

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: February 23, 2024

CASE NO(S): OLT-23-000667

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: Airfield Developments Inc. and Airfield II Developments Inc.
Subject: Request to amend the Official Plan – Failure to adopt the requested amendment
Description: To permit the development of two one-storey industrial buildings
Reference Number: POPA 2021-0008
Property Address: 6034 Mayfield Road
Municipality: Town of Caledon
OLT Case No.: OLT-23-000667
OLT Lead Case No.: OLT-23-000667
OLT Case Name: Airfield Development Inc. & Airfield II Developments Inc. v. Caledon (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant/Appellant: Airfield Developments Inc. and Airfield II Developments Inc.
Subject: Application to amend the Zoning By-law – Refusal or neglect to make a decision
Description: To permit the development of two one-storey industrial buildings
Reference Number: RZ 2021-0014
Property Address: 6034 Mayfield Road
Municipality: Town of Caledon
OLT Case No.: OLT-23-000668
OLT Lead Case No.: OLT-23-000667

Heard: February 14, 2024, by Video Hearing

APPEARANCES:**Parties****Counsel**

Airfield Developments Inc. and
Airfield II Developments Inc.
("Appellant / Applicant")

Rodney Gill

Town of Caledon

Raj Kehar

Region of Peel

Rachel Godley

6086 Mayfield Inc., 2652876 Ontario
Ltd., 6230 Mayfield Inc. and Airport
12151 Inc.

Meaghan McDermid

**MEMORANDUM OF ORAL DECISION DELIVERED BY K.R. ANDREWS ON
FEBRUARY 14, 2024, AND ORDER OF THE TRIBUNAL**

INTRODUCTION

[1] This appeal arises following a non-decision by the Town with respect to applications for an Official Plan Amendment ("OPA") and Zoning By-law Amendment ("ZBA") to facilitate the development of two one-storey industrial buildings on the subject property. The requested OPA and ZBA are required to add planned industrial uses as permitted uses of the subject property, while another element of the OPA is required to change the road network currently planned within the subject property, as well as within the three third party-owned lands situated to the immediate east of the subject property.

[2] Disposition of the matter has come before the Tribunal as a Settlement Motion.

[3] The Tribunal notes that Settlement was reached following discussions with Town staff, whereby a revised proposal was made, relocating (rather than removing) a public road which was planned at the northeast corner of the subject property. Currently, this road is planned to divide the subject property, as well as the three properties to the east. In the Applicant's original proposal, this road was proposed to be removed

altogether, to accommodate the size requirements of the two proposed industrial buildings.

[4] Now, as part of the proposed Settlement, a road remains, but it is proposed to be located along the north perimeter of the subject property, as well as along the north perimeter of the three properties to the east, thus allowing for the construction of the proposed industrial building within a larger remaining parcel (the same is true with respect to the three properties to the east, which are all now afforded greater flexibility in terms of building sizes which can be accommodated on those sites). Aside from relocating the public road, the overall proposal remains generally the same.

[5] The Tribunal confirms that it has received, reviewed, and considered the following materials and submissions:

1. The uncontested opinion evidence of David A. McKay, a Registered Professional Planner and full Member of the Canadian Institute of Planners, contained in his comprehensive affidavit sworn on Friday, February 9, 2024 (marked as **Exhibit 3**);
2. Draft OPA (marked as **Exhibit 4**);
3. Draft ZBA (marked as **Exhibit 5**);
4. Participant Statements filed with the Tribunal in the names of:
 - Stephen Bernatt; and
 - Peter Kulkarni;
5. The Parties' oral submissions in support of the Settlement; and
6. A draft Order jointly submitted to give effect to the relief sought.

ADDED PARTIES

[6] The three aforementioned properties to the east of the subject property are owned by the added Parties, 6086 Mayfield Inc., 2652876 Ontario Ltd., 6230 Mayfield Inc. and Airport 12151 Inc. (the “added Parties”). Counsel for the added Parties confirmed that her clients fully support the proposed Settlement, and the existing Parties all confirmed that they consent to their request for Party status and/or do not oppose it.

[7] The Tribunal granted Party status to each of the added Parties at the outset of the Hearing, due to their obvious interest in the proceedings (considering that the road network currently planned to go through their properties, is proposed to change pursuant to the proposed OPA), because they have essentially been treated as Parties throughout the resolution process, and because the Tribunal finds that they could, in theory, have an interest in requesting a review of the present Decision and/or appeal it if the outcome ordered by the Tribunal happens to harm their interests (i.e. if the Tribunal refuses to accept the Proposed Settlement in whole or in part).

DECISION AND ORDER

[8] The Tribunal understands that the aforementioned sworn affidavit evidence of Mr. McKay reflects revisions to the applications before the Tribunal that were reached through the cooperative efforts of the Parties.

[9] The Tribunal accepts the opinion evidence of Mr. McKay as presented in his affidavit, and similarly finds that the subject applications, as revised, have regard to those applicable matters of provincial interest found in s. 2 of the *Planning Act*, are consistent with the Provincial Policy Statement, 2020, conform to the A Place to Grow; Growth Plan for the Greater Golden Horseshoe, 2020, Region of Peel Official Plan and the Town of Caledon Official Plan, and otherwise reflect principles of good land use planning.

[10] **THE TRIBUNAL ORDERS** that:

1. The appeal is allowed, in part, and the Official Plan for the Town of Caledon is amended as set out in **Attachment 1** to this Order; and
2. The appeal is allowed, in part, and By-law No. 2006-50 of the Town of Caledon is hereby amended as set out in **Attachment 2** to this Order. The Tribunal authorizes the Municipal clerk of the Town of Caledon to assign a number to this By-law for record keeping purposes.

[11] The Member is not seized but may be spoken to through the Case Coordinator if any issues arise.

“K.R. Andrews”

K.R. ANDREWS
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1

Authority: Ontario Land Tribunal Decision and Order effective on [DATE], 2024 in Tribunal File No. OLT-23-000667

AMENDMENT NO. _____

**TO THE OFFICIAL PLAN FOR
THE TOWN OF CALEDON PLANNING AREA**

THE CORPORATION OF THE TOWN OF CALEDON BY-LAW NO. 2024- _____

A By-law to adopt Amendment No. ___ to the Official Plan for the Town of Caledon

WHEREAS the Owner of the lands located at the northeast corner of Airport Road and Mayfield Road appealed a proposed official plan amendment to the Ontario Land Tribunal pursuant to Section 22(7) of the Planning Act, R.S.O. 1990, c.P.13, as amended; and

WHEREAS the Ontario Land Tribunal, by its Decision and Order effective on [DATE], 2024 in File OLT-23-000667 approved amendments to the Official Plan for the Town of Caledon with respect to the lands;

The Ontario Land Tribunal Orders:

1. The attached amendment _____ to the Official Plan is hereby in force pursuant to the Planning Act, as amended.

Ontario Land Tribunal Decision and Order effective on [DATE], 2024 in Tribunal File No. OLT-23-000667

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE - does not constitute part of this amendment.

PART B - THE AMENDMENT - consisting of the following text and Schedule "A" constitutes Amendment No. _____ of the Town of Caledon Official Plan.

AMENDMENT NO. ____**OF THE TOWN OF CALEDON OFFICIAL PLAN PART A - THE PREAMBLE****Purpose of the Amendment:**

The purpose of this Amendment is to amend Schedule "N" Tullamore Land Use Area of the Town of Caledon Official Plan by redesignating the lands subject to this Amendment from Highway Commercial and General Industrial to Highway Commercial, to revise the conceptual road network and to include a Stormwater Management Symbol for the Tullamore Secondary Plan area, as shown thereto.

Location:

The lands subject to this Amendment, as indicated on the attached Schedule "A", northeast corner of Airport Road and Mayfield Road.

Basis:

The applicant, Airfield Developments Inc. and Airfield II Developments Inc. has requested an amendment to the Town of Caledon Official Plan to permit Highway Commercial uses in addition to industrial uses on the property to facilitate the construction of two one-storey industrial buildings. In support of the application, the applicant submitted the following reports:

- Functional Servicing and Stormwater Management Report;

PART B - THE AMENDMENT

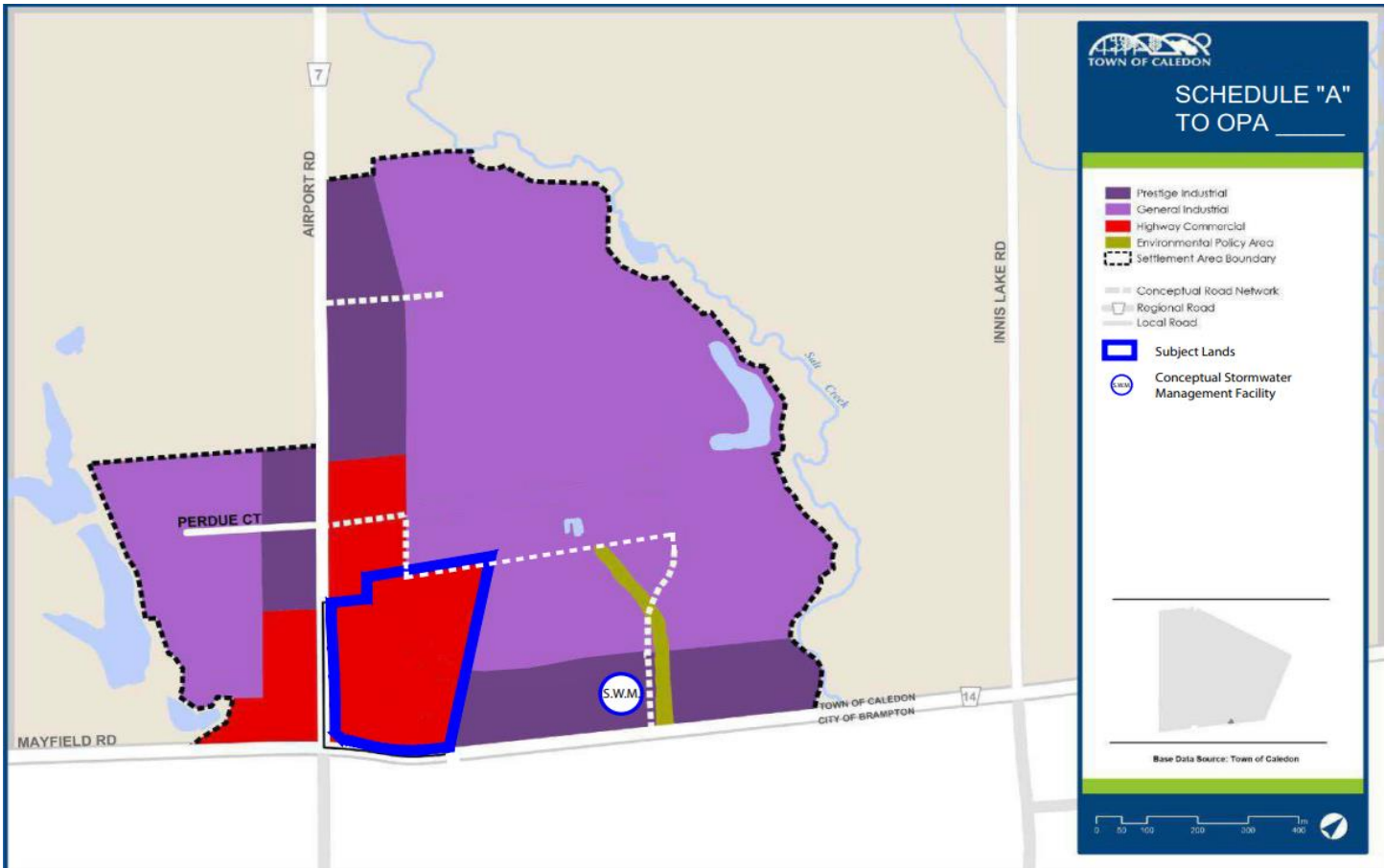
This part of the document, entitled "Part B - The Amendment", and consisting of the following text constitutes Amendment No. _____ of the Town of Caledon Official Plan.

Details of the Amendment

The Town of Caledon Official Plan is amended as follows:

1. "Schedule N" Tullamore Land Use Plan of the Town of Caledon Official Plan shall be amended for the lands described as northeast corner of Airport Road and Mayfield Road in Town of Caledon, Regional Municipality of Peel, from Highway Commercial and General Industrial to Highway Commercial, in accordance with Schedule "A" attached hereto.
2. "Schedule N" Tullamore Land Use Plan of the Town of Caledon Official Plan shall be amended to modify the conceptual road network to that shown in accordance with Schedule "A" attached hereto.
3. "Schedule N" Tullamore Land Use Plan of the Town of Caledon Official Plan shall be amended to add a Stormwater Management Facility symbol shown in accordance with Schedule "A" attached hereto.
4. Adding a policy to Section 7.8.6 which states "Notwithstanding Policy 5.4.5.1 employment/industrial uses and open storage shall also be permitted".

Implementation and Interpretation



ATTACHMENT 2

BY-LAW NO. 2024-xxx

Being a by-law to amend Comprehensive Zoning By-law 2006-50, as amended, with respect to Part Lot 1, Concession 1 Albion as in RO829323, Town of Caledon, Regional Municipality of Peel, municipally known as 0 Airport Road and 6034 Mayfield Road.

WHEREAS the Owner of the lands located at the northeast corner of Airport Road and Mayfield Road appealed a proposed zoning by-law amendment to the Ontario Land Tribunal pursuant to Section 34(11) of the Planning Act, R.S.O. 1990, c.P.13, as amended; and

WHEREAS the Ontario Land Tribunal, by its Decision and Order effective on [DATE], 2024 in File OLT-23-000668 approved amendments to Town of Caledon By-law 2006- 50;

The Ontario Land Tribunal Orders:

7. That CH-556 within Table 13.1 is deleted in its entirety and replaced with the following:

Zone Prefix	Exception Number	Permitted Uses	Special Standards
CH	556	<ul style="list-style-type: none"> - <i>Animal Hospital</i> - <i>Automotive Store</i> - <i>Business Office</i> - <i>Clinic</i> - <i>Communication Equipment Outlet</i> - <i>Drive-through Service Facility</i> - <i>Dry Cleaning or Laundry Outlet</i> - <i>Farmers Market</i> - <i>Financial Institution</i> - <i>Fitness Centre</i> - <i>Funeral Home</i> - <i>Grocery Store</i> - <i>Home Improvement Centre</i> - <i>Hotel</i> - <i>Industrial Use</i> - <i>Laundromat</i> - <i>Medical Centre</i> - <i>Merchandise Service Shop</i> - <i>Motel</i> - <i>Motor Vehicle Gas Bar</i> 	<p>Lot For the purposes of this <i>zone</i>, despite any future land severance, partition or division of the lands, the provisions of this By-law shall apply as if no severance, partition, or division occurred.</p> <p>Lot Line, Front For the purposes of this <i>zone</i>, the <i>lot line</i> adjacent to Airport Road shall be considered to be a <i>Lot Line, Front</i></p> <p>Yard, Interior Side (minimum) 6.0 m</p> <p>Yard, Exterior Side (minimum)</p> <p>a) Adjacent to Mayfield Road 4.5 m b) Other <i>Yard, Exterior Side</i> 2.0 m</p> <p>Yard, Front (minimum) 4.5 m</p> <p>Yard, Rear (minimum) 10.0 m</p>

Zone Prefix	Exception Number	Permitted Uses	Special Standards
		<ul style="list-style-type: none"> - Motor Vehicle Sales Establishment - Motor Vehicle Service Centre - Motor Vehicle Rental Establishment - Motor Vehicle Repair Facility - Motor Vehicle Used Sales Establishment - Open Storage Area, Accessory - Outdoor Seasonal Garden Centre, Accessory - Outside Sales or Display Area, Accessory - Personal Service Shop - Place of Assembly - Place of Entertainment - Private Club - Public Transit Depot - Research Establishment - Restaurant - Retail Store - Sales, Service and Repair Shop - Shopping Centre - Supermarket - Training Facility - Video Outlet/Rental Store - Warehouse - Warehouse, Public Self-Storage - Warehouse, Retail - Warehouse, Wholesale - Wellness Centre 	<p>Building Height (maximum)</p> <p>a) For a <i>Hotel</i> 18.0 m</p> <p>b) All other <i>uses</i> 15.0 m</p> <p>Gross Floor Areas</p> <p>Total maximum <i>gross floor area</i> of all <i>Buildings</i> in a <i>Shopping Centre</i> shall be 24,500 m².</p> <p>Maximum office <i>gross floor area</i> shall be 15% of total non-residential <i>gross floor area</i>.</p> <p>No maximum <i>gross floor area</i> for all other <i>uses</i></p> <p>Building Area (maximum) 60%</p> <p>Parking Space Setbacks (minimum)</p> <p>a) Adjacent to Airport Road 4.5 m</p> <p>b) Adjacent to Mayfield Road 4.5 m</p> <p>c) Adjacent to all other <i>lot lines</i> abutting a <i>street</i> 1.0 m</p> <p>Parking Spaces (minimum)</p> <p>1 for each 24 m² of <i>net floor area</i> or portion thereof for all <i>Buildings</i> in a <i>Shopping Centre</i>.</p> <p>Landscaping Area (minimum) 15%</p> <p>Planting Strip (minimum)</p> <p>a) Adjacent to Airport Road 4.5 m</p> <p>b) Adjacent to Mayfield Road 4.5 m</p> <p>c) Adjacent to all other <i>lot lines</i> abutting a <i>street</i> 1.0 m</p> <p><i>Planting Strip</i> encroachments are permitted adjacent to a public road for a <i>Building</i> or</p>

Zone Prefix	Exception Number	Permitted Uses	Special Standards
			<p><i>Outdoor Patio</i> subject to the applicable minimum <i>yard</i> requirement.</p> <p>Driveway Setback (minimum)</p> <p>a) From any <i>interior side lot line</i> 0.0 m</p> <p>b) From any other <i>lot line</i> 0.0 m</p> <p>Pedestrian Street Entrance</p> <p>A Pedestrian Street Entrance shall be provided where a <i>building</i> is located within:</p> <p>i) 26 m of Airport Road; or</p> <p>ii) 26 m of Mayfield Road.</p>

8. That CH-556-H19 be deleted in its entirety within Table 13.3.

9. The following is added to Table 13.3:

Zone Designation	Location	Conditions for Removal
CH-556-H35	Part 1, Concession 1 (Albion)	<ol style="list-style-type: none"> The Owner has provided evidence that a binding cost sharing agreement has been executed by the Owner and other land owners within the Tullamore Secondary Plan Area that secures financial contributions in accordance with applicable law to pay for an updated Master Environmental Servicing Plan (MESP), external intersection improvements at Airport Road and Mayfield Road, landscape improvements, road works and related services (storm, sanitary, water, streetlighting, signalization) for a new spine road as shown in the attached Official Plan Amendment, for the Tullamore Secondary Plan Area to the satisfaction of the Town of Caledon, Region of Peel, and the Toronto and Region Conservation Authority, as appropriate. The Owner has provided a conceptual rendering of the proposed gateway feature to be constructed at the intersection of Mayfield Road and Airport Road.

		<p>3. The Owner has submitted a complete site plan application that includes the following material and matters to be secured through site plan approval:</p> <ul style="list-style-type: none">i. A peer review of the submitted Stationary Noise Feasibility Assessment prepared by Gradientwind, dated July 31, 2021 completed to the satisfaction of the Town of Caledon;ii. Details of implementation of the noise mitigation measures identified in the peer reviewed Stationary Noise Feasibility Assessment prepared by Gradientwind, dated July 31, 2021;iii. A revised Functional Servicing and Stormwater Management Report completed to the satisfaction of the Town of Caledon and the Region of Peel;iv. A revised Transportation Impact Study and Demand Management Plan to the satisfaction of the Town of Caledon and the Region of Peel;v. Details of the proposed gateway feature to be constructed at the intersection of Mayfield Road and Airport Road;vi. Conveyance of or security for any portion of the Property required for the construction of roads and appurtenances thereto required by the Town of Caledon or the Region of Peel related to the delivery of the revised road network and associated infrastructure within the Tullamore Secondary Plan Area;vii. Provision of an access easement with commercially reasonable terms over a portion of the Property in favour of the lands at 12101 Airport Road to facilitate vehicular movements to the future public road from those lands; and,viii. Provision for appropriate permanent stormwater management of the Property that will ensure that any discharge to the outlet on Mayfield Road will be at or below pre-development flow rates.
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10. Schedule "A", Zone Map 4 of By-law 2006-50, as amended is further amended for 0 Airport Road and 6034 Mayfield Road, Part Lot 1 Concession 1 Albion as in RO829323, Town of Caledon, Regional Municipality of Peel from Highway Commercial – Exception 556 – Holding Provision 19 (CH-556- H19), Highway Commercial – Exception 480 – Holding Provision 13 (CH-480- H13) and Service Industrial – Exception 483 – Holding Provision 13 (MS-483- H13) to Highway Commercial – Exception 556 – Holding Provision 35 (CH- 556-H35) in accordance with Schedule "A" attached hereto.

Ontario Land Tribunal Decision and Order effective on [DATE], 2024 in Tribunal File No. OLT-23-000667

