



PLANNING JUSTIFICATION REPORT

PREPARED FOR:

**Temporary Use Zoning By-Law
Amendment
Sobeys**

203 Alma Street, Rockwood
File no. 07159DL

20, November 2024

Your Vision

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1.0 Introduction

1.1 Purpose of the Application

On behalf of our client, Sobeys Capital Inc. ("Sobeys"), we are pleased to submit this application for a temporary use Zoning By-law Amendment ("ZBA") to allow for the continued use of the existing outdoor storage area, on the property municipally known as 203 Alma Street, Rockwood in the Township of Guelph-Eramosa, County of Wellington (the "Subject Lands") (**Figure 1**). This Planning Justification Letter provides an overview of the existing site and the history of the application, a description of the current proposal, and a rationale in support of the required temporary use ZBA, in accordance with the applicable in-force policy and regulatory framework related to the Subject Lands.

In support of this submission, please find enclosed the following digital materials:

- The Application Authorization dated October 12, 2024;
- The Site Plan prepared by MHBC dated November 20, 2024;
- The Topographic Survey prepared by J.D. Barnes Limited, dated November 7, 2024;
- Information for Commercial Developments Checklist;
- Confirmation that the Cheque for the Temporary Use ZBA Application was Received; and,
- Confirmation that a Pre-Consultation Meeting is not required.

The cheque for the Zoning By-law Amendment fee has been received by the Corporation of the Township of Guelph/Eramosa.

Please note, it was confirmed with the Town that a Pre-Consultation Meeting is not required for this submission.



Figure 1- Location Map

2.0 Overview

2.1 Site Context

The Subject Lands are located at 203 Alma Street, Rockwood at the southwest corner of Alma Street and Inkerman Street. The Subject Lands are currently occupied by a Foodland with an interior Beer Store and LCBO agency, as well as associated parking and outdoor storage in the form of two (2) shipping containers and three (3) accessory structures in the southeast corner of the Subject Lands. For the purposes of this Letter, the storage containers and accessory structures will be referred to as the “outdoor storage area”. The Subject Lands has a total area of 1,545.47 square metres and a frontage of approximately 40 metres along Alma Street and 40 metres along Inkerman Street. The outdoor storage area currently occupies an area of 49.75 square metres. The Subject Lands is currently accessible from one access point from Alma Street, which turns into Highway 7 (a Provincially controlled highway), and one access point from Inkerman Street. The following images illustrate the site context of the Subject Lands.



Image 1- View of the Subject Lands Along Alma Street



Image 2- View of the Subject Lands at the Intersection of Alma Street & Inkerman Street



Image 3- View of the Outdoor Storage Area along Inkerman Street

2.2 Surrounding Context

NORTH: Directly north of the Subject Lands are commercial establishments located on the east side of Inkerman Street, including Rockwood Dental Centre and Pharmacy. Commercial establishments are also located on the north side of Alma Street and include the Alma Street Animal Hospital, New Orleans Pizza, and

Rockwood Family Wellness Centre. North of the commercial area, approximately 100 metres north of the Subject Site is a woodlot and a valley corridor. There are also single-detached dwellings located northwest of the intersection of Inkerman Street and Alma Street.

SOUTH: Directly south of the Subject Lands are single-detached dwellings. One block south of the Subject Lands is Rockwood Centennial Public School.

EAST: The Rockwood Post Office is located immediately east of the Subject Lands. Low density residential lands are located further east of the site. Two blocks east of the Subject Lands is Lloyd Dyer Park.

WEST: Located west of the Subject Lands are single detached dwellings on the south side of Alma Street and further east is an Esso gas station.

2.3 Proposal History

Our client first received a By-law Infraction Notice on July 24, 2019, with regard to the outdoor storage area, advising that: the loading space shall be unobstructed; all exterior storage and structures should be removed from the loading space area; the two shipping containers should be removed from the property; and, that the minimum parking requirements shall be met. At the time, our client had discussions with the Township of Guelph-Eramosa and County of Wellington in an attempt to find a solution to the existing storage issue, and it was determined that the most appropriate method to resolve the issue in the short term was to apply for a temporary use ZBA to permit the existing storage area. In response to this, a temporary use ZBA application for the Subject Lands was submitted on February 7, 2020. A By-law to

permit the outdoor storage area was approved on September 21, 2020, through By-law 52-2020 for a period of three years, with the intent of finding a permanent solution to the storage issue (**Appendix A**).

Since the approval of the temporary use ZBA on September 21, 2020, our client has been exploring the re-location of the Foodland, across the Street on 204-250 Alma Street as well as other locations. The timing to secure the location, and the preparation of the site including, the installation of a retaining wall, is taking longer than anticipated. Thus, as the temporary use ZBA to permit the outdoor storage area expired on September 21, 2023, another temporary use ZBA is required to allow for the continued use of the outdoor storage area needed to support the function of the Foodland and its ability to continue to serve the community.

The following letter provides justification for a new temporary use ZBA application that will allow for the continued use of a portion of the Subject Lands with the outdoor storage area.

3.0 Summary of the Proposal

Our client is seeking approval for a temporary use ZBA for a period of up to three (3) years, to allow for the continued use of the outdoor storage area for additional outdoor storage to serve the Foodland building on the Subject Lands, as shown on **Figure 2**. The outdoor storage area consists of two (2) shipping containers and three (3) accessory structures (one (1) frame shed and two (2) refrigerated storage sheds). Due to the need for the

additional storage and limited available locations to place storage on the property, the outdoor storage area is currently obstructing the parking area and the loading space at the southeast limits of the Subject Lands. This letter, and the associated Draft ZBA, provide justification for the need for the outdoor storage area and the site-specific variances that allow for the outdoor storage area to remain in its current position.

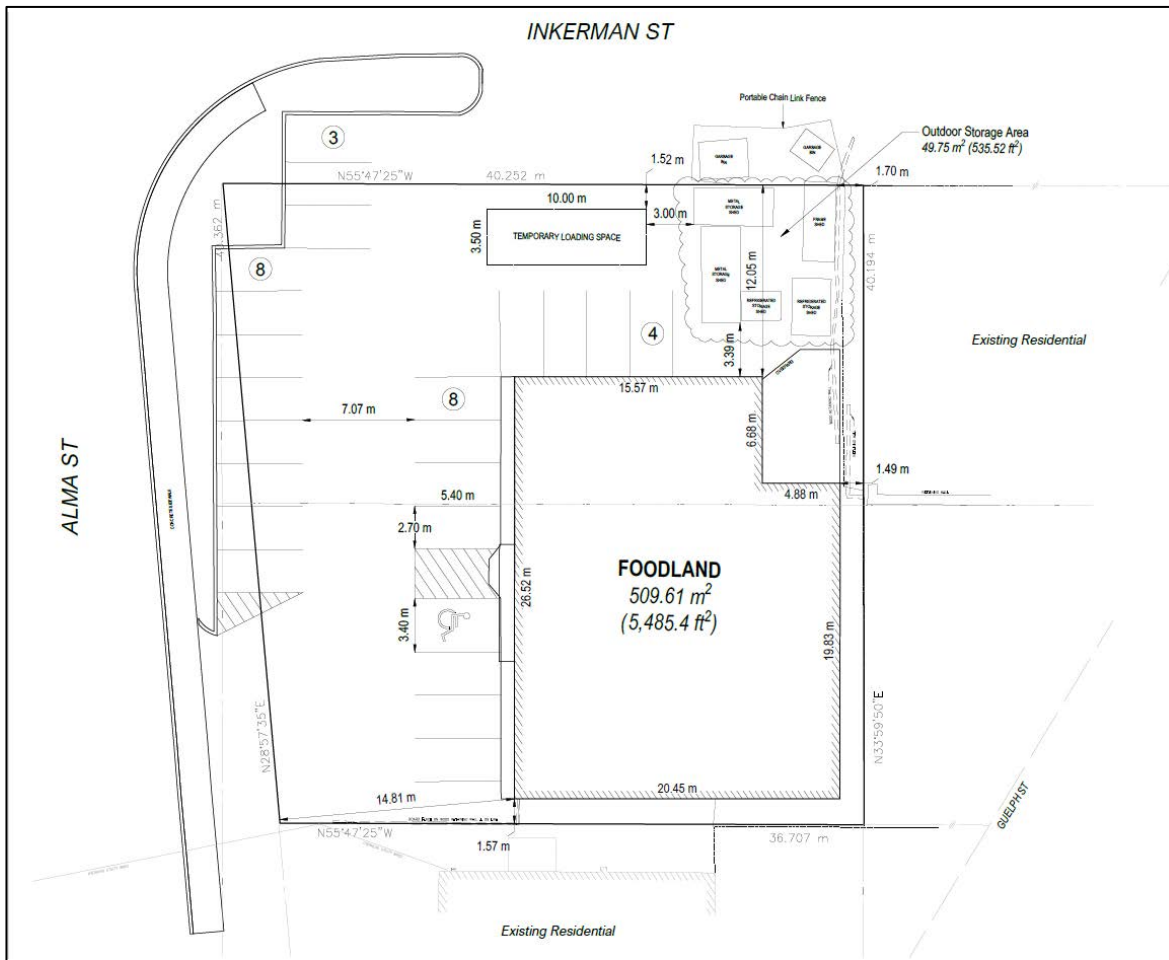


Figure 2- Site Plan

3.1 Existing Conditions

The existing Foodland building on the Subject Lands has a total Gross Floor Area (GFA) of approximately 509.61 square metres (5,600 square feet). The outdoor storage area is located in the southeast corner of the Subject Lands and has a total area of 49.75 square metres. The outdoor storage area has existed on the property since the current Franchisee acquired the store in 2016 and appears to have existed on the property since 2009, potentially longer according to historical aerial images.

At the time that the current Franchisee acquired the store, there were three storage containers on the Subject Lands. All of the containers were approximately the same size at the time and were placed against the east side of the building. The following is a review of the size and purpose of the containers:

- A 2.4 metres x 3.6 metres (8 feet x 12 feet) shipping container used as a bottle return for the Beer Store.
- A 3.6 metre x 4.8 metre (12 feet x 16 feet) shipping container used as a freezer.
- A 3.0 metre x 6.0 metre (10 feet x 20 feet) shipping container used for storage.

The Franchisee renovated the inside of the store in the fall of 2017, and at the time, changed the configuration of the storage containers and added a 2.4 metre x 3.0 metre (8 feet x 10 feet) cooler as well as a 3.0 metre x 4.8 metre (10 feet x 16 feet) framed shed and roof (accessory structure) for staging pallets and keeping the Beer Store empties out of the weather. In the winter of 2019, the Franchisee added the present overhang over the loading space area and reconfigured the storage containers to their present locations (as shown in the Site Plan in **Figure 2**).

As per the Township of Guelph-Eramosa Zoning By-law, a total of 26 parking spaces including, 23 parking spaces and 3 accessible parking spaces, are required to serve the Foodland. There are currently 23 parking spaces including, 22 parking spaces and 1 accessible parking space provided on the Subject Lands. Therefore, the Subject Lands is currently deficient 1 parking space and 2 accessible parking space, for a total of 3 spaces.

The Subject Lands also requires the provision of one unobstructed loading space, with the minimum dimensions of 10 metres in length, 3.5 metres in width, and a vertical clearance of at least 4 metres. The existing loading space is currently obstructed by the outdoor storage area. The design of the loading area is on an incline and poses safety problems when pulling pallets off of the delivery trucks. Therefore, it was leveled by placing the storage containers over the old receiving area to utilize the unlevelled area, while providing a safer and more level place for the trucks to back into. Despite the existing loading space being obstructed, delivery trucks are still able to reverse in, parallel to the building, from Inkerman Street. Loading operations are planned during off-peak times to minimize impacts to the parking lot operations for customers. In select instances, the larger trucks (mainly the Beer Store delivery truck), park at the top of the hill on Inkerman Street and unload on the shoulder of the road.

We note that the current property limits as shown on the Topographic Survey prepared by J.D. Barnes LTD., dated November 7, 2024, show that road widenings have been taken from Alma Street and Inkerman Street, resulting in portions of the Subject Lands, including parking, curbing and ingress and egress lanes, and garbage bins, encroaching into both right-of-ways. The Applicant is committed to working with the Town to finalize easement agreements to address this matter.

3.2 Why the Outdoor Storage Area is Required

The outdoor storage area is required on the Subject Lands to provide additional space to store products from the Foodland that are needed to meet the daily needs of the community that exceed the capacity of the retail store. The Foodland on the Subject Lands is approximately 509.61 square metres (5,600 square feet) in size which, is one of the smallest retail stores in Sobeys' network. Sobeys is also a tenant on this property, not the owners, limiting their ability for expansion on the site to accommodate additional storage. The Foodland was not designed and constructed with a back-room storage space, most likely due to the age of the building, having been constructed over 20 years ago, and due to the much smaller consumer base of the time. Since Foodland has been operating on the Subject Lands, particularly with an agency LCBO and a Beer Store business inside the store, there has been a need to store products to properly serve the community with an adequate amount of product given the typical weekly sales volumes.

Approximately 3 years ago, a new Franchisee took over the operation of this store with a mandate to increase sales volumes for this particular location. To do so, the Franchisee was required to enter into lease agreements with storage companies to store products to keep up with the demands of the sales volumes, given that Foodland is the only traditional food store in Rockwood. As a result of this approach food store sales, and consequently, the volume of customers served by the store, have increased. Sobeys is continuing to serve the local community at a significant disadvantage in terms of store size however, the Franchisee has

been able to meet its mandate to increase sales volumes.

Sobeys has reviewed all other available opportunities to store the storage containers off-site and while the site across the street is currently going through engineering approvals, they have not found any other opportunity in the marketplace. This was originally verified by County and Township staff with the original temp use By-law, as there are several zoning limitations in terms of where you can place these containers within the settlement area boundary. To avoid serious financial and operational impacts to the business, and to continue to offer the same level of service to the local community, Sobeys has no other choice but to pursue this rezoning application for the temporary use of the outdoor storage area. Sobeys is aware that the impact of the outdoor storage area on the parking and loading configuration is not ideal, however, their customers have been strategically identifying the more opportune times to visit the store when parking is available, or parking on nearby streets where street parking is also available.

3.3 Sobeys' Long-Term Solution

Sobeys is seeking this three (3) year temporary use zoning permission for the outdoor storage area while they are actively investigating a long-term solution for the storage issue. Sobeys is engaging in discussions and preparing concept site plans with a landowner in close proximity to the Subject Lands, who is pursuing a future commercial redevelopment on their property. Sobeys has not yet finalized a plan and there is no lease agreement commitment in place with this landowner, however, discussions are ongoing. Sobeys' goal is to design and construct a new Foodland store, likely in the range of

2,322 to 2,787 square metres (25,000 to 30,000 square feet) that would solve the storage concerns and provide adequate loading and parking for their store and customers. Sobeys has a mandate to bring brand new stores and renovate existing stores across the Province where it is needed most including, the Foodland on the Subject Lands. The new store would be state of the art and consistent with the needs of the Rockwood community. Sobeys is currently constructing new stores in Fergus and Markdale, among several other markets, and this market would be treated similar to those locations.

4.0 Analysis and Justification

4.1 Provincial Planning Statement (2024)

The new Provincial Planning Statement (“PPS”), 2024, came into effect on October 20, 2024, and replaces the PPS, 2020 and Growth Plan for the Greater Golden Horseshoe. The PPS provides policy direction on matters of provincial interest related to land use planning and development. The *Planning Act* requires that decisions affecting a planning matter ‘be consistent with’ the policies of the PPS.

The PPS states that settlement areas are to be the focus of growth and redevelopment. Land use patterns within settlement areas should make efficient use of land and resources, optimize existing and planned infrastructure and public service facilities, be freight-supportive, and support active transportation. Planning authorities are to encourage general intensification and redevelopment that supports the creation of a complete community that accommodates a range and mix of land uses including housing, employment, public service facilities, and open spaces to meet long-term needs.

The proposed ZBA to permit the temporary use of the outdoor storage area on the Subject Lands, is consistent with the PPS as follows:

- The Subject Lands are located within a settlement area, as defined by the PPS, and operates on full municipal services;

- The proposal does not cause environmental or public health and safety concerns;
- The proposal does not present any issues with regards to servicing or the road network; and,
- The proposal allows for the continued operation of a Foodland in the settlement area of Rockwood that contributes to the range and mix of land uses, employment opportunities, and commercial services that meets long-term needs.

4.2 County of Wellington Official Plan

The County of Wellington Official Plan came into effect on May 6, 1999. A review of the July 2024 consolidation of the County of Wellington Official Plan was undertaken for the purposes of this letter.

The following designations from the County of Wellington Official Plan apply to the Subject Lands:

- Delineated Built-up Area, in the Primary Urban Centre – Schedule A3: County Growth Structure, Guelph-Eramosa (**Figure 3**)
- Primary Urban Centre, in the Urban System- Schedule B3: Land Use, Guelph/Eramosa (**Figure 4**)
- Residential Transition Area – Schedule B3-1, Rockwood Land Use (**Figure 5**)
- Heritage Area – Schedule A3-1, Rockwood Land Use (**Figure 5**)

4.2.1 Primary Urban Centre

The Subject Lands are located in the 'Primary Urban Centre' which, is the County's primary focus for housing, commerce, services, job creation, recreation, and community facilities. The small-town character and lifestyle of the County's Urban Centres are to be protected and enhanced as urban growth takes place.

Primary Urban Centres (also known as "Urban Centres" or "Urban Areas"), are expected to provide a full range of land use opportunities. Urban Centres will provide adequate lands to serve the existing and future needs of the community, provide for an adequate supply and diversity of commerce, and utilize urban design principles to ensure public safety and security for all residents and visitors.

In accordance with **Policy 7.4.1**, permitted uses in Primary Urban Centres include the following:

- Residential uses
- Commercial uses
- Industrial uses
- Institutional uses
- Parks and Open Space (where compatible)

Policy 7.4.3 on Land Use Compatibility states that more detailed planning policies and zoning regulations shall be developed for Urban Centres, to ensure that the existing and proposed uses are compatible, that adverse impacts are kept to a minimum, and that appropriate mitigation is provided where practical.

Policy 7.4.8 on Other Commercial Uses states that commercial uses will be required in Urban Centres including, commercial uses requiring large sites and convenience commercial uses to serve neighbourhood needs.

Policy 7.4.9 on Transition Areas includes policies for lands near "main streets" that are undergoing change, from areas dominated by single detached residential uses to a mixture of commercial, multi-unit residential, and institutional uses. Providing adequate parking is often a challenge in these areas. These areas may be recognized in official plans and ZBL's for a mixture of uses including, commercial uses.

The proposal allows for the continued use of the Foodland and accessory outdoor storage area which, are permitted uses in the Urban Centre as per the County of Wellington Official Plan. The proposed temporary Use ZBA supports the objectives of the Urban Centre through allowing for the continued use, function, and viability of the Foodland, that has served the daily needs of residents of Rockwood for many years, as the sole food store located in the settlement area. The continued use of a portion of the Subject Lands for the outdoor storage area will support

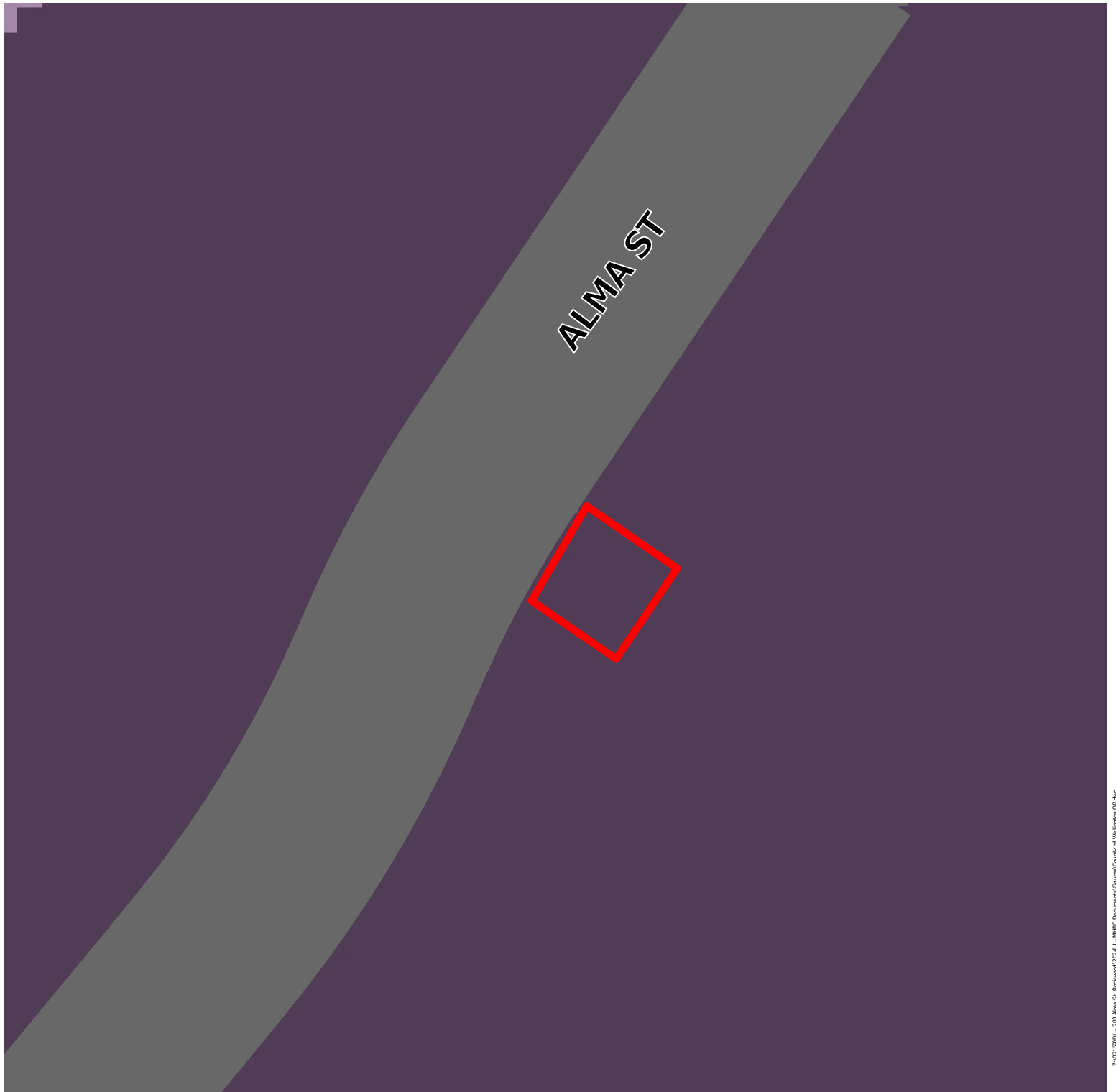


Figure 3 | County of Wellington Official Plan - Schedule A3: County Growth Structure (Guelph/Eramosa)

Data Source: County of Wellington

 Subject Lands

Urban System

 Primary Urban System

 Delineated Built-up Area

 Designated Greenfield Area



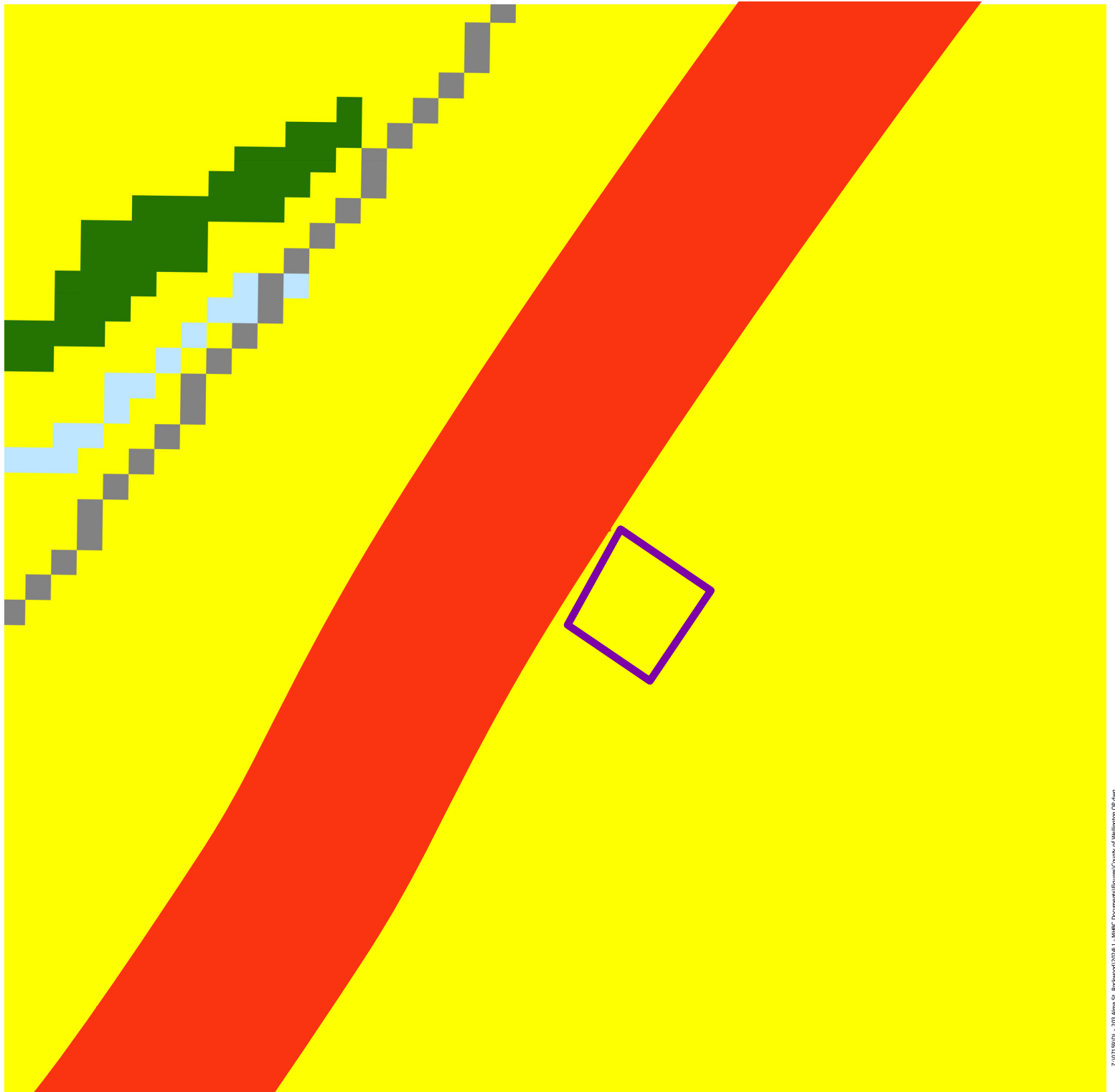











Figure 4 | County of Wellington Official Plan - Schedule B3: Land Use (Guelph/Eramosa)

Data Source: County of Wellington

-  Subject Lands
- The Greenlands System**
-  Core Greenlands
-  Greenlands
-  Earth Science ANSI

- The Rural System**
-  Prime Agricultural
- The Urban System**
-  Primary Urban Centre

-  County Roads
-  Provincial Highways
-  Railway
-  Waterbody
-  Watercourse



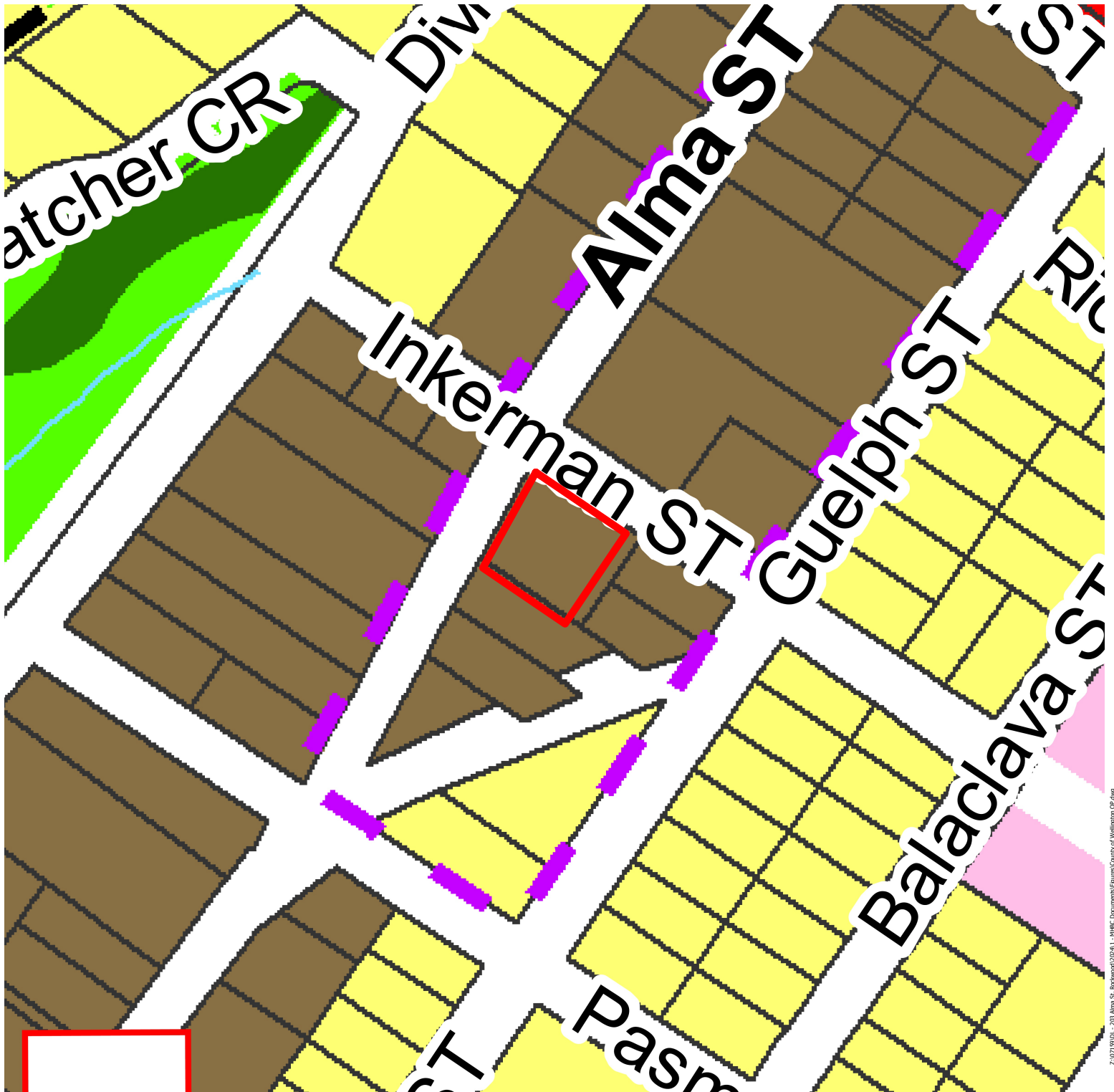


Figure 5 | County of Wellington Official Plan - Schedule B3-1: Land Use (Guelph/Eramosa)

Data Source: County of Wellington

- Subject Lands
- Residential
- Residential Transition Area
- Core Greenlands
- Greenlands
- Heritage Area
- Watercourse

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the function and operations of the Foodland in meeting the existing and future needs currently satisfied by the services of the food store, Beer Store and LCBO agency.

The existing Foodland and outdoor storage area on the Subject Lands supports the objectives of the “Transition Area”, through providing a small, existing building that serves to meet the commercial needs of the community, contributes to the small town character of Rockwood, and provides an appropriate transition from the main street function to the low density stable neighbourhood west of Main Street South. There are many similar small scale commercial uses in close proximity to the Subject Lands including, various commercial and office uses along Alma Street to the east and west of the site.

As noted above, providing parking in Transition Areas is often a challenge due to the small parcel sizes. This challenge is present on the Subject Lands and is addressed through this application. The proposed outdoor storage area at the southeast corner of the Subject Lands, impacts the off-street parking supply by 7 spaces. However, the minor reduction to parking spaces does not impact the function or success of the store, as residents are able to find opportune times to visit the store and utilize the available street parking nearby. As noted in the County Official Plan, zoning regulations are meant to ensure that existing and proposed uses are compatible, and that adverse impacts are kept to a minimum and that appropriate mitigation is provided where practical. The proposal would permit the continued use of the outdoor storage area on a small portion of the Subject Lands, that is appropriately screened from nearby residential uses and does not cause any adverse impacts. Compliance with the Town of Guelph-Eramosa Zoning By-law (“ZBL”) is further addressed below.

4.2.2 Residential Transition Area

The Subject Lands are designated “Residential Transition Area” in the County of Wellington Official Plan. These areas are located on the periphery of the Urban Centre leading into residentially designated lands. Residential Transition Areas provide an opportunity for non-retail commercial uses and other community services in the Urban Centre. The Residential Transition Area is to generate a lower level of vehicular and pedestrian traffic than that of retail facilities for shopping, dining, and overnight accommodation.

As per **Policy 8.5.2, Residential Transition Areas** shall maintain compatibility with existing residential uses and minimize impacts on surrounding land uses, protect the character of the existing residential neighbourhoods, provide adequate lands for non-retail and service functions required to serve the community, and provide adequate off-street parking. Initiatives which are meant to improve the economic viability, level of services, and maintain an aesthetic appearance of the Residential Transition Area will be supported.

As per **Policy 8.5.3**, permitted uses within the Residential Transition Area are as follows:

- Professional offices
- Clinics
- Nursing Homes
- Churches
- Bed and breakfast (subject to Sec. 8.3.7)
- Other community-oriented facilities
- Studios
- Personal Services Establishments
- Day care centres
- Ancillary retail uses secondary to the main service function
- Service Clubs

As per **Policy 8.5.4**, the scale of development within Residential Transition Areas is not intended to accommodate intensive commercial development as is anticipated in the Central Business District. The ZBL will dictate parking,

landscaping, setbacks and coverage requirements further.

As per **Policy 9.4.3**, additional uses permitted in the 'Rockwood Residential Transition Area' include:

- Food store
- Building supply store
- Garden centre
- Wholesale outlet
- Furniture store
- Home furnishing centre
- Other complementary/similar uses
- Motels
- Automotive services
- Convenience commercial services
- Recreation and entertainment uses
- Restaurants
- Banquet halls

The proposal conforms to the policies of the County of Wellington Official Plan relating to Residential Transition Areas as it allows for the continued operation of a food store use, currently permitted in the Residential Transition Area. The outdoor storage area supports the objectives of the Residential Transition Area through providing additional storage space that supports the food store in meeting the daily needs of its consumer base, and thus, the economic activity and levels of service of the community. The Foodland and proposed outdoor storage area maintain compatibility with the residential uses surrounding the Subject Lands through providing appropriate buffering, fencing, and landscaping.

As noted above, the proposed outdoor storage area on the Subject Lands impacts the off-street parking supply, however, the minor reduction to parking spaces does not impact the function of the store or the surrounding area. The proposal is subject to the provisions of the Township of Guelph-Eramosa ZBL which is meant to guide and dictate the scale and form of development in Residential Transition Areas as further addressed below.

4.2.3 Heritage Area

The Subject Lands are located within the 'Heritage Area' in Rockwood as defined by the County of Wellington Official Plan. The Heritage Area is not a Heritage Conservation District under the Ontario Heritage Act and not all buildings located within the Heritage Area are heritage resources. The Official Plan states that the need for a Heritage Impact Assessment and/or Conservation plan is determined during pre-consultation for development applications and is based on the heritage attributes or reasons the site is identified to be significant.

Through the original pre-consultation with County Staff, it was determined that no Heritage Impact Assessment is required to permit the temporary use on the Subject Lands. It was confirmed that the renewal of the temporary use would not require another pre-consultation.

4.2.4 Temporary Use By-laws

Section 13.4 of the County Official Plan addresses **Temporary Use By-laws**, and states that By-laws may be passed by a local council to allow the temporary use of land for a purpose that is otherwise prohibited by the Official Plan or Zoning By-law for a period of up to 20 years. A temporary use by-law may not exceed three years but may be extended. A Council shall have regard for the following:

- The likely duration;
- Compatibility;
- Impact assessment;
- The adequacy of services;
- Access and parking; and,
- General conformity with this Plan.

In terms of the likely duration of the outdoor storage area, Sobeys is seeking a three (3) year temporary use ZBA for the storage area while they are determining a long-term solution.

Sobeys is engaged in discussions and preparing concept site plans with a landowner in close proximity to the Subject Lands, who is pursuing a future commercial redevelopment on their property. Sobeys has not yet finalized a plan and there is no lease agreement commitment in place with this landowner, however, discussions are ongoing, and the new store would solve the storage concerns and provide adequate loading and parking for their store and customers.

In terms of compatibility and impact, the location of the outdoor storage area on the Subject Lands has been selected to minimize visual impact and to ensure compatibility with the surrounding land uses. The location of the outdoor storage area at the southeast corner of the Subject Lands, lies in close proximity to an adjacent Village Service Commercial use on the east side of Inkerman Street. The outdoor storage area is enclosed inside a chain link fence, to provide screening from the public realm along Inkerman Street and Alma Street. While the storage containers are slightly visible from Alma Street, they are significantly setback from the right-of-way and are often screened by cars parked in the parking spaces on the east side of the building. The closest neighbouring dwelling to the south of the Subject Lands is appropriately screened with fencing and lush landscaping making the outdoor storage area not visible from this property.

In terms of the adequacy of services, the existing building operates on full municipal services, and the continued use of the outdoor storage area does not impact the adequate supply of servicing.

In terms of access and parking, the storage containers do not pose access issues but do impact the parking supply and loading area. As noted above, the impact of the reduced parking supply is minor in nature as the customers have been strategically identifying the opportune times to visit the store when parking is available,

or parking on nearby streets where street parking is also available. Despite the existing loading space being obstructed, delivery trucks are still able to reverse in, parallel to the building, from Inkerman Street. Loading operations are planned for off-peak times to minimize impacts to the parking lot operations for customers. Some of the larger trucks (mainly the Beer Store delivery truck) park at the top of the hill on Inkerman Street and unload on the shoulder of the road. Therefore, receiving and loading operations are not impacted by the proposal.

In terms of general conformity with the County of Wellington Official Plan, conformity is addressed above in detail and is summarized below.

The proposed ZBA to permit the temporary use of an outdoor storage area in its current location on the Subject Lands, conforms with the County of Wellington Official Plan as follows:

- The Subject Lands is located within an Urban Centre and Residential Transition Area where commercial uses, particularly Food Store uses and their accessory uses are permitted;
- The small size of the existing Foodland store, relative to other Sobeys franchises, contributes to the small-town character of the Rockwood Settlement Area;
- The proposal allows the current store to continue to serve the daily needs of local residents until a larger store is developed that will more effectively serve the growing needs of the community;
- The existing store provides convenient access for local residents to meet daily needs within the settlement area of Rockwood, limiting long travels to neighbouring communities for food and daily supplies; and,

- The location of the storage area has been selected to ensure no adverse impacts to the surrounding neighbourhood, therefore, resulting in a reduced parking supply and obstructed loading space. However, the impact of the reduced parking supply is minor as residents have been finding opportune times to visit the store and are also able to utilize the available street parking nearby. Loading operations are planned for opportune times to minimize impacts to the parking lot operations for customers.

4.3 Township of Guelph-Eramosa Zoning By-law 40/2016

The Subject Lands are zoned “Village Service Commercial (C2)” under the Township of Guelph/Eramosa Comprehensive Zoning By-law 40/2016 approved by Council on August 8th, 2016, last consolidated in December 2022 (**Figure 6**).

4.3.1 Village Service Commercial (C2) Zone

The Village Service Commercial (C2) Zone permits the following uses (**Table 1**):

TABLE 1: USES PERMITTED IN THE C2 ZONE	
Accessory Use (Section 4.2)	Farmer’s Market
Accessory Dwelling Unit	Financial Institution
Assembly Hall	Funeral Home
Automobile Service/Gas Station	Garden Centre
Commercial School	Hotel or Motel
Courier Service	Institutional Uses
Dry Cleaning and Laundering Establishment	Office
Dwelling, Accessory Second Unit (Section 4.4)	Parking Lot
Dwelling, Apartment	Pet Grooming
Dwelling, Cluster Townhouse	Plaza Complex
Dwelling, Street Fronting Townhouse	Restaurant

Dwelling, Retirement Home	Retail Store
Dwelling, Retirement Home	Service Shop
Entertainment/Recreation Establishment	Taxi or Bus Depot

As per the definitions in the ZBL, the Foodland is considered a retail store that is permitted in the C2 Zone. The outdoor storage area consists of two (2) shipping containers and three (3) accessory structures (one (1) frame shed and two (2) refrigerated storage sheds). The three (3) accessory structures are permitted as ‘Accessory Uses’ in the C2 Zone. Shipping containers are not currently permitted in the C2 Zone. In the approved temporary use ZBA (By-law 52/2020) that permitted the outdoor storage area, the By-law grouped all of the structures within the storage area including, the shipping containers and accessory structures, under the term “outdoor storage area”, and included this use as an additional permitted use in the C2 Zone for a period of 3 years. Therefore, the current temporary use ZBA application is simply carrying forward the use of this term, to allow for the continued use of a portion of the Subject Lands for the outdoor storage area for a period of 3 years.

Table 2 below outlines the zoning provisions of the C2 Zone applicable to the Subject Lands and demonstrates where relief is needed from the C2 Zone to allow for the continued use of the outdoor storage area.

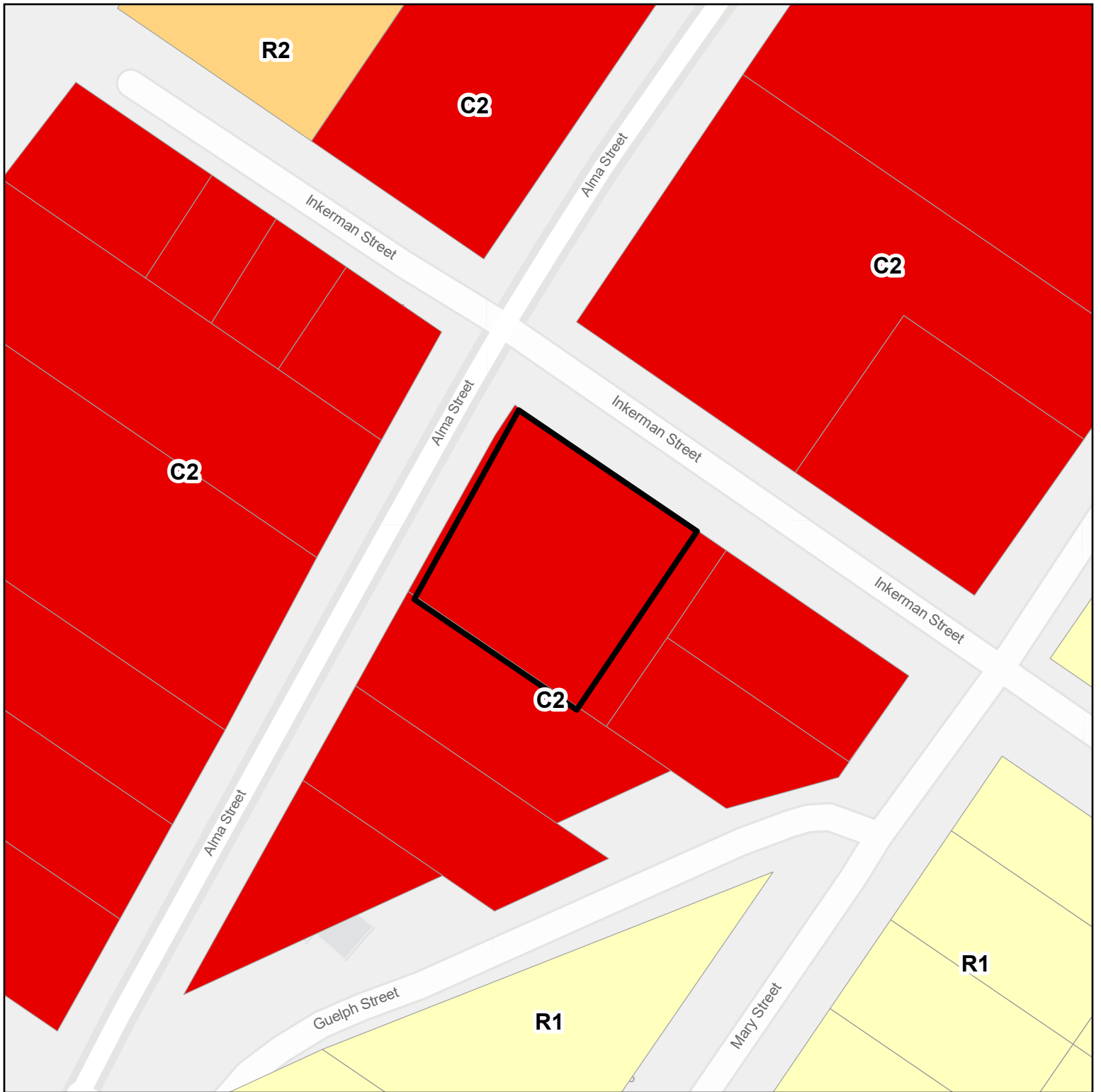


Figure 6 | Guelph/Eramosa Township Zoning By-law 40/2016 (Schedule A, Map 40)




-  Subject Lands
-  See Schedule B for Detailed Information
-  Village Residential Low Density (R1)
-  Village Residential Medium Density (R2)
-  Village Service Commercial (C2)



TABLE 2: ZONING REVIEW

Provision	Required	Existing Condition for Building (without outdoor storage area)	Proposed with Outdoor Storage Area
Lot Area (minimum)	800 sq. m.	1,545.47 sq. m.	No change.
Lot Frontage (minimum)	15 m	40.2 m	No change.
Front Yard (minimum)	7.5 m	14.8 m	No change.
Rear Yard (minimum)	7.5 m	1.5 m	No change.
Interior Side Yard (minimum)	1.8 m	1.6 m	No change.
Exterior Side Yard (minimum)	7.5 m	12.1 m	0 m (to storage area)
Lot Coverage (Maximum)	35%	Building Area – 509.61 sq. m. Coverage – 33 %	Outdoor storage area – 49.75 sq. m. Combined Coverage – 36%
Building Height (maximum)	11 m	Approx. 3 metres.	No change.
Parking, Retail Store (minimum)	1 per 20 sq. m. of GFA Building Area – 509.61 sq. m. Required – 26 spaces	25 spaces.	23 spaces.
Parking stall size (minimum)	2.7 m x 5.4 m	2.7 m x 5.4 m	No change.
Parking Aisle (minimum)	6 m in perpendicular width for two-way traffic and 3.5 m in perpendicular width for one-way traffic.	7.1 m	No change.
Width of driveway used for two-way traffic (minimum)	6.0 m to 10.0 m	Inkerman Street= 13.2 m Alma Street= 13.1 m	No change.
Number of Driveways (maximum)	One driveway for every 15 m of frontage for the first 30 m, and one for each additional 30 m.	2 driveways.	No change.
Accessible Parking (minimum)	For 13 to 100 required parking spaces= 2 accessible parking spaces plus 4%	1 space.	1 space.

	2 accessible spaces + 1 accessible space= 3 accessible spaces (1 Type A and 2 Type B)		
Accessible Parking Stall Sizes (minimum)	3.4 m x 5.4 m, with a 1.5 m wide access aisle.	3.4 m x 5.4 m, with a 3.1 m wide access aisle.	No change.
Number of Loading (minimum)	If GFA is between 465 sq. m. and 930 sq. m., 1 space is required for loading.	1 space	0 (due to storage container location) 1 temporary loading area provide in parking aisle.
Size of Loading Space (minimum)	3.5 m x 10.0 m	3.5 m x 10.0 m	No change.

As per the zoning review above, relief is sought from the following zoning provisions of the C2 Zone to permit the existing outdoor storage area:

- A reduction in the minimum exterior side yard from 7.5 m to 0 m.
- An increase in the maximum lot coverage from 35% to 36%.
- A reduction in the minimum required parking from 26 parking spaces to 23 parking spaces.
- A reduction in the minimum required accessible parking from 3 accessible parking spaces to 1 accessible parking space.
- A reduction in the required loading spaces from 1 loading space to 1 temporary loading area.

Each of these provisions are justified in **Table 3** below and have been included in the draft ZBA enclosed with this application.

It is noted that as the reduced rear yard and interior side yard setbacks for the building are an existing condition permitted through previous applications, the proposal seeks to maintain these reduced setbacks for the storage area. We also note that the existing condition of the garbage bins located within the right-of-

way has been acknowledged by our client upon receipt of the topographic survey indicating such. Our client is making efforts to relocate the garbage bins outside of the right-of-way.

4.3.2 Accessory Use Regulations

Section 4.2 of ZBL 40/2016 contains regulations relating specifically to accessory uses. Three of the storage structures on the Subject Lands are classified as “accessory uses”, including one (1) frame shed and two (2) refrigerated storage sheds.

The following provisions apply to accessory uses:

4.2.3 Location of Accessory Buildings

Any accessory building or structure shall be erected to the rear of the required front yard and shall comply with the yard and setback requirements of the Zone in which such buildings or structure is situated, except when otherwise provided for by this Bylaw.

No buildings or structures of any kind, including a patio, swimming pool, deck or accessory building or structure, shall

be erected, installed or maintained on any portion of a lot which is identified as a leaching bed or septic system area.

In order to allow for the accessory uses to continue on the Subject Lands in their current location, relief is required from Policy 4.2.3 to allow for the storage area to exist in the exterior side yard, and to reduce the required exterior side yard setback to 0 m. A site-specific provision has been incorporated into the Draft ZBA to allow for the reduced exterior side yard from the accessory structures.

4.2.4 Permitted Floor Area for Accessory Buildings

The maximum ground floor area permitted for all accessory buildings or structures located on a lot as is follows:

- 2. Five percent (5%) of the total lot area for a lot in a Commercial, Industrial, Institutional or Open Space Zone.*

Although the storage area consists of both shipping containers (further addressed below) and accessory structures, the coverage of the entire outdoor storage area has been considered for the purposes of this letter. The outdoor storage area occupies an area of 49.75 square metres and has a total coverage of 3%. Therefore, no relief is required to permit additional coverage on the Subject Lands for the outdoor storage area.

4.3.3 Shipping Container Regulations

Section 4.3 of ZBL 40/2016 contains regulations relating specifically to shipping containers. The Subject Lands contains two "shipping containers".

The following provisions also apply to shipping containers:

4.3 Shipping Container Regulations

- 1. Shall only be permitted in the Agricultural, Rural Industrial, and Highway Commercial Zones;*
- 2. Shall not be permitted as the sole structure on any property, except in the case of a self-storage facility;*
- 3. Shall only be permitted for the use of accessory storage to a permitted use, and shall not be used for human habitation, display, advertising, screening, or fencing;*
 - a. Notwithstanding the above, a shipping container may be permitted for the transportation of goods and materials within the Rural Industrial Zone;*
- 4. Shall only be located to the side or the rear of the permitted use provided that it is:*
 - a. Screened from view from the street and abutting properties;*
 - b. Complies with the lot coverage and setback requirements of the Zone;*
 - c. Not be located in any required yard; and*
 - d. Not located in any required parking areas or landscape buffer.*
- 5. Shall be included in all calculations for the purpose of determining maximum lot coverage.*
- 6. Shall be in a condition free from rust, peeling paint and any other form of visible deterioration;*
- 7. Not be permitted on any lot less than 4 hectares in the Agricultural Zone, and in no case shall a shipping container be permitted on a lot having less than 0.4 hectares;*

8. *Shall not exceed a height of 3 m and a length of 12 m, and shall not be stacked one on top of the other;*
9. *The maximum number of shipping containers on any property shall be limited to 2;*
 - a. *Notwithstanding the above, when used for the transportation of goods and materials or as a self-storage facility within the Rural Industrial Zone no maximum shall apply.*
10. *Shall comply with the requirements of the Ontario Building Code; and*
11. *Notwithstanding the above a shipping container may be permitted for temporary storage on construction sites in accordance with Section 4.15.*

In order to permit the outdoor storage area to continue on the Subject Lands in its current location, relief is required from the storage container provisions to allow for two (2) storage containers on the Subject Lands, with an area less than 0.4 hectares, in a Village Service Commercial Zone. Relief is also required to permit the shipping containers in the exterior side yard with a reduced exterior side yard setback, to increase lot coverage, and to allow for the shipping containers to be located within a parking area.

TABLE 3: JUSTIFICATION FOR RELIEF FROM ZBL 40/2016

Relief Requested	Analysis and Justification
<p>For the continued use of the outdoor storage area on the Subject Lands as a permitted use in the Village Service Commercial (C2) Zone.</p>	<p>The continued use of a portion of the Subject Lands as an “outdoor storage area” will support the function of the existing Foodland, and its ability to continue serving the needs of the community. The temporary use of the outdoor storage area in its current location does not pose adverse impacts to the surrounding neighbourhood as the area is screened with fencing and is only visible from the property to the immediate east which, is a commercial use.</p>
<p>To allow for the loading space to be obstructed with the existing outdoor storage area, and to allow loading to occur temporarily in the parking aisle and parking area.</p>	<p>Loading operations occur within the private laneway and are planned for opportune times to minimize impacts to the parking lot operations for customers.</p>
<p>For a reduced parking supply of 23 parking spaces including, 1 accessible parking space, where 26 parking spaces including, 3 accessible spaces are required.</p>	<p>While the outdoor storage area results in a reduction to parking, the parking reduction does not impact the function of the store or surrounding neighbourhood, with residents finding opportune times to visit the store and utilizing overflow parking in the available street parking nearby.</p>
<p>For relief from the exterior side yard setback provision to permit the storage area to remain in its current location.</p>	<p>The current location of the outdoor storage area on the Subject Lands, is the only location that can adequately accommodate the storage area without impacting the operations of the parking lot and without further impacting the parking supply and loading operations. In addition, in order to gain access to, and navigate around, the outdoor storage area, they are required to be separated the current distance from the existing building. Therefore, it is not possible to locate the containers closer to the building, resulting in an inability to increase the exterior side yard setback. The existing right-of-way’s edge of the asphalt is located 10 metres from the eastern property line of the Subject Lands with some of the parking lot being located within the right-of-way. This is an existing condition and appears to have been the result of a road-widening into the property. This existing condition therefore allows for the perceived notion of a larger exterior side yard and allows for the ingress and egress into the Site to not be affected. As the current configuration is a short-term solution, is screened with fencing, and is only visible from the property to the immediate east, which is a commercial</p>

	use, the reduced exterior side yard setback does not pose any impacts on adjacent land uses.
For relief from the coverage provision to allow for a minor increase in coverage to permit the outdoor storage area.	An increase in the lot coverage is required to accommodate the increased gross floor area from the outdoor storage area, that is required to meet the level of service for the current customers of the Foodland. The proposed increase in coverage is only 1% more than what is currently permitted and therefore is generally consistent with the provision. It is our opinion that this increase is minor in nature and is an interim solution that will not persist long-term.

Based on our review of the Township of Guelph-Eramosa ZBL, the proposed temporary use ZBA to permit the outdoor storage area conforms with the general intent of the ZBL as per the analysis and justification provided above.

A Draft of the proposed ZBA has been provided as **Appendix B**.

5.0 Conclusion

As outlined above, the proposed temporary use ZBA is in keeping with the policies and intent of the County of Wellington Official Plan. Based on the existing physical context and surrounding neighbourhood as well as an analysis of the proposal within the current policy and regulatory context of the Province, County and Township, we conclude the following:

1. The proposal is consistent with the Provincial Planning Statement, 2024;
2. The proposal conforms to the policy directions of the in-effect County of Wellington Official Plan;
3. The proposal allows for the continued operation of the existing Foodland to serve its customer base and to continue to provide convenient access to healthy, local and affordable food options;
4. The proposal meets the general intent of the Zoning By-law, as the proposed amendment results in variances to the By-law that are minor in nature and do not cause adverse impacts on the surrounding neighbourhood; and,
5. The proposal permits the temporary use for a period of up to three (3) years, therefore, not allowing the outdoor storage area to continue long-term.

Accordingly, we conclude that the proposed temporary use ZBA is appropriate, represents good planning, and is consistent with and conforms to the applicable in-force policy and regulatory framework related to the Subject Lands.

Respectfully submitted,

MHBC



Oz Kemal, BES, MCIP, RPP

President

A

Appendix A: Previous Approved Temporary Use Zoning By-law Amendment

**The Corporation of the Township of
Guelph/Eramosa**

By-law Number 52/2020

**A By-law to amend Township of
Guelph/Eramosa Zoning By-law 40/2016 to
authorize a temporary use prohibited by the
Zoning By-law, as amended
PLAN 150, BLK B, PT LOTS 50-51; SS ALMA,
now in the Township of Guelph/Eramosa
(203 Alma Street, Rockwood)**

WHEREAS the Council of the Corporation of the Township of Guelph/Eramosa deems it expedient to enact this By-law to amend Zoning By-law Number 40/2016;

AND WHEREAS Council is empowered to enact this By-law under the authority of Section 34 and 39 (1) of the *Planning Act*, R.S.O. 1990, Chapter P. 13, as amended, which provides that Council may authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law for a period which shall not exceed three years;

NOW THEREFORE the Council of the Corporation of the Township of Guelph/Eramosa hereby enacts as follows:

1. THAT this by-law shall apply to lands described as Plan 150, Blk B, Pt Lots 50-51; SS Alma, now in the Township of Guelph/Eramosa and shown on Schedule 'A' attached hereto to form a part of this by-law;
2. THAT for the purposes of this by-law the "outdoor storage area" consists of two shipping containers and three accessory structures (one frame shed and two refrigerator storage sheds), which existed at the time of passing of this by-law.
3. THAT for the purposes of this by-law the outdoor storage area location is temporarily permitted as it exists at the time of passing of this by-law.
4. THAT notwithstanding Sections 5 – Parking, Stacking, & Loading Area Regulations, Section 11.2.6 – Minimum Exterior Side Yard, and Section 11.2.7- Maximum Lot Coverage – Regulations, the existing outdoor storage area and structures are permitted for the duration of this by-law.

5. THAT in addition to the uses permitted in Section 11.1 of the Village Service Commercial (C2) Zone, the temporary outdoor storage area shall be permitted for a temporary period commencing September 21st,2020 and expiring on September 21st, 2023.
6. THAT upon the expiry of this time period, unless extended by further amendment(s) to this By-law, the outdoor storage area shall not be a permitted use and the shipping containers and accessory structures shall be removed.
7. AND THAT That this By-law shall become effective from the date of passing hereof.

READ three times and finally passed
this 21st day of **September, 2020**.



Chris White, Mayor



Amanda Knight, Clerk

THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSIA

BY-LAW NO. 52/2020

SCHEDULE "A"



This is Schedule "A" to By-law No. 52/2020

Passed this 21st day of September, 2020.

Chris White, Mayor

Amanda Knight, Clerk

B

Appendix B: Draft Zoning By-law Amendment

The Corporation of the Township of Guelph/Eramosa

By-law Number XX/2024

A By-law to amend Township of Guelph/Eramosa Zoning By-law 40/2016 to authorize a temporary use prohibited by the Zoning By-law, as amended PLAN 150, BLK B, PT LOTS 50-51; SS ALMA, now in the Township of Guelph/Eramosa (203 Alma Street, Rockwood)

WHEREAS the Council of the Corporation of the Township of Guelph/Eramosa deems it expedient to enact this By-law to amend Zoning By-law Number 40/2016;

AND WHEREAS Council is empowered to enact this By-law under the authority of Section 34 and 39 (1) of the *Planning Act*, R.S.O. 1990, Chapter P. 13, as amended, which provides that Council may authorize the temporary use of land, buildings or structures for any purpose set out therein that is otherwise prohibited by the by-law for a period which shall not exceed three years;

NOW THEREFORE the Council of the Corporation of the Township of Guelph/Eramosa hereby enacts as follows:

1. THAT this by-law shall apply to lands described as Plan 150, Blk B, Pt Lots 50-51; SS Alma, now in the Township of Guelph/Eramosa and shown on Schedule 'A' attached hereto to form a part of this by-law;
2. THAT for the purposes of this by-law the "outdoor storage area" consists of two shipping containers and three accessory structures (one frame shed and two refrigerator storage sheds), which existed at the time of passing of this by-law.
3. THAT for the purposes of this by-law the outdoor storage area location is temporarily permitted as it exists at the time of passing of this by-law.
4. THAT notwithstanding Sections 5 - Parking, Stacking, & Loading Area Regulations, Section 11.2.6 - Minimum Exterior Side Yard, and Section 11.2.7- Maximum Lot Coverage - Regulations, the existing outdoor storage area and structures are permitted for the duration of this by-law.

5. THAT in addition to the uses permitted in Section 11.1 of the Village Service Commercial (C2) Zone, the temporary outdoor storage area shall be permitted for a temporary period commencing xxx, 2024 and expiring on xxx 2027.
6. THAT upon the expiry of this time period, unless extended by further amendment(s) to this By-law, the outdoor storage area shall not be a permitted use and the shipping containers and accessory structures shall be removed.
7. AND THAT That this By-law shall become effective from the date of passing hereof.

READ three times and finally passed
this **xx** day of **xx**, **2024**.

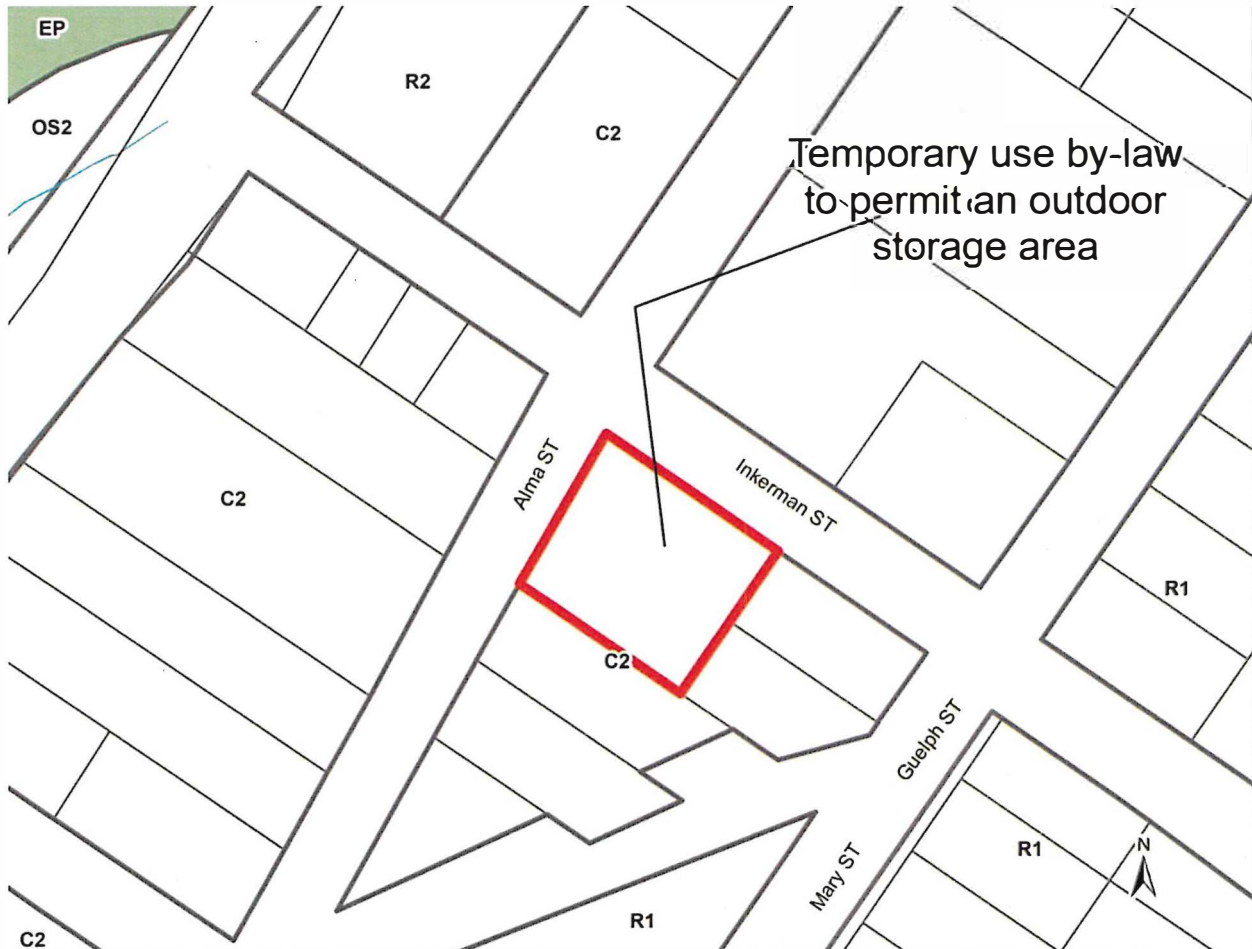
Chris White, Mayor

Amanda Knight, Clerk

THE CORPORATION OF THE TOWNSHIP OF GUELPH/ERAMOSIA

BY-LAW NO. XX/2024

SCHEDULE "A"



This is Schedule "A" to By-law No. xx/2024

Passed this ^{xx} day of ^{xx}, 2024.

Chris White, Mayor

Amanda Knight, Clerk



PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE