



## Staff Report

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<b>Report To:</b>	Planning and Development Committee	
<b>Date of Meeting:</b>	October 22, 2019	<b>Report Number:</b> PSD-043-19
<b>Submitted By:</b>	Faye Langmaid, Acting Director of Planning Services	
<b>Reviewed By:</b>	Andrew C. Allison, CAO	<b>Resolution#:</b>
<b>File Number:</b>	ZBA2019-0016	<b>By-law Number:</b>
<b>Report Subject:</b>	Public Meeting - Proposed Rezoning to permit East Penn battery facility located at 1840 Energy Drive, Courtice)	

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### Recommendations:

1. That Report PSD-043-19 be received;
2. That the proposed application for Rezoning ZBA 2019-0016 continue to be processed including the preparation of a subsequent report; and
3. That all interested parties listed in Report PSD-043-19 and any delegations be advised of Council's decision.

## Report Overview

This is a public meeting report to provide background information regarding a rezoning application to permit a significant industrial development in Clarington's Energy Business Park in Courtice.

The lands are owned by East Penn Canada Power Battery Sales Ltd. The proposed amendment to zoning regulations will facilitate the relocation of their warehouse, distribution centre and national head office to Clarington. The first phase of development is for 15,330 square metres of industrial warehouse, 2,950 square metres of office space, with a future second phase of warehouse space having an area of 13,935 square metres.

## 1. Application Details

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|-----|------------------------|---|
| 1.1 | Owner/Applicant:       | East Penn Canada Power Battery Sales Ltd.   |
| 1.2 | Agent:                 | D.G. Biddle & Associates Limited  |
| 1.3 | Proposal:              | Proposed amendment to regulations in the Energy Park<br>Prestige Exception (MO2-1) Zone                 |
| 1.4 | Area:                  | 9.85 hectares (24.35 acres)   |
| 1.5 | Location:              | 1840 Energy Drive, Courtice<br>Part of Lot 27, Broken Front Concession<br>Former Township of Darlington |
| 1.6 | Roll Number:           | 1817 010 050 008900   |
| 1.7 | Within Built Boundary: | Yes   |

## 2. Background

- 2.1. On September 13, 2019, East Penn submitted an application to amend the Zoning By-law. The purpose of the rezoning is to amend the setback regulations in the existing Energy Park Prestige Exception (MO2-1) Zone. The effect would be to allow for the relocation of the East Penn battery warehouse and head office (currently located in Ajax) to the Energy Drive site. (See Figure 1: Key Map).



Figure 1: Key Map

- 2.2. The business involves battery post-production, distribution and recycling. The office component will serve as the national headquarters of East Penn. The total building floor space proposed for the site including all phases would total 32,215 square metres (close to 350,000 square feet). The company has 17 warehouse facilities across Canada.

2.3. The applicant has submitted the following studies and reports in support of the development. These are reviewed under Section 7 of this report:

- Planning Opinion Letter
- Functional Servicing and Stormwater Management Report
- Traffic Impact Study
- Phase I and II Environmental Site Assessment

### **3. Land Characteristics and Surrounding Uses**

- 3.1. The subject lands are currently vacant of buildings or structures. The lands were once the location of Manheim's Auto Auction and used for parking and storage of off-lease cars until approximately 2010.
- 3.2. The site is relatively flat and drains west to an existing watercourse and stormwater pond at the western edge of the site. There is a berm located along the south end of the site adjacent to Energy Drive.



**Figure 2:** View of Site towards Southeast

3.3. The surrounding uses are as follows:

North - Megawatt Drive, realigned Highway 401 and off-ramps

South - Existing Energy from Waste facility and OPG's Durham Energy Complex

East - Vacant Industrial Lands owned by Ontario Power Generation

West - Vacant Industrial Lands owned by the Region of Durham

## **4. Provincial Policy**

### **Provincial Policy Statement**

- 4.1. Settlement areas are the focus of growth and development. Appropriate land uses are based on efficient use of land, resources and infrastructure.
- 4.2. Economic development and competitiveness is supported by an appropriate mix and range of employment uses. Municipalities are to provide opportunities for a diversified economic base, including providing for a range and choice of suitable sites for employment uses. The necessary infrastructure to support current and projected needs shall be provided. Employment areas in proximity to major goods movement facilities and corridors for employment uses that required those locations shall be protected.
- 4.3. Natural features shall be protected and appropriate stormwater management facilities must be provided.
- 4.4. The proposed amendments are consistent with the Provincial Policy Statement.

### **Provincial Growth Plan**

- 4.5. Forecasted growth is directed to settlement areas on full municipal services. Complete communities offer and support opportunities for all people to access an appropriate mix of jobs, local store and services, housing, transportation and public service facilities.
- 4.6. Economic development and competitiveness in the Greater Golden Horseshoe is supported by making more efficient use of vacant and underutilized employment lands and increasing employment densities. Transit connections should be planned to major employment areas. Municipalities may identify and protect prime employment areas along major goods movement facilities and corridors, including major highway interchanges.
- 4.7. Transportation policies of the Growth Plan support planning for multimodal access to all land uses including employment areas. Municipalities will provide for priority routes for goods movement to facilitate the movement of goods into and out of employment areas, and provide alternate routes connecting to the provincial network.
- 4.8. Detailed storm water management plans must be completed, and must be informed by a subwatershed plan or equivalent, incorporate integrated treatment including low impact development techniques and green infrastructure and establishing planning, design and construction practices to minimize environmental impacts.

- 4.9. The proposed amendment conforms to the direction of the Growth Plan for the Greater Golden Horseshoe and will contribute to employment generation in the designated Built-up area.

## **5. Official Plans**

### **Durham Regional Official Plan**

- 5.1. The Durham Region Official Plan designates the lands as “Employment Area”. Employment Areas are intended accommodate uses that may require access to the highway, rail and/or shipping facilities, separation from sensitive uses, or may benefit from locating close to similar uses. Uses permitted in this area may include manufacturing, assembly, and processing of goods, service industries, research and development industries, and warehousing.

### **Clarington Official Plan**

- 5.2. The Clarington Official Plan designates the subject lands Business Park.
- 5.3. A small area of land is identified as part of the natural heritage system. This area is associated with a small tributary of Tooley Creek.
- 5.4. Business Parks have prime exposure along Highway 401 and major arterial roads. Development within Business Parks is intended for employment uses exhibiting the highest standard of building design and landscaping in order to provide an attractive appearance that reflects or takes advantage of such high visibility. Goals, objectives and policies applicable to Business Parks shall be set out in Secondary Plans.
- 5.5. A minimum density target of 30 jobs per gross hectare is required adjacent to the Highway 401 Corridor.

### **Clarington Energy Business Park Secondary Plan**

- 5.6. The Secondary Plan designates the subject lands a mix of Prestige Employment Corridor and Light Industrial 1.
- 5.7. The intent of the Energy Business park policies is to promote growth in the energy and environment sectors of the regional economy and to create an energy cluster.
- 5.8. The Prestige Employment Corridor designation permits business office; research and development facilities; university and college facilities; manufacturing, assembling and fabricating facilities; warehousing (ancillary to the uses listed above) and commercial or technical schools.



- 5.9. The Light Industrial 1 designation permits business office; research and development facilities; manufacturing, assembling and fabricating facilities; industrial processing of waste materials, and warehousing (ancillary to the uses listed above).
- 5.10. The Secondary Plan provides urban design standards with respect to streetscaping, site layout and design, landscaping and location of parking and loading areas.
- 5.11. The proposed amendment to zoning regulations continue to conform to the Secondary Plan direction. The plan policies, including urban design directives, will be further reviewed and implemented at the site plan stage.

## **6. Zoning By-law**

- 6.1. Zoning By-law 84-63 zones the subject lands Energy Park Prestige Exception (MO2-1) Zone. The MO2-1 Zone permits the proposed energy-related and office space however the applicant proposes to amend the setback regulations to fit the development on the site.

## **7. Summary of Background Studies**

### **Planning Opinion Letter**

- 7.1. The Planning Opinion letter reviews the development in the context of the Durham Regional Official Plan, the Clarington Official Plan and the Clarington Energy Park Secondary Plan.
- 7.2. The proposed uses for the site conform to the Secondary Plan. The orientation of the building will be along Energy Drive, with loading areas to the north. Screening, berming and landscaping will address views from Highway 401.
- 7.3. The report acknowledges that the Secondary Plan and existing Zoning may have contemplated the development of several smaller parcels and buildings versus one large development. The requested rezoning will tailor the zoning to the proposed massing and scale of the development.
- 7.4. Building materials, urban design elements and landscaping are intended to reflect the prestige designation as it relates to high visibility along Energy Drive and Highway 401, appropriate screening of loading and service areas.

- 7.5. Due to the size and operation requirements of the proposed uses, the Zoning By-law setbacks cannot be adhered to, triggering the need for amendments to setbacks. The consultant provided a draft zoning by-law amendment for consideration.

### **Functional Servicing Report**

- 7.6. The study and preliminary servicing drawing demonstrate the site can be serviced by existing water and sanitary sewers and connections that exist at the south property limit along Energy Drive.
- 7.7. Stormwater management will be addressed on-site in accordance with the Clarington Energy Business Park Master Drainage Plan (AECOM, March 2011). Two private stormwater management ponds are proposed – one to the north of the warehouse, and one along the westerly edge of the property. The ponds will be designed to address water quantity and water quality. An infiltration gallery is proposed along the east limit of the building will be designed to accept all water collected on the roof top of the development.
- 7.8. The report also provides recommendations on sediment and erosion controls to be implemented during the construction phase.

### **Traffic Impact Study**

- 7.9. The Traffic Impact Study finds that the road network and intersections proximate the site will continue to operate within acceptable levels of service. However, the study does identify left turning movements at Courtice Road ramps associated with Highway 401 that are forecasted to operate at a poor level of service. The turning movements would be improved by signalization.
- 7.10. The report identifies that the area is in transition because of construction related to Highway 418 and should be monitored as traffic patterns stabilize.
- 7.11. The report identifies that while the local road network of Energy Drive, Osborne Road and Megawatt Drive can accommodate the proposed development that the broader issue of turning movements at the Courtice Road ramps will require review and recommendations as part of the overall Secondary Plan review and transportation planning for the neighbourhood.
- 7.12. The study also recommends implementing strategies such as transit connections and active transportation linkages as alternatives to vehicular access to the site.



### **Phase I and II Environmental Site Assessment**

- 7.13. Both a Phase I and a Phase II Environmental Site Assessment were completed in accordance with the Ministry of Environment, Conservation and Parks guidelines, and the Region of Durham's Site Contamination Protocol. From the soil and water sample testing, no exceedances were noted from the Qualified Person. Since the proposed development is not considered a sensitive use, no further study is required, and the site is cleared for development from a soil and water contamination perspective.

## **8. Public Submissions**

- 8.1. A notice of the Public Meeting was mailed on October 1, 2019. Three public meeting signs were posted on the subject property. The Notice was posted on the municipal website, in social media platforms and in the Clarington e-update.
- 8.2. At the time of writing this report, no area land owners or residents have contacted staff regarding the proposal.

## **9. Agency Comments**

### **Regional Municipality of Durham**

- 9.1. Regional Planning provided informal comments advising they have no objections to the rezoning subject to clearance of Regional interests such as: The Region's Site Contamination Protocol, Archaeology and Regional Works requirements as part of a Holding Provision on the site and/or as part of the future site plan approval process.

### **Central Lake Ontario Conservation Authority.**

- 9.2. The Central Lake Ontario Conservation Authority has no objections to the zoning by-law amendment. The Engineering drawing and functional servicing report are under review and will be finalized as part of the site plan application.

### **Ministry of Transportation**

- 9.3. The Ministry of Transportation has no objections to the rezoning. The functional servicing report and traffic impact study are under review and will be finalized as part of the site plan application.

### **Durham Regional Police Communications**

- 9.4. The Communications Department of DRPS has no objections.

## **10. Departmental Comments**

### **Engineering Services**

- 10.1. Engineering Services has no objection to the rezoning. Functional servicing and grading plans for the site are satisfactory and may be refined during the site plan approval stage.
- 10.2. Standard comments with respect to financial requirements, boulevard works, entrance construction, road occupancy and site alteration will be forwarded to the applicant and to be address at the site plan stage.
- 10.3. A cash-in-lieu of parkland payment will be required as a condition of site plan approval.

### **Emergency and Fire Services**

- 10.4. Emergency and Fire Services does not object to the rezoning and provided comments relating to requirements for fire hydrant connections and is to be reflected on the site plan submission.

### **Building Division**

- 10.5. The Building Division has no comments or objections to the rezoning.

### **Accessibility Committee**

- 10.6. The Committee does not object to the rezoning. The Committee provided guidance on site design to provide for accessible parking; barrier-free path of travel throughout the site; and accessible outdoor amenity space for employees. The Committee will continue to be circulated during the site plan process.

## **11. Discussion**

- 11.1. The proposed energy-related use is permitted by the Official Plan, the Clarington Energy Park Secondary Plan and the Zoning By-law, as amended.
- 11.2. The existing Zoning By-law for the Energy Park was approved in 2006. At the time the by-law was drafted to implement the Clarington Energy Park Secondary Plan. A site-specific zone was created for this parcel to recognize the existing Manheim Auto Auction facility.

- 11.3. The existing Secondary Plan appears to have contemplated the site being split into southern parcels fronting Energy Drive, and northern parcels along Megawatt Drive (former South Service Road).
- 11.4. The north half of the site is designated as a Prestige Employment Corridor, while the southern half of the site is designated as Light Industrial 1 in the Secondary Plan. The permitted employment uses in both designations are very similar and include office, research and development, manufacturing, fabricated and assembly uses and warehousing ancillary to office uses. The Prestige Employment Corridor differs slightly in that additional uses such as post-secondary uses, and commercial/technical schools are permitted. The Prestige Employment Corridor policies highlight the high degree of visibility from Highway 401. Development should take advantage of these views, however any service or loading areas should be appropriately screened.
- 11.5. Zoning regulations were drafted when the ultimate end-user of the site was not known. They did not contemplated the entire property would redevelop with one large use, but rather developed as multiple lots, buildings and uses.
- 11.6. The developable area of the parcel has also been impacted by construction along Highway 401 and works related to the Highway 418 interchange. South Service Road (now Megawatt Drive) has been relocated by the Ministry of Transportation. The road has shifted south between 65 and 95 metres. Land previously owned by Manheim's was acquired by the Ministry of Transportation to facilitate the road realignment.
- 11.7. The Secondary Plan and zoning for the Energy Park are currently being revisited. Given the Secondary Plan policies, the proposed East Penn applications provide an opportunity to revisit zone regulations and the relationship between the building and Energy Drive and Osborne Road and its visibility to Highway 401 specifically for this property.
- 11.8. During review of the preliminary site plan, it is apparent that adjustments to minimum and maximum setbacks, and slight adjustments to landscape open space, and parking area location on the lot will be necessary.
- 11.9. The Traffic Impact Study indicates that the ramps at Courtice Road and Highway 401 operate at a reduced level of service. However, transportation planning for the area includes the future installation of 3 sets of signals at: the Courtice ramps on the north side of the 401; the ramps on the south side of Highway 401, and again where Courtice Road meets Energy Drive and Megawatt Drive. These improvements are to be completed by the end of 2019.

11.10. To address the policies of the Secondary Plan, the following design considerations, beyond zoning regulations, must be addressed by East Penn and their consulting team:

- Treatment at the corner of Energy Drive and Osborne Road – building must be designed with emphasis at the intersection, including landscape design elements. Applicant to considered incorporating public art into design.
- Building design and treatment along streets to ensure high quality architecture and building materials within the public realm. Accessible entrances via the public right-of-way.
- Sustainability and energy efficiency elements to be encouraged and highlighted during site and building design.
- Active transportation pathways through the site with connections to the broader neighbourhood.
- Treatment along Megawatt Drive to be sensitive to the site's high visibility along Highway 401. Berming and landscaping to be installed to screen loading and services areas up to the first storey. Structures and signage visible above the first storey to be upgraded given the site's location along the Prestige Employment Corridor. 3-D modelling of these views will be required at the site plan stage.

11.11. East Penn submitted a site plan application on October 8, 2019 which is in circulation. A recommendation report regarding rezoning will be prepared once staff is satisfied that the site design has undergone initial review by staff and agencies, to ensure all necessary amendments to the Zoning By-law are considered.

## **12. Concurrence**

Not Applicable.

## **13. Conclusion**

It is recommended that the application continue to be processed. A recommendation report and amending Zoning By-law will be drafted upon resolution of the above issues.

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Staff Contact: Anne Taylor Scott, Senior Planner, 905-623-3379 ext. 2414 or [ataylorsscott@clarington.net](mailto:ataylorsscott@clarington.net)

The following is a list of the interested parties to be notified of Council's decision:

Jim Bouchard, East Penn Canada  
Mike Bouchard, East Penn Canada  
John Papanicolaou, East Penn Canada  
Michael Fry, D.G. Biddle & Associates Ltd.  
Michael Carswell, D.G. Biddle & Associates Ltd.