



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

Meeting Date: Monday, October 04, 2021

To: Jennifer Willoughby, Secretary-Treasurer,
Committee of Adjustment

From: **Steve Wever, Town Planner**

Report: P2021-40

Subject: **Application for Consent B21/04**
5 John Street
Design Plan Services Inc. for Suncor
Energy Products Partnership

Recommendation

Be it Resolved that the Committee of Adjustment grant conditional approval of Consent Application B21/04 subject to the following:

1. That the Secretary-Treasurer's Certificate under subsection 53(42) of the Planning Act R.S.O. 1990, c.P.13, as amended, shall be issued and the Secretary-Treasurer's fee be paid;
2. That the Owner shall obtain an easement across the County-owned former railway corridor located to the east, as required for the outlet of the stormwater management facility located in Block 9 of Draft Plan of Subdivision File No. DPS 17/02, and provide evidence of the County's approval of said easement to the satisfaction of the Town Planner;
3. That approval of the easement documents and the draft reference plan shall be obtained at the Committee of Adjustment office (Town of Shelburne) and the required number of prints (3) of the resultant deposited reference plan shall be received; and,
4. That the conditions are to be fulfilled and the consent is to be finalized on or before one year from the date of the issuance of the Committee's notice of decision.

Background

An application for Consent (storm sewer easement) has been submitted by Design Plan Services Inc. on behalf of the owner of the property located at 5 John Street. The property is owned by Suncor Energy Products Partnership and is currently occupied by a fuel storage and distribution facility / gas station. The subject property is legally described as Part of Lot 1, Concession 3, Old Survey, Town of Shelburne. The property has a total area of approximately 0.2 hectare (0.5 acre) with 45.6 metres of frontage on John Street.

The purpose of the application is to create a storm sewer easement across the subject property, for the purposes of a proposed storm sewer that will function as part of the outlet for the new storm water management pond located to the east of the former rail corridor in the Scone Developments ("Shelburne Towns") subdivision currently under construction.

This application relates to Draft Plan of Subdivision DPS17/02 (Scone Developments, formerly referred to as Stoneridge). Approval of an easement for the storm sewer is a condition of subdivision approval. Scone is also in the process of seeking County approval of a related easement across the County-owned former railway corridor, as required to complete the storm sewer connection and emergency overflow spillway, and to satisfy the conditions of subdivision approval. The easements will be in favour of Block 9 of the Draft Plan of Subdivision, granting access by the owner of Block 9 to the easement lands for installation and future maintenance and repair of the storm sewer and related works, which will ultimately become the responsibility of the Condominium Corporation that will own Block 9 including the common elements of the related Draft Plan of Condominium (File No. DPC17/02).

Analysis

The property is situated at the north end of John Street near the intersection of John Street and Main Street West. The property is designated "Commercial" in the Official Plan and "Community Commercial" in the Shelburne West Secondary Plan, and is zoned "Special Commercial (C4) Zone" in the Zoning By-law.

The attached easement sketch illustrates the dimensions and location of the proposed storm sewer easement on the subject property. The proposed easement has a width of 5 metres, starting at the southwest property line, across the entire length of the property's southerly boundary, north-easterly to the limit of the former rail corridor, for a total length of approximately 46 metres (230 square metres in area). The easement is proposed as a storm water easement for the purposes of a 600mm storm sewer and related works.

The storm sewer will outlet from the pond, across the former railway corridor and the subject property at 5 John Street, to the existing ditch on the west side of John Street. If the outlet becomes blocked during a major storm, the pond's emergency overflow spillway will direct overflow across the former railway corridor to a Catch Basin Manhole located at the north-east corner of the subject property.

Surrounding Land Use Context

The property is surrounded by existing and planned residential uses including a proposed draft plan of subdivision on land to the north and west. The adjoining property to the south is used for an existing multi-unit dwelling. The Pre-servicing Agreement for the Scone Developments subdivision establishes the limits of work/disturbance for the storm sewer installation which shall be within the proposed easement across the subject property at 5 John Street, within the John Street right-of-way, and within the County corridor (subject to County approval). Areas disturbed by the work will be required to be restored to their current or better conditions.

Provincial Policy Statement (PPS) and Growth Plan for the Greater Golden Horseshoe

The 2020 Provincial Policy Statement (PPS) provides direction on matters of Provincial interest related to land use planning and development and all land use planning decisions shall be consistent with the PPS in accordance with Section 3 of the Planning Act.

The Growth Plan for the Greater Golden Horseshoe ("Growth Plan") came into effect on May 16, 2019 and was amended on August 28, 2020. The Growth Plan is the Ontario government's initiative to guide and manage growth and development in a way that supports economic prosperity, protects the environment and helps communities achieve a high quality of life.

The proposal to create a storm water easement within the subject property will not change the permitted uses of the land and will not create a new building lot. The storm sewer easement will not have any significant impact on the potential for future additional buildings and intensification of the existing commercial use of the site or a change of use in the future to other permitted commercial operations.

The application is consistent with the PPS and conforms and does not conflict with the Growth Plan.

County of Dufferin Official Plan

The subject property is within the identified Urban Settlement Area of Shelburne and is within the built boundary. The storm sewer easement will

facilitate fully serviced development of the land within the Scone Draft Plan of Subdivision/Condominium, in keeping with the policies of the County Official Plan. The application conforms and does not conflict with the Dufferin County Official Plan.

Town of Shelburne Official Plan

The property is designated "Commercial" on Schedule 'A' of the Official Plan and "Community Commercial" in the Shelburne West Secondary Plan as shown on Schedule 'A1'. Section 8.4 of the Official Plan identifies factors to be considered in assessing applications for Consent:

a) That regard shall be given to the goals of Section 3 of the Plan.

The application for consent is supported by the goals and objectives of the Official Plan, specifically the proposed consent will provide for the completion of the storm water system which will connect a storm water management pond located to the east of the former rail corridor to an approved outlet on John Street.

b) That the severance will conform to Schedule 'A' and the appropriate land use policies in this Plan, and the provisions of the Zoning By-law.

The subject land is designated Commercial in the Town's Official Plan and is located within the built boundary, and the application does not affect nor propose any changes to the existing commercial use of the subject property. The property is currently zoned Special Commercial (C4) in the Town's Zoning By-law. The proposed storm sewer easement is not specifically regulated by the Zoning By-law.

c) That the severance will conform to the Land Division policies.

- Lot size – not applicable, as no new lot is being proposed, and no changes are proposed to the existing lot size of the subject property, but rather an easement is proposed for a storm sewer.
- Public Road Access and Improvement – the subject property will continue to maintain the existing frontage and road access onto John Street which will also provide access to the storm sewer easement for future maintenance and repair, as needed.
- As no new lots are created, cash in lieu of parkland dedication does not apply to the proposed easement.
- Compatibility with surrounding area – the subject easement is in an area characterized by residential uses. As the proposed easement will be used for a storm sewer servicing a draft approved residential subdivision/condominium development, there are no concerns regarding land use compatibility.

- Hazard Lands – the proposed easement is not within or adjacent to any area identified as Natural Environment in the Official Plan.

The proposed easement is in keeping with the goals, policies and land uses designations of the Town of Shelburne Official Plan.

Servicing

There are no impacts to municipal services related to the proposed private storm sewer easement. The proposed storm sewer will be privately owned and will be the responsibility of the owner of Block 9 of Draft Plan of Subdivision DPS 17/02 (currently Scone Developments, ultimately will be owned by the Condominium Corporation responsible for the common elements in the development) for future maintenance and repair.

Summary

Application B21/04 to create a storm sewer easement is consistent with the PPS, conforms and does not conflict with the Growth Plan and the Dufferin County Official Plan, and is in keeping with the Town's Official Plan and Zoning By-law. Standard conditions of approval are recommended.

Financial Impact

None. As the storm water easement is on private property, the owner of the facility and beneficiary of the easement is responsible for construction, inspection and maintenance and related costs.

Policies & Implications (if any) Affecting Proposal

Town of Shelburne Official Plan
Town of Shelburne Zoning By-law 38-2007

Consultation and Communications

The application was circulated to the required agencies and the public meeting was advertised in accordance with the Planning Act. No objections to the approval of the Consent application were received as of the time of writing this report.

WSP on behalf of the County of Dufferin has noted that installation of the storm sewer is subject to the requirement for a related easement across the adjoining County-owned corridor. As the proposed easement on 5 John Street will serve no purpose unless and until a related easement across the County-owned lands is approved, a condition of approval is recommended to require that the Town shall be provided with evidence of the County's approval of the easement across the County lands prior to final approval of the Consent.

WSP has also noted that there are existing woodlands and wetlands located on land to the west, and that the subject property is within a wellhead protection area, and has recommended consultation with the NVCA on these matters.

The existing woodlands and wetlands are the subject of an Environmental Impact Study (EIS) submitted for the proposed draft plan of subdivision on land to the north and west of the subject land. No impacts to these features are anticipated as it relates to the existing woodland and wetland and source water protection matters as a result of the proposed Consent and installation of the proposed storm sewer.

Comments from the NVCA were not yet available at the time of writing this report. The subject property and the Scone Developments Draft Plan of Subdivision are within the NVCA regulated area, and the NVCA has reviewed the associated engineering plans for the servicing of the development, including the stormwater system design. The NVCA has issued a permit for the development, and the permit references the engineering drawing set for the subdivision development which includes the proposed storm sewer across the subject property at 5 John Street. In accordance with the NVCA regulations and the Pre-servicing Agreement, Scone is responsible to ensure that all required approvals are obtained for the installation of the works, including the proposed storm sewer. Staff have advised the applicant that confirmation of NVCA permit approval for the proposed storm sewer will be required.

Supporting Documentation

Draft Easement R-Plan

Prepared by:

Reviewed by:

Jenna Daum, Planner

Steve Weber, Town Planner

