



The Corporation of the Town of Milton

Report To: Council

From: Barbara Koopmans, Commissioner, Planning and Development

Date: February 11, 2019

Report No: PD-007-19

Subject: Technical Report – Proposed Zoning By-law Amendment by Orlando Corporation for lands located within the Derry Green Corporate Business Park Secondary Plan on the east side of James Snow Parkway (Town File: Z-06/18).

Recommendation: THAT Planning and Development Report PD-007-19 outlining an application for amendment to the Town of Milton Zoning By-law 016-2014, as amended, to facilitate the construction of a 28.0 metre high building, BE APPROVED;

AND THAT staff be authorized to bring forward an amending Zoning By-law in accordance with the draft By-law attached as Appendix 1 to Report PD-007-19 for Council adoption;

AND THAT pursuant to subsection 34(17) of the Planning Act, Council has determined that the change to the definition of “Building Height” in the proposed by-law introduced after the holding of the public meeting does not require further public notice;

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.

EXECUTIVE SUMMARY

The applicant is proposing to construct a warehouse building/distribution centre on the north side of James Snow Parkway, between Main Street East and Derry Road, within the Derry Green Corporate Business Park Secondary Plan Area.

The applicant has requested an amendment to the Town of Milton Zoning By-law 016-2014, as amended, to facilitate the construction of a 99,745.07 m² (1,073,647 ft²) warehouse building/distribution centre. The lands are currently zoned Business Park Special (M1*237), Business Park Special with a Holding (M1*237-H23), General Industrial Special (M2*238), Open Space Special (OS*2) and Natural Heritage System (NHS). The portion of the lands subject to the proposed development are zoned M1*237,



M1*237-H23 and M2*238, which permits the proposed warehouse and distribution centre use. However, the maximum building height permitted is 15.0 metres. The Zoning By-law Amendment, if approved, would permit the development of a warehouse building/distribution centre on the lands to a maximum height of 28.0 metres, and would amend the definition of building height to be measured from the Finished Floor Elevation (FFE) to the highest point of the flat roof.

Conclusions and Recommendations

Planning staff is of the opinion that the proposed development conforms to provincial, regional and local planning policy and provides for development that is compatible with the built environment of surrounding land uses. As such, staff recommends that the application be approved and the amending zoning by-law be adopted.

REPORT

Background

Owner: Orlando Corporation, 6205 Airport Road, Mississauga

Applicant: Glen Schnarr & Associates Inc., 10 Kingsbridge Garden Circle, Mississauga

Location/Description

The subject property is located on the north side of James Snow Parkway, between Main Street East and Derry Road (See Figure 1 – Location Map).

Property

The property is approximately 60 hectares in size and is currently vacant. The property has frontage along both James Snow Parkway and Fifth Line, as well as a future municipal road internal to the site.

Surrounding Land Use

Surrounding land uses include residential uses across James Snow Parkway to the south, proposed general industrial uses to the north, and vacant future employment development lands to both the east and west.

Proposal

The applicant is proposing to construct a 99,745.07 m² (1,073,647 ft²) warehouse building/distribution centre with a maximum building height of 28.0 metres on a vacant lot within the Derry Green Corporate Business Park Area. Figure 2 illustrates the proposed concept plan for the site.

The owner of the lands intends to develop the lands, including site works and construction of the shell of the building, for an ecommerce tenant. The tenant will design and construct

the interior of the building to suit their needs. The proposed height increase is necessary for the installation of a state of the art automation system, which includes an automated elevating device used in conjunction with a racking system for storage and efficient product distribution. At full build out of the facility, it is anticipated that the proposed development will result in up to 1,000 jobs.

Draft plan approval (24T-15001/M) and rezoning were received in March 2017 to permit an industrial plan of subdivision on the subject lands. The proposed Zoning By-law amendment seeks to add additional provisions to the existing site specific zoning Business Park Special (M1*237), Business Park Special with a Holding (M1*237-H23) and General Industrial Special (M2*238) on the lands, in order to facilitate the development of the proposed warehouse building/distribution centre. No changes to the existing zone permissions are proposed. Additionally, a portion of the lands are zoned Open Space Special (OS*2) and Natural Heritage System (NHS) along the eastern limit of the property. It is noted that there are no changes proposed to the OS*2 or NHS zones through this application.

The proposed Zoning By-law amendment seeks to add additional site specific provisions to the existing M1*237 and M2*238 zones. More specifically, the special site provisions relate to maximum building height and the definition of building height which dictates how height is calculated. Attached to this report as Appendix 1 is the Draft Zoning By-law.

An updated site plan, which includes additional truck parking adjacent to the south property line, is attached to this report as Figure 2.

Plans and reports submitted in support of the application:

- Planning Justification Report, prepared by Glen Schnarr & Associates Inc., dated December, 2018;
- Urban Design Brief, prepared by Glen Schnarr & Associates Inc., dated December, 2018.
- Shadow Study, prepared by Orlando Corporation, undated.
- Concept Drawing A-1, prepared by Orlando Corporation, dated December 5, 2018.
- Traffic Generation for Revised Orlando Warehouse Development, prepared by Read, Voorhees & Associates Limited, dated January 25, 2019.

Planning Policy

Provincial Policy

Staff has reviewed the application in relation to the policies of the Provincial Policy Statement (2014), the Growth Plan for the Greater Golden Horseshoe (2017), and the Region and Town Official Plans.



Provincial policies support the promotion of economic development and competitiveness by providing an appropriate mix of employment uses to meet long-term needs. This can be achieved by making more efficient use of existing employment areas as well as vacant and underutilized employment lands and increasing employment densities within existing settlement (urban) areas. It is important to build strong and diverse communities that will ensure long-term prosperity, environmental health and well-being for its residents through efficient land use and development patterns.

Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns, accommodating a range of residential, employment, recreation and open space uses to meet the needs of the community, and promoting cost-effective development standards to minimize land consumption by ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.

The proposed development is consistent with provincial policy as it is located within a settlement area and relies on and supports existing and planned infrastructure and public services, including access to a major arterial road (James Snow Parkway), and linkages to major freight corridors and facilities such as Highways 401 and 407, as well as the adjacent CP railway corridor. The proposed development will contribute to a strong economy in Milton by providing for employment growth and job creation.

Halton Region Official Plan

With respect to Regional policies, the subject lands are designated Urban Area and Natural Heritage System in the Region's Official Plan. The proposed warehouse/distribution centre use conforms to the permitted uses within the Urban Area.

Town of Milton Official Plan

With respect to the Town's Official Plan, the subject lands are designated Business Park Area and Industrial Area on Schedule B – Urban Area Land Use Plan. The Business Park Area designation notes that the main permitted uses shall be a full range of light industrial and office uses, subject to a high standard of design. In addition to the main permitted uses, service commercial uses, office, wholesale and retail functions directly related to industry are also permitted. The Industrial Area designation is an employment designation which permits a full range of light and general industrial uses. It is staff's opinion that the proposed development conforms to the policies of the Town's Official Plan.

Derry Green Corporate Business Park Secondary Plan



The subject lands are also subject to the Derry Green Corporate Business Park Secondary Plan Area policies. In this secondary plan, the lands are designated Business Park Area with a Street Oriented Area overlay designation along James Snow Parkway, Industrial Area and Natural Heritage System.

The Industrial Area designation permits a full range of light and general industrial uses, including warehousing and distribution centres, in accordance with the policies of Section B.3.9.2.1 of the Town's Official Plan.

The Business Park Area designation permits uses in accordance with policies of Section 3.8 of the Town's Official Plan, which allows light industrial land uses including warehousing and distribution centres.

The Business Park Area with a Street Oriented Area overlay permits office uses and light industrial uses which include a significant office component. The proposed development includes approximately 1,895 m² (20,397 ft²) of office space associated with the warehouse/distribution centre within the overlay area, facing James Snow Parkway.

The Secondary Plan seeks to have an enhanced level of streetscape design along James Snow Parkway, and notes that significant parking areas will be screened by berms and landscaping, and service, loading and open storage facilities shall not be permitted in the yard abutting major roads and must be screened from these roads.

The proposed development is designed to front onto James Snow Parkway with the office component to be located facing towards this frontage. The warehouse building/distribution centre is oriented in an east-west axis such that loading and service areas are located in the side and rear, not along the James Snow Parkway frontage.

Design elements such as a berm and landscaping will also be present along this frontage, to be further refined in accordance with the Enhanced Streetscape Design policies through the Site Plan Approval process. These enhanced design elements will provide a visual and noise buffer for residential uses across James Snow Parkway.

It is the opinion of staff that the proposed Zoning By-law Amendment is in conformity with provincial and regional policies and conforms to the Town's Official Plan and Secondary Plan Area policies.

Zoning By-law

The lands are currently zoned Business Park Special (M1*237), Business Park Special with a Holding (M1*237-H23), General Industrial Special (M2*238), Open Space Special (OS*2) and Natural Heritage System (NHS). The application seeks to add two additional provisions to the existing Business Park Special (M1*237) and General Industrial Special



(M2*238) provisions. No changes are proposed to the Open Space Special (OS*2) or Natural Heritage System (NHS) zones. The site-specific zoning provisions requested are required in order to facilitate the development of a warehouse building/distribution centre with the amount of interior space required for adequate operation of the proposed use.

The use of warehouse building/distribution centre is a permitted use in both the Business Park (M1) and General Industrial (M2) zones. Warehouse/distribution centre is defined in the Town's By-law as a premises used for the storage and/or distribution of goods, wares, merchandise, substances, articles or things, within a building. Staff are confident that the proposed use complies with uses currently permitted on the subject lands.

The existing zoning on lands includes a Business Park Special with a Holding (M1*237-H23). The holding provision is not to be removed until a site plan or other development plan has been provided to the satisfaction of the Town, which demonstrates that an enhanced level of berming, landscaping and urban design along James Snow Parkway can be provided. Enhanced berming and landscaping will ensure an appropriate buffer to mitigate noise and the visual impact associated with the proposed building.

A Shadow Impact Study was submitted in support of the increased height associated with the application. The submitted shadow studies demonstrated that the shadow impact of this development between April 21 to September 21 complies with the requirement of the shadow impact analysis guidelines such that public sidewalks will receive at least five (5) hours of consecutive sunlight per day and building and roof areas of adjacent buildings are not impacted by shadow for more than two (2) consecutive hours on December 21. It is further noted that based on this analysis, there is no anticipated shadow impact to the residential dwellings west of the building.

As it relates to the definition of building height, through a review of the application it was brought to the attention of staff that the 28.0 metre height of the building is proposed to be measured from the Finished Floor Elevation (FFE) to the highest point of the flat roof which conflicts with the Town's Zoning By-law requirements which measures height from average grade to the highest point of the flat roof.

The Finished Floor Elevation at the front office portion of the building facing James Snow Parkway is proposed to be at grade, rendering the building 28.0 metre high in this location; however, excavation will be required at the side and rear of the building to accommodate loading docks and bays. The extent of this excavation and final grading is not known at this time, but would result in a higher height if measured from average grade, as currently defined in the By-law. As such, it is proposed that the 28.0 metre height be measured from the FFE to the highest part of the flat roof, exclusive of rooftop mechanical equipment.



The additional site specific provision was identified through staff review following the Statutory Public Meeting. Section 34(17) of the Planning Act permits Council to determine that additional public notice (i.e. an additional Statutory Public Meeting) is not required when a change is proposed after the holding of the public meeting. In this case, staff are of the opinion that the proposed amendment to the definition of building height is minor in nature and will not preclude future development on adjacent lands nor negatively impact surrounding property owners, including residential properties across James Snow Parkway, as the difference in height will be limited to the side and rear of the proposed building. Based on preliminary grading, the FFE at the front of the building will be at grade and the proposed change would only impact the height of the building at the side and rear.

Attached to this report as Appendix 1 is the Draft Site Specific Zoning By-law.

Site Plan Control

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, lot grading and drainage, site design, lighting and landscaping will be required to be submitted for review and approval. Other items, such as traffic and safety, garbage disposal and capacity of utilities, including water and sanitary sewer connections will be reviewed as part of the technical site plan review.

Discussion

Public Consultation

The Statutory Public Meeting was held on January 21, 2019. No members of the public came forward to address the Committee with regard to the proposed application. As of the writing of this report, Town Planning Staff did not receive formal written correspondence from nearby property owners.

Agency Consultation

The application was circulated to internal departments and external agencies. None of the agencies circulated offered an objection to the approval of the application as proposed. It was noted that additional comments may be provided and will be required to be addressed at the Site Plan Approval (detailed design) stage.

Traffic staff within the Town's Engineering Department have reviewed the Traffic Generation for Revised Orlando Warehouse Development Memorandum, dated January 25, 2019, by Read, Voorhees & Associates Limited, and have no concerns from a site generated traffic perspective with regards to the revised plan. As stated in the memorandum, "the total site traffic generated in peak hours is less than the previous

total forecast for full development of the site, with the truck volumes maintained at the same level as previously forecast.” Not stated in the memorandum but also relevant, is that the consultant utilized the 8th edition of the ITE Trip Generation Manual rather than the 10th edition which is the latest version. Had the consultant used the 10th edition, the traffic forecasts would be even lower than what is noted in the memorandum. Therefore, it should be noted that the analysis is a conservative estimate.

The contents of the Urban Design Brief that was submitted are duly noted and will be used in conjunction with the relevant urban design criteria established in the Derry Green Corporate Business Park design guidelines, to evaluate the proposal at the site plan submission stage. In particular, staff will be looking for enhanced built form massing, attractive architectural façade, articulated landscape berm treatment along James Snow Parkway, and screening of other viewpoints from the trailer parking area that is visible from the public street in order to create animated street and high quality public realm experiences. An elevation drawing, provided as Figure 3, depicts the view of the proposed building from the second storey of the residential dwellings on the other side of James Snow Parkway.

Milton’s economic development strategy identifies three core principles that support job creation, new investment and an enhanced quality of life for the community. These principles are: business attraction, growth of the local economy and supporting innovation. The development proposed by Orlando Corporation in the Derry Green Business Park aligns well with Milton’s economic development strategy, given that the project will create both high and lower skilled jobs, provide opportunity to existing Milton companies to collaborate with the building’s end user, and include highly innovative automation that will contribute to Milton’s position as a leader in the supply chain and logistics industry across the GTA. The new jobs created through this development will provide opportunities for Milton residents to pursue employment within the community, rather than commuting to other parts of the GTHA. The non-residential assessment growth that will be associated with Orlando Corporation’s project also carries benefits to the community, as these revenues contribute directly to the delivery of services that impact Milton’s quality of life and enable our goal of building complete communities.

Conclusion

Planning staff is of the opinion that the proposed increase in height conforms to provincial and regional planning policies, meets the intent of local planning policy direction, and achieves acceptable engineering and design standards. The proposed structure provides for additional employment and job creation within the Town’s urban area, is compatible with adjacent land uses and is an appropriate use on the subject lands. On the basis of the foregoing, staff recommends that the draft Zoning By-law Amendment, attached as Appendix 1, be brought forward for Council adoption.



The Corporation of the Town of Milton

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Financial Impact

None arising from this report.

Respectfully submitted,

Barbara Koopmans, MPA, MCIP, RPP, CMO
Commissioner, Planning and Development

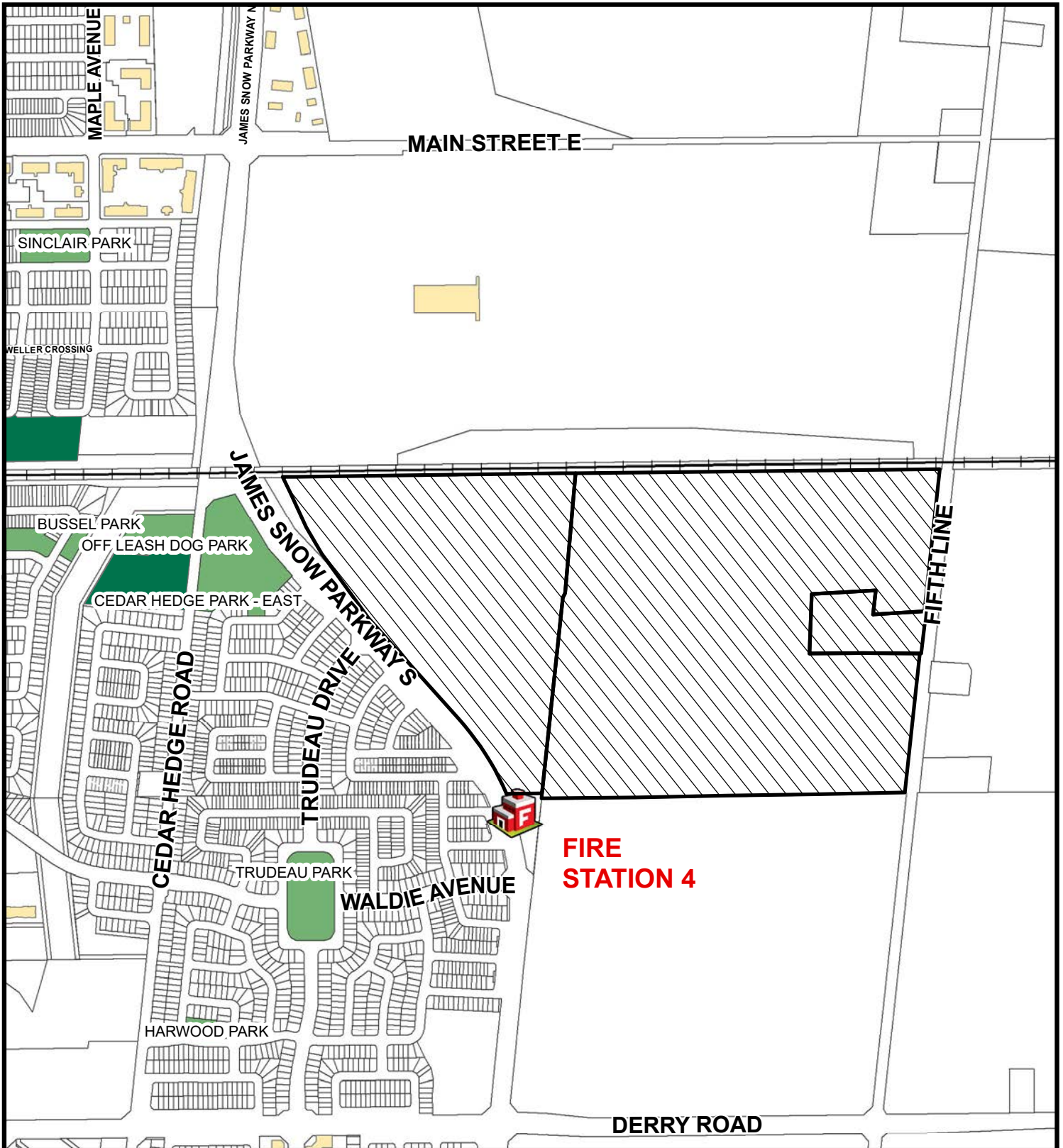
For questions, please contact: Mollie Kuchma, M.Sc. MPA Phone: Ext. 2312
MCIP, RPP, Planner

Attachments

Figure 1 – Location Map
Figure 2 – Site Plan
Figure 3 – Elevation
Appendix 1' –Zoning By-law and Schedule A Map

CAO Approval
William Mann, MCIP, RPP, OALA, CSLA, MCIF, RPF
Chief Administrative Officer

FIGURE 1 LOCATION MAP



Meeting Date:
February 11, 2019

Scale: 1:10,000

File: Z-06-18

Planning & Development Department



Subject Properties

**FIGURE 2
PD-007-19**

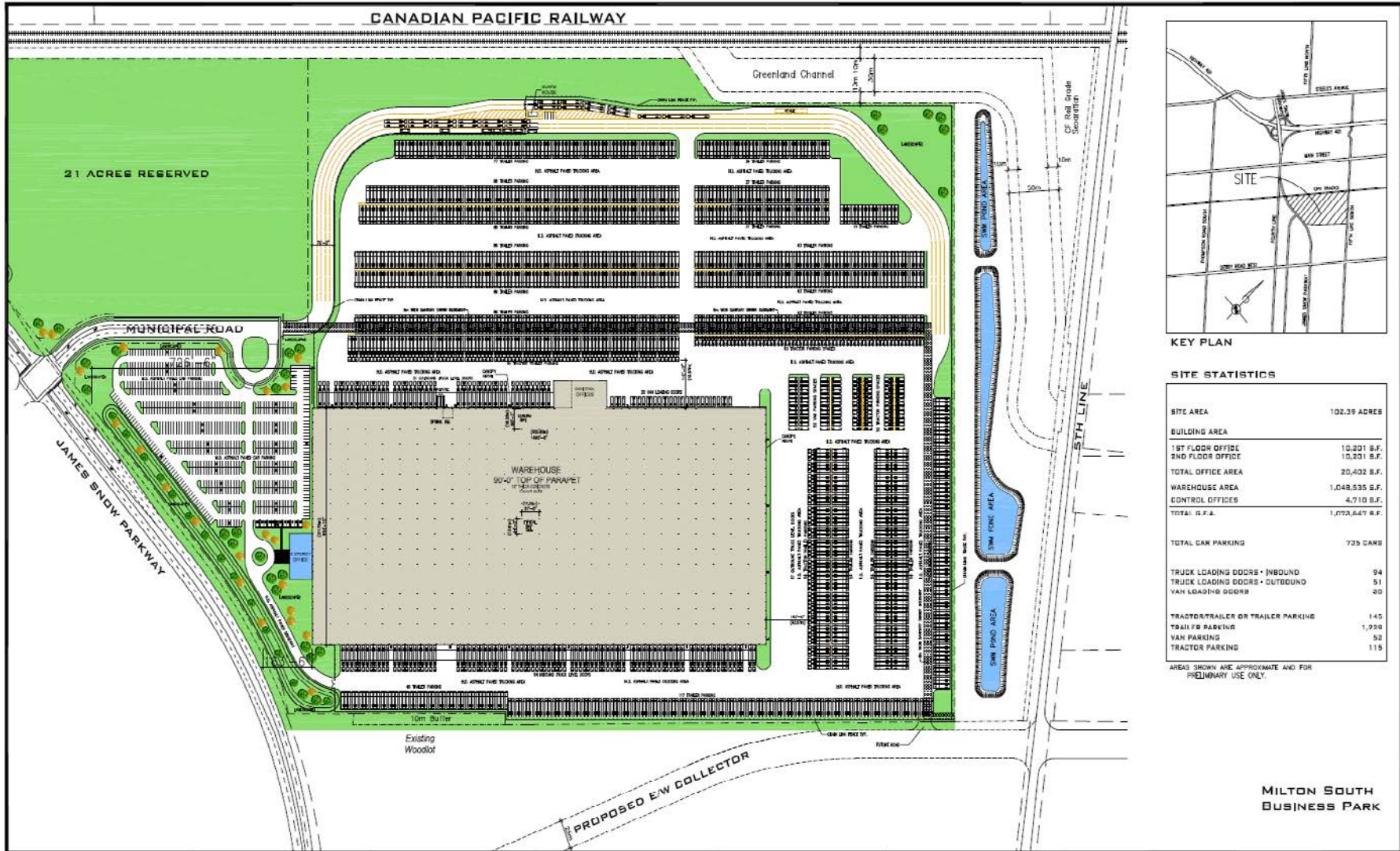


FIGURE 3
PD-007-19



THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NUMBER XXX-2019

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 016-2014, AS AMENDED, PURSUANT TO SECTION 34 OF THE PLANNING ACT, AS AMENDED, IN RESPECT OF THE LANDS DESCRIBED AS PART LOT 12, CONCESSION 5, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON – ORLANDO CORPORATION (FILE: Z-06/18)

WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 016-2014, as amended;

AND WHEREAS the Town of Milton Official Plan provides for the lands affected by this by-law to be zoned as set forth in this by-law;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1. **THAT** Section 13.1.1.237 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the additional provision as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned site-specific Business Park (M1*237), the following additional standards and provision shall apply:

- a) Maximum Building Height: 28.0 metres
- b) For the purposes of this By-law, Building Height shall be defined as the vertical distance measured from the finished floor elevation of such building or structure to, in the case of a flat roof, the highest point of the roof surface or parapet, and shall exclude rooftop mechanical and elevator penthouse.

2. **THAT** Section 13.1.1.238 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding the additional provision as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned site-specific General Industrial (M2*238), the following additional standards and provision shall apply:

- a) Maximum Building Height: 28.0 metres
 - b) For the purposes of this By-law, Building Height shall be defined as the vertical distance measured from the finished floor elevation of such building or structure to, in the case of a flat roof, the highest point of the roof surface or parapet, and shall exclude rooftop mechanical and elevator penthouse.
3. **AND THAT** if no appeal is filed pursuant to Section 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or if an appeal is filed and the Local Planning Appeal Tribunal dismisses the appeal, this by-law shall come into force on the day of its passing. If the Local Planning Appeal Tribunal amends the by-law pursuant to Section 34 (26) of the *Planning Act*, as amended, the part of parts so amended come into force upon the day the Tribunal's Order is issued directing the amendment or amendments.

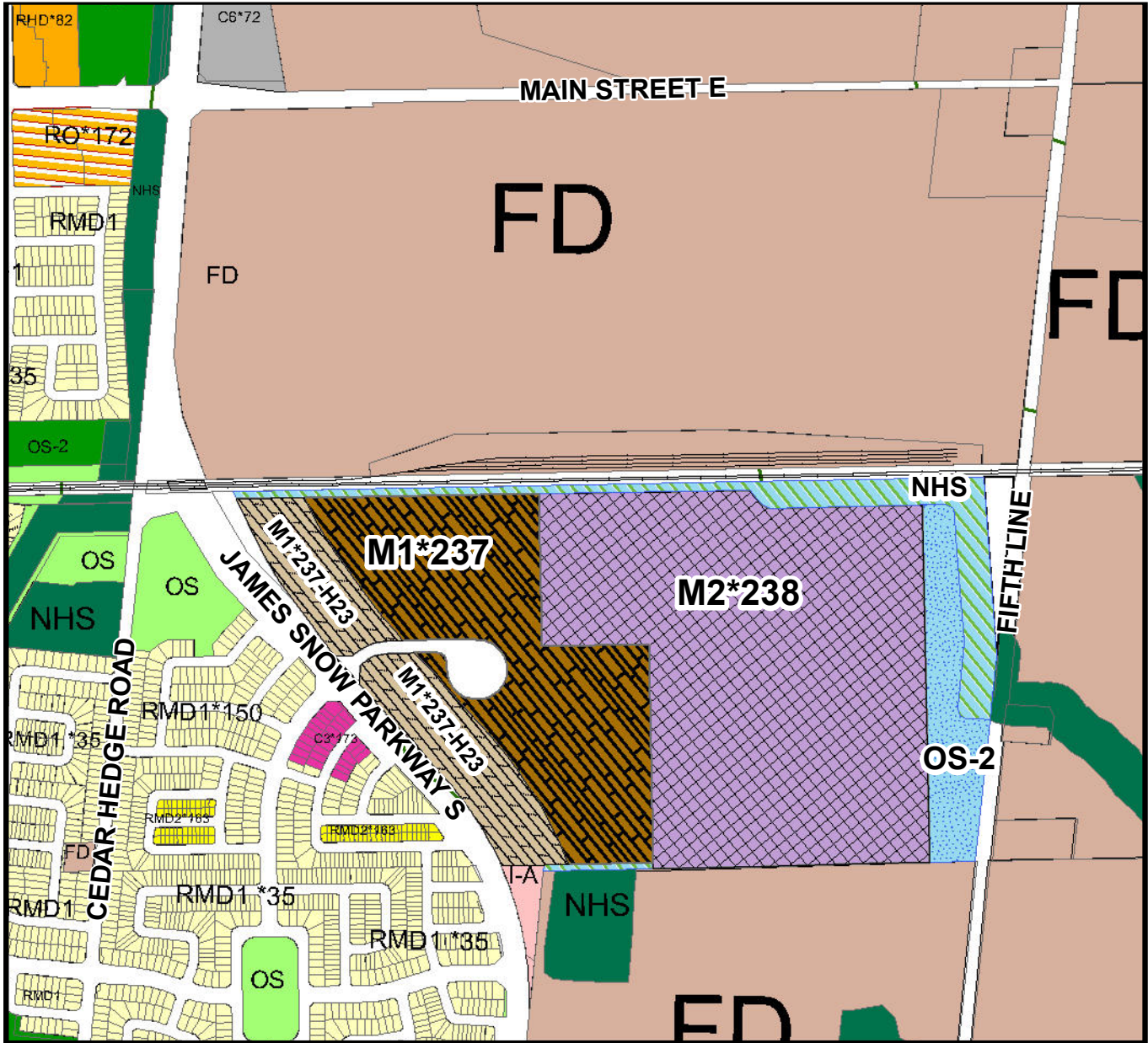
PASSED IN OPEN COUNCIL ON _____, 2019

Gordon A. Krantz Mayor

William Roberts Acting Town Clerk

SCHEDULE A
TO BY-LAW No. -2019
TOWN OF MILTON






PART OF LOT 12, CONCESSION 5 NS
Town of Milton



THIS IS SCHEDULE A
TO BY-LAW NO. -2019 PASSED
THIS ___ DAY OF _____, 2019.

MAYOR - Gordon A. Krantz

CLERK - Troy McHarg

-  NHS - Natural Heritage System Zone
-  OS-2 - Open Space - Stormwater Management Zone
-  M2*238 - General Industrial Zone Special
-  M1*237 - Business Park Zone Special
-  M1*237 - H23 - Business Park Zone Special with Holding Provision

