



## **REPORT**

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** Greg Macdonald, Senior Planner – Development Review

**DATE:** February 10, 2021

**REPORT NO.:** PD-2021-0007

**RE:** Public Meeting for a proposed Zoning By-law Amendment to allow for the development of an industrial warehouse at 11450 Steeles Avenue (Premier Gateway Employment Area)

### **RECOMMENDATION:**

THAT Report No. PD-2021-0007, dated February 10, 2021, regarding a “Public Meeting for a proposed Zoning By-law Amendment to allow for the development of an industrial warehouse at 11450 Steeles Avenue (Premier Gateway Employment Area)”, be received;

AND FURTHER THAT all agency and public comments be referred to staff for a further report regarding the disposition of this matter.

### **BACKGROUND:**

The purpose of this report is to advise Council and the public about the submitted Zoning By-law Amendment application seeking to refine the boundaries of the lands zoned Conservation Special (03-1) in order to facilitate the development of an industrial warehouse at 11450 Steeles Avenue in the Premier Gateway Employment Area.

### **Location and Site Characteristics:**

The subject property, known municipally as 11450 Steeles Avenue, is located within the Premier Gateway on the south side of Steeles Avenue, west of Fifth Avenue; see SCHEDULE 1 – LOCATION MAP. The 3.86 ha (9.5 acre) property is rectangular in shape and has 155 m (508 ft.) of frontage on Steeles Avenue. The lands currently contain a vacant single detached dwelling and accessory buildings on the west side of the property and natural heritage features consisting of a watercourse with associated valley lands, floodplains and wetlands on the east side of the property. Of the 3.86 ha total property size, approximately 2.77 ha (6.85 acres) are proposed for development.

Surrounding land uses to the subject property include:

- To the North: A single detached dwelling and industrial/warehouse uses across Steeles Avenue
- To the East: Natural heritage features (between the subject lands and Fifth Line) and industrial/warehouse uses across Fifth Line
- To the South: Landscape Ontario lands with Highway 401 further south
- To the West: Industrial/warehouse uses

## Development Proposal

On January 13, 2021, the Town deemed complete an application for a Zoning By-law Amendment submitted by Leeswood Construction (the Applicant), on behalf of JCS Investments Inc. (the Owner). The application seeks to refine the limits of the on-site natural heritage features and associated setbacks and buffers to facilitate the development of an industrial warehouse for food distribution; see SCHEDULE 2 – CONCEPT PLAN & RENDERINGS. Once refined, the lands containing the natural heritage features are intended to be dedicated to the Town of Halton Hills.

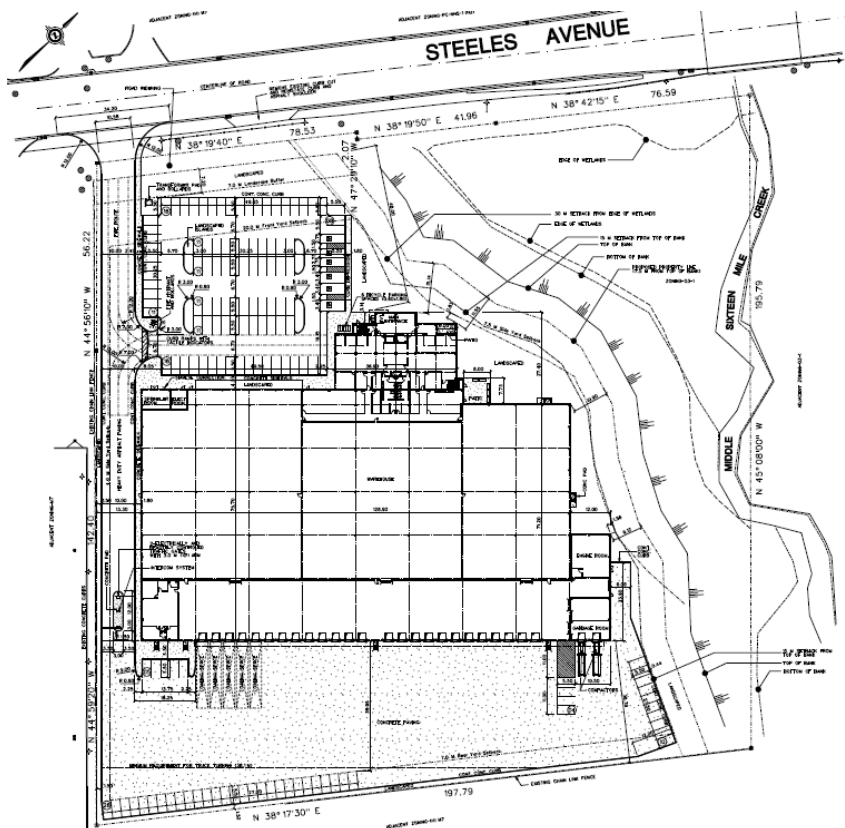


Figure 1: Concept Plan

Further details regarding the proposal are outlined in Table 1, below.

Table 1: Development Proposal Details

Design Elements	Application Proposal
Gross Floor Area	11,375 sq. m. (of which 1,339 sq. m. is office)
Height (Storeys)	1-storey with office mezzanine
Parking	146 spaces (including 6 accessible spaces)
Loading Spaces	5 spaces (excluding additional shipping bays)
Lot Coverage	38.7% (post land dedication)
Vehicular Access Points	1 (from Steeles Avenue)

Under Town of Halton Hills Zoning By-law 00-138 the westerly portion of the property, where the majority of the development would occur, is zoned Corridor Prestige Industrial Zone – Holding (M7, H) which permits the intended industrial/warehouse use. The easterly portion of the property, which contains the natural heritage features, is zoned Conservation Special Zone (O3-1); this zone does not permit industrial/warehouse uses. The Applicant is proposing to rezone a small portion of land within the O3-1 Zone to the M7 Zone in order to achieve a sufficient amount of land to accommodate the proposed industrial development. An even smaller portion of land currently within the M7 Zone is proposed to be rezoned to the O3-1 Zone; see SCHEDULE 3 for a map illustrating which lands are proposed to be rezoned. The Town's Official Plan does provide for the possibility of refinement of such zones, subject to the submission of the appropriate supporting studies.

Through the Zoning By-law Amendment, the Applicant is also proposing to modify some of the M7 zone standards, as follows:

- a reduction in landscaped open space from the required 20% to approximately 16% (after land dedication);
- to allow approximately 68% of the required parking to be located in the yard abutting Steeles Avenue instead of a maximum of 20%; and
- a reduction in the 7.5 m setback from the O3-1 Zone (depending on the final location of the zone line and lot line after land dedication).

A list of drawings and reports submitted in support of the application is attached as SCHEDULE 4 to this report.

Should the Zoning By-law Amendment be approved, the proposed development will require the submission of a Site Plan Control Application.

## **COMMENTS:**

### **1.0 Planning Context:**

In Ontario, when reviewing an application seeking to amend the Zoning By-law, development proposals are expected to conform with and meet the intent of all applicable Provincial, Regional and Municipal policy documents. This section discusses the relevant policy framework that applies to the subject site and proposal.

## **1.1 Provincial Policy Statement**

The 2020 Provincial Policy Statement (PPS) provides broad based policies that promote an appropriate range and mix of employment, including industrial and commercial uses, to meet the long-term needs of residents and make appropriate use of infrastructure to support the development of healthy communities. Policy direction pertaining to employment areas are set out in Section 1.3 of the PPS.

Section 2.1 of the PPS addresses the protection of natural heritage features including a requirement that development not be permitted on adjacent land without studies to determine that there would be no negative impact on the feature.

The proposal is required to be consistent with the relevant policies of the PPS in accordance with Section 3 of the Planning Act.

## **1.2 Growth Plan for the Greater Golden Horseshoe:**

The Growth Plan directs new growth to locations that make efficient use of transportation and servicing infrastructure and sets out general policies for employment and commercial lands. Under the 2019 Growth Plan (with 2020 amendments), the subject lands fall within the new Provincially Significant Employment Zone, which is considered an area of high economic output that is strategically located to provide stable, reliable employment across the Region.

The Growth Plan also contains policies to support the protection of natural heritage features (although Natural Heritage System policies only apply outside of urban areas and the subject lands are within an urban area).

As per Section 3 of the Planning Act, the proposal shall conform and not conflict with the Growth Plan.

## **1.3 Region of Halton Official Plan**

The 2009 Regional Official Plan (ROP) designates the subject lands as Urban Area with an Employment Area overlay. Section 76 of the ROP states that the range of permitted uses and creation of lots within the Urban Area are to be in accordance with Local Official Plans and Zoning By-laws. The ROP includes a number of objectives that speak to providing an appropriate range and balance of employment uses including industrial, office and retail and institutional uses to meet the long-term needs. More detailed policies for Employment Areas are set out in Section 77.1 of the ROP. Section 89 of the ROP requires all development within the Urban Area to be on full municipal services.

The portion of the subject property that contains the natural heritage features are identified as forming part of the Regional Natural Heritage System (RNHS). The goal of the Natural Heritage System is to increase the certainty that the biological diversity and ecological function within Halton will be preserved and enhanced for future generations. ROP policies direct that there should be no alteration of any component of the RNHS, unless it has been demonstrated that there will be no negative impact on the natural features or their functions. Section 116.1 of the ROP allows for the boundaries of the

RNHS to be refined through the submission of an Environmental Impact Assessment (EIA), which could result in additions, deletions and/or boundary adjustments.

#### **1.4 Town of Halton Hills Official Plan**

Under the Town's Official Plan, the property is located within Phase 1A of the Premier Gateway Employment Area. The west portion of the subject lands are designated "Prestige Industrial Area" which permits a wide range of employment related industrial uses up to 6-storeys in height, including warehouses and office buildings.

The easterly portion of the subject lands are designated "Greenlands". This designation references the same natural heritage policies contained within the Region of Halton Official Plan. Boundary adjustments to the limits of the "Greenlands" designation are permitted without an Official Plan Amendment, subject to the appropriate environmental studies. In this regard, the Applicant has submitted an Environmental Impact Assessment (EIA) to study the environmental features on the subject lands and to determine a more precise limit to the designation.

#### **1.5 Town of Halton Hills Zoning By-law 00-138:**

Most of the west portion of the subject lands, upon which the proposed industrial warehouse would be constructed, is currently zoned Corridor Prestige Industrial Zone – Holding (M7)(H). This zone permits industrial uses.

The east portion of the subject lands, most of which containing natural heritage features, is zoned Conservation Special Zone (O3-1). Some of the proposed development limits (the building and associated parking) overlaps with the existing O3-1 Zone, which is not permitted. Therefore, the Applicant proposes to rezone a small portion of the O3-1 lands to the M7 Zone to achieve a sufficient amount of land to accommodate for the development. An even smaller portion of land currently within the M7 Zone is proposed to be rezoned to as O3-1.

The (H) Holding provision will also have to be removed from the subject lands in order to allow for the development to proceed. Depending on the timing of the technical review of the environmental and engineering studies, and the timing of submission and approval of the required Site Plan Control Application, the removal of the (H) may be accomplished through this Zoning Amendment Application (D14ZBA21.001) or through a future Zoning application specifically to remove the (H) Holding Provision.

### **2.0 Issues Summary:**

#### **2.1 Department and Agency Circulation Comments:**

The application was circulated for review and comment to Town Departments and External Agencies on January 13, 2021. As of the date of this report, Planning has not yet received all of the department and agency comments. However, it is anticipated that due to the range of technical studies under review (environmental, engineering and transportation) staff comments will generate the requirement for the Applicant to update the submission materials prior to any future recommendation report being considered.

This may include changes to parking and access driveways, final building siting, and changes to the limits of what land would ultimately be zoned as M7 versus how much land would remain as O3-1 (for natural heritage protection purposes).

#### Planning:

The purpose of the Zoning By-law Amendment application is mainly one of refinement to the limits of the lands zoned O3-1. It is not to establish the principle of land use to develop the lands for industrial purposes. Were the proposed development able to be sited entirely within lands zoned M7, this Zoning Amendment application would not be required. The proposed modifications to the M7 Zone standards for on-site landscaping, location of parking and setback could have been processed through a Minor Variance application to the Committee of Adjustment.

As noted above, the main pertinent issue of this application centres around the appropriateness of the proposed refinement of the limits of lands zoned O3-1. It is the Applicant's position, put forward predominantly through the Environmental Impact Assessment (EIA), that the Concept Plan (see SCHEDULE 2) is appropriate and accurately reflects the existing on-site limits of the natural heritage boundaries (top-of-bank, buffers, etc.) and that the location of the building, parking and loading areas, etc., are located outside of the lands that should be subject to environmental protection. The Region of Halton and Conservation Halton are reviewing the EIA. It will primarily be through their review that the final limits of the O3-1 Zone will be set.

The Town is reviewing the application from a lens of other matters such as site circulation, parking layout, urban design, architecture, and landscape design. However, should the Region and CH support a refinement to the O3-1 limits, much of these details can be addressed at the Site Plan Control application stage of development.

#### **2.2 Public Comments:**

To date, Planning staff has not received any correspondence from the public pertaining to the proposed development.

#### **RELATIONSHIP TO STRATEGIC PLAN:**

The final Recommendation Report will address the relationship between the proposed development and the Town's Strategic Plan.

#### **FINANCIAL IMPACT:**

There is no financial impact associated with this report.

## **CONSULTATION:**

### **Pre-Consultation:**

The proposed Zoning By-law Amendment was considered at the June 11, 2020, Development Review Committee Pre-consultation meeting (D00ENQ20.013). The Applicants were provided with preliminary comments from various Town Departments and external agencies at the meeting.

## **PUBLIC ENGAGEMENT:**

Planning Staff will continue to ensure that Transparency, Notification and Participation, as defined in the Town's Public Engagement Charter, continue to be at the core of the Public Consultation Strategy throughout the review process for the subject proposal.

## **SUSTAINABILITY IMPLICATIONS:**

The final Recommendation Report will address the relationship between the proposed development and any sustainability implications.

## **COMMUNICATIONS:**

### **Public Notification Key Dates:**

January 21, 2021:	Notice of Received Applications mailed out to all property owners and tenants assessed within 120 m of the subject property.
January 26, 2021:	Sign posted along the Steeles Avenue property frontage explaining the purpose of the proposed applications.
February 4, 2021:	Notice of a Public Meeting published in the Independent & Free Press.
February 4, 2021:	Notice of Public Meeting was mailed out to all property owners and tenants assessed within 120 m of the subject property and to anyone who requested notification.
February 25, 2021:	Courtesy Notice published in the Independent & Free Press.

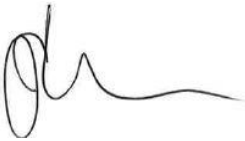
**CONCLUSION:**

The proposed Zoning By-law Amendment seeks to refine the boundaries of the lands zoned Conservation Special (O3-1) in order to facilitate the development of a new industrial warehouse at 11450 Steeles Avenue in the Premier Gateway Employment Area. Once all relevant information, reports and comments have been reviewed and assessed, a final Recommendation Report, which summarizes all agency and public comments and assesses the merits of the application, will be prepared.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Jeff Markowiak".

Jeff Markowiak, Director of Development Review

A handwritten signature in black ink, appearing to read "John Linhardt".

John Linhardt, Commissioner of Planning and Development

A handwritten signature in black ink, appearing to read "Chris Mills".

Chris Mills, Acting Chief Administrative Officer