

Staff Report 2020-0249

Meeting Date: September 22, 2020

Subject: Proposed Zoning By-law Amendment Application, Husky Injection Molding, 460 Queen Street South, Bolton, Ward 5

Submitted By: Stephanie McVittie, Acting Manager, Development Review Services, Community Services

RECOMMENDATION

That in accordance with Section 34(17) of the *Planning Act*, no further notice is required to be provided on the proposed Zoning By-law Amendment;

That the By-law attached as Schedule “C” to Staff Report 2020-0249 be enacted to amend Comprehensive Zoning By-law 2006-50, as amended to rezone the lands to Prestige Industrial Exception 635 (MP-635) to permit the establishment of various prestige industrial uses, including a stand-alone day nursery, and removal of other non-prestige industrial uses; and

That applications for minor variances for the lands as identified in Schedule ‘A’ attached to Staff Report 2020-0249, be permitted prior to the second anniversary of the passing of any implementing Zoning By-law Amendment, pursuant to Section 45(1.4) of the *Planning Act*.

REPORT HIGHLIGHTS

- A Zoning By-law Amendment (RZ 19-04) application was submitted by Strategy 4 on behalf of Husky Injection Molding Ltd. on July 10, 2019, and deemed ‘complete’ by staff on July 16, 2019.
- The applicant has received conditional approval of a severance for a portion of the lands with the Copper House to create a new lot for a stand-alone day nursery. The amendment supports this by permitting a stand-alone day nursery and other prestige industrial uses, and removes various other industrial uses.
- The application proposes to rezone the lands from Serviced Industrial (MS) to Prestige Industrial – Exception 635 (MP-635).
- A statutory Public Meeting was held on October 22, 2019 in accordance with the requirements of the *Planning Act*.
- The proposed amendments are consistent with Provincial policies and conform to Provincial, Regional and local planning policy documents.
- Planning staff recommends that Council enact the draft Zoning By-law Amendment, attached as Schedule “C” to this report.

DISCUSSION

The purpose of this Report is to recommend that Council enact the proposed Zoning By-law Amendment to rezone the property to permit the establishment of a stand-alone day nursery. The Amendment will also permit other Prestige Industrial uses and will remove various other industrial uses.

Subject Lands

The subject property is located on the south-west corner of Queen Street South and Wilton Drive in Bolton. The property contains various buildings and municipal addresses. The Copper House is municipally known as 460 Queen Street South. The entire property is approximately 21.97 ha (54.29 ac) in area. This portion of the property is subject to conditionally approved Consent applications ('B' 008-20 and 'B' 009-20) to sever the portion of the lands containing the Copper House and to create easements. The existing vacant building was formerly used as a day nursery with associated parking which was accessory to the current industrial use (Husky Injection Molding Ltd.). The surrounding land uses are primarily industrial to the south and west, residential to the north and commercial to the east. See Schedule 'A' – Location Map.

Proposed Development

On July 10, 2019, the Town received Zoning By-law Amendment (RZ 19-04) and Site Plan (SPA 19-39) applications from Strategy 4 on behalf of Husky Injection Molding Ltd. for the subject lands. The applications were deemed 'complete' on July 16, 2019.

The Zoning By-law Amendment application is proposing to rezone a portion of the lands from Serviced Industrial (MS) to Prestige Industrial – Exception 635 (MP-635) to establish a stand-alone day nursery and permit various other prestige industrial uses, while removing other industrial uses. See attached Schedule "C" Draft Zoning By-law Amendment.

The applicant has also submitted a Consent application to sever the same portion of lands to create a new lot along with required servicing easements. This has been conditionally approved by the Committee of Adjustment.

The Site Plan application will recognize the new lot, the stand-alone day nursery and parking lot, and also proposes a new access from Wilton Drive, removing the internal vehicle connection to the remainder of the lands.

Planning Review

Documents that have been considered by the Town in its review of the proposed application include the Provincial Policy Statement, 2020, the Growth Plan for the Greater Golden Horseshoe, 2019, the Region of Peel Official Plan, the Town of Caledon Official Plan and Comprehensive Zoning By-law 2006-50. Supporting technical studies and reports as well as comments and recommendations provided by internal departments, external review agencies and the public also informed the review of these applications.

Provincial Policies and Plans

Provincial Policy Statement, 2020 (PPS, 2020)

The PPS, 2020, contains policies with respect to promoting efficient development and land use patterns in order to create healthy, liveable and complete communities while promoting a mix of housing, employment, recreation, parks and open spaces, etc. The PPS, 2020 directs growth to settlement areas as per Section 1.1.3.1. In accordance with Section 1.1.1 and 1.1.3.2, the proposed development will contribute to employment uses within Bolton and efficiently use land and resources while avoiding development and land use patterns which would cause environmental or public health and safety concerns. Section 1.3 of the PPS speaks to promoting economic development by providing for an appropriate mix and range of employment and other uses to meet long-term needs and providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses. Section 1.3.2.3 states that within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses (which may include day cares) that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019

The Growth Plan, in conforming to the PPS, 2020, contains similar, although refined, policy direction to the PPS, 2020. The Growth Plan also directs development to settlement areas that have existing or planned municipal water and wastewater systems and can support the creation of complete communities (Section 2.2.1). The Plan looks to achieve complete communities that feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services and public service facilities (Section 2.2.1). Section 2.2.5 of the Growth Plan promotes the efficient use of employment areas and vacant and underutilized employment lands and increasing employment densities. This section also states that employment areas within settlement areas are to prohibit residential uses and prohibit or limit other sensitive land uses (i.e. day care) that are not ancillary to the primary employment use. The development of

sensitive land uses (i.e. day care) will avoid, or where avoidance is not possible, minimize and mitigate adverse impacts on industrial, manufacturing or other uses that are particularly vulnerable to encroachment.

Husky Injection Moldings previously offered day care services to their employees within the Copper House. As a result of these services no longer being offered, the Copper House has sat vacant for years. The proposed development would allow the Copper House to be used as a daycare as it historically has been.

The rezoning seeks to permit the use of the building as a day care, as permitted in the Prestige Industrial land use designation within the Town's Official Plan. The proposed day care, while within an employment area permitting industrial or manufacturing uses, is permitted within the underlying land use designation. As the proposed land use is being converted from an industrial use to a more sensitive land use (day care), the applicant submitted Environmental Site Assessments and will need to complete a Record of Site Condition prior to the issuance of Site Plan Approval, to ensure that the land is free from contaminants. The building is located at the corner of Wilton Drive and Highway 50, and is separated from the other industrial buildings on site by parking lots and natural features (trees and pond). The PPS, 2020 and Growth Plan allows for limited sensitive land uses with mitigation measures to minimize adverse impacts on industrial, manufacturing and other uses. The proposed amendment to implement the development is consistent with the Provincial Policy Statement, 2020 and conforms to and is consistent with the Growth Plan.

Region of Peel Official Plan

The Region of Peel Official Plan designates the subject property within the Bolton Rural Service Centre on Schedule "D", Regional Structure. The Region's Official Plan also provides for specific policies directing area municipalities to include more detailed objectives and policies in the local municipal official plans. Section 5.4.2.6 requires that development is consistent with the provincial plans, and regional and local official plans. The proposed development contributes to the provision of a range of goods and services for those living and working in the area (Section 5.4.3.1.4). The Region's Official Plan contains objectives to provide infrastructure and services required for the development of employment areas to facilitate economic development, promote sustainable development of employment areas, attract and retain a range of employment types and to plan for, protect and preserve employment areas for employment uses. The Region has confirmed that there is sufficient water and sanitary services to support the proposed development and has also advised that there are no concerns with the proposed application. The proposed amendment to implement the development conforms to the Region of Peel Official Plan.

Town of Caledon Official Plan

The Town of Caledon Official Plan designates the subject property within the Settlement Area of Bolton on Schedule 'A', Town of Caledon Land Use Plan. The entire landholdings are designated Prestige Industrial and Serviced Industrial on Schedule "C", Bolton Land Use Plan, with the proposed severed lands containing the Copper House being designated Prestige Industrial. The Town's Official plan directs employment areas to be focused to Bolton, among other areas, to concentrate industrial activities and employment opportunities within the Town, maximize use of available sanitary, water, and transportation infrastructure and provide locations for industrial growth in proximity to larger markets to the south and east (Section 5.5.3.1).

As per Section 5.5.3.21, employment areas are further classified as, among others, Prestige Industrial which applies to employment lands with full municipal water and sewer services which provide for clean industry as well as office uses on landscaped lots in a park-like setting. In accordance with Section 5.5.4.1, manufacturing, fabricating, printing, processing, assembling and packaging operations, corporate offices, complementary uses and day care facilities are permitted in the Prestige Industrial land use designation. The proposed Zoning By-law Amendment permits the day care facility, as permitted by the Prestige Industrial designation, and removes those uses which are not permitted in this designation.

In accordance with Section 5.5.7, the Official Plan contains policy guidelines to be used in conjunction with site plan approval to evaluate the design aspects of development proposals. Town staff has reviewed the proposed Site Plan and related Zoning By-law Amendment against these guidelines and more specific Town-Wide Industrial/Commercial Design Guidelines and finds that these items, relating to built-form, streetscapes, design of parking areas, landscaping, open space and site design, are appropriately addressed.

Staff is of the opinion that the proposed amendment conforms to and is in keeping with the intent of the Town's Official Plan.

Town of Caledon Zoning By-laws 2006-50

The subject property is zoned Serviced Industrial (MS) by By-law 2006-50, as amended. The Zoning By-law Amendment application (RZ 19-04) is proposing to rezone the lands to permit a stand-alone day nursery, include prestige industrial uses and remove other industrial uses. The amendment proposes to rezone the lands from Serviced Industrial (MS) to Prestige Industrial – Exception 635 (MP-635). See attached Schedule "C" Draft Zoning By-law Amendment.

The proposed amendment will permit uses which conform to the Official Plan designation and also will contain site specific zone provisions relating to minimum lot size, minimum planting strip and parking space setback along Queen Street South. The proposed By-law

is in keeping with the uses permitted in the Official Plan and implements the proposed development.

Consultation

Notice of Application

In accordance with the *Planning Act*, a Notice of Application was mailed to all landowners within 120 m (393.7 ft) of the subject property. In addition, a notice sign has been posted on the subject lands and this Notice was posted on the Town's website and advertised in the Caledon Citizen and Caledon Enterprise newspapers on July 25, 2019.

Agency and Department Review

The proposed amendment was circulated to external agencies and internal departments for review and comment. Comments are attached to this report as Appendix 'D' – Agency and Department Comment Sheet. No objections to the proposed Zoning By-law Amendment were received.

Public Meeting

In accordance with the *Planning Act*, the Notice of Public Meeting was mailed to all landowners within 120 m (393.7 ft) of the subject property and was advertised in the Caledon Citizen and Caledon Enterprise newspapers on September 26, 2019.

A statutory Public Meeting was held on October 22, 2019 in accordance with the requirements of the *Planning Act*. In addition to a comment supporting the continued use of the building as a day care, the following question was raised at the Public Meeting and/or received during the processing of this proposed amendment:

Question/Comment	Response
Is there a proposed entrance from Wilton Drive? Where is the proposed entrance located? Does the Region have concerns with its proximity to Highway 50?	There is a new entrance from Wilton Drive proposed west of Highway 50, east of Murray Lane. In support of the applications, the applicant submitted a Traffic Study which addressed trip generation and the proposed access location. The Town and Region reviewed the Traffic Study and are satisfied with the proposed access.

Minor Variances

Section 45 (1.3) of the *Planning Act* prohibits any owner or applicant to apply for a Minor Variance application within two years of the approval of a Zoning By-law Amendment. Normally, variances would proceed to the Committee of Adjustment, however prior to the expiration of that two-year period, any request for a variance would need to appear before Council to allow a landowner to make an application to the Committee. This step may cause significant delay in processing of related Site Plan and Building Permit applications if a Minor Variance is required.

Section 45 (1.4) of the *Planning Act* allows Council to declare by resolution that such application is permitted within the two years. Staff is therefore recommending that Council, pursuant to the above *Planning Act* reference, permit Minor Variance applications to be applied as a precautionary measure to ensure development can proceed in a timely manner. Any variance application submitted would still require consideration and approval by the Committee of Adjustment.

No Further Notice (Section 34(17) of the *Planning Act*)

Since the Public Meeting, through the processing of both the Draft Plan of Subdivision and Zoning By-law Amendment, minor refinements to both the plan and draft by-law has occurred as follows:

- The lot area was slightly reduced
- Site specific planting strip widths have been introduced for the site
- Removal of a “financial institution”, “restaurant” and “place of worship” as permitted uses; Includes a “merchandise service shop” as a permitted use

Staff is of the opinion that the clarifications are minor and maintain the intent of the application and therefore request that Council confirm that no further notice or a Public Meeting is required as per Section 34(17) of the *Planning Act*.

FINANCIAL IMPLICATIONS

The property located at 460 Queen Street South is currently assessed as Industrial and Commercial (\$41.9 million CVA). The Town’s share of taxes levied, based on current value assessment is approximately \$389,000. As at July 19, 2020, the property tax account is determined to be current.

If the proposed development were to proceed as planned (includes day nursery and offices), the property’s taxable assessment value may change to reflect the developments that would have taken place.

It has been determined that the proposed changes will not result in new or additional floor space. Therefore, no additional Development Charges (DCs) will be applicable. If that were to change in the future, Development Charges would be applicable at the Non-Residential (Other) rates.

The Development Charges comments and estimates above are as at July 19, 2020 and are based upon information provided to the Town by the applicant, current By-laws in effect and current rates, which are indexed twice a year. Development Charges are calculated and payable at the time of building permit issuance. Development Charges By-laws and rates are subject to change. Further, proposed developments may change from the current proposal to the building permit stage. Any estimates provided will be updated based on the Development Charges By-law and rates in effect at the time of building

permit, and actual information related to the construction as provided in the building permit application.

COUNCIL WORK PLAN

Not Applicable

Subject matter is not relevant to the Council Workplan.

ATTACHMENTS

Schedule A: Location Map

Schedule B: Proposed Concept Plan

Schedule C: Draft Zoning By-law Amendment with Schedule

Schedule D: Agency and Department Comment Sheet