

## Staff Report 2021-0312

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Meeting Date: September 21, 2021

Subject: Proposed Zoning By-law Amendment Application, 8281 Healey Road GP Limited, 8281 Healey Road and 0 Healey Road, Ward 4

Submitted By: Adam Wendland, Community Planner, Development Review Services, Planning Department

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### 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 2021-0312 be enacted to amend Comprehensive Zoning By-law 2006-50, as amended, to rezone the lands from Serviced Industrial - Exception 579 (MS-579), Prestige Industrial - Exception 580 (MP-580) and Environmental Policy Area 1 Zone (EPA1) to Serviced Industrial – Exception 653 (MS-653), Prestige Industrial – Exception 654 (MP-654) and Environmental Policy Area 1 Zone (EPA1).

That applications for minor variances for the lands as identified in Schedule 'A' to Staff Report 2021-0312 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

- On July 31, 2020 the Town received a Zoning By-law Amendment (RZ 2020-0007) application from Zelinka Priamo Ltd. on behalf of 8281 Healey Road GP Limited for the subject lands. The application was deemed 'complete' on August 27, 2020.
- The application proposes to rezone the lands from Serviced Industrial - Exception 579 (MS-579), Prestige Industrial - Exception 580 (MP-580) and Environmental Policy Area 1 Zone (EPA1) to Serviced Industrial – Exception 653 (MS-653), Prestige Industrial – Exception 654 (MP-654) and Environmental Policy Area 1 Zone (EPA1).
- A statutory Public Meeting was held on October 6, 2020 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 refine the limits of the Environmental Policy Area 1 Zone (EPA1) and to rezone a portion of the subject lands to new Serviced Industrial

– Exception 653 (MS-653) and Prestige Industrial – Exception 654 (MP-654) zones to allow for modifications to planting strip widths along the interior side yards and side yard setbacks.

### **Subject Lands**

The subject land is located at 8281 and 0 Healey Road, on the south side of Healey Road, west of Coleraine Drive. The lands are legally described as Part of Lot 5, Concession 5 (Albion). See Schedule 'A', Location Map. The property is 13.6 ha (33.6 ac) in size and is currently vacant (farm field). The surrounding land uses are rural residential and industrial to the north, industrial to the south and agricultural (vacant) to the east and west. See Schedule 'B', Aerial Photograph.

### **Proposed Development**

On July 31, 2020, the Town received a Zoning By-law Amendment (RZ 2020-0007) application from Zelinka Priamo Ltd. on behalf of 8281 Healey Road GP Limited for the subject lands. The applications were deemed 'complete' on August 27, 2020.

The purpose of the application is two-fold:

- a) To refine the limits of the Environmental Policy Area 1 Zone (EPA1) in accordance with recent environmental analysis; and,
- b) To rezone a portion of the subject lands to new Serviced Industrial – Exception 653 (MS-653) and Prestige Industrial - Exception 654 (MP-654) zones to allow for modifications to planting strip widths along the interior side yards and side yard setbacks.

See Schedule 'C', Draft Zoning By-law Amendment.

A Site Plan Application has not been filed for this property but will be required prior to the issuance of a Building Permit.

The following items have been discussed with the applicant and will be required to be addressed through a future Site Plan application and prior to Site Plan Approval:

- Wastewater is the responsibility of the Region of Peel. There are currently no existing sanitary sewer connections to the site. The applicant is proposing (at the Site Plan stage) to install an interim sanitary connection to support the proposed development. The applicant will be required to enter into appropriate agreements with the Region and Town for the interim sanitary servicing, if proposed.
- Water servicing is the responsibility of the Region of Peel. The existing 200mm watermain can supply the domestic demand for this development. However, the fire flow requirement cannot be met using the existing 200mm watermain on Healey Road. Regional guidelines indicate that the main line for the industrial/commercial development should be a minimum 300mm watermain to

- provide an adequate supply. Through the Site Plan application, the applicant will be required to demonstrate how the site will be adequately serviced with water for both domestic and firefighting demand.
- Healey Road permits local deliveries, but the roadway may not be designed for long term heavy truck traffic. The applicant will need to demonstrate the current condition of Healey Road and if it has sufficient structural capacity to support the extended truck use of the proposed development. Road improvements to Healey Road may be required.
  - A road widening of 13m from the Centreline of Healey Road is required as Schedule “K” of the Town’s Official Plan designates Healey Road Right-of-Way (ROW) as a 26m ROW.

## **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, 2020, the Region of Peel Official Plan, the Town of Caledon Official Plan and Comprehensive Zoning By-law 2006-50. The application materials listed in Schedule ‘D’ to this Report were circulated to external agencies and internal Town departments for review. 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, livable 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 uses 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.

#### *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020*

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.

The rezoning seeks to refine the limits of the Environmental Policy Area designation and modify the planting strip widths along the interior side yards and existing setbacks. The applicant has submitted appropriate environmental studies to the satisfaction of the Town, Region and Toronto and Region Conservation Authority which demonstrates that a minor refinement to the EPA boundary is acceptable. The proposed amendment 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 through the site plan application process the applicant will need to extend 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 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 lands are designated Prestige Industrial, General Industrial and Environmental Policy Area on Schedule “C-7”, Coleraine West Employment Area Land Use Plan. 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 the 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 and General Industrial. Generally, the Prestige Industrial land use designation 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, while the General Industrial designation applies to employment lands with full municipal water and sewer services which provide for various industrial uses including manufacturing, fabricating and outside storage. Both designations permit manufacturing, fabricating, printing, processing, assembling, packaging, warehousing and wholesale operations, among others. These permissions are further refined within the Coleraine West Employment Area Secondary Plan (Section 7.15.5) which permit a broader range of uses within the Prestige Industrial designation and encourages buildings and uses to straddle the Prestige Industrial and General Industrial designations.

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 will review any future site plan applications against these guidelines and more specifically the Town-Wide Industrial/Commercial Design Guidelines to ensure that items relating to built-form, streetscapes, design of parking areas, landscaping, open space and site design, are appropriately addressed. The Coleraine West Employment Area Secondary Plan further provides for community design policies encouraging the development to conform to the Guide to Eco-Business Zone Planning and Development guidelines, minimizing visual impacts of parking and loading facilities and requiring enhanced building and landscape design along Coleraine Drive, among others.

Section 5.7 of the Official Plan contains policies with respect to the Environmental Policy Area (EPA) land use designation. Section 5.7.3.1.4 allows for minor refinements of EPA as more detailed information and studies become available. Such refinements may be permitted without an amendment to the Plan. New development proposed adjacent to EPA will require the completion of a satisfactory Environmental Impact Study and Management Plan (EIS and MP). The Coleraine West Employment Area Secondary Plan identifies the lands associated with the Clarkway Tributary corridor as being designated Environmental Policy Area and requires that development proposed adjacent to EPA complete an EIS to the satisfaction of the Town, the Region and the Toronto and Region Conservation Authority (TRCA). The applicant has submitted an EIS which demonstrates that the refinement to the EPA boundary is acceptable. This document has been reviewed by Town, Regional and TRCA staff and is satisfactory. The refinement is minor and therefore does not require an amendment to the Official Plan.

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 currently zoned Serviced Industrial Exception 579 (MS-579), Prestige Industrial Exception 580 (MP-580) and Environmental Policy Area 1 Zone (EPA1) in Zoning By-law 2006-50, as amended.

The applicant is proposing to rezone a portion of the lands to Serviced Industrial – Exception 653 (MS-653) and Prestige Industrial - Exception 654 (MP-654), recognizing a refinement to the EPA1 zone boundary and replicating the MS-579 and MP-580 zones with an added standard to conform to the new tractor trailer storage provisions and modifications to the interior side yard setback and planting strip widths. These new standards incorporate provisions from a recently approved Town-wide Zoning By-law Amendment and provide interior side yard setbacks that currently exist on the property. The by-law also reduces planting strip widths adjacent to EPA zones while increasing the planting strip width on the western interior side lot line. See attached Schedule 'C', Draft Zoning By-law Amendment.

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 placed in the Caledon Citizen and Caledon Enterprise newspapers on September 10, 2020. The Notice was also mailed to all landowners within 120 m (393.7 ft) of the subject property. A notice sign has been posted on the subject lands and the Notice was placed on the Town's website.

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 Schedule 'E', 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 placed in the Caledon Citizen and Caledon Enterprise newspapers on September 10, 2020. The Notice was also mailed to all landowners within 120 m (393.7 ft) of the subject property. A notice sign has been posted on the subject lands and the Notice was placed on the Town's website.

A statutory Public Meeting was held on October 6, 2020 in accordance with the requirements of the *Planning Act*. The following questions/comments were raised at the Public Meeting and/or received during the processing of this proposed amendment:

<b>Question/Comment</b>	<b>Response</b>
Wetland Designation	The EPA1 zoned lands that are identified as wetland, are not considered provincially significant. There is buffer applied to the wetland which ranges from 10m to 30m in width and will be planted as a compensation area. This buffer has been included in the EPA zone.
Stormwater Management matters	A Functional Servicing Report and Stormwater Management Design Brief was prepared by The Odan/Detech Group Inc. and submitted as part of the Zoning By-law Amendment application. The stormwater from the subject lands will be treated through excess capacity at an existing nearby stormwater management pond to the south at the Amazon site. A detailed Stormwater Management report will be prepared and reviewed through the future Site Plan Approval process.
Function of Compensation Land	The southeast corner that is currently farmed and is proposed for compensation is effectively undevelopable. The southeast corner is proposed to be enhanced as a wetland feature.
Requires for Reforestation along Drainage Swale	It does not appear that any forest areas are located within the area that will be redeveloped/regraded. Details related to the site design matters have not been considered as part of the Zoning By-law Amendment for the refinement of the EPA1 lands. Detailed Landscape Plan and materials are to be prepared and finalized through a future Site Plan approval process.
Climate Change Initiatives	Specific climate change initiatives would be incorporated in the site design, through a future Site Plan Approval process. On a preliminary basis, climate change initiatives to be incorporated into the future site design may include Low Impact Development (LID) and quantity/quality control.
Drainage	Details related to the site design matters have not been considered as part of the Zoning By-law Amendment for the refinement of the EPA1 lands. Detailed Stormwater materials will be prepared and finalized through a future Site Plan Approval process.
Was the project team involved with developing area sites (ie. Amazon or Boltcol)	Members of the project team have been involved in several projects in the surrounding area. In particular, MTE Consultants were directly involved with the revitalization efforts of EPA1 lands on surrounding properties.

<b>Question/Comment</b>	<b>Response</b>
Agreements for SWM outlets	An agreement will be executed with the landowner of the Amazon site for access to the existing stormwater management pond.
Ownership of EPA1 lands	Through the technical review at the site plan stage, the ownership of the EPA1 lands will be determined.

#### 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 the Zoning By-law Amendment, minor refinements to the draft by-law has occurred as follows:

- Altering the side yard setback to the neighbouring agricultural (vacant) property to the west
- Determination of zone exception numbers

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**

Property at 8281 Healey Road has its owner listed as 8281 HEALEY ROAD GP LIMITED. For property tax purposes it is currently assessed as Residential (\$353,000 CVA). The Town's share of property taxes levied, based on current value assessment is approximately \$1,500. As at July 19, 2021, the property tax account is determined to current.

Property at 0 Healey Road has its owner listed as 8281 HEALEY ROAD GP LIMITED. For property tax purposes it is currently assessed as Residential (\$316,000 CVA). The Town's



share of property taxes levied, based on current value assessment is approximately \$1,300. As at July 19, 2021, the property tax account is determined to current.

If the proposed developments were to proceed as planned (rezoning applications), the property's taxable assessment value would change to reflect any developments that would have taken place. This rezoning application was deemed complete on August 27, 2020.

The Development Charges comments and estimates above are as at July 19, 2021 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. For site plan or rezoning applications dated on or after January 1, 2020, Development Charges are calculated at rates applicable on the date when an application is determined to be complete; and are payable at the time of building permit issuance. Interest charges will apply for affected applications. For site plan or rezoning applications dated prior to January 1, 2020, Development Charges are calculated and payable at building permit issuance date. Development Charge 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 changes in actual information related to the construction as provided in the building permit application.

## **COUNCIL WORK PLAN**

**Connected Community:** Preserve heritage and natural areas

## **ATTACHMENTS**

- Schedule A: Location Map
- Schedule B: Aerial Photograph
- Schedule C: Draft Zoning By-law Amendment with Schedule
- Schedule D: List of Supporting Materials
- Schedule E: Agency and Department Comment Sheet