

Staff Report 2021-0313

Meeting Date: September 21, 2021

Subject: Proposed Zoning By-law Amendment, Blackthorn Development Corp. on behalf of Darzi Holding Ltd., RZ 2021-0004 (related Files: SPA 2021-0006 and SPA 2021-0007), 12423 Coleraine Drive and 0 Simpson Road, Ward 5

Submitted By: Toulia Theocharidis, Meridian Planning Consultants, on behalf of Development Review Services, Planning Department

RECOMMENDATION

That the proposed Zoning By-law Amendment (Temporary Use) attached as Schedule 'F' to Staff Report 2021-0313, be refused.

REPORT HIGHLIGHTS

- A Zoning By-law Amendment (Temporary Use) application was submitted by Blackthorn Development Corp. on behalf of Darzi Holding Inc. on February 12, 2021. The application was deemed 'complete' on March 22, 2021.
- The Temporary Use By-law proposes to amend the zoning of 12423 Coleraine Drive and 0 Simpson Road from Prestige Industrial (MP) to Prestige Industrial – Temporary XX (MP-XX) to temporarily permit a contractor's facility and accessory open storage area with site-specific zoning exceptions for a period of three (3) years. The application intends to legalize the existing uses operating on-site.
- A Public Meeting was held on July 12, 2021 in accordance with the *Planning Act*.
- Staff has reviewed the proposal in conjunction with the applicable policies and is of the opinion that the proposal is not consistent with the Provincial Policy Statement, 2020, and does not conform to the Growth Plan for the Greater Golden Horseshoe, Region of Peel Official Plan and Town of Caledon Official Plan. The proposal does not represent good planning nor is it in the public interest, and it is recommended that it be refused.

DISCUSSION

The purpose of this report is to recommend that Council refuse the proposed Temporary Use Zoning By-law Amendment for 12423 Coleraine Drive and 0 Simpson Road.

Subject Lands

The lands are municipally known as 12423 Coleraine Drive and 0 Simpson Road ('Subject Lands') and are located on the south-east corner of Coleraine Drive and George Bolton Parkway. Simpson Road divides the property, naturally creating two separate parcels of land. The combined size of the two properties is approximately 3.85 ha (9.51 ac). Refer to Schedule 'A' – Location Map.

The lands municipally known as 12423 Coleraine Drive ('Coleraine Lands') comprise a lot area of approximately 2.77 ha (6.86 ac). The Coleraine Lands are rectangular in shape

and include a frontage of approximately 61 m (200 ft) and a lot depth of approximately 450 m (1,476 ft). The Coleraine Lands gain access from Coleraine Drive and it is proposed that an additional access will be provided from Simpson Road. Existing structures on the Coleraine Lands include:

- an existing, non-conforming single detached dwelling (occupied by the Owner);
- a one-storey garage (storage of private motor vehicles); and,
- a concrete structure (salt dome).

The lands municipally known as 0 Simpson Road ('Simpson Lands') comprise a total lot area of approximately 1.08 ha (2.69 ac). The Simpson Lands are square in shape and include a frontage of approximately 61 m (200 ft) and a lot depth of approximately 178 m (584 ft). There is one vehicular access proposed from Simpson Road. There are no buildings on the Simpson Lands.

Both parcels are municipally serviced with water and wastewater infrastructure.

Below is a description of the surrounding land uses, as shown on Schedule 'B' – Aerial Map.

North of the Coleraine Lands and the Simpson Lands:

- George Bolton Parkway abuts the northerly boundary of both lots. The lands on the north side of George Bolton Parkway are designated Prestige Industrial and are zoned Prestige Industrial (MP).

South of the Coleraine Lands:

- Proposed hot mix asphalt plant (MJJJ Developments Inc.) on lands designated Prestige Industrial and zoned Agricultural (A1). The Town refused the applications to develop the hot mix asphalt plant and participated in a hearing (about 18 days in February 2021) to defend that decision at a contested hearing. The decision has yet to be issued.

South of the Simpson Lands:

- Industrial land uses (Dig-Con) designated Prestige Industrial and zoned Prestige Industrial (MP).

East of the Simpson Lands:

- Existing industrial building (Sumitomo Electric Wiring Systems) on lands designated Prestige Industrial and zoned Prestige Industrial (MP).

West of Coleraine Lands:

- Coleraine Drive abuts the westerly limit of the Coleraine Lands. Beyond Coleraine Drive are lands designated and zoned Prestige Industrial (MP) (front portion along Coleraine) and General Industrial (MS) (rear portion). The lands are being developed through approved Site Plan applications for high quality industrial buildings including three office warehouse buildings.

Proposed Zoning By-law Amendment (Temporary Use) Application

On February 12, 2021, the Town received a Zoning By-law Amendment (Temporary Use) application (RZ 2021-0004) from Blackthorn Development Corp. on behalf of Darzi Holdings Ltd for the lands municipally known as 12423 Coleraine Drive and 0 Simpson Road. The applicant also submitted two Site Plan Applications with the Town for the Coleraine Lands and the Simpson Lands (SPA 2021-0006 and SPA 2021-0007), which were submitted concurrently with the Temporary Use application.

The proposed Zoning By-law Amendment (Temporary Use) application was deemed 'complete' on March 22, 2021. On April 1, 2021, Town staff issued a Notice of the Application in accordance with the *Planning Act*.

The Town of Caledon Official Plan ('Town OP') designates the Subject Lands as Prestige Industrial on Schedule 'C-5' South Simpson Industrial Secondary Plan. Zoning By-law 2006-50 zones the Subject Lands as Prestige Industrial (MP). Both planning documents do not permit outdoor storage uses. The application seeks to permit the following for a temporary period of three years:

- Contractor's facility, including parking for employees and contractor motor vehicles;
- Accessory, open storage areas including storage areas for snowplows and equipment, accessory to the proposed contractor's facility;
- Accessory building, for the storage of salt (e.g. salt dome), accessory to the proposed contractor's facility; and,
- Accessory garage, private structure, which is proposed to be an accessory use to the existing, non-conforming single detached dwelling and will house privately owned motor vehicles.

The Site Plan submission is attached as Schedules 'D' and 'E' to this report. Using a comparison with aerial imagery, the site is currently in operation with the configuration very similar to the proposed site plan drawings. Below is a description of each.

Coleraine Lands

- The contractor's facility includes an area of approximately 19,560 m² (210,542 ft²) consisting of 274 parking spaces, comprising 159 for employees, 111 for commercial vehicles and 4 spaces on the driveway of the residence. There is an open storage, accessory area of approximately 783 m² (8,428 ft²) in size, which includes a snowplow storage area and accessory equipment storage area.
- Accessory to the contractor's facility is an existing salt dome structure with a ground floor area of approximately 117 m² (1,259 ft²) and height of 8.7 m (28.5 ft).
- The existing single detached dwelling is to remain as a non-conforming use including its private driveway and access and includes an accessory private

garage with a ground floor area of approximately 209 m² (2,249 ft²) and height of 6.9 m (22.6 ft).

- An existing stone retaining wall and portions of the existing wood privacy fence currently within the municipal right-of-way is proposed to be relocated within the private property line along George Bolton Parkway.
- Aerial imagery indicates that the front portion of the Coleraine Lands are paved up to the existing accessory private garage with the balance comprising a gravel surface.

Simpson Lands

- A contractor's facility consisting of 70 parking spaces, perimeter fencing and landscaping. The lands comprise a gravel surface. No structures are proposed on the Simpson lands.
- An existing stone retaining wall and portions of the existing wood privacy fence currently within the municipal right-of-way is proposed to be relocated inside the private property line along George Bolton Parkway.

Staff and Agency Comments

The application materials listed in Schedule 'C' to this Report were circulated to external agencies, internal Town departments and peer reviewers for review. Town staff, peer reviewers and agency comments can be found in Schedule 'G' to this report and are summarized below:

- The Traffic Study does not sufficiently assess anticipated truck traffic movements. The Region has provided comments on Coleraine Drive noting that the two full-movement accesses onto Coleraine Drive do not meet the spacing requirement for this section of Coleraine Drive within the Region's Road requirements. Staff from the Region and Town would need to more information to fully assess vehicular access.
- The Noise Feasibility Study is subject to recommendations in order to mitigate noise levels on-site.
- The Urban Design Brief's scope requires the retention of existing structures, the retention or changes to the location of perimeter fencing and some new tree plantings. The peer reviewer (MBPD) suggested to increase the number of new trees within the northwest portion of the Coleraine Lands next to the daylight triangle.
- The Functional Servicing Report indicates that there are no new sanitary and water supply services proposed. In terms of stormwater management, post-development peak flows are proposed to be controlled and no additional quality control measures are proposed on the site.
- The Arborist Report and Tree Preservation Plan shows that mostly all of the trees are healthy and will be retained.
- The Planning Justification Report does not satisfactorily demonstrate compliance with applicable policy context, including Provincial, Regional and Municipal

policies. The Policy Review section of this Report includes further discussion on the applicable policy context.

Public Consultation

A Notice of Application was mailed to all property owners within 120 m of the Subject Lands and was placed in the Caledon Enterprise and Caledon Citizen on April 1, 2021. Signage was also placed on the Subject Lands on Coleraine Drive, George Bolton Parkway and Simpson Road. The Town also placed the Notice of Application on the Town's website.

The application materials listed in Schedule 'C' were made available for public review at Town Hall and were posted on the Town's website.

A statutory Public Meeting was held on July 12, 2021 in accordance with the requirements of the *Planning Act*. The Notice of Public Meeting was placed in the Caledon Enterprise and Caledon Citizen on June 17, 2021 and property owners within 120 metres of the Subject Lands and those requesting notification were advised of the Public Meeting by mail and email. The posted signage was updated to reflect the date of the Public Meeting and the Town placed the Notice on the Town's website.

At the Public Meeting, there was one delegate who spoke in opposition to the application. There were also written comments provided in advance of the Meeting, which are attached on Schedule 'H'. The Town received written submissions expressing opposition to the subject application as follows:

- Letter dated July 5, 2021 from Davies Howe LLP on behalf of Mars Canada Inc.;
- Letter dated July 9, 2021 from Glen Schnarr & Associated on behalf of Ontari Holdings Ltd. and ONE Properties; and,
- Letter dated July 7, 2021 from BLG on behalf of BoltCol Holdings North Inc. and BoltCol South North Inc.

Below is a list of the summarized concerns as identified in the above written submissions.

- The proposed uses are not compatible with prestige industrial designated area and growing employment lands;
- The proposed uses threaten significant investment by existing and future industries in the prestige industrial area (expansion, new buildings, lease renewals);
- The proposed uses are not suitable with the intended function of surrounding land uses and the area;
- The existing uses have been ongoing without proper permissions to date;
- If approved, there are concerns about the possibility of extensions leading to long-term property use;
- There are concerns that permanent permissions will be sought if the temporary use is established; and,
- The proposed uses are not compatible with high standard of community design along arterial roads, including Coleraine Drive and George Bolton Parkway.

Policy Review

Below is a discussion of the planning policy framework and direction relevant to provincial, regional, and municipal policies within the context of the subject application. The policy review includes the Provincial Policy Statement, (2020), A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), Region of Peel Official Plan, the Town of Caledon Official Plan and the Town of Caledon Comprehensive Zoning By-law 2006-50, as amended.

Provincial Policy Statement, 2020 (PPS, 2020)

The PPS, 2020 provides policy direction on matters of Provincial interest related to land use planning and development. The PPS, 2020 contains policy direction on the efficient use of land to support sustainable, strong, livable, healthy and resilient communities while protecting the environment, public health and safety and facilitating growth. The PPS, 2020 also supports the objective of ensuring that there are adequate employment opportunities for residents and continued growth of the Town.

Policy 1.1.1 states, “Healthy, liveable and safe communities are sustained by: ...accommodating an appropriate range and mix of...employment (including industrial and commercial)...uses to meet long-term needs” and “avoiding development and land use patterns which may cause environmental or public health and safety concerns”

In this context, the policy indicates that land use patterns, which may cause environmental or public health and safety concerns should be avoided. Given the nature of the sensitive land uses and other uses that may be affected on the surrounding properties, establishing a use that has the potential of causing public health and safety concerns given the surrounding land use context should be avoided.

Policy 1.1.3.2 states, “Land use patterns within settlement areas shall be based on: ...densities and a mix of land uses which...efficiently use land and resources...are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available...minimize negative impacts to air quality and climate change”

Land uses in settlement areas should efficiently use land and resources. Within this context, the subject application represents an under-utilization of land in an area planned for prestige industrial uses as the proposed operations will not optimize the use of existing infrastructure. The current request for a temporary three-year period will prolong the development of the intended uses planned for the prestige industrial area.

Further, the proposed lot coverage allowed under the zoning by-law is 50%, whereas the proposal will at most have a lot coverage of approximately 5%. This type of use is located in other areas of Bolton's employment area where the site of outdoor employment uses includes, storage uses such as machinery, equipment and commercial motor vehicles. The subject application is not an example of an efficient use land, available infrastructure or resources.

Policy 1.3.2.1 states, "Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs."

Further, Policy 1.3.2.3 states, "Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations."

The above sections speak to the protection and preservation of employment areas for current and future uses. Coleraine Drive is a Regional Road and part of the Major Road Network shown on Schedule 'E' in the Region's Official Plan. Regional Roads are designed to provide a high level of inter-municipal transportation capacity for the provision of safe, efficient and reliable movement of goods. This is crucial for the local and regional economy and an important factor for attracting and retaining industries.

Coleraine Drive is a four-lane cross section and has a posted speed limit of 70 km/hr in the vicinity. Simpson Road is a two-lane local road. Currently Simpson Road is not fully constructed and, in this area, starts at George Bolton Parkway and terminates just after Parr Boulevard. The OP indicates plans to extend the road north of George Bolton Parkway.

Policy 1.7.1a) states, "Long-term economic prosperity should be supported by promoting opportunities for economic development and community investment-readiness."

The Town's approach to creating a strong and competitive local economy is to diversify its employment base by reserving an area for prestige industrial uses in this part of the Bolton employment area. The subject application's request to be approved on a temporary basis will detract from the efficient development and land use patterns within the municipality. The operation has been underway for several years without the proper zoning permissions being in place. The requested temporary period of three years will only prolong the unintended uses.

On the basis of the above, the subject application is not consistent with the PPS, 2020.

Places to Grow Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020)

The Growth Plan 2020 is intended to be a framework for implementing the Province's vision for supporting strong and prosperous communities through managing growth in the Region to the year 2041. The Growth Plan, 2020 sets out policies for the protection of employment lands to ensure the economic vitality of the Greater Golden Horseshoe. Policies within the Growth Plan, 2020 also promote economic development and competitiveness of employment areas. In this regard, Section 2.2.5.1 reads as follows:

Policy 2.2.5.1 states, "Economic development and competitiveness in the GGH will be promoted by:

- a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*

- b) *ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;*
- c) *planning to better connect areas with high employment densities to transit; and*
- d) *integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment."*

The vision for this area, as expressed by the South Simpson Industrial Secondary Plan, is for a more intensive use on the Subject Lands in the form of prestige industrial development. The subject application represents an under-utilization of the planned function for this area, both in terms of density and jeopardizes the competitiveness of the larger prestige industrial area by this use with a range of visual and potential environmental impacts.

On the basis of the above, the subject application does not achieve the planned form of employment uses that are intended for a Prestige Industrial area. In this regard, the subject application does not conform with the Growth Plan 2020.

Region of Peel Official Plan

The subject lands are designated Rural Service Centre on Schedule 'D' – Regional Structure in the Region of Peel Official Plan ('Regional Official Plan'). The Regional Official Plan also includes specific policies that direct area municipalities to include more detailed objectives and policies in their local official plans. In this regard, Section 5.5.4.2.6 of the Regional Official Plan reads as follows:

"Direct the area municipalities to incorporate official plan policies to plan for complete communities within designated greenfield areas that create high quality public open spaces with site design and urban design standards that support opportunities for transit, walking and cycling."

The South Simpson Industrial Secondary Plan and Coleraine West Employment Area Land Use Secondary Plans in the Town's Official Plan establish the Prestige Industrial designation along both the east and west sides of Coleraine Drive. Together, the secondary plans establish a comprehensive policy framework for the development of complete communities with a unique sense of place and high-quality design.

Section 5.1.3.1 of the Regional Official Plan deals with land use compatibility, of which the potential exists for there to be adverse effects as a result of the noise and dust generated from operations and the gravel surfaced parking area. There is at least one sensitive land use (a residence in the area) which would potentially be impacted by the operations.

Section 5.5.4 of the Regional Official Plan includes policies on greenfield density and Section 5.5.4.2 contains a number of general policies that apply to all greenfield areas, such as establishing a minimum greenfield density target of 50 people and jobs per hectare overall and 42 people and jobs per hectare in the Town. These policies are not intended to apply to every individual property. However, it is noted that the employment density on the Subject Lands would be expected to be higher if prestige industrial employment uses were developed, instead of a low-density use such as a contractor's yard.

In addition to the above, Section 5.6.2 of the Regional Official Plan includes policies on employment areas. Section 5.6.2.2 and 5.6.2.7 are of particular relevance and have been reproduced below.

5.6.2.2 "Require the area municipalities to include a range of employment designations in their official plans for employment areas within the Urban System and Rural Service Centres, Industrial/Commercial Centres, as appropriate, to achieve the employment forecasts set out in Table 3 and to accommodate a variety of employment uses in accordance with the locational and market requirements of these uses."

5.6.2.7 "Protect and support existing and future employment areas in the vicinity of the Toronto Pearson International Airport, major highway interchanges and rail yards for manufacturing, warehousing and associated retail, office and ancillary facilities where appropriate."

As outlined in the above policies, a key element is that it is good planning to reserve areas near these corridors for uses that will benefit from being close to these corridors. While a contractor's yard may also benefit from being close to a 400-series highway, higher order uses are envisioned in a prestige industrial area.

On the basis of the above, the subject application is not consistent with the Regional Official Plan.

Town of Caledon Official Plan

The Subject Lands are designated Prestige Industrial on Schedule 'C-5' South Simpson Industrial Secondary Plan. The Town's Official Plan sets out a hierarchy of employment area and land uses as follows:

"5.5.3.21 Employment Areas may be further classified as: Prestige Industrial; General Industrial; and Dry Industrial, with each type of land use being identified in separate industrial classifications in the implementing Zoning By-law. These designations are generally described as follows:

a) Prestige Industrial 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 surrounding."

The Prestige Industrial designation is intended to provide clean, quiet industrial development, with primary activities conducted in enclosed buildings. As indicated in the above policy, development in these areas is characterized by park-like grounds and attractive buildings. The subject application proposes screening and walls along George Bolton Parkway and this does not achieve the prestige industrial community design principles of a landscaped lot in a park-like setting. The gravel surface parking lot, where site operations include truck activity and open storage, will generate the spread of dust, noise and vibration and negatively impact existing and emerging prestige industrial development in the area.

The Prestige Industrial designation permits a range of high-quality industrial uses on full municipal services. Permitted uses in Prestige Industrial areas are included in Section 5.5.4 are,

- *Manufacturing, fabricating, printing, processing, assembling and packaging operations;*
- *Warehousing and wholesale operations;*
- *Laboratories,*
- *Computer and data processing;*
- *Research and development facilities;*
- *Corporate offices;*
- *Offices related to permitted industrial uses;*
- *Complementary uses, such as open space and recreation facilities, public uses and utilities, which do not detract from, and which are compatible with the development and operation of prestige industrial uses;*
- *Day care facility; and,*
- *Commercial uses in accordance with Section 5.5.3 of the Official Plan.*

The intent of this designation is to protect the aesthetic qualities of the area, to retain and attract prestigious companies and investment and also protect existing and future companies from noise, air and vibration pollution that would disrupt their operations. Introducing any uses within the Prestige Industrial area that produce any amounts of particulate matter or create noise and vibration will have an impact on the surrounding existing and future operations in the Prestige Industrial area.

In some instances, there are uses that require clean outside air without any particulate matter to ensure their equipment, products and services are not impacted and enable them to meet their quality standards. The types of uses envisioned for the Prestige Industrial areas do not include contractor's yards and uses with outdoor storage.

In addition to the above, Section 5.5.4.5.1 of the Town's Official Plan states the following:

"Business/Office Parks shall be encouraged within the Prestige Industrial designation. These parks shall comprise higher order industrial and/or office commercial uses. Permitted uses include corporate and head office uses, laboratories, computer and data processing, research and development facilities."

Examples of business parks in the area include the Equity Prestige Business Park, which is located approximately 500 metres to the south of the Subject Lands, as well as the development on the west side of Coleraine Drive, opposite the Subject Lands. The intent of the Prestige Industrial designation is to attract larger employers, which could be clustered near adjacent land uses and transportation nodes to help make them more viable. At this time, there are a number of businesses that are relocating to this area including Mars Canada, Amazon office and fulfillment centre and the iPort development on the west side of Coleraine Drive.

Section 5.5.4.5.2 of the Town's Official Plan indicates that:

"Business/Office Parks are encouraged to:

- a) *Be developed as part of a comprehensive concept plan which focuses on a particular function, such as research and development facilities, corporate head offices, or major office development; and,*
- b) *To locate in areas with excellent exposure to major roads/highways, at the intersection of major roads/highways, at locations representing gateways into the Town and areas served by public transit."*

The Prestige Industrial area developing along Coleraine Drive and on Parr Boulevard is an example of a business/office park. The Prestige Industrial designation is intended to have high quality uses due to visibility on major roadways, higher quality urban design and where the uses are required to be carried out entirely within wholly enclosed buildings. The Subject Lands are not consistent with that vision and is therefore not in conformity with this policy.

The nature of the operations includes outside storage as a component of the use. Section 5.5.4 of the Town's Official Plan states:

"Prestige uses will be located within enclosed buildings with no outside storage and uses shall be encouraged to occupy prominent locations along major roads and highways. Prestige Industrial uses shall be developed on full regional piped water and sewer services."

In addition to the above, Section 5.5.7.3 of the Town's Official Plan reads as follows:

"Open storage shall be discouraged from locating on lands with prominent visual exposure from streets, roads and highways or adjacent to non-industrial uses."

This is a general policy that applies to all three industrial land use designations (Prestige Industrial, General Industrial and Dry Industrial). The Town's vision for this area is to retain and attract prestigious companies that encourages appropriate economic development in the Town. The Town's efforts for this area are to create an employment area with prestige employment uses, which are distinct from other employment areas in Bolton.

South Simpson Industrial Secondary Plan

The Town has established a vision for its employment lands that have been established in the South Simpson Industrial Secondary Plan and the Coleraine West Employment Area Land Use Plan.

Section 7.9 of the Town's Official Plan includes the South Simpson Industrial Secondary Plan. Section 7.9.2 includes the goals of the secondary plan and indicates that:

"In general, the South Simpson Industrial Secondary Plan promotes high quality industrial development in a comprehensive manner through the provision of appropriate policies respecting land use, environment, municipal servicing, transportation and community design." Specific goals for the South Simpson Industrial Area include the following:

- a) *To provide for a mix of high quality industrial uses that contribute to the Town's employment and commercial/industrial assessment base;*
- b) *To provide for logical and orderly development on full urban services;*
- c) *To ensure land use compatibility with adjacent uses;*

- d) *To ensure a high standard of community design is provided particularly along the arterial roads and George Bolton Parkway;*
- e) *To recognize and protect significant environment features and functions within and adjacent to the secondary plan area, and, where possible, restore and enhance the environment."*

Further to the above, Section 7.9.5.5.2 of the Town's Official Plan states that:

"the Prestige Industrial designation shall apply to lands adjacent to Coleraine Drive, Mayfield Road and George Bolton Parkway with the intent that the development adjacent to these major roads will be attractive and developed to a high standard of community design with buildings that front onto, or appear to front onto, major roads."

These policies support the vitality of this key gateway location in the Town. They also support the Town's efforts to create an employment area with prestige employment uses that is distinct from, and separated from, the type of employment uses that are common in other employment areas in Bolton such as contractor yard's, transportation depots with small buildings or no buildings and outdoor storage uses. Allowing a contractor's facility to operate from this location would not be consistent with the Town's vision to planning for employment uses in this area.

The open storage of aggregate materials and the open storage of structures which can be seen over the intrusive screening walls will be visible along the prestigious corridors of Coleraine Drive and George Bolton Parkway. The proposed uses present a threat to undermine and destabilize the existing and future investment and stability in this planned employment area.

Temporary Use Criteria

The Town's Official Plan allows Council to pass temporary use by-laws to permit uses on lands for a temporary period of time, even if the use may not comply with the Official Plan designation or with the Zoning By-law. An Official Plan Amendment would be required if the proposal was intended to be permanent, however, due to the fact that the applicant has applied for a Temporary Use By-law, an Official Plan Amendment is not required.

Section 6.2.13 of the Town's Official Plan enables the Town to use temporary use provisions in a zoning by-law to recognize the short-term use for renewable periods of not more than three years and without an amendment to the Official Plan, provided that certain criteria are met. Temporary use by-laws provide a method to zone lands where it is known that a specific use is appropriate in the short-term.

Prior to the passing of a Temporary Use By-law, Council must be satisfied that the proposed temporary use meets the six conditions under Section 6.2.13.2 of the Town's Official Plan. Below is an analysis of each of the policies contained herein.

- a) *That it is compatible with neighbouring land use activities;*

Compatibility with characteristics of different industrial sectors in terms of their impacts on surrounding users varies. For construction companies, yards for equipment and materials compatibility with other users is often limited due often open storage uses and high numbers of truck movements generated on-site. There is noise, the spread of dust and

mud as well as visual impacts. The presence of an incompatible use could have an impact on the relative merits of this area. These concerns have also been expressed by owners in the area. Given the planned vision for the area, the proposed temporary use is not compatible with existing and future land uses.

b) That adequate parking can be provided;

The Town's transportation comments indicate that information pertaining to vehicular and parking activity provided by the Transportation Study, was not fully described. Greater clarity is needed to better understand the parking review of by-law requirements as well as, the proposed parking supply to accommodate the parking demand. Further, the parking of commercial trucks was not identified in the report nor was barrier-free accessible spaces. Notwithstanding the above, it is likely that adequate parking can be provided on site.

c) That an adverse impact on traffic will not be created;

The Transportation Study proposes two full-movement accesses onto Coleraine Drive, which do not meet the spacing requirement for this section of Coleraine Drive within the Region's Road requirements. The Town's Transportation comments indicate that more clarity would be needed on the existing and proposed site operations, especially potential truck activity during peak hours, distribution of trips between the accesses and the interaction and connection of operations between the two sites. This concern can be addressed if access to the site was via Simpson Road only or potentially George Bolton Parkway.

d) That the construction of a permanent building or structure is not encouraged;

Although there are no plans to build new permanent buildings, there are existing structures on-site without building permits. In consultation with the Town's Building Services, there are three building permits / applications on record for the Coleraine Lands:

1. Permit #78-0247 – Issued and closed for an accessory structure (shed);
2. Permit #2018-0507 – To extend the detached dwelling (addition of front porch). This permit has not been issued and the construction was completed without a permit; and,
3. Permit #2019-0804 – To construct Industrial (De-Icing Salt Storage Shed). This permit has not been issued and still requires Site Plan approval. The construction was completed without a permit.

There are no new buildings or structures proposed. The subject application and site plan submissions were prepared in an effort to legalize the existing illegal uses and structures on-site, however, the fundamental issue is that the application for proposed temporary uses does not meet the Town's vision for this emerging Prestige Industrial area.

e) That the use cannot become permanent and difficult to terminate; and,

The request for a temporary use for three years does not change the historical illegal use of the site over the past several years but delays the Town's vision for the area and the

ability to attract industries and contemplates longer timeline to realize this. The pace of new development of prestige industrial industries has grown over the last number of years. The proposal will deter or delay development in alignment with the Town's Official Plan.

f) That adverse environmental impacts will be avoided, minimized or mitigated.

Temporary use by-laws are permitted on sites where they would not have an adverse environmental impact. It is important to consider the appropriateness of permitting a contractor's yard as a use in an emerging Prestige Industrial area of Bolton, as well as the ability to issue and enforce conditions through temporary use by-laws. In this case, if the current operations continue on with truck activity and open storage uses, this will generate the spread of dust, noise and vibration and overall, not contribute the intended planned function of the lands and surrounding area.

The primary sources of sound associated with the proposed site will be arriving, departing, and idling trucks. Noise modelling was used to assess the potential sound impact of truck movements and activity in the parking area at the closest residential receptors. There are three noise receptors identified in the Noise Report, which include residential dwellings north of George Bolton Highway, to the south of the site in the abutting property as well as on the Subject Lands.

The results indicate that MECP guidelines can be achieved, however administrative controls are recommended in the report such as, the westerly access from Coleraine Drive should only be used for medium trucks or employee vehicles only and not heavy vehicles such as dump trucks, cement mixing trucks or snow ploughs to reduce the impact of the non-conforming dwelling and the existing dwelling to the south. The second recommendation is that the access from Simpson Road should operate as the main access for heavy vehicles such as dump trucks, cement mixing trucks or snow ploughs. Lastly that idling of engines should be kept to a minimum (less than 5 minutes), however it is noted that idling is difficult to enforce. As such, it is evident that the potential exists for adverse effects and other impacts on the adjacent prestige industrial land uses.

Comprehensive Zoning By-Law 2006-50, as amended

On November 29, 2016 the Town passed Zoning By-law Amendment BL-2016-100 ("By-law 2016-100") to bring the Town's Zoning By-law into conformity with the Town's Official Plan for a number of Industrial and Commercial-designated properties, including the Subject Lands.

The applicant is proposing to rezone the Subject Lands from Prestige Industrial (MP) to Prestige Industrial – Temporary XXX (MP-TXX) to permit a contractor's facility, accessory open storage with site-specific zoning exceptions for a period of three (3) years. The application also includes the request for a private garage, accessory to the existing non-conforming single detached dwelling on-site. The applicant's Draft By-law is attached as Schedule 'F' to this Report.

The following uses are permitted in the MP zone, within By-law 2016-100, as amended:

- | | |
|---------------------------------|---------------------------------|
| • Business Office | • Maintenance Garage, Accessory |
| • Cannabis-Related Use-Indoor | • Merchandise Service Shop |
| • Dry Cleaning or Laundry Plant | • Place of Assembly |

- | | |
|---|--|
| <ul style="list-style-type: none">• Equipment Storage Building• Factory Outlet• Financial Institution (accessory only)• Gasoline Pump Island, Accessory• Industrial Hemp-Related Use-Indoor• Industrial Use• Light Equipment Rental Establishment | <ul style="list-style-type: none">• Place of Worship• Research Establishment• Restaurant• Training Facility• Warehouse• Warehouse, Public Self-Storage• Warehouse, Wholesale |
|---|--|

Generally, the intent of the Prestige Industrial (MP) zone is to attract a mix of high-quality industrial uses to provide for long-term local employment as well as, ensure that the proposed uses are compatible with the surrounding lands. With respect to the subject application, the proposed uses are not permitted in the Prestige Industrial (MP) Zone. Further, the nature of a contractor's facility primarily comprises outside storage uses, which is not an appropriate use to permit within a Prestige Industrial zone, even for a temporary period of time.

To allow a contractor's yard as a use in an emerging Prestige Industrial area of Bolton is not appropriate. Further, there have been a number of enforcement issues with the property as the operations that are currently in use are not permitted in the Town's Zoning By-law.

On the basis of the above, the proposed Zoning By-law Amendment for temporary uses on the Subject Lands is not supportable and does not represent good planning.

Conclusion

On the basis of the above, the applications are not consistent with the PPS, 2020, the Growth Plan, 2020, the Regional Official Plan or the Town's Official Plan. It is recognized that the applicant has applied for a Temporary Use By-law for a period of three years, however, the proposal must still be in general conformity with the Town's Official Plan and in particular, the overall vision that has been established for this area.

Although Council has the ability to pass temporary use by-laws to permit uses, Council must be satisfied that the use is compatible with surrounding land uses or that the use will only be in place for a short duration.

The Planning Justification Report does not satisfactorily demonstrate compliance with applicable policy context, including municipal, regional and provincial policies.

FINANCIAL IMPLICATIONS

For property tax purposes, temporary zoning for 3 years to permit parking, open storage of construction building material, equipment and trucks, the property's taxable assessment value may change to reflect the developments that would have taken place.

Any additional buildings that will be included in these developments will be subject to Development Charges at the Non-Residential (Industrial) rates which will be:

- Town of Caledon: \$58.41 per m² of new or added industrial floor space.
- Region of Peel: \$174.92 per m² of new or added industrial floor space.
- Education: \$9.69 per m² of new or added industrial floor space.

For the purposes of Development Charges, the term 'industrial floor space' should comply with the definition of an 'industrial building', as outlined in the Town's By-law No. 2019-31, or as amended.

The Development Charges comments and estimates above 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

The recommendation for refusal included in this Report is related to the following goal identified in the 2019-2022 Council Work Plan by protecting the community of Bolton from an incompatible use:

Sustainable Growth – To plan for complete communities as required under the Growth Plan.

ATTACHMENTS

Schedule A: Location Map
Schedule B: Aerial Map
Schedule C: List of Application Materials
Schedule D: Concept Plan (Coleraine Lands)
Schedule E: Concept Plan (Simpson Lands)
Schedule F: Proposed Draft Zoning By-law Amendment
Schedule G: Comment Sheet (Departments, Agencies and Peer Reviews)
Schedule H: Public Comments