does not make for a walkable community. A community that also lacks adequate public transit.

Successful businesses create a healthy community. I hope the C4-9 zoning remains as is and does not take on the characteristics of a C1 zone.

4.0 Related Policies / Procedures

Township of Brock Official Plan

Township of Brock Zoning By-law 287-78-PL, as amended

5.0 Financial / Budget Assessment

The required zoning by-law amendment application fees have been received by the Township. Should this application be approved, Development Charges would be paid at the building permit stage.

5.1 Asset Management

N/A

6.0 Climate Change Impacts

Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.

7.0 Communications

A statutory public meeting for the ZBA application was held on April 29, 2024 in accordance with the Planning Act. Notice of the statutory public meeting was provided to all property owners within 200m of the subject property and posted on the Township's website. A sign was also placed on the property to notify the general public of the application. No members of the public provided verbal comments at the public meeting. Written comments were received from one member of the public and verbal comments were received from the Brock Board of Trade at their meeting on May 15, 2024 as outlined in Section 3.8 of this report.

8.0 Conclusion

The content in this report is intended to provide sufficient information to Council to make a decision on the Zoning By-law Amendment application. It is staff's opinion that the proposed amendment found in Attachment 1 is consistent with the PPS, and conforms with the Growth Plan, Greenbelt Plan, Region of Durham Official Plan and Township Official Plan.

9.0 Recommendation

Be it resolved that Report 2024-DS-007 regarding Zoning By-law Amendment (ZBA-2024-01) application for Beaverton Commons Inc. – Recommendation Report, be received;

That application ZBA-2024-01 to amend Zoning By-law 287-78-PL be approved; and

That the Zoning By-law appended to this report as Attachment 1 be brought forward to Council for adoption.

Attachments:

Attachment 1 – Draft Zoning By-law