



The Corporation of the TOWN OF MILTON

Report to: Chair & Members of the Administration & Planning Standing Committee

From: W.F. Mann, Director of Planning and Development

Date: January 23, 2012

Report No. PD-002-12 (File D.14 Z.13/11)

Subject: Public Meeting and Initial Report – Proposed Amendment to the Zoning By-law by M. Durante Enterprises Limited to add a commercial school (trade/profession) and motor vehicle repair shop to the list of already permitted uses on the subject property.

RECOMMENDATION: THAT Planning and Development Report PD-002-12 BE RECEIVED FOR INFORMATION;

AND THAT, upon completion of the review and evaluation of the application, a Technical Report be brought forward by the Planning and Development Department for consideration.

EXECUTIVE SUMMARY

The application is complete pursuant to the requirements of the Planning Act and is being processed accordingly. Staff recommends that, upon completion of the consultation and review process, a Technical Report, including recommendations, be prepared and brought forward for consideration by Council. The Technical Report will address issues raised through the consultation and review process.

REPORT

Background

Owner/Applicant • M. Durante Enterprises Limited (c/o Mr. Dennis Durante)
151 Steeles Avenue East
Milton ON L9T 1Y1

Authorized Agent: • Mr. Glenn Wellings
Wellings Planning Consultants Inc.
564 Emerald Street
Burlington ON L7R 2N8



Location/Description

The subject lands have an area of approximately 3.77 ha (9.32 ac) in size and are located at the northeast corner of Main Street East and James Snow Parkway and are municipally identified as 1515 Main Street East. The location of the property is illustrated on Figure 1.

The proponent has previously rezoned the property in January of 2006 to allow for the development of a 10,332 sq. metre mixed use/retail commercial development consisting of a motor vehicle gas bar and associated carwