



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: July 18, 2022

Report No: DS-059-22

Subject: Technical Report: Zoning By-law Amendment Application by Whiteland Services Inc. applicable to lands known as Block 7, Plan 20M-1119. (Town File: Z-23/21)

Recommendation: THAT Zoning Application Z-23/21- for an amendment to the Town of Milton Comprehensive Zoning By-law 016-2014, as amended, to change the current Business Park with a Holding Zone (M1*H16) to a site specific Business Park (M1*321) Zone, to permit the development of a Courier Facility, BE APPROVED;

AND THAT WHEREAS the Planning Act limits the ability to apply for a minor variance for a 2-year period following approval of this By-law, BE IT RESOLVED that a privately initiated application for a minor variance may be made;

AND FURTHER THAT staff be authorized to bring forward an amending Zoning By-law for Council adoption.

EXECUTIVE SUMMARY

The applicant is seeking an amendment to the Town of Milton Zoning By-law 016-2014, as amended, to rezone the subject lands from the current Business Park with a Holding Zone (M1-H16) zone to a site specific Business Park (M1*321) Zone to facilitate the future development of the lands for a courier facility.

All internal Town of Milton departments and responding external agencies have provided correspondence to Town Planning staff indicating their support for the application. Staff has reviewed all of the documentation, plans and comments provided and is of the opinion that the applications as submitted are prepared in a manner that would allow them to be considered by Town Council for approval.

EXECUTIVE SUMMARY

Conclusions and Recommendations

Staff recommends that the application for an amendment to Zoning By-law 016-2014, as amended, BE APPROVED for the following reasons:

1. The proposal conforms to Provincial, Regional and Town planning policy;
2. The proposal meets all of the technical requirements of the affected Civic Departments and all other agencies;
3. The proposed land use is compatible with adjacent land uses and is an appropriate use of the subject land;
4. The proposal makes efficient use of land and planned services and infrastructure;
5. The proposal provides for the development of designated employment lands to meet and serve the needs of Milton's growing population; and

Any required building and site design, landscaping and buffering requirements can be enforced through the site plan review process and the associated agreement and performance guarantee (securities).

REPORT

Background

Owners: Whiteland Services Inc. 2211 McPhillips Street, Winnipeg, Manitoba

Applicant/Agent: Clare Riepma, Riepma Consultants Inc., 220 Kempenfelt Drive, Barrie, Ontario

Location/Description: The subject lands are located within the Milton 401 Industrial/Business Park Secondary Plan and are located on the south side of No. 5 Side Road. A location map is included as Figure 1 to this report.

Proposal:

The applicant is seeking an amendment to the Town of Milton Zoning By-law to define and accommodate a *courier facility* use on the subject lands. Currently, the Town's Zoning By-law does not contain a specific definition of a *courier facility* nor does the use fall within any other defined use in the Town's Zoning By-law. The proposed definition is included in Appendix 1 - Draft Zoning By-law to this report.

Figure 2 and 3 illustrate the proposed courier facility. The proposed building is a 2 storey building with a height of approximately 8.3 metres (27 feet) and a total building area of 1184 square metres. A portion of the front of the building contains a two storey office component. The required 7.5m setbacks from the ravine areas are maintained and all other requirements of the current Business Park (M1) zone are respected. A 2.5 meter road widening and a 4.5 meter wide landscaped area is provided along No. 5 Side Road with an increased landscaped area provided towards the northern portion of the property.

Background

The following reports have been submitted in support of this application:

- Planning Justification Brief, dated July 15, 2021 prepared by Riepma Consultants Inc.
- The Stage 1-3 Archeological Assessment, dated September 2004, prepared by Archaeological Assessments Limited.
- Report On Stage 1-3 Archeological Assessment, dated July 2006, prepared by Archaeological Assessments Limited.
- Executive Summary Stage 4 Excavation of the John White Site, dated January 2007, prepared by Archaeological Assessments Limited.
- Functional Servicing & Stormwater Management Report, dated February 24, 2022, prepared by MGM Consulting Inc.
- Preliminary Geotechnical Investigation, dated November 25, 2015, prepared by Terraprobe Inc.
- Hydrogeological Study, dated March 16, 2021, prepared by Terraprobe Inc.
- Noise Impact Study, dated June 8, 2021, prepared by GHD Limited (GHD).
- Phase One Environmental Site Assessment, dated February 25, 2021, prepared by Pinchin Ltd.
- Photometrics Plan, dated May 2021, prepared by Knoll Engineering Inc.
- Traffic Impact Study Report, dated Aril 18, 2022, prepared by GHD Limited (GHD)

