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**To:** Mayor and Council

**From:** Rossalyn Workman, Manager of Planning

**Meeting Date:** April 14, 2025

**Subject:** Report PB-012-2025 – The Estates of Clearview Inc. Lift of Hold

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## Recommendation

Be It Resolved that Council of the Township of Clearview hereby receive report PB-012-2025 (The Estates of Clearview Inc.) dated April 14, 2025; and,

- 1) That Council approve that a by-law regarding the partial lifting and removal of the 'Holding Symbol (H31)' to permit a restaurant including a drive through restaurant, on the land's municipal known as 100 Grand Trunk Road be presented to Council for execution once registration of the Site Plan Amending Agreement for The Estates of Clearview Inc. is completed to the satisfaction of the municipality.

## Background

The subject lands are a commercial block known as 100 Grand Trunk Road, located in the northeast part of Stayner and are part of a larger residential development known as the Estates of Clearview Subdivision. This is a multi-phased residential subdivision that includes a commercial block currently under construction, and an institutional block containing the Jarlette Long Term Care facility. These blocks are surrounded by the residential subdivision that is currently under construction by Nottawasaga Station.

The 100 Grand Trunk Road was previously subject to a Zoning By-law Amendment in January 2023, that zoned the lands 'Large Format Commercial Exception Hold' (C4-3(H30)(H31)). The rezoning limited the permitted uses on the subject lands through the used of the Holding (H30) and (H31) Symbols. An application to Lift the 'Holding Symbol (H30)' was approved March 11, 2024, which permitted the commercial development currently under construction including Foodland, Dollarama and the LCBO.

These lands and the commercial development currently under construction were also subject to a Site Plan Agreement that was finalized February 12, 2024, and registered on title. This agreement required the posting of securities which currently remains intact.

In August 2024 an amending Site Plan Agreement was finalized to accommodate major changes requested by the Owner of the lands. Staff are currently reviewing a third site plan amendment submission which will consider additional changes to the Dollarama in Building 1 and to accommodate a restaurant including a drive through restaurant, which is proposed to be a McDonald's in Building 3. The construction of Building 3 or McDonald's will not be permitted until the lifting of the 'Holding Symbol (H31)'.

The site plan approval currently being reviewed will include the following uses: Foodland and Dollarama (Building 1 proposed area of 3374.53 m<sup>2</sup>), LCBO (Building 2 proposed area of 511 m<sup>2</sup>), and McDonald's (Building 3 proposed area of 376 m<sup>2</sup>).

### **Subject Lands**

The subject lands are approximately 4.42 ha (10.9 acres) in total size with frontages on Highway 26, Junction Road and Grand Trunk Road. The lands to be developed are called Phase 1 and are sized approximately 2.48 ha (6.13 acres). The proposed entrances to this site are along Junction Road and Grand Trunk Road which are roads associated with the Nottawasaga Station residential subdivision.

The lands are designated 'Commercial' in the Township of Clearview Official Plan 2024 and are zoned 'Large Format Commercial Exception Hold' (C4-2(H31) in the Township Zoning By-law (06-54, as amended).

### **Proposal**

The Applicant has applied to partially remove the 'Holding Symbol (H31)', once the conditions for the removal have been satisfied to allow for the development and operation of a restaurant including a drive through restaurant. It is only partially being removed, since the 'Holding Symbol (H31)' will remain on the lands as it relates to the hotel use.

The proposed partial removal of the 'Holding Symbol (H31)' shall not be executed until the following requirements have been met:

- a) Not before the 'Holding Symbol (H30)' has been removed.
- b) That sufficient municipal servicing capacity and allocation required to service the permitted uses be confirmed in a manner to the satisfaction of the Township.
- c) That a site plan agreement has been entered into with the municipality and registered on the title to the land for the development of the site.

When the 'Holding Symbol (H31)' is partially removed, the following uses shall be permitted on the lands:

- Restaurant including a drive-through restaurant (McDonald's Restaurant)

The developer of the lands is currently working on fulfilment of the abovementioned requirements, including working through the Site Plan Approval process for the proposed restaurant. The effect of partially lifting 'Holding Symbol (H31)' is to allow for an additional commercial use (McDonald's Restaurant) and the construction of Building 3, on the subject lands. The 'Hold Symbol (H31)' will remain on the lands to restrict the hotel use.

