



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.

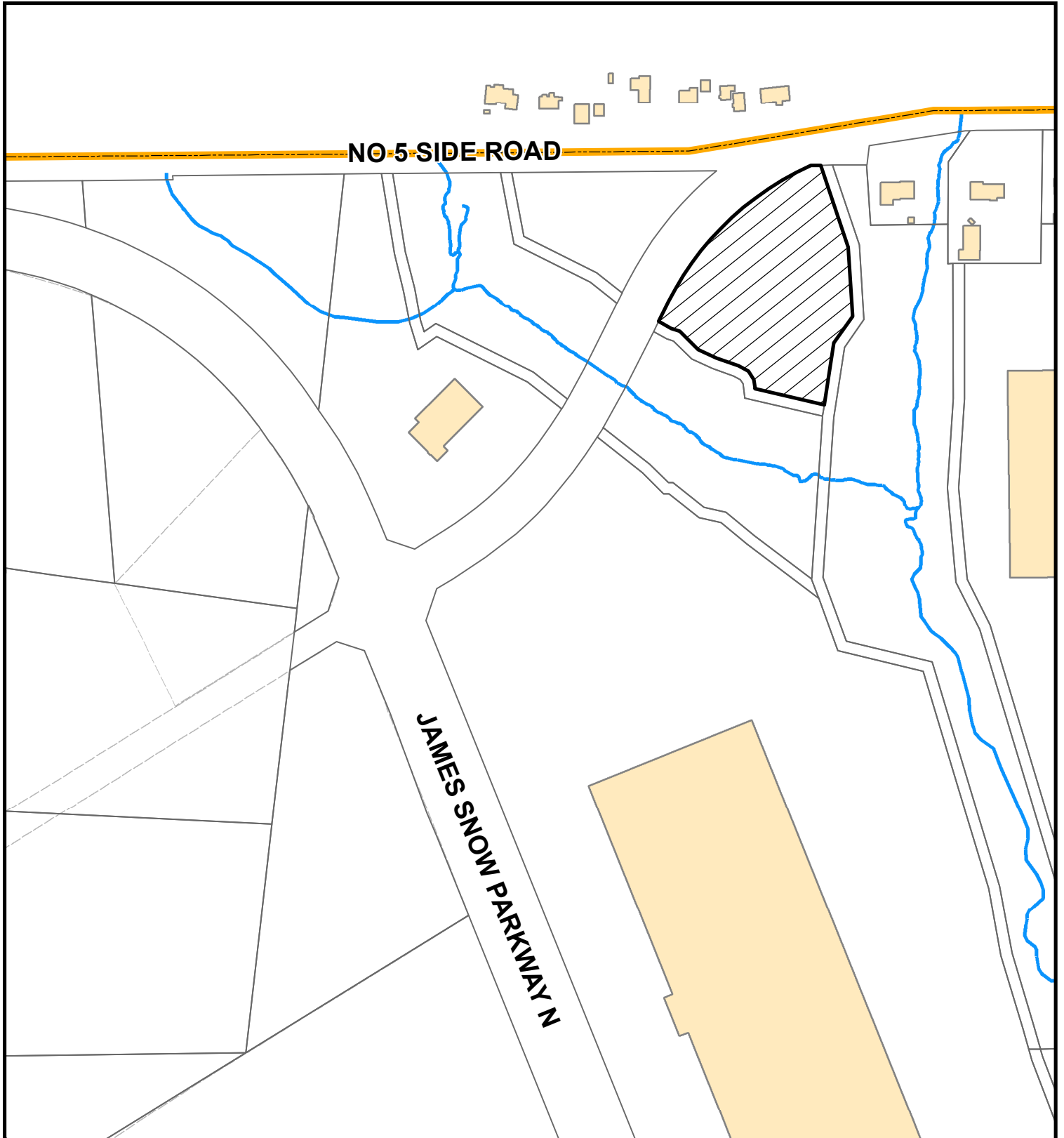
Lighting

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.

FIGURE 1 LOCATION MAP



Council Meeting Date:
July 18, 2022

Scale: 1: 3,500

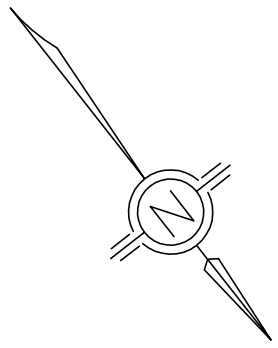
Files: Z-23/21

Development Services Department

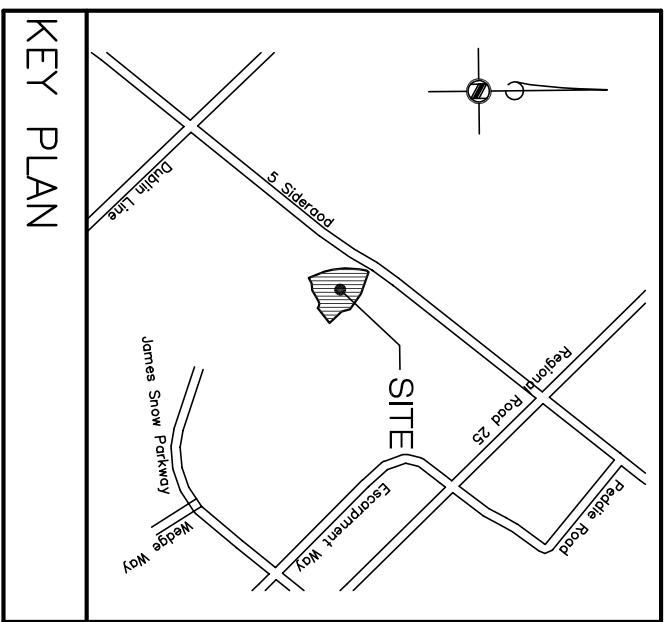
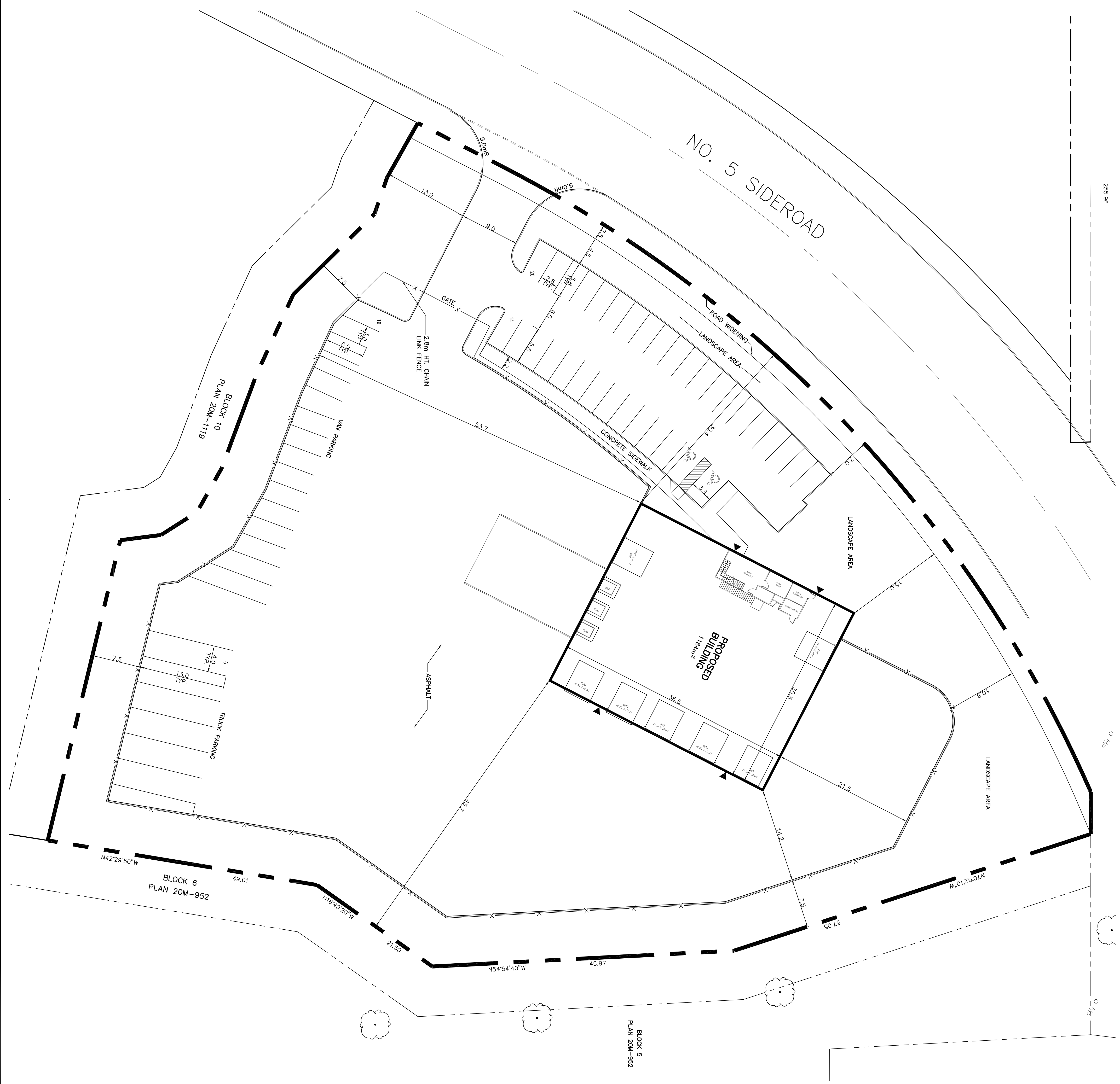


Subject Property
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255.96



LEGAL DESCRIPTION

BLOCK 7
REGISTERED PLAN 20M-1119

LAND USE SCHEDULE

LOT AREA 12425.6m² (1.24ha)
ROAD WIDENING 374.3m² (0.04ha)
BUILDING COVERAGE 1116m² (9.0%)
BUILDING AREA 1184m²
ASPHALT AREA 7186.4m² (57.8%)
LANDSCAPE AREA 4055.2m² (32.6%)

PARKING PROVIDED 32 CARS
ACCESSIBLE PARKING 2 CARS
TOTAL PARKING 34 CARS

DATE	DESCRIPTION	CHECKED BY
MAY 3 2021	ISSUED FOR REVIEW	

REVISIONS



220 Kempenfelt Drive
Barrie, Ontario
L4M 1C4
416-346-8258
www.riepma.ca
riepma@riepma.ca

Project Title
WHITELAND COURIER FACILITY
7450 NO. 5 SIDEROAD
MILTON, ONTARIO

Drawn By
SITE PLAN

Date	Issued
April 2021	
Job Number	Drawn By
21-07	D.N.
Scale	Checked By
1:300	
Sheet Number	

SP.1



DELIVERY
FORCE



Concept Rendering

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW XXX-2022

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* IN RESPECT OF THE LANDS DESCRIBED AS BLOCK 7, 20M-1119, FORMER GEOGRAPHIC TOWNSHIP OF ESQUESING, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (WHITELAND SERVICES INC.) - FILE: Z-23/21

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** Schedule A to Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by changing the existing Business Park with a Holding symbol (M1*H16) to a site-specific Business Park Zone (M1*321) symbol on the land shown on Schedule A attached hereto.
2. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.321 to read as follows:
 - a. Notwithstanding any provisions of the By-law to the contrary, for lands zoned the following standards and provisions shall apply:
 - i. For the purpose of this By-law, *Courier Facility* means:

“a building used by a courier service where goods, packages, merchandise, articles, or things are received by transport truck and are sorted and/or transferred to delivery vehicles for local distribution and vice versa, but shall not include a Transportation Terminal.”
 - b. **Additional Permitted Use:**

