



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date: Monday, July 12, 2021

To: Mayor Mills and Members of Council

From: **Steve Wever, Town Planner**

Report: P2021-33

Subject: **Application for Site Alteration Permit –
Hornby Holdings Inc., 115 Luxton Way,
Shelburne**

Recommendation

Be it resolved that Council receive Report P2021-33 as information.

Be it resolved that, Council authorizes staff to finalize the review of the Request for Approval to Permit Site Alteration submitted by Hornby Holdings Inc. for the vacant industrial property located at 115 Luxton Way, and to proceed with issuance of a Site Alteration Permit subject to the applicant satisfying Town engineering review comments and with the conditions as outlined in Planning Report P2021-33 and such other conditions as may be required by the Town Engineer.

Background

The subject property at 115 Luxton Way is located at the south-east corner of Prentice Drive and Luxton Way in the Shelburne Industrial Park. The property is currently vacant. The owner of the property proposes to use the property for a contractor's yard to store construction equipment and vehicles, and has submitted an application for a Site Alteration Permit to strip the topsoil, clear the site of vegetation, grade and place gravel on the site for the proposed use. Perimeter security fencing is also proposed.

Analysis

The subject property is currently designated as Employment in the Town's Official Plan and zoned Employment (M1) in the Town's Zoning By-law 38-2007. The property has a municipal address of 115 Luxton Way and is 2.04 hectares in area with 107.7 metres of frontage on Luxton Way and 134.1 metres of flankage on Prentice Drive. A "contractor's yard" is a permitted use in the M1 Zone and is defined in the Zoning By-law as: "a premises of any general contractor or builder where equipment and materials are stored or where a contractor performs shop or assembly work but does not include any other yard or establishment otherwise defined or classified herein."

The property is located within the Shelburne Industrial Park and is subject to the related development agreement and Design Criteria for the area. The Design Criteria require that open storage shall only be permitted in the rear yards of lots and shall be screened with appropriate measures to the satisfaction of the Town. As no buildings are proposed on the site, and the proposed use of the property is for a contractor's yard which by definition is a storage use, a larger area of the site may be used for outdoor storage as part of the main use of the site, subject to appropriate screening. Staff advised the owner that screening will be required along the south limit of the property to minimize the visual impact of the contractor's yard on the Industrial Park from the south along County Road 124. The plan submitted by the owner proposes a berm along the south property limit to provide screening of the contractor's yard. Conditions are recommended to also require a row of coniferous trees along the berm.

The grading and drainage plan submitted by the owner illustrates the proposed grading of the site to ensure positive drainage towards the existing catch basins on the south side of Luxton Way. This drainage will flow via the storm sewer system to the existing stormwater management facility to the north.

The owner proposes to place gravel over the entire site except for the berm along the south edge of the property. According to the Zoning By-law, 3-metre planting strips are required between the proposed storage/parking area and the adjoining streets. Additionally, a minimum of 10% or approximately 2,040 square metres of area on the site must be maintained as landscaped open space, with 50% of this area or approximately 1,020 square metres of landscaped open space provided at the front of the property along Luxton Way. Conditions are recommended to ensure revised plans are provided to address these requirements, prior to issuance of the site alteration permit.

A draft site alteration permit has been prepared with recommended conditions of approval, and is attached to this report.

Financial Impact

The applicant has paid the required application fee to cover the Town's costs for processing the application and has provided the required deposit as security for satisfactory completion of the proposed site alterations.

Policies & Implications (if any) Affecting Proposal

Town of Shelburne Site Alteration By-law 26-2015
Town of Shelburne Zoning By-law 38-2007

Consultation and Communications

The site plan application has been circulated for review and comments are forthcoming as of the time of writing this report. Conditions are recommended to ensure the requirements of the Town Engineer and Director of Development and Operations are addressed for site access via the proposed driveway and for the proposed grading and drainage of the site.

Council Strategic Priorities

Council's Strategic Priorities has three Goals - Sustainable, Engaged and Livable. There are a total of 12 targets with the three Goals.

This report aligns with the Sustainable Goals within the Targets:

Target T4 Promote balanced growth

Supporting Documentation

Grading/Drainage Plan

Prepared by:

Steve Wever, Town Planner

Reviewed by:

Denyse Morrissey, CAO



Town of Shelburne
Site Alteration Permit
as Per By-law #26-2015

Site Alteration Permit is to be posted on the premises of the subject property at all times.

Site Information: Hornby Holdings Inc.	
Street Address – 115 Luxton Way, Town of Shelburne	
Legal Description (Lot Number/Plan Number) – Part of Lot 31, Concession 2, Part 1, Plan 7R-6523, Geographic Township of Amaranth in the Town of Shelburne, County of Dufferin.	
Estimated Cost of Site Alteration (\$) – \$210,000	
Permit Issued: July ##, 2021	Permit Expires: October 31, 2021
Total Site Area (ha) – 2.04 ha	Total Area to be Altered (ha) – 1.84 ha
Total Area to remain Inactive (ha) – 0.2 ha	
Conditions of Site Alteration Approval:	
<ol style="list-style-type: none"> 1. The Owner is responsible for ensuring compliance with all regulations, standards, permit requirements and conditions of the Town of Shelburne, and any other authority having jurisdiction. The Owner shall not commence Site Alterations until required approvals are obtained. The Owner shall provide documentation to demonstrate to the Town's satisfaction that all required approvals have been obtained prior to commencement of the Site Alterations. 2. Prior to commencement of the Site Alterations, the Owner shall provide to the Town a financial security to guarantee the performance of the Site Alterations in accordance with the approved plans, drawings and specifications approved by the Town. The amount of security shall be based on the estimated cost to restore the disturbed areas of the Site to an acceptable state and that the Site Alteration works are fully completed to the Town's satisfaction. The security shall not be released by the Town until the Site Alteration works are completed and accepted by the Town. 3. The Owner shall ensure that all siltation fencing and erosion controls are constructed prior to the commencement of Site Alterations, in accordance with an Erosion and Sediment Control Plan and Details approved by the Town. 4. All access to the property shall be from Luxton Way via a new driveway to the site to be constructed in accordance with Town of Shelburne requirements and a plan to be provided by the owner for Town review and approval indicating the location, width, surfacing, depth and 5. The importation of any fill materials to be placed on the property shall be subject to the following: <ol style="list-style-type: none"> a) Sourced from a licensed aggregate pit or other source approved by the Town; b) Certified and tested to ensure compliance with Ministry of Environment, Conservation and Parks standards; c) In accordance with a Soil Importation Protocol approved by the Town, if required by the Town Engineer; d) Trucking of fill only along a designated haul route approved by the Town and any other authorities having jurisdiction, and all by-laws, conditions and load restrictions for local and County Roads must be adhered to. The Owner, at its cost, shall repair any damage to roads caused by truck traffic or other vehicles or equipment associated with the Site Alterations. The Owner shall provide 	

street cleaning for any mud or sediment tracked onto the road as a result of the site alterations, as required by the Town. The Owner shall provide to the Town such documentation and specifications as required by the Town on the advice of the Town's engineering consultants to demonstrate that the importation of fill materials complies with these requirements. The Town reserves the right to request a soil sample to be randomly tested from any truck and/or to complete independent testing while the fill operations are in progress.

6. The Owner shall ensure that mud mats and dust controls are in place to avoid tracking of mud, dirt or other materials onto the roadway and to minimize the raising of dust and any potential impacts to other properties.
7. No vehicle or equipment maintenance, repair, washing or refueling shall be permitted within 30 metres of a watercourse or ditch.
8. The grading and drainage of the site shall be in accordance with a plan to be provided by the Owner for review and approval by the Town Engineer.
9. Any lighting proposed on the site shall be in accordance with a lighting plan provided by the Owner for review and approval by the Town Engineer.
10. A berm and tree plantings shall be provided along the southerly property boundary and 3-metre landscaped planting strips shall be provided along Luxton Way and Prentice Drive in accordance with a plan to be provided by the Owner for review and approval by the Town Planner, in accordance with the applicable design criteria and zoning requirements for landscaped open space, planting strips and screening of outdoor storage areas.
11. Fencing shall be in accordance with the Town's By-laws and the applicable design criteria, in locations shown on a plan to be provided by the owner and subject to the approval of the Town Planner.
12. All work on the site and trucking along a designated haul route shall be limited to the hours of 7:00 am to 7:00 pm, Monday to Friday. The Owner may request that the Town provide approval in writing for deliveries or work to take place outside of these hours. Any such request must be made in writing and at least 48 prior to the time of the proposed activity. The Town may grant or deny such permission and/or impose such conditions or limitations as it sees fit in its sole and absolute discretion. No site works or hauling shall occur on statutory holidays.
13. Approval of the Site Alteration Permit by the Town in no way constitutes approval or partial approval of any other applications required for the development of the lands under the Planning Act.

Registered Site Owner:

Name – Paul Duff		Title –	
Company Name – Hornby Holdings Inc.			
Street Address – 7155 8 th Line			
City – Milton		Province - Ontario	
Postal Code – L9E 1A5		Business Phone –	
Cell Phone –		Fax	

24 Hour Emergency Repair Contact Person

Name –		Title –	
Company Name –			
Street Address –			
City -		Province -	
Postal Code –		Business Phone –	
Cell Phone –		Fax –	

Contractor/Consultant	
Name – Paul Duff	Title – General Manager
Company Name – Greystone Grading Ltd.	
Street Address – 7155 8 th Line	
City – Milton	Province - Ontario
Postal Code – L9E 1A5	Business Phone –
Fax –	Email –

Jennifer Willoughby, Clerk
Town of Shelburne

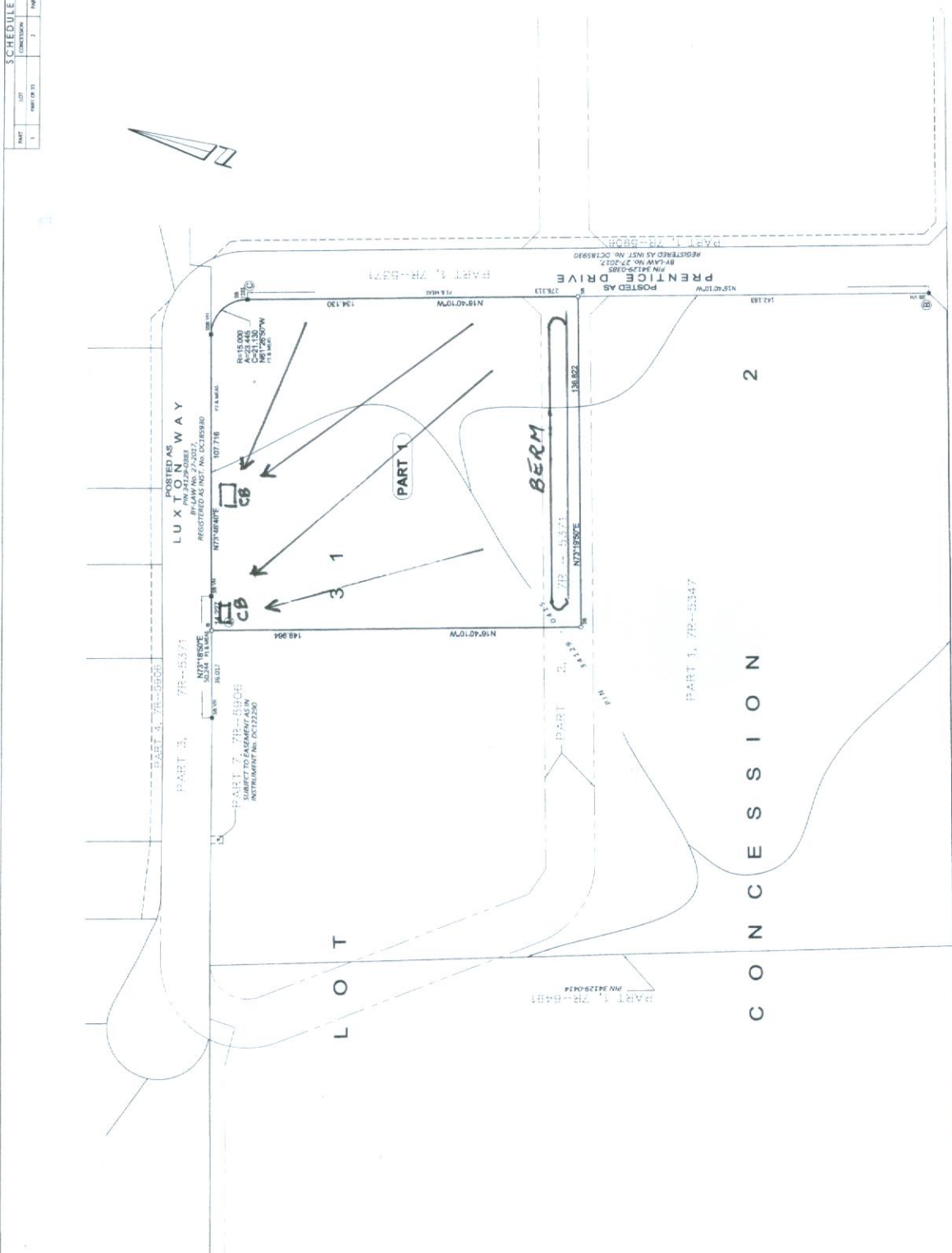
Dated this ____ day of _____, 2021.

RECORDING INFORMATION TO BE FURNISHED TO THE COUNTY CLERK AND THE TOWN CLERK
 PLAN TR. 092-3
 RECEIVED AND REPORTED
 DATE: 2/26/2018 8:32 AM
 SURVEYOR'S SIGNATURE: [Signature]
 TITLE: SURVEYOR
 STATE: MISSISSIPPI
 EXPIRES: 02/26/2021
 MISSISSIPPI BOARD OF SURVEYING NO. 17

SCHEDULE
 PART 1 LOT 1 PART OF 1/4 SECTION 2
 PART 2 LOT 2 PART OF 1/4 SECTION 2
 PART 3 LOT 3 PART OF 1/4 SECTION 2
 PART 4 LOT 4 PART OF 1/4 SECTION 2
 PART 5 LOT 5 PART OF 1/4 SECTION 2

PLAN OF SURVEY OF
 PART OF LOT 31
 CONCESSION 2
 GEOGRAPHIC TOWNSHIP OF AMARANTH
 TOWN OF SHELburne
 COUNTY OF DUFFERIN

SCALE: 1" = 200'
 VAN HARTEN SURVEYING INC.



SURVEYOR'S CERTIFICATE
 I, the undersigned, being duly sworn, depose and say that I am the duly qualified and licensed Surveyor of the County of Dufferin, Ontario, and that I am the author of the foregoing plan of survey, and that the same is a true and correct copy of the original plan of survey as the same appears in my office, and that I am not aware of any fraud or collusion in the execution of the same, and that I am not aware of any fraud or collusion in the execution of the same, and that I am not aware of any fraud or collusion in the execution of the same.

BEARING AND COORDINATE NOTE:
 1. ALL BEARINGS AND DISTANCES WERE OBTAINED FROM THE ORIGINAL FIELD NOTES AND ARE SUBJECT TO THE US PROJECTIONS, ZONE 17N, UTM COORDINATE SYSTEM, DATUM: NAD 83, ELEVATION DATUM: MEAN SEA LEVEL, AND ARE SUBJECT TO THE US PROJECTIONS, ZONE 17N, UTM COORDINATE SYSTEM, DATUM: NAD 83, ELEVATION DATUM: MEAN SEA LEVEL.

LEGEND:
 1. BOUNDARY LINE
 2. BOUNDARY LINE WITH BEARING AND DISTANCE
 3. BOUNDARY LINE WITH BEARING AND DISTANCE AND AREA
 4. BOUNDARY LINE WITH BEARING AND DISTANCE AND AREA AND PERIMETER
 5. BOUNDARY LINE WITH BEARING AND DISTANCE AND AREA AND PERIMETER AND AREA OF ADJACENT LOT
 6. BOUNDARY LINE WITH BEARING AND DISTANCE AND AREA AND PERIMETER AND AREA OF ADJACENT LOT AND AREA OF ADJACENT LOT
 7. BOUNDARY LINE WITH BEARING AND DISTANCE AND AREA AND PERIMETER AND AREA OF ADJACENT LOT AND AREA OF ADJACENT LOT AND AREA OF ADJACENT LOT
 8. BOUNDARY LINE WITH BEARING AND DISTANCE AND AREA AND PERIMETER AND AREA OF ADJACENT LOT AND AREA OF ADJACENT LOT AND AREA OF ADJACENT LOT
 9. BOUNDARY LINE WITH BEARING AND DISTANCE AND AREA AND PERIMETER AND AREA OF ADJACENT LOT AND AREA OF ADJACENT LOT AND AREA OF ADJACENT LOT
 10. BOUNDARY LINE WITH BEARING AND DISTANCE AND AREA AND PERIMETER AND AREA OF ADJACENT LOT AND AREA OF ADJACENT LOT AND AREA OF ADJACENT LOT

UTM COORDINATE (METERS)

POINT	NORTHING	EASTING
A	4,888,878.09	564,277.25
B	4,888,878.09	564,277.25
C	4,888,878.09	564,277.25
D	4,888,878.09	564,277.25

BEARING COMPASS:
 THE BEARING COMPASS WAS CALIBRATED AND CHECKED FOR ACCURACY BEFORE THE SURVEY WAS COMPLETED. THE BEARING COMPASS WAS FOUND TO BE ACCURATE TO WITHIN 0.1 DEGREES.

METRIC:
 DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY MULTIPLYING BY 3.28084.

Van Harten SURVEYING INC.
 14311 ALBERTA DRIVE, UNIT 101, MISSISSAUGA, ONTARIO L4W 1L7
 TEL: 905.882.2296 FAX: 905.882.4110
 WWW.VANHARTEN.COM INFO@VANHARTEN.COM
 MISSISSAUGA, ONTARIO L4W 1L7
 MISSISSAUGA, ONTARIO L4W 1L7