Planning Policy

The subject lands are located within the Milton 401 Industrial/Business Park Secondary Plan and are designated Business Park Area, as shown on Schedule C.2.B - Milton 401 Industrial/Business Park Secondary Plan Land Use Plan. The Business Park Area designation is an employment designation which applies to areas where the full range of light industrial and office uses will be permitted.

Section 3.8.3.1 states that development within areas designated Business Park Area shall be permitted subject to the following:

- a) The provisions of the applicable Secondary Plan as outlined in the Plan;
- b) The submission of a development plan which demonstrates that the proposed development can be physically integrated with existing and proposed uses of adjacent lands, including lands outside of the Business Park designation;
- c) No outdoor storage being allowed;
- d) A high quality of landscaped site development particularly adjacent to Provincial Freeways, Highways, Major Arterial, Minor Arterial or Multi-Purpose Arterial roads;

Background

- e) The proposed development complies with the Community-wide policies of Section 2.0 of this Plan; and
- f) Applicants can demonstrate that there is adequate wastewater and water treatment capacity to accommodate the proposed use.

It is the opinion of Planning Staff that the proposed courier facility will satisfy the above noted criteria. The applicant has submitted a conceptual plan demonstrating that the proposed development can be adequately integrated with the surrounding land uses. To the south and east of the subject lands are tributaries of the Sixteen Mile Creek. Conservation Halton has reviewed the development proposal and are satisfied that the proposal will not adversely impact the watercourses. Outdoor storage will not be permitted. The applicants have provided a large landscaped area in the northern corner of the property with the intent to provide screening for the existing residential uses on the north side of No. 5 Side Road. Additionally, the Region has indicated that the development can be adequately serviced via full municipal water and wastewater services.

In conclusion, staff reviewed the application in relation to the policies of the Provincial Policy Statement, the Growth Plan, the Halton Region Official Plan, the Town of Milton Official Plan and the Milton 401 Industrial/Business Park Secondary Plan. Town staff and our agency partners are satisfied that the application for the zoning by-law amendment as presented through this report, conform to the applicable Provincial, Regional and Town land use planning policies and regulations.

Zoning By-law 016-2014, as amended

The subject lands are zoned Business Park with a Holding Symbol (M1- H16) zone under the Town's Zoning By-law 016-2014, as amended. The applicant is seeking an amendment to the Town of Milton Zoning By-law to define and accommodate a *courier facility* use on the subject lands. Currently, the Town's Zoning By-law does not contain a specific definition of a *courier facility* nor did the use appear to fall within any other defined use in the by-law. The proposed definition is included in Appendix 1 - Draft Zoning By-law.

The proposal would otherwise meet the provisions of the current Business Park (M1) zone.

Additionally, there is currently a Holding Provision (H16) on the subject lands which was applied in 2014 as part of the initial Zoning By-law Amendment and Plan of Subdivision. The H16 specifies that the holding shall not be removed until all of the following conditions have been satisfied:

- a) That the Owner submit a Functional Servicing Report to the satisfaction of Conservation Halton and the Region of Halton;
- b) That the Owner submit a scoped hydrogeological assessment in conjunction with a geotechnical report to address groundwater impacts to the adjacent tributary and the Redside Dace habitat to the satisfaction of Conservation Halton;

Background

- c) That the Owner submit a Stormwater Management Report to the satisfaction of Conservation Halton and the Town of Milton;
- d) The Town of Milton has received a copy of a notice from Halton Region's Commissioner of Public Works to the owner of the land that adequate water/wastewater capacity exists and development of the lands is able to proceed by the issuance of a building permit;
- e) The construction of the realigned No. 5 Side Road is completed in front of the subject lands to allow for adequate frontage and access;
- f) The applicant has provided a "Letter of Reliance" to the satisfaction of the Town of Milton and the Region of Halton in regard to the environmental reports that were prepared as part of the subdivision application (24T-88027M) for these lands

It is the opinion of staff that these conditions have been satisfied through the current Zoning By-law Amendment and the H16 Holding can be removed through the site specific by-law.

Site Plan Control

Should the application be approved, the applicant will require site plan approval prior to the issuance of a building permit and commencement of any development. The applicant will be required to enter into a site plan agreement with the Town and provide securities to guarantee the completion of works in accordance with the approved drawings.

Discussion

Public Consultation and Review Process

Notice for the public meeting was provided pursuant to the requirements of the Planning Act on December 23, 2021 and the statutory public meeting was held January 18, 2022. No member of the public spoke at the Public Meeting but staff has received written correspondence that will be addressed under the Summary of Issues section of this report.

Agency Consultation

The concept plan, zoning by-law amendment and all supportive documents were circulated to both internal and external commenting agencies. Halton Region, Town Departments, School Boards and other agencies offered no objection to the application. Agencies will continue to work with the applicants through the detailed site plan approval process.

Summary of Issues

Traffic Impacts

Concern was expressed regarding overall traffic impacts of the proposal and in particular, on No 5 Sideroad to access Regional Road 25 and Highway 401. In support of their application, a Traffic Impact Study was prepared by GHD Limited, which concluded that:

Discussion

“The capacity analysis of the future traffic conditions confirms that the proposed development’s generated traffic can be accommodated by the proposed transportation infrastructure during both the weekday AM and PM peak hours without significantly impacting the operation of the study intersections. The operational impact of the added site traffic is unlikely to be noticeable to motorists travelling through the immediate surrounding road network and it is not expected to contribute to any significant deterioration of overall network’s operational performance.”

This report was reviewed and supported by the Town’s transportation section. While traffic from the proposed development cannot be prohibited from using No. 5 Side Road, the report indicates that the majority of vehicle traffic is anticipated to utilize James Snow Parkway to access Regional Road 25 and Highway 401.

Extension of Servicing to Existing Residents

Staff received a request from existing residents along No 5 Side Road to have municipal services extended to their properties. Municipal services, and the extension thereof, is not a matter that can be dealt with through the current Zoning By-law Amendment and is within the responsibility of the Region of Halton. The resident who had provided the request on behalf of the existing homes has been put into contact with Regional staff to discuss the matter further.

Lighting

Concern was expressed with regard to potential lighting impacts as a result of the development. The Town’s Zoning By-law contains numerous requirements regarding illumination including the need to lighting fixtures to be directed below the lamp and that illumination not exceeding 0.5 foot candles (5 lux). Through the Site Plan Approval process, the applicant will be required to submit an updated Photometric Plan illustrating compliance with the requirements of the Town’s Zoning By-law.

Current Proposal VS. Existing Similar Uses

The question was raised by a member of Council and by a resident as to why the current Zoning By-law Amendment was required when there are numerous similar uses operating in Milton. The requirement for the current application was due to refinements to the definition of “Warehouse” within the Town’s Zoning By-law. A courier facility use, while not defined under the Zoning By-law, was generally included as ancillary use within the previous definition of “warehouse”. Following the housekeeping amendments to refine the “warehouse” use, a standalone courier facility use could no longer be reasonably considered within the “warehouse” definition. It was the opinion of staff that it was more appropriate to define “courier facility” and allow it as a permitted use on the subject lands. In the future, staff may use this definition in a housekeeping bylaw to define the use within the Zoning By-law.



Discussion

Potential Expansion of Building

The potential for future building expansions was also expressed as a concern. Any future additions or expansions to the building would require compliance with the Town's Zoning By-law and Site Plan Approval.

Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Aaron Raymond, Senior Phone: Ext. 2313
Development Planner

Attachments

Figure 1- Location Map
Figure 2- Concept Plan
Figure 3 - Concept Rendering
Appendix 1- Draft Zoning By-law Amendment
Appendix 2 - Public Comments

Approved by CAO
Andrew M. Siltala
Chief Administrative Officer

Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.