



The Corporation of the Town of Milton

Report To: Council

From: Barbara Koopmans, Commissioner, Development Services

Date: July 19, 2021

Report No: DS-058-21

Subject: Public Meeting and Initial Report - Proposed Temporary Use Zoning By-law Amendment Application by Carlton Place Plaza Inc. (Tenant: Trichome Hills Corporation) for lands located at 295 Alliance Road to temporarily permit a Cannabis Production and Processing Facility within Unit #10 of a multi-unit industrial building on the subject lands (Town File: Z-14/21)

Recommendation: THAT Report DS-058-21, BE RECEIVED FOR INFORMATION.

EXECUTIVE SUMMARY

The applicant is seeking approval of a temporary use by-law to permit a Cannabis Production and Processing Facility within a multi-unit industrial building for a period of up to three (3) years. The proposal will require a temporary use zoning by-law amendment to change the current General Industrial (M2) Zone to a site-specific Temporary General Industrial (T_M2*__) Zone.

Cannabis Production and Processing Facilities are permitted within the General Industrial Zone (M2), but currently the Zoning By-law only permits and regulates these types of facilities when they are the principal use on a property. Since this is the first application for a cannabis related facility in a multi-unit industrial building, staff recommended that a temporary use zoning by-law amendment be applied for. Approval of the by-law will allow the applicant to obtain the required licenses from Health Canada (i.e. research license and nursery license) and also provide Town staff with an opportunity to monitor the impacts of this operation throughout the three (3) year period and determine if an extension to the permission or updates and/or revisions to the Town's Official Plan and Zoning By-law should be considered in future.

Staff recommends that, upon completion of the consultation and review process, a technical report, including recommendations, be prepared and brought forward for consideration by Council. The technical report will address issues raised through the consultation and review process.

REPORT



Background

Owner: Carlton Place Plaza Inc., 302 Queen Street South, Mississauga, Ontario

Applicant: Trichome Hills Corporation, 295 Alliance Road, Unit 10, Milton, Ontario

Location/Description: The subject lands are located north of Alliance Road, west of Wheelabrator Way. The lands are legally described as Part 1, Concession 3, Esqueusing, Parts 1 and 3 on Plan 20R-8010; Milton., S/T Ease H672147 Over Part 3, 20R-8010, Town of Milton, Regional Municipality of Halton, and known municipally as 295 Alliance Road. The location of the property is illustrated in Figure 1 attached to this report.

The subject lands are rectangular in shape, approximately 0.6 hectares (1.48 acres) in size, and has frontage on Alliance Road. The subject lands are accessed from both Alliance Road and Wheelabrator Way, and are currently occupied by a multi-unit building containing a variety of industrial uses.

Surrounding land uses include industrial to the north, east and south, and an institutional use (Maplehurst Correctional Complex) to the west, beyond the raised rail line abutting the subject property.

Proposal:

The applicant proposes to establish a cannabis research facility within Unit #10 of the existing multi-unit industrial building at 295 Alliance Road. This research facility will include a nursery that will supply the research part of the business. The nursery will be isolated within the unit and will require slight modifications. With growing limited to the nursery area, the HVAC system will also be upgraded to mitigate odour. The remaining portions of the unit will be used for research, shipping/receiving and offices. Shipping will include scheduled weekly deliveries to licensed producers in accordance with Health Canada regulations. There will be no retail use, nor will the public have access to the facility. No exterior changes to the building or parking areas are proposed. Figure 2 - Site Plan, shows the existing building location, driveways and parking areas on the site, and also identifies the location of Unit #10 within the existing building. Figure 3 contains the proposed floor plans for the proposed use.

Since this is the first application for a cannabis related facility in a multi-unit industrial building, a temporary use by-law has been submitted in accordance with staff's recommendation. Approval of the by-law will allow the applicant to obtain the required licenses from Health Canada (i.e. research license and nursery license) and also provide the Town with more insight and understanding into this area of the cannabis industry. If the application should be approved, Town staff will monitor the impacts of this use throughout the three (3) year period to determine if it is appropriate to consider updates and/or revisions to the existing policies and provisions relating to Cannabis Production and Processing Facilities in the Town's Official Plan and/or Zoning By-law, at a later date.



Background

Council can also authorize further extensions (prior to the three year lapsing) of the use for periods of no more than three years at a time.

The following information has been submitted in support of the Temporary Use Zoning By-law Amendment application, and are currently under review:

- Site Plan, prepared by LandPro Planning Solutions, dated May 2021;
- Planning Justification Report, prepared by LandPro Planning Solutions, dated May 2021;
- Draft Zoning By-Law (Temporary Use), prepared by LandPro Planning Solutions, undated;
- Traffic Impact Brief, prepared by Paradigm Transportation Solutions Limited, dated June 2, 2021;
- Letter of Engagement, prepared by Deloitte, dated October 7, 2020; and,
- Trichome Hills Info Flyer, prepared by Deloitte.

Planning Policy

The subject lands are designated “Industrial Area” on Schedule B -Urban Land Use Plan of the Town’s Official Plan and Schedule C.2.B - Milton 401 Industrial/Business Park Secondary Plan. The “Industrial Area” designation permits a range of light and general industrial uses including a Cannabis Production and Processing Facility in accordance with Policy 3.9.3.2 of the Official Plan. In addition, accessory service, wholesale, retail and office uses directly related to the industrial use are permitted within the industrial building.

Section 3.9.3.2 of the Official Plan states that in addition to the Industrial Area policies set out in Section 3.9.3.1, the following shall apply to a Cannabis Production and Processing Facility:

- a) The appropriate locations within the Industrial Area land use designation and regulations for a Cannabis Production and Processing Facility shall be determined by the Zoning By-law;
- b) A minimum setback between a Cannabis Production and Processing Facility and a sensitive land use of 70 metres shall be provided. A reduced setback of less than 70 metres may be considered by the Town, without an amendment to this Plan, where impacts are mitigated;
- c) No outside storage shall be permitted;
- d) A Cannabis Production and Processing Facility shall be subject to Site Plan Control;
- e) In addition to the Complete Application requirements set out in Section 5.3.4, the following studies shall be submitted as part of any development application for a Cannabis Production and Processing Facility:

Background

- i. Odour and Dust Impact Assessment;
- ii. Light Impact Assessment;
- iii. Transportation Impact Study;
- iv. Hydrogeological Studies; and,
- v. Any other appropriate studies identified as part of the complete application and pre-consultation process.

Section 5.10.6 of the Official Plan defines Cannabis Production and Processing Facility as follows:

CANNABIS PRODUCTION AND PROCESSING FACILITY means a premises used for the production, processing, testing, destroying, packaging, and/or shipping of cannabis where a license, permit or authorization has been issued under applicable federal law. For the purposes of this definition, production shall include the growing and harvesting of cannabis and processing shall include the extraction of cannabis oil and the manufacturing of products containing cannabis.

While a full review of the applicable planning policies will be undertaken, based on the information provided, staff is satisfied that an Official Plan Amendment is not required.

Zoning By-law 016-2014, as amended

The subject lands are currently zoned General Industrial (M2) under Zoning By-law 016-2014, as amended, which permits a range of uses including industrial, office, research and technology, as well as Cannabis Production and Processing Facilities, subject to the special employment provisions of Section 8.3.2:

- i) The facility shall be the only principal use permitted on the lot on which it is located;
- ii) The facility operations, with the exception of growing and harvesting, shall be located within in a wholly enclosed building;
- iii) Outdoor storage is not permitted;
- iv) The minimum setbacks for a Cannabis Production and Processing Facility, from the zones or uses listed below, shall be in accordance with the following:
 - a) From a Residential, Institutional, or Open Space Zone: 70 m;
 - b) From a Residential or Institutional Use: 70 m;
- v) Notwithstanding any provisions of this by-law to the contrary, an accessory building or structure used for security purposes for a Cannabis Production and Processing Facility is permitted in any yard and shall not be subject to required setbacks.



Background

The Zoning By-law definition for Cannabis Production and Processing Facility conforms to the Official Plan definition.

While the Town Zoning By-law permits components of the proposed use within the General Industrial Zone (i.e. research and development, office, and Cannabis Production and Processing Facilities), the latter is not permitted within a multi-unit building. To gain a better sense of any potential impacts, staff recommended that the applicant seek a temporary use by-law rather than proceeding with an amendment to the Zoning By-law.

The temporary use by-law amendment application seeks to amend the current General Industrial (M2) Zone to a site-specific Temporary General Industrial (T_M2*__) Zone to permit the proposed cannabis research facility for a temporary period for up to three (3) years. In order to be consistent with the zoning terminology, the applicant has proposed to refer to the cannabis research facility as a Cannabis Production and Processing Facility with a site-specific definition that reflects the research and growing activities to occur within Unit #10 on the subject property. In addition, the proposed temporary use by-law includes a modified version of the special employment provisions of Section 8.3.2 of the Comprehensive Zoning By-law 016-2014, as amended, to allow for the use to be permitted within a multi-unit building, and remove the setback requirements to adjacent uses.

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

Site Plan Control

Should the temporary use zoning by-law amendment application be approved, the applicant may be required to receive Site Plan Approval prior to establishing the use. However, it should be noted that since there will be no changes to the overall site or existing building, staff anticipates that, if required, a scoped site plan review will be undertaken.

Discussion

Public Consultation

The application was deemed complete on June 16, 2021. Notice for the statutory public meeting was provided pursuant to the requirements of the Planning Act on June 24, 2021 through written notice to all properties within 200 metres of the subject lands, as well as an ad in the Milton Canadian Champion Newspaper on June 24, 2021.

Agency Consultation

The application was circulated to internal departments and external agencies on June 22, 2021. Staff have identified the following items to be reviewed and addressed:



Discussion

- Impacts on nearby institutional use
- Odour / disposal
- Traffic impacts
- Parking / loading
- Site-specific zone provisions

A technical report with recommendations will be brought forward for Council consideration upon completion of the evaluation of the application at a future meeting.

Financial Impact

None arising from this report.

Respectfully submitted,

Barbara Koopmans, MPA, MCIP, RPP, CMO
Commissioner, Development Services

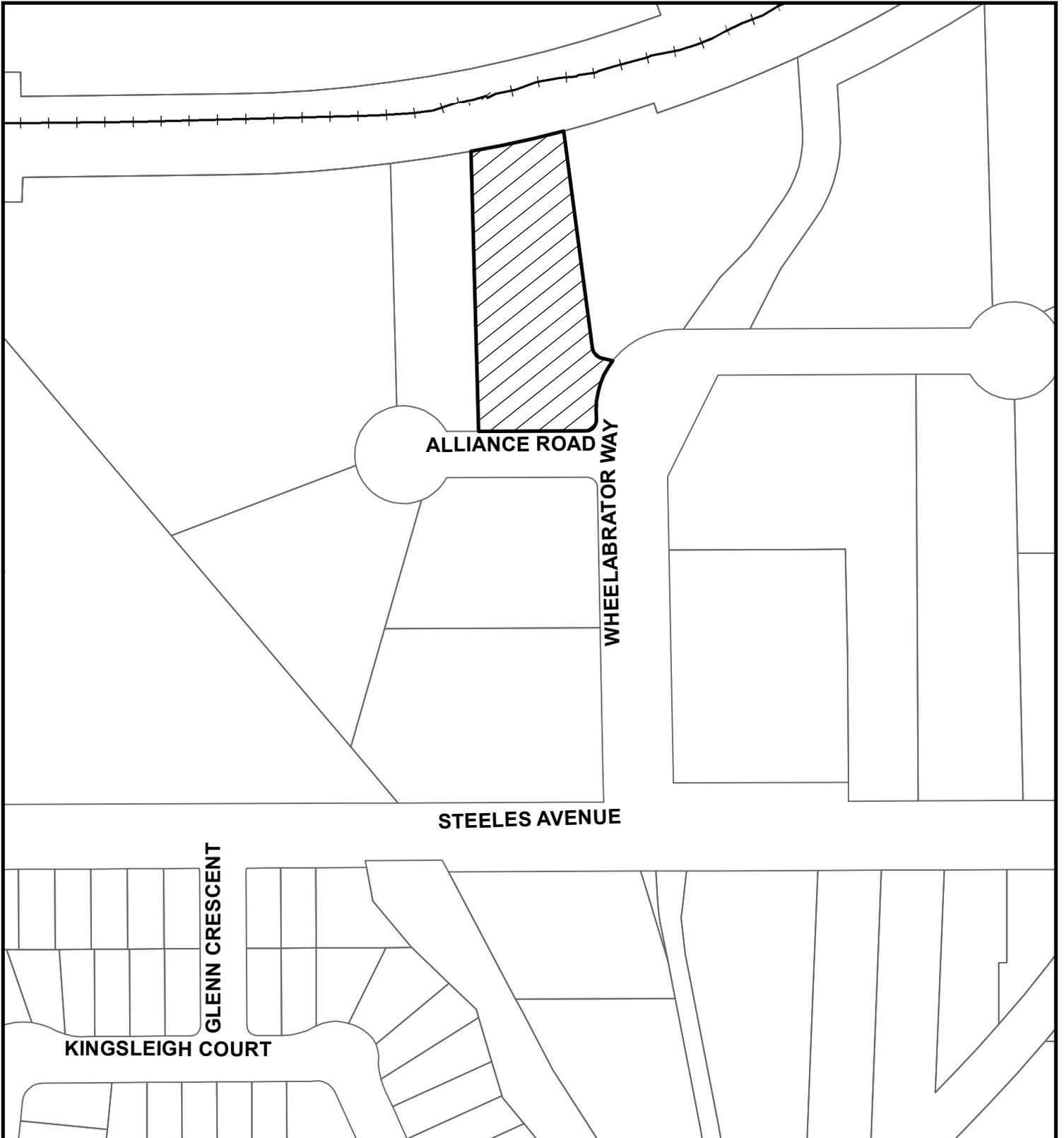
For questions, please contact: Angela Janzen, MCIP, RPP Phone: Ext. 2310
Development Planner

Attachments

Figure 1 - Location Map
Figure 2 - Site Plan
Figure 3 - Floor Plans
Appendix 1 - Draft Zoning By-law Amendment

CAO Approval
Glen Cowan
Acting Chief Administrative Officer

FIGURE 1 LOCATION MAP



ALLIANCE ROAD

WHEELABRATOR WAY

STEELES AVENUE

GLENN CRESCENT

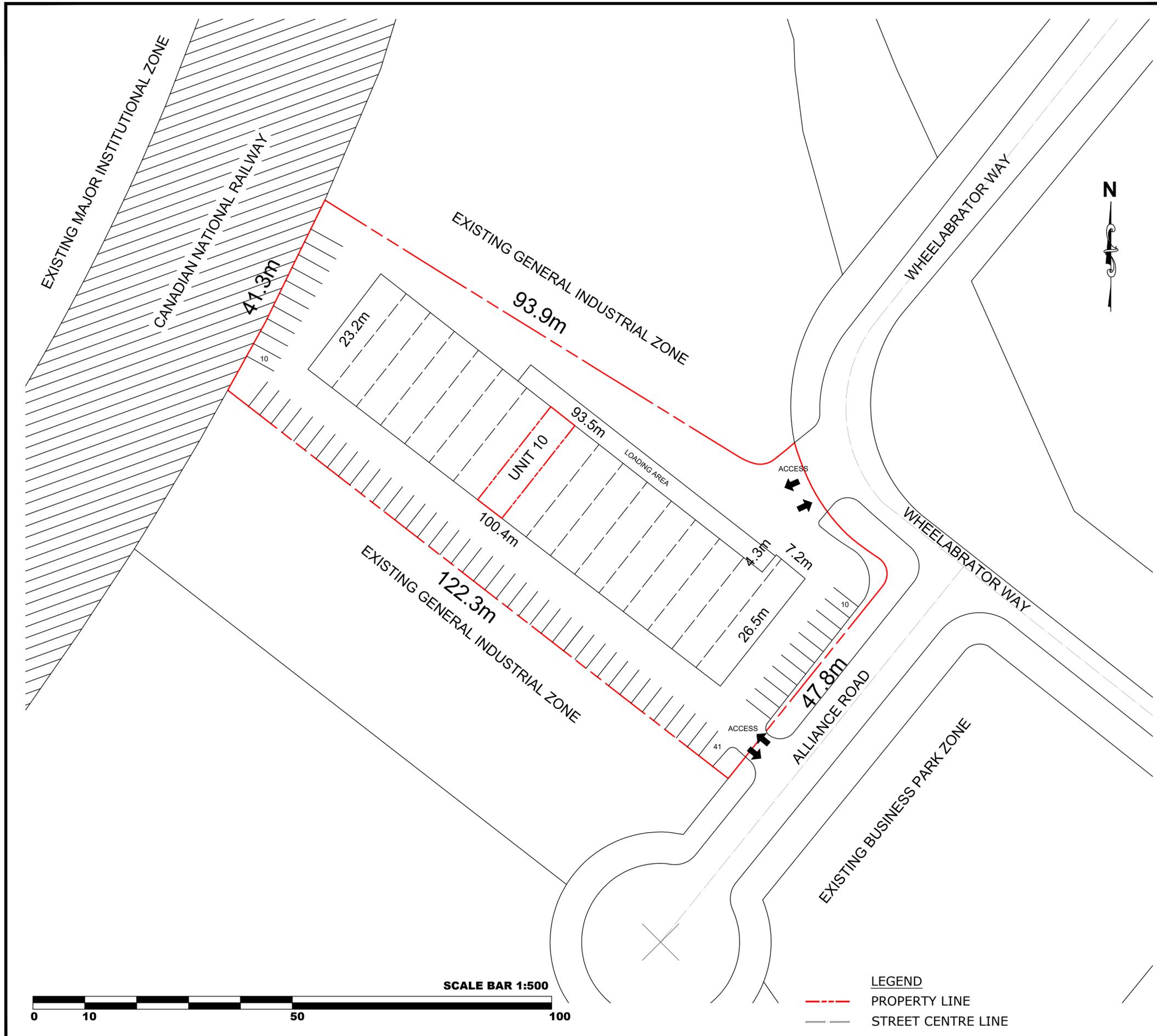
KINGSLEIGH COURT

Council Meeting Date: July 19, 2021	Scale: 1: 2,300	Files: Z-14/21	Development Services Department
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Subject Property

FIGURE 2
DS-058-21



KEY MAP - N.T.S.

LandPRO Planning Solutions INC.
 707 East Main St., Welland, ON L3B 3Y5
 289-687-3730 www.landproplan.ca



**CONCEPT SITE PLAN
 TEMPORARY BY-LAW
 CANNABIS RESEARCH FACILITY**

295 Alliance Road, Town of Milton, Region of Halton.

PROPERTY INFORMATION	
	AREA
PROPERTY AREA	0.6 Ha.
MULTI-UNIT BUILDING AREA	2,322.26 m ²
PARKING SPACES REQUIRED [5.8.2 Non-Residential Parking Requirements - Table 5G]	47
PARKING SPACES PROVIDED (Multi-unit building)	61
UNIT 10 AREA	173 m ²
PARKING SPACES REQUIRED 1 / 30 Sq.m.	6
PARKING SPACES PROVIDED UNIT 10	6
LOADING AREA REQUIRED	0
LOADING AREA PROVIDED	1

DATE: MAY, 2021

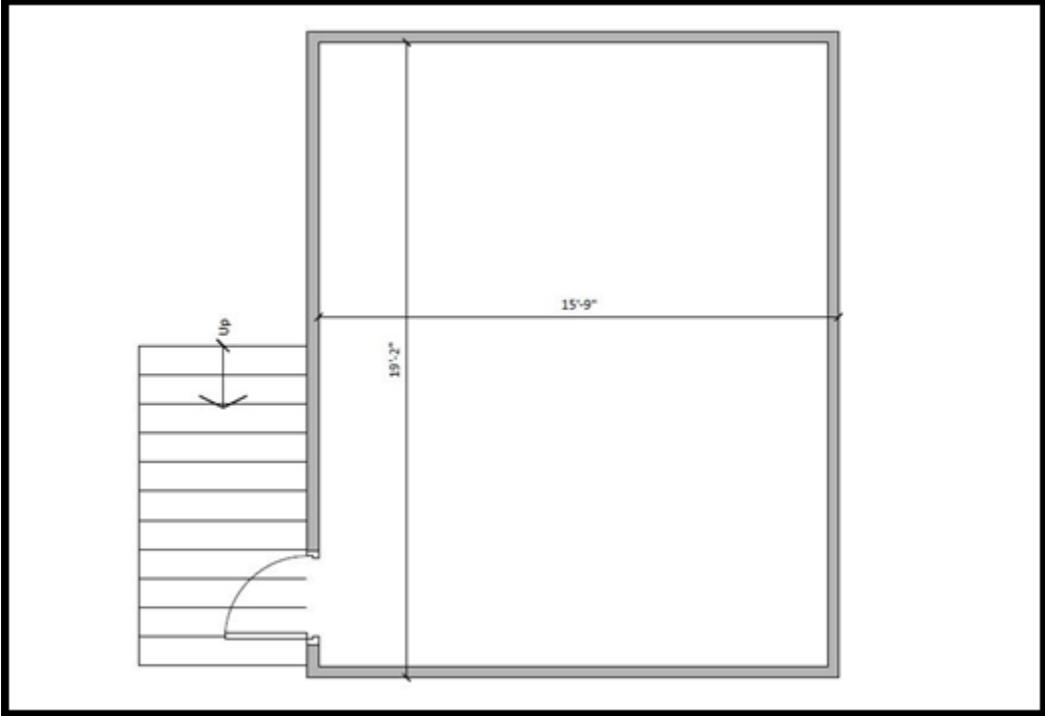
FLOOR PLANS – 295 Alliance Road, Unit #10

Detailed view of the cannabis research facility, with nursery on the main floor, and a lab on the mezzanine (excerpt from Planning Justification Report)

Main Floor



Mezzanine



THE CORPORATION OF TOWN OF MILTON

BY-LAW NO. -2021

BEING A BY-LAW OF THE TOWN OF MILTON TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 016-2014, AS AMENDED, PURSUANT TO SECTION 34 AND 39 OF THE PLANNING ACT, AS AMENDED, IN RESPECT OF THE LANDS DESCRIBED AS PART LT 1, CONCESSION 3, FORMER GEOGRAPHIC SURVEY OF ESQUESING, PARTS 1 AND 3, PL 20R8010; MILTON. S/T EASE H672147 OVER PT 3, 20R8010, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON AND MUNICIPALLY KNOWN AS 295 ALLIANCE ROAD, UNIT 10 (CARLTON PLACE PLAZA INC.) TOWN FILE: Z-14/21

WHEREAS Section 39 of the Planning Act, as amended, authorizes Municipal Councils to pass by-laws to permit temporary land uses for specific period of time;

AND WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 016-2014, as amended to allow the proposed use for a period of three (3) years.

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 Municipal 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, continues to zone the lands as a site-specific Temporary General Industrial Special (T__-M2*__) Zone symbol on the land shown on Schedule A attached hereto.
2. **THAT** Section 13.3 (Temporary Use Zones) of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.3.1.____ as follows:

Additional Permitted Use:

A Cannabis Production and Processing Facility.

Special Definition:

Means a facility used for production of Cannabis licensed by the Federal Government of Canada where Cannabis and Cannabis products are produced for Scientific Research, and/or Medical uses.

Special Site Provisions:

Notwithstanding the requirements of Section 8.1 Permitted Uses, 8.3.2 Cannabis production and Processing Facility, to the contrary, the following site specific provisions shall apply to the temporary use:

- i. More than one use can be permitted on the *lot* on which it is located;
 - ii. The facility operations, with the exception of growing and harvesting, shall be located within in a wholly enclosed *building*;
 - iii. *Outdoor storage* is not permitted;
 - iv. No minimum *setbacks* for a *Cannabis Production and Processing Facility* shall apply;
 - v. Notwithstanding any provisions of this by-law to the contrary, an accessory building or structure used for security purposes for a *Cannabis Production and Processing Facility* is permitted in any yard and shall not be subject to required setbacks
3. **THAT** notwithstanding Section 1 and/or Section 2 of this By-law, this by-law shall expire three (3) years from the date of the passing of the by-law by Council, unless the Council of the Corporation of the Town of Milton provided an extension by amendment to this by-law prior to its expiry.
4. **THAT** if no appeal is filled pursuant to Section 34 (19) of the Planning Act, R.S.O. 1990, c. P13, as amended, or if an appeal is filled 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

, 2021.

_____ Mayor

Gordon A. Krantz

_____ Town Clerk

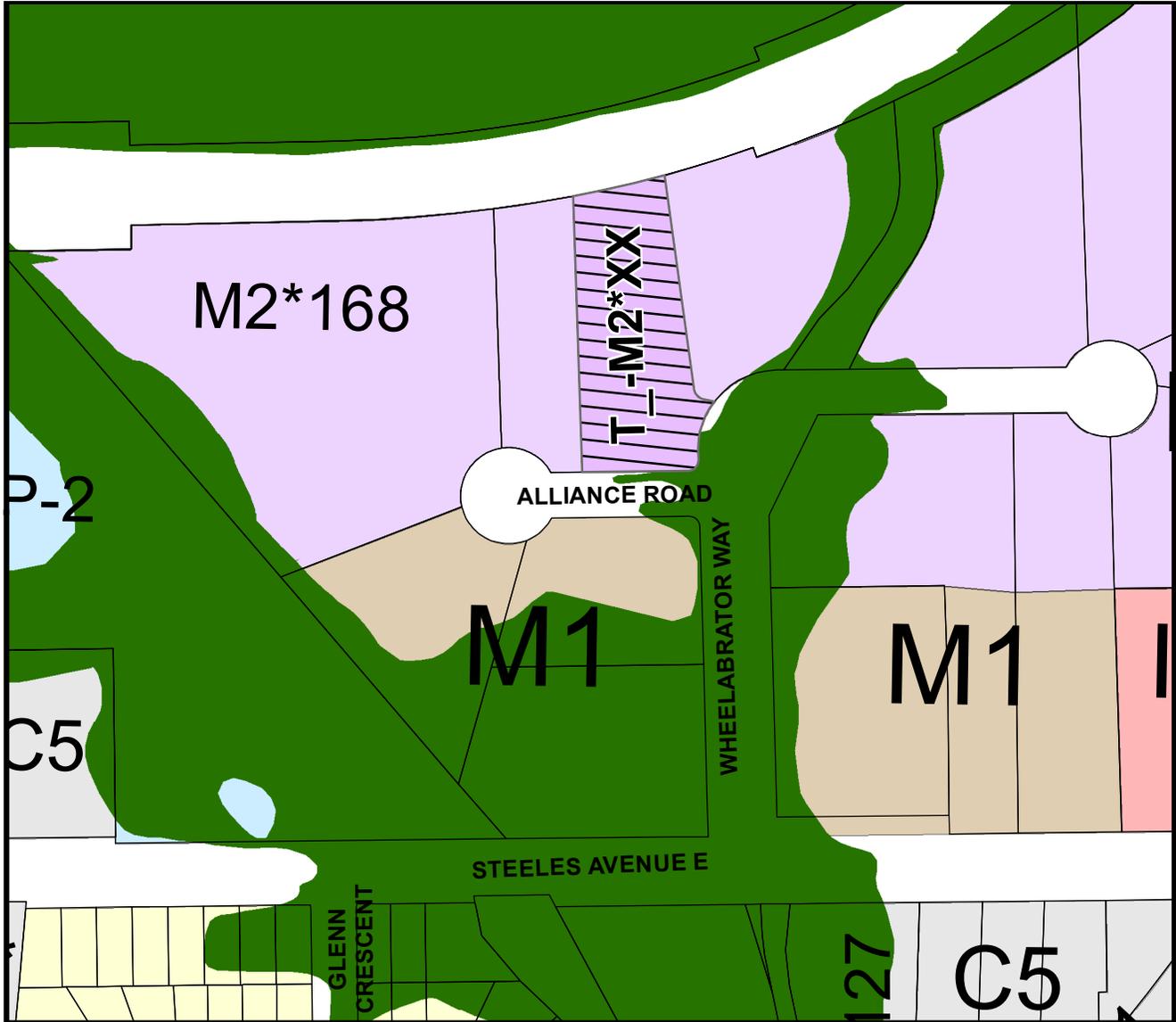
Meaghen Reid

SCHEDULE A
TO BY-LAW No. -2021

TOWN OF MILTON

PART OF LOT 1, CONCESSION 3, ESQUESING,
PARTS 1 AND 3 ON RP 20R8010

Town of Milton



THIS IS SCHEDULE A
TO BY-LAW NO. -2021 PASSED
THIS ___ DAY OF _____, 2021.

 T_-M2*XX - Site Specific Temporary
General Industrial Zone

MAYOR - Gordon A. Krantz

CLERK - Meaghen Reid