



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: December 18, 2023

Report No: DS-062-23

Subject: Technical Report: Zoning By-law Amendment Application by Menkes Milton Industrial Inc. applicable to lands legally described as Part of Lot 13, Concession 5, former Geographic Township of Trafalgar and municipally known as 7472 Fifth Line. (Z-14/22)

Recommendation: THAT Report DS-062-23 outlining an amendment to to the Town of Milton Zoning By-law 016-2014, as amended, to facilitate the development of an industrial building **BE APPROVED**;

AND THAT staff be authorized to bring forward an amending Zoning By-law in accordance with Appendix 1 to Report DS-062-23 for Council adoption;

AND THAT the Commissioner of Development Services forward this report to the Provincial Ministers of Health, Education, Transportation and Infrastructure and Metrolinx with a request to review and plan for future Milton District Hospital, school and transportation expansions;

AND FURTHER THAT the Commissioner of Development Services forward a copy of this report and Decision to the Region of Halton for their information.

EXECUTIVE SUMMARY

Menkes Milton Industrial Inc. has applied for a zoning by-law amendment to the Town of Milton Zoning By-law 016-2014, as amended, for the lands located at 7472 Fifth Line. The purpose of the zoning by-law amendment is to rezone the subject lands from Future Development (FD) zone to a site-specific Business Park with a Holding (M1*339*H80) zone to facilitate the development of one industrial building that is approximately 148,405 square feet (13,787 square metres) in size.

EXECUTIVE SUMMARY

The statutory public meeting was held on March 27, 2023. No members of the public spoke at the meeting and staff have not received any written concerns or objections to the proposed zoning by-law amendment.

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

Conclusions and Recommendations

Staff is satisfied that the proposed zoning by-law amendment, attached as Appendix 1 to this report, is consistent with the land use policies of the Provincial Policy Statement and conforms to the Regional and Town Official Plans. Therefore, staff recommends approval of the zoning by-law amendment as presented through this report.

REPORT

Background

Owner: Menkes Milton Industrial Inc., 4711 Yonge Street, Suite 1400, Toronto, ON.

Applicant: Menkes Milton Industrial Inc., 4711 Yonge Street, Suite 1400, Toronto, ON.

Location/Description: The subject lands are located in Ward 2, southwest of the intersection of Main Street East and Fifth Line and are municipally known as 7472 Fifth Line. Figure 1 to this report illustrates the location of the subject lands. The subject lands comprise an area of approximately 2.72 hectares and are currently vacant.

Town easements that contain a box sewer are located on the subject lands along the street frontages of Main Street East and Fifth Line. A small segment of the subject lands, located on the south-east corner along Fifth Line, is also regulated by Conservation Halton.

The subject lands are surrounded by lands that are designated for employment uses. The current surrounding uses include a place of worship and agricultural uses to the north, employment uses to the east and vacant lands and the Hydro One Corridor to the south and west.

Proposal: The applicant has applied for a zoning by-law amendment to facilitate the development of a one-storey industrial warehouse building (148,405 square feet or 13,787

Background

square metres) with one access from Main Street East and another from Fifth Line. The proposed building includes a flexible layout accommodating either one larger tenant or two smaller tenants. Figure 2 to this report includes the proposed site plan and site statistics. Figure 3 to this report includes an architectural rendering of the proposed building.

A loading court with 24 loading bays is proposed on the south side of the building. A screening wall for loading bays. Surface parking, including accessible and carpool spaces, is generally located along the east and west boundaries of the subject lands. There are 20 bicycle spaces proposed to be located at the northeast and northwest corners of the proposed building.

Landscaped areas are also proposed along the street frontages of Main Street East and Fifth Line.

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

- Planning Justification Report;
- Draft Zoning By-law;
- Urban Design Brief;
- Architectural Elevations and 3D Perspective;
- Subwatershed Impact Study Addendum;
- Site Plan and Site Details;
- Civil Drawing Package;
- Archaeological Clearance;
- Stage 1 and 2 Archaeological Assessment;
- Geotechnical Investigation;
- Hydrogeological Report
- Functional Servicing Report;
- Stormwater Management Report;
- Transportation Impact Study;
- Truck Access and Circulation Plan;
- Noise and Vibration Impact Assessment; and,
- Exterior Lighting Plan.

Background

The subject lands are designated Urban Area in the Halton Region Official Plan. The subject lands are also subject to the Employment Area overlay in the Halton Region Official Plan. The Employment Area overlay speaks to protecting and preserving Employment Areas for current and future uses, ensuring the necessary infrastructure is provided to support the development and prohibits incompatible uses. Regional staff is satisfied that the proposed industrial use constitutes a complementary employment use within the Employment Area.

The Halton Region Official Plan also requires the applicant of a development proposal on contaminated lands to undertake the necessary steps to bring the lands to a condition suitable for redevelopment, in accordance with Halton Region's Protocol for Reviewing Development Applications with Respect to Contaminated or Potentially Contaminated Sites. The Phase 2 Environmental Site Assessment Report identified soil exceedances on the subject lands. In this regard, the Region has requested a Holding provision be applied in the zoning by-law amendment that requires the applicant to remediate the site prior to Site Plan Approval.

On the basis of the above, Regional staff are satisfied that the proposed zoning by-law amendment conforms to the Regional Official Plan and is consistent with and conforms to Provincial policies.

The subject lands are designated Business Park Area on Schedule B - Urban Land Use Plan of the Town of Milton Official Plan. The Business Park Area designation is an employment designation that permits a range of uses. Section 3.8.2.2 of the Town's Official Plan sets out the permitted uses in this designation and these include: light industrial and office uses as well as accessory service, wholesale, retail and office uses directly related to and within the industrial building, research and development uses (excluding biomedical waste) and restaurants that are part of and located wholly within a light industrial or office building, other than an industrial mall. A number of uses are not permitted within this land use designation and these include: truck terminals, fuel depots, cement batching and asphalt plants as well as waste management or composting facilities.

The subject lands are also designated Business Park Area on Schedule C.9.B - Derry Green Corporate Business Park Secondary Plan ('Derry Green SP') in the Town's Official Plan. The Derry Green SP indicates that the permitted uses are the same as those contained in Section 3.8.2.2 of the Town's Official Plan. However, the Derry Green SP permits limited open storage at the rear of a lot, subject to a zoning by-law amendment, where it can be demonstrated to the Town that the open storage is buffered by landscaping, berms or other screening mechanisms.



Background

In addition to the above, Schedule C-9-B of the Derry Green SP identifies the general location of Stormwater Management Facilities, which includes a facility on the southwest corner of the subject lands. The applicable policies require the final location and configuration of such facilities to be refined through an applicable Subwatershed Impact Study (SIS). To support the proposed development, the applicant submitted a SIS addendum that has been reviewed concurrently with this application. It is anticipated that the SIS addendum will be complete in the near future.

Schedule C-9-C of the Derry Green SP identifies the subject lands as being within the Phase 3 area of the phasing plan. Development of Phase 3 lands requires that 60% of the Phase 2 lands to be registered within a Plan of Subdivision or an approved site plan, which has not yet occurred, however the Town's Official Plan permits exceptions to this requirement for significant employment where the Region confirms there is available servicing capacity and where Council determines that the proposal meets the general goal and objectives of the Derry Green SP and that there are no unacceptable negative impacts. While the applicant has not secured an end user, it is anticipated that the proposed development will generate approximately 300 jobs. Staff are of the opinion that the proposed development constitutes locally significant employment.

The applicant will be required to construct a 300 mm local watermain that will connect to the trunk watermain on Fifth Line in order to provide water services to the subject lands. Regional staff have requested a Holding provision be applied to ensure that water services are in place and viable to support the development. Staff are of the opinion that the proposed development implements the policies of the Derry Green SP, that there are no foreseeable negative impacts to the Town or Halton Region and that the development proposal should be supported.

In addition to the above, the Town's Official Plan also includes policies that require the implementation of travel demand management (TDM) measures for industrial uses that exceed 9,290 square metres and when a reduced parking rate is being proposed. The applicant has submitted a Traffic Impact Study that includes TDM measures for the subject lands and provides justification for the proposed reduced parking rate. The Town's Traffic staff are satisfied that the Traffic Impact Study adequately justifies the proposed reduced parking rate and that the TDM measures are appropriate for the subject lands.

Staff reviewed the application in relation to the policies of the Provincial Policy Statement (2020), the Growth Plan (2019), the Halton Region Official Plan and the Town of Milton Official Plan. Town staff and our agency partners are satisfied that the application for the

Background

zoning by-law amendment as presented through this report, conforms to the applicable Provincial, Regional and Town land use planning policies and regulations.

Zoning By-law 016-2014, as amended

The subject lands are currently zoned Future Development (FD) in the Town's Urban Zoning By-law 016-2014, as amended. The subject lands are proposed to be placed in a site-specific Business Park with a Holding (M1*399*H80) zone to facilitate the proposed development. The site-specific zoning has been updated to ensure conformity with the Derry Green Corporate Business Park Secondary Plan as noted above, as well as apply site-specific provisions specific to the development. The site-specific provisions set out a list of the only permitted uses on the subject lands, which include an industrial use, office building, office use, accessory outdoor storage, research and technology use, adult education school, warehouse/distribution centre and a wholesale operation.

The additional site-specific provisions relate to a reduced front yard setback, reduced parking rate, reduced setbacks for parking areas, permission for landscaped area within an easement and requirement for accessory outdoor storage to be screened from the public street.

The Region has also requested a Holding Provision (H80) be applied to address contamination and servicing matters for the subject lands. The first condition requires the applicant to remediate the contaminated areas on the subject lands and provide an environmental audit to the Region to confirm that the environmental condition is suitable for development. The second condition is that the applicant demonstrate that local water services are in place on Fifth Line and viable and enter into a Servicing Agreement with the Region.

Should the application be approved, the applicant is required to obtain Site Plan Approval prior to building permit issuance. Detailed site plan drawings addressing such matters as building elevations and urban design, lot grading and drainage, lighting and landscaping will be reviewed through this process.

A draft zoning by-law amendment is attached to this report as Appendix 1.

Discussion

Public Consultation and Review Process

Notice of a complete application was provided on December 20, 2022. In accordance with the Planning Act requirements and Town policies, notice for the statutory Public Meeting was

Discussion

provided on March 2, 2023 through written notice to all properties within 200 metres of the subject lands and an advertisement was placed in the Milton Canadian Champion. The statutory Public Meeting was held on March 27, 2023. No members of the public spoke at the statutory Public Meeting and staff have not received any written submissions on the proposed zoning by-law amendment.

Agency Consultation

The proposed zoning by-law amendment and all supportive documents were circulated to both internal and external commenting agencies. Halton Region, Conservation Halton, Town departments and other agencies offered no objection to the proposed zoning by-law amendment.

Summary of Issues

Servicing

Trunk watermains are available along Main Street East and Fifth Line, however the Region generally prohibits direct service connections to trunk watermains and requires extensions of local mains at the owner's expense to service individual development sites. Given that there is no local watermain available at this time to service the subject lands, the applicant is responsible for constructing a new 300 mm local watermain along Fifth Line to service the subject lands. In order to ensure that the proposed development has adequate servicing, the Region has requested that the proposed zoning by-law amendment include a Holding provision that requires the owner to demonstrate that the local water services are in place to service the subject lands and to enter into a Servicing Agreement prior to Site Plan Approval for the proposed development.

Contamination

To support the development proposal, the applicant was required to submit an Environmental Site Assessment to determine if there is any potential contamination on the site. The applicant completed an Environmental Site Assessment which identified soil exceedances on the subject lands surrounding the area where a former house and pond were located. The soil impacts render the material not suitable for geotechnical purposes and the applicant is required to remove the contaminated soil from the subject lands. Remediation works are required to be completed prior to development. On this basis, the Region requested that the proposed zoning by-law amendment include a Holding provision that requires the owner to remediate the site and provide the Region with an environmental audit that indicates that the site is suitable for development.

Parking

Discussion

For industrial and warehouse/distribution centre uses, the Town's Urban Zoning By-law applies a parking rate based on the gross floor area. Because the proposed industrial building is contemplated as accommodating two units, the parking rate is applied to each of the units. In this regard, under the current provisions a minimum of 158 parking spaces would be required for the entire proposed development.

The applicant has proposed a reduced parking rate for the industrial and warehouse/distribution centre uses. To support the proposal, the applicant submitted a Traffic Impact Study that included parking justification for the reduced rate. The study analysed the anticipated parking demand at peak periods and it was determined that the typical peak parking demand would require 52 parking spaces.

The proposed reduced parking ratio would require a minimum of 69 parking spaces, however it is noted that the proposed Site Plan includes 77 parking spaces. Town Traffic staff have reviewed the TIS and parking justification and are satisfied that the proposed provides adequate parking on the site. Traffic Demand Measures have also been identified to support the proposed parking reduction and will be incorporated into the future Site Plan Agreement.

Landscaping

Town easements are located on the subject lands along both of the street frontages of Main Street East and Fifth Line. The Town easements contain a box sewer that runs along Main Street East and then to the south along the west side of Fifth Line before crossing to the east side of Fifth Line. Typically the Town does not permit landscaped areas on encumbered lands (e.g. within an easement area), however the Town's Official Plan and the Urban Design Guidelines for the Derry Green Secondary Plan area encourage landscaping with trees, shrubs and native plantings within front yards and along street frontages and edges.

On the basis of the above, the applicant has prepared a Landscape Plan that meets the general landscape area requirements of the Town's zoning by-law (albeit within an easement area) including trees, shrubs and sod along the street frontages. Sod is the only vegetation located directly above the box sewer in the scenario that the Town is required to access the box sewer for maintenance or repairs. Staff is satisfied that the proposed Landscape Plan implements the Town's Official Plan and Urban Design Guidelines for the Derry Green Secondary Plan area.

Conclusion

Planning staff is satisfied that the proposed zoning by-law amendment, attached as Appendix 1, is consistent with the land use policies of the Provincial Policy Statement and conforms to



Discussion

the Regional and Town Official Plans. Therefore, staff recommends approval of the zoning by-law amendment as presented through this report.

Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Jessica Tijanic MSc., MCIP, RPP Phone: Ext. 2221
Senior Planner, Development
Review

Attachments

- Figure 1 - Location Map
- Figure 2 - Proposed Site Plan and Statistics
- Figure 3 - Proposed Architectural Rendering
- Appendix 1 - Zoning By-law Amendment

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.