Courier Facility
3. 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 Ontario Land Tribunal dismisses the appeal, this by-law shall come into force on the day of its passing. If the Ontario Land Tribunal amends the by-law pursuant to Section 34 (26) of the *Planning Act*, as amended, the part or 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 JULY 18, 2022

Gordon A. Krantz

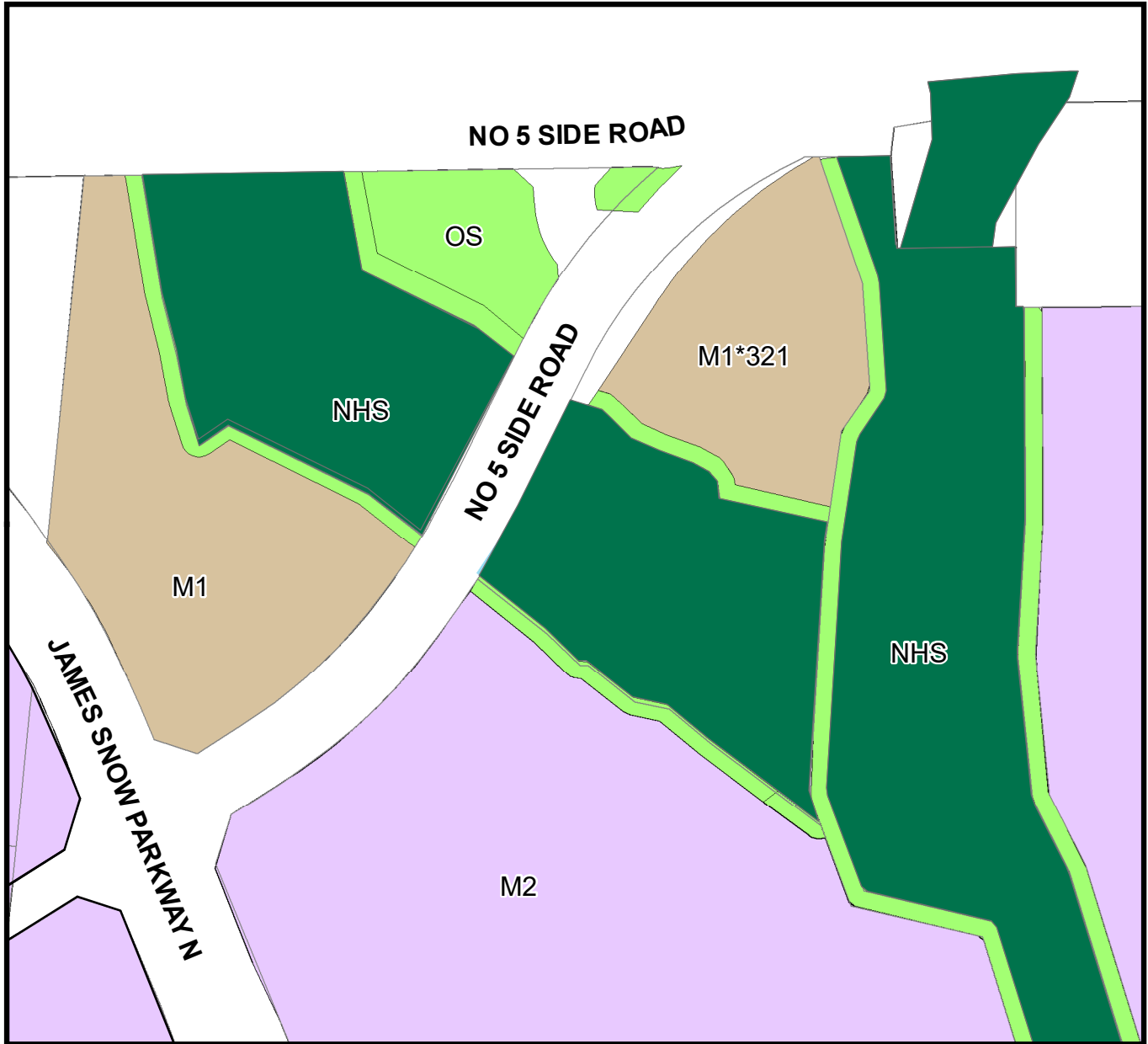
Mayor

Meaghen Reid


Town Clerk

SCHEDULE A
TO BY-LAW No. -2022
TOWN OF MILTON

PLAN 20M1119 BLK 7
Town of Milton



THIS IS SCHEDULE A
TO BY-LAW NO. _____ PASSED
THIS ___ DAY OF _____, 2022.

 M1*321*HXX - Business Park Zone Special

MAYOR - Gordon A. Krantz

CLERK- Meaghen Reid



Aaron Raymond

From: Mike Auger [REDACTED]
Sent: Thursday, January 20, 2022 12:40 PM
To: Aaron Raymond
Subject: 7450 #5 Sideroad Development

Hi Aaron,

My name is Mike Auger and I am the owner of [REDACTED]. My mother is Heather Auger and she is the owner and resident at [REDACTED] [REDACTED] the 7450 property that is applying for an amendment to the zoning to allow for a courier business. Some irrelevant information, these properties along with the surrounding developed lands were once our family farm.

We tuned in to the virtual Council meeting on Tuesday and listened to Mr. Riepma's presentation. I was in touch with Colin Best regarding some questions we have and he was very helpful. He also said to send you an email regarding some of our concerns/questions regarding the development. So if you are able to assist us it would be appreciated.

1. We were wondering if you can tell us who the actual company is rather than Whiteland Real Estate? Colin did explain it's common not to know.
2. Could you send me a site plan of some sort for the proposed building?
3. How is the courier service different than a distribution centre, such as Gordon Foods or Amazon?
4. Is the existing proposed building expandable?
5. Will the operation be 24 hours and if so can this be changed?
6. Orientation of the building, lighting and fencing are of obvious concern. Would we be able to have some input or conversation with the builder as to these? I realize this is probably not standard practice but would be good community relations on their part.
7. Will trucks be directed solely towards James Snow Parkway? How many trucks per day are they figuring on, or allowed?
8. Will this property be serviced by Town water and sewer or septic and well?
9. Is there any provision for the developers of this property and surrounding lands to provide services for the remainder of 5 sideroad?

We realize that development of this land has been on the horizon for some time and opposing it is not what we are looking to do. However, in my mother's case as the adjacent property especially, we feel it is better to voice our concerns now than to have issues later.

Thank you for your time and we hope to hear back from you soon. I can also be reached by phone at 416-771-4213.

Yours truly,
Mike Auger
Cation Excavating Ltd.

Aaron Raymond

From: Janet Openshaw on behalf of MB-Planning@milton.ca
Sent: Wednesday, January 5, 2022 4:24 PM
To: Aaron Raymond
Cc: MB-Planning@milton.ca
Subject: FW: 7450 No. 5 Side Road Town File: Z-23/21

Hello Aaron,

When you have a moment would you be able to follow up with the request below.

Thank you, Janet



Janet Openshaw

Planning Services Representative
150 Mary Street, Milton ON, L9T 6Z5
905-878-7252 ext. 2398
www.milton.ca

From: CHRISTINE MONGELLI [REDACTED]
Sent: Wednesday, January 5, 2022 4:10 PM
To: MB-Planning@milton.ca <Incoming-Planning-Email@milton.ca>
Subject: 7450 No. 5 Side Road Town File: Z-23/21

Hello,

I would like to view copies of documents pertaining to this Zoning Amendment, Town File: Z-23/21.

I was registered to be able to see documents, but when I tried I was not able to access it. I tried to have a password reset, however, nothing happened, there was no email sent to me with the reset password.

Kindly look into this and let me know.

Your help is very much appreciated.

Thank you