## Comments and Analysis

The applicant is proposing to partially lift the 'Holding Symbol (H31)' to facilitate development of restaurant including a drive-through restaurant on the subject lands. As directed by the Planning Act RSO 1990 cP.13 s.36(4) the Township has provide the required notice which listing April 14, 2025 as earliest date on which Council could pass the amending By-law to Lift a holding provision.

The removal of the 'Holding Symbol (H31)' shall not be removed until the following conditions have been met:

- a) Not before the 'Hold Symbol (H30)' has been removed.
- b) That sufficient municipal servicing capacity and allocation required to service the permitted uses be confirmed in a manner to the satisfaction of the Township.
- c) That a site plan agreement has been entered into with the municipality and registered on the title to the land for the development of the site.

In considering the request to partially lifting 'Holding Symbol (H31)', Township Staff are satisfied that the first condition: "not before the Holding Symbol (H30) has been removed", has been satisfied. The 'Hold Symbol (H30)' was removed on March 11, 2024, through the approval of [By-law 24-20](#) and explained in a recommendation report [PB-004-2024](#).

Township Saff are satisfied that the second condition from the 'Hold Symbol (H31)': "that sufficient municipal servicing capacity and allocation required to service the permitted uses be confirmed in a manner to the satisfaction of the Township", has been confirmed. It has as been confirmed in several ways:

- 1) With the submission of an engineering study providing a Water Demand Calculation for all currently permitted uses on site as well as a restaurant including a drive through restaurant. The analysis provided proof that the additional restaurant use would not exceed the allocated 17 SDE's. This study was undertaken by Croziers Engineering the Applicants Consultants, dated January 8, 2025.
- 2) The study outlined above has been reviewed and accepted by Public Works Staff and R.J. Burnsidés and Associated, with the understanding that the addition of

the drive through restaurant has sufficient allocation and will not exceed the allocated 17 SDE's.

Staff are satisfied that the proposed development can adhere to the 17 SDE's allocated and there are further safeguards in place that will continue to ensure the site does not exceed the municipal service capacity and allocation which include:

- 1) Site will continue to contain the 'Holding Symbol (H31)', to restrict the hotel use on the property. The hotel use if permitted today, would exceed the allocated 17 SDE's.
- 2) The existing registered Site Plan Agreement will be consulted prior to the issuance of any additional building permits on site to ensure that no additional building could exceed the allocated 17 SDE's.
- 3) The existing restrictive covenant that is registered on title restricts the use and occupancy of Building 2 and Building 3 to ensure currently available water capacity allocations are not exceeded.

Township Staff are not satisfied that the third condition from the 'Hold Symbol (H31)': "that a site plan amending agreement has been entered into with the municipality and registered on the title to the land for the development of the site", since the amending agreement to date has not yet been registered. The Township is currently reviewing and preparing a draft amending agreement for the owner for review. The Township is also waiting on rectification of some outstanding Engineering issues by the applicant.

The Applicant is required to undertake the following steps prior to the amending agreement being signed by the CAO, being the Township Site Plan Approval Authority:

- Applicant finalization of outstanding planning and engineering issues; and,
- Applicant signs the agreement.

Staff are recommending that execution of the by-law to partially remove the 'Hold Symbol (H31)' to permit a restaurant including a drive through restaurant on 100 Grand Trunk Road be completed at a subsequent meeting of Council at such time that the Applicant has addressed the steps listed above. Once the site plan amending agreement has been signed by the CAO the By-law to partially lift the 'Hold Symbol (H31)' (consistent with the draft by-law shown in Appendix 'D') will be brought forward to Council for execution.

### **Financial Implications**

The application has no financial impact on the municipality.

### **Clearview's Strategic Plan**

The above initiative supports the following strategic pillars:

- Infrastructure

## **Report Appendices**

Appendix A – Ortho Map

Appendix B – Policy Map

Appendix C – Conditionally Approved Site Plan

Appendix D – Draft Partially Lift of Hold Symbol (H31) By-law

## **Approvals**

**Submitted by:** Rossalyn Workman, Manager of Planning

**Reviewed by:** Amy Cann, Director of Planning and Building

**Financial Implications  
Reviewed by:** Kelly MacDonald, Treasurer

**Approved by:** John Ferguson, CAO