SUBJECT: Statutory public meeting and recommendation report for a zoning by-law amendment for 961 & 970 Zelco Drive and 4425 South Service Road

TO: Community Planning, Regulation & Mobility Cttee.-PM

FROM: Community Planning Department

Report Number: PL-50-20

Wards Affected: 4

File Numbers: 520-06/20

Date to Committee: September 22, 2020

Date to Council: September 28, 2020

Recommendation:

Direct staff to continue to work with the applicant (UrbanSolutions Planning and Land Development Consultants Inc) in regards to the submitted zoning by-law amendment application for 961 & 970 Zelco Drive and 4425 South Service Road, Burlington, ON.

PURPOSE:

The purpose of this report is to provide background information for the Statutory Public Meeting for this Zoning By-law Amendment application and to seek direction from Council to continue working with the applicants in an effort to bring forward a subsequent supportive recommendation report.

Vision to Focus Alignment:

The following objectives of *2018 – 2022 Burlington's Plan: From Vision to Focus* apply to the discussion and consideration of the subject application:

- Increase economic prosperity and community responsive city growth
- Support sustainable infrastructure and a resilient environment

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RECOMMENDATION:	Continue to work with applicants	***Ward:***	4

Application Details	***APPLICANT:***	UrbanSolutions Planning & Land Development Consultants Inc.
	OWNER:	Giampaolo Investments Ltd.
	FILE NUMBERS:	520-06/2020
	TYPE OF APPLICATION:	Zoning By-law amendment
	PROPOSED USE:	Industrial metal recycling facility to provide motor vehicle wrecking services excluding vehicle crushing
Property Details	***PROPERTY LOCATION:***	South-west of the Queen Elizabeth Way and Appleby Line intersection, north of Harvester Road and East of South Service Road.
	MUNICIPAL ADDRESSES:	961 & 970 Zelco Drive and 4425 South Service Road
	PROPERTY AREA:	2.33 ha (23,316 sqm)
	EXISTING USE:	Industrial metal recycling facility
Documents	***OFFICIAL PLAN Existing:***	“Employment lands – General Employment”
	OFFICIAL PLAN Proposed:	“Employment lands – General Employment”
	ZONING Existing:	General Employment (GE1)
	ZONING Proposed:	General Employment (GE1) – Site Specific
Processing Details	***APPLICATION RECEIVED:***	General Employment
	STATUTORY DEADLINE:	General Employment
	NEIGHBOURHOOD MEETING:	No applicable
	PUBLIC COMMENTS:	2 written comments received

Background and Discussion:

On July 2, 2020 the Department of Community Planning received a complete application for a Zoning By-law 2020 amendment for 961 & 970 Zelco Drive and 4425 South Service Road (the “subject lands”). The purpose of the application is to permit a proposed *motor vehicle wrecking yard* which is currently a prohibited use under the zoning GE1 of the property. There is no new development planned for the subject lands, with the exception of a proposed mobile drainage collection system.

Site Description

The subject lands are located south-west of the Queen Elizabeth Way and Appleby Line intersection, north of Harvester Road and east of South Service Road. The lands are composed of three parcels municipally known as 961 & 970 Zelco Drive and 4425 South Service Road with a combined area of 2.33 ha. The lands are in a location designated as General Employment in the City’s Official Plan, and zoned General Employment (GE1) in the City’s Zoning By-law 2020, as amended. The location and zoning of the subject lands is illustrated in Appendix A to this report.

Currently, there is a metal recycling facility on the subject lands which has been operating for over 25 years. 961 Zelco Drive has an area of approximately 0.39 ha, a frontage of approximately 32 m along Zelco Drive and an existing 2 storey building with an area of approximately 1,210 sqm. 970 Zelco Drive has area of approximately 0.39 ha, a frontage of approximately 20 m along Zelco Drive and currently does not contain structures or buildings. 4425 South Service Road has an area of approximately 1.55 ha, a frontage of approximately 107 m along South Service Road and a 2-storey structure located in the southern portion of the property with an approximate gross floor area of 122 sqm. Surrounding land uses include:

- North: Abutting the subject lands to the north are two buildings of approximately 2 storeys including corporate offices and industrial uses.
- East: Abutting the subject lands to the east are 2 buildings of approximately 1 storey for industrial uses.
- South: Abutting the subject lands to the south are two buildings of approximately 1 storey for industrial uses.
- West: Abutting the subject lands to the west is South Service Road, across the road is a building of approximately 1 storey for vehicle repair services and a yard for equipment rental services.

Description of Application and Processing History

UrbanSolutions Planning & Land Development Consultants have made an application for a Zoning By-law Amendment on behalf of Giampaolo Investments for the subject lands. A Zoning By-law Amendment is an instrument provided to municipalities under

Section 34 of the *Planning Act* which allows residents to request a change to the Zoning By-law regulations in case the proposed development is not in accordance with the regulations. In this case, the proposed *motor vehicle wrecking yard* is prohibited in the General Employment (GE1) zone under Zoning By-law 2020, and as a result, the applicant is requesting a Zoning By-law amendment to facilitate the development.

Technical Reports

The following information and plans were submitted in support of the application. This information can also be accessed online at: www.burlington.ca/961zelcodrive

- **Planning Justification Report** Prepared by UrbanSolutions Planning & Land Development Consultants dated February 14, 2020
- **Conceptual Site Plan Layout and Site Survey** Prepared by UrbanSolutions Planning & Land Development Consultants dated October 11, 2019
- **Revised Conceptual Site Plan Layout and Site Survey** Prepared by UrbanSolutions Planning & Land Development Consultants dated August 6, 2020
- **Addendum Concept Plan** Prepared by UrbanSolutions Planning & Land Development Consultants dated October 17, 2019
- **Stormwater management Brief** Prepared by MTE Consultants dated April 15, 2020
- **Scoped Functional Servicing Report** Prepared by MTE Consultants dated February 7, 2020
- **Traffic Impact Brief** Prepared by RC Spencer Associates dated October 29, 2019
- **Updated Transportation Memo** Prepared by RC Spencer Associates dated August 6, 2020
- **Noise Impact Study** Prepared by HGC Engineering dated January 22, 2020
- **Environmental Site Screening Checklist** Prepared by UrbanSolutions Planning & Land Development Consultants dated January 22, 2020
- **Environmental Compliance Approval Confirmation** Prepared by Ministry of the Environment, Conservation and Parks dated January 31, 2020
- **Grading and Servicing Plan** Prepared by MTE Consultants dated November 5, 2019
- **Plan of Survey** Prepared by MTE Consultants dated October 7, 2019
- **PIN Report** Prepared by ServiceOntario dated September 18, 2019
- **Fire Access Route Plan** Prepared by MTE Consultants dated January 22, 2020
- **Zoning By-law Amendment Application Form** Prepared by UrbanSolutions Planning & Land Development Consultants dated February 6, 2020
- **Stormwater Management Brief** Prepared by MTE Consultants dated August 11, 2020

- **Stormwater Management Plan** Prepared by MTE Consultants dated August 11, 2020
- **Signed Cover Letter for Transportation Documents** Prepared by UrbanSolutions Planning & Land Development Consultants dated August 7, 2020

Policy Framework

The application for an amendment to the Zoning By-law is subject to the following policy framework:

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development in Ontario. Moreover, it provides policies for development based on efficient use of land and infrastructure, protection of natural resources, protection of public health and safety, and residential and employment area development including a range and mix of uses. The PPS is issued under Section 3 of the *Planning Act* and requires that decisions affecting planning matters made on or after May 1, 2020 “shall be consistent with” the PPS. The following PPS policies apply to the Zoning By-law Amendment application for the subject lands.

Policy 1.1.3.1 identifies *Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted*. The subject lands are located within the Urban Planning Area Boundary according to Schedule A of the City’s Official Plan, and therefore are located within a settlement area. Policy 1.1.3.2 further explains that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

a) Efficiently use land and resources;
b) Are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid their unjustified and or/uneconomical expansion;
c) Minimize negative impacts to air quality and climate change, and promote energy efficiency;
d) Prepare for the impacts of a changing climate
e) Support active transportation; and,
f) Are transit-supportive, where transit is planned, exists or may be developed.
g) Are freight supportive

The subject lands are of employment nature including both office and industrial uses. The proposed Zoning By-law amendment would allow an additional use to assist in promoting a range and mix of employment land uses and in protecting employment lands. Prohibiting the existing and proposed use to operate would be an inefficient use

of the land and the physical resources that are currently in place on the subject lands. The development utilizes existing municipal infrastructure and does not propose any additional expansion to the infrastructure through this application. Additionally, the operation of the existing and proposed uses on the subject lands will support the viability of the public transit routes along the intersection of Zelco Drive and Harvester Road. The subject lands are located on the periphery of Queen Elizabeth Way, a provincial highway utilized as a major goods movement corridor which helps support the transportation of major goods from the subject lands.

Policy 1.2.6.1 identifies that major facilities and sensitive land uses shall be planned and developed to avoid or minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities. Engineering staff have advised that the proposed mobile unit is self-contained and has a spill tray; the site has emergency spill protocol in place, and two functioning oil grit separators that have been certified by the civil engineer as in good working condition. Additionally, engineering staff have no concerns of noise impact as per the review of the noise impact study submitted by the applicant. Further, the applicant has confirmed a vehicle crushing unit, which could cause noise impacts, is not proposed.

Policy 1.3.2.2 identifies that employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas. Similarly, policy 1.3.2.3 identifies that within employment areas planned for industrial or manufacturing uses, residential uses shall be prohibited and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses. The subject lands and the immediate surrounding parcels are designated “Employment Lands – General Employment” on Schedule B – Urban Area of the City’s Official Plan. As a result, the existing area contains employment uses including industrial and office spaces. The application for a Zoning By-law amendment does not propose any new development on the subject lands, and rather seeks to permit a *motor vehicle wrecking yard* use within the existing GE1 zone (General Employment). Additionally, the proposed subject lands are sufficiently separated from sensitive land uses as the nearest residential area is approximately 750 m south from the subject lands.

Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Golden Horseshoe (Growth Plan) provides specific growth management policy direction for the Greater Toronto and Hamilton Area (GTHA) and focuses on development in the existing urban areas through intensification. The guiding principles of the Growth Plan include building complete communities that are vibrant and compact, and utilizing existing and planned infrastructure to support growth in an efficient and well-designed form. As noted earlier, there is no new development

planned for the subject lands and the Zoning By-law Amendment is required to allow for a *motor vehicle wrecking yard*. The following Growth Plan policies apply to the Zoning By-law Amendment application for the subject lands:

One of the growth plan's guiding principles is to *provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries*. Similarly, Policy 2.2.5 1. a) identifies that *Economic development and competitiveness in the GGH will be promoted by making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities.* The Zoning By-law amendment will allow for the additional use of a *Motor Vehicle Wrecking Yard* on the subject lands and hence expand the subject land services for a more efficient use of the existing infrastructure.

Policy 2.2.5 8) identifies that Municipalities may identify employment areas located near major goods movement corridors, including major highway interchanges, as prime employment areas and plan for their protection for appropriate employment uses over the long-term. The plan identifies this can be achieved by prohibiting residential, institutional, sensitive land uses, and retail and office uses not associated with or ancillary to the primary use, as well as to plan for freight-supportive land use patterns.

The proposed *Motor Vehicle Wrecking Yard* use will maintain the subject lands as employment lands. Sensitive land uses such as residential and institutional uses as well as retail and office uses that are not associated with the primary employment use will not be established.

Region of Halton Official Plan

The subject lands are designated as *Urban Area* according to the Regional Official Plan (ROP) (identified on Map 3 of the ROP). The Urban Area objectives promote growth that is compact and transit supportive with an appropriate range and balance of employment uses including industrial uses to meet long-term needs. The Urban Area (Section 77) policies support increased densities and intensification of uses within these areas subject to Local Official Plan policy and direction. The ROP also identifies that the proper integration of intensification with the surrounding neighbourhoods through urban design is supported.

Furthermore, the subject lands are within the *Employment Area - overlay* (identified on Map 1 of the ROP). The Employment Area objectives aim for the protection of this designation in order to ensure the availability of sufficient land for employment to accommodate forecasted growth and support economic competitiveness. Furthermore, the plan aims for the Employment Area to be in the vicinity of existing major highway interchanges and rail yards within the Urban Area.

City of Burlington Official Plan

The subject lands are designated *Employment Lands – General Employment* on Schedule B – Urban Area of the City's Official Plan. The surrounding area is all designated *Employment Lands – General Employment* except for the property located north of 961 Zelco Drive which is designated as *Employment Lands - Business Corridor,* which permits employment uses including office and industrial uses. As per policy 3.3.2 a), the General Employment designation permits a broad range of employment uses including:

i) industrial uses that involve assembling, fabricating, manufacturing, processing, warehousing and distribution uses, repair activities, communications, utilities, transportation, storage, service trades and construction uses; office uses; research and information processing; recreational uses; large scale motor vehicle dealerships; and adult entertainment uses.
ii) A limited range of retail and service commercial uses
iii) In locations adjacent to residential areas only uses that would have limited impact on the surrounding area.
iv) A residence for a watchman or caretaker

Additionally, policy 3.3.1 b) aims to separate General Employment areas from other sensitive land uses, particularly residential, due to potential negative effects. The subject lands as well as the surrounding properties are designated Employment Lands and are located sufficiently distant from residential uses, at approximately 750 m north from the nearest residential designated area. Therefore, the proposed use poses no impact onto the nearest residential neighbourhoods.

The Official Plan policy 3.3.2 f) also identifies general site plan considerations to ensure compatibility between the expanding General Employment uses and adjacent land uses. The considerations listed which apply to the subject lands are:

- Off-street parking shall be located away from adjacent uses
- Loading areas shall be located to avoid conflict between pedestrian and vehicular traffic away from adjacent residential areas and adjoining roads;
- Off-street parking areas, loading areas and site service areas areas shall be screened and landscaped
- Outdoor storage areas shall be fenced and/or screened
- The number and location of vehicular access points shall be limited to minimize disruption to traffic flows
- The proposal provides convenient access to public transit services

The existing off-street parking is located within 961 Zelco Drive and adjacent to Zelco Drive, with one of the existing loading spaces adjacent to property 4450 Paletta Court which is also designated and zoned as General Employment. The subject lands are

currently screened by an opaque metal fence of approximately 3 m in height. There is no fence on the entrance located on 961 and 970 Zelco Drive and there is a metal fence that is not opaque on the property line which abuts property 4450 Paletta Court. Additionally, the applicant is proposing to close the access point located on 4425 South Service Road with a continuation of the existing fence line and will utilize the entrance on Zelco Drive for access to the site.

In terms of public transit accessibility, the nearest transit routes include bus stops along the intersection of Zelco Drive and Harvester Road, which are located approximately 350 m from the subject lands.

City of Burlington Adopted Official Plan, 2018

The City's proposed New Official Plan was adopted by Council on April 26, 2018 and has been developed to reflect the opportunities and challenges facing the City as it continues to evolve. Halton Region has identified areas of non-conformity, and as such, the adopted Official Plan will be subject to additional review and revision prior to its approval. Further, City Council voted to re-examine the policies in Burlington's Official Plan and directed a new staff review and public engagement process to consider potential modifications, including a review of height and density provisions.

City of Burlington Zoning By-law

The subject lands are zoned General Employment (GE1) in the City's Zoning By-law 2020. The GE1 zone permits a broad range of office and industrial uses including a recycling facility, however a *motor vehicle wrecking yard* is a prohibited use due to possible noise, contamination and compatibility concerns. *A motor vehicle wrecking yard* is defined in Zoning By-law 2020 as "an area outside of a building where motor vehicles are dissembled, dismantled, or junked, or where inoperable motor vehicle or parts of motor vehicles are stored". The properties surrounding the subject lands are zoned GE1 expect for the property located north-west of 961 Zelco Drive which is zoned as Business Corridor (BC1). The BC1 zone permits similar employment uses in comparison to the GE1 zone including office and industrial uses.

The parking rate of the subject lands is 1 parking space per 100 sqm of Gross Floor Area (GFA). Based on the approximate GFA of the buildings, the required parking rate is 11 parking spaces, including 1 accessible space. Additionally, for every building which use is part of the principal use on the subject lands a loading space is required. The proposed concept does not meet the Zoning By-law 2020 parking requirements and so at this time City staff are seeking direction in order to continue to work with the applicant to resolve this matter.

Technical Review:

City of Burlington – Site Engineering

It is Site Engineering's understanding and was confirmed by the Applicant during the ZBA process, that a vehicle crushing unit is not proposed. Further, the application is to allow the installation of a mobile drainage collection system (only), where fluids would be removed from the vehicles then the vehicles will be removed off site for crushing. If in the future a crushing unit is proposed Site Engineering staff would ask that a new Zoning By-Law Amendment application be required, where the Noise Impact Study would need to be updated to address the crushing equipment, and the Applicant would need to provide confirmation that there is a Ministry of Environment approval/registration document for crushing equipment, and/or a security provided until such time as the MECP registration document is available. If Council approves the application, Site Engineering would recommend that the zoning by-law be written to explicitly not allow vehicle crushing equipment on the properties, and only allow for disassembling vehicles (tires, interior, etc.), and the collection of fluids in the mobile drainage station, then the vehicles would be transported off site for crushing. Additionally, Site Engineering would ask that a security be taken in the amount of $10,000 prior to a building permit issuance for the installation of the drainage station which would be released upon certification from HGC Engineering that the drainage station was installed in accordance with the Noise Impact Study.

Parks and Open Space & Landscaping

No comments

City of Burlington – Transportation Planning

Transportation Planning staff requested applicant to provide the following information:

- The parking layout and all dimensions on the site plan.
- To show truck turning templates for site circulation.
- The ITE land use code used in the traffic brief to estimate the additional site trips for staff to verify.

The applicant has addressed these comments and provided the requested information on August 7, 2020. Transportation have reviewed the revised documents and have no further comments or concerns.

Halton Region

Regional Planning Staff have reviewed the subject applications within the context of Provincial planning documents and Regional Official Plan (ROP) and offer no objection to the proposed amendments.

Burlington Transit

No comments.

Burlington Economic Development Corporation

No comments.

Financial Matters:

In accordance with the Development Application Fee Schedule, all fees determined have been received.

Engagement Matters:

Public Circulation

The application was subject to the standard circulation requirements. A public notice and request for comments was circulated on July 6, 2020 to 211 surrounding property owners/tenants. Two public notice signs were placed on the property, one facing Zelco Drive and another facing South Service Road which provided details about the application. All studies and supporting materials were posted on the City's website at www.burlington.ca/961zelcodrive.

Public Comments

Since the public circulation was issued in July 2020, Planning Staff have received correspondence from 2 members of the public regarding the requested Zoning By-law Amendment. The public comments that were received are included as Appendix C to this report.

The general themes expressed in the comments are as follows:

Public Comment	Staff Response
Subject lands are intended for office, commercial and residential uses and their intensification. The subject lands and abutting properties including 4450 and 4480 Paletta Court are included in the Appleby GO Mobility Hub.	The applicable Provincial, Regional, and Local policies do not encourage residential uses within or surrounding the subject property, but do encourage industrial and office uses. The subject lands and the parcel which abuts the property to the north, municipally known as 4450 Paletta Court, are not within the Appleby GO Mobility Hub Study Area, as identified in the Adopted Official Plan, and Halton Region is currently in the process of delineating the boundaries of Major Transit

	Station Areas throughout the Region. Furthermore, the subject lands neither abut the property at 4480 Paletta Court (which is found within the Appleby GO Mobility Hub boundary) nor the Study Area Boundary. Therefore, any draft policies related to the Mobility Hub Study are not found applicable to the Zoning By-law Amendment application.
Proposed use is incompatible with the surrounding land uses which impact opportunities for other sites in the area to develop into high class office uses.	The immediate properties adjacent to the subject lands are all designated *Employment Lands – General Employment* except for the property located north of 961 Zelco Drive, which is designated as *Employment Lands - Business Corridor*. Additionally, the immediate properties adjacent to the subject lands are all zoned GE1 under Zoning By-law 2020 expect for the property located north-west of 961 Zelco Drive which is zoned as BC1. The BC1 zone permits similar employment uses in comparison to the GE1 zone including office and industrial uses. Although the specific Official Plan designations and Zoning of the properties located north of 961 Zelco Drive are different, the nature of these and all the surrounding properties is of an employment nature. As a result, the subject land's proposed use is compatible with the surrounding uses and the planned context of the area.
Potential environmental and ground contamination.	Engineering staff have been made aware of the environmental related concerns received from public comments and have stated that *the mobile unit is self-contained, has a spill tray, the site has emergency spill protocol in place, and two functioning oil grit separators on site that have been certified by the civil engineer as in good working condition.* Additionally, since the Region of Halton also comments on matters relating to environmental concerns, more information will be provided on potential environmental and ground contamination in a future recommendation report.
Often truck traffic, disregard of speed limit and dangerous truck maneuvering/turning on Zelco Drive.	At the request of transportation staff, the applicant has provided further information regarding the access and circulation of vehicles on subject lands. The applicant's transportation engineer has advised that based on the submitted studies to City staff *this development will not have an adverse effect on traffic operations on Harvester Road at Zelco Drive*

	and that *queuing on Zelco Drive is not anticipated to exceed three vehicle lengths*. Transportation staff have been made aware of the transportation related concerns received from the public comments, have reviewed the submitted studies and have identified no concerns.

Conclusion:

This report provides a description of the development application, an update on the technical review of the application and advises that public comments have been received. Planning staff recommend that Council direct staff to continue to work with the applicant to resolve the outstanding issues outlined in this report and bring back a subsequent recommendation report staff work with the applicant to resolve the outstanding technical matters.

Respectfully submitted,

Mariana Da Silva

Planner I

905-335-7600 ext. 7536

Appendices:

A. Location/Zoning Sketch

B. Detail Sketch

C. Public Comments

Notifications:

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Report Approval:

All reports are reviewed and/or approved by Department Director, the Chief Financial Officer and the Executive Director of Legal Services & Corporation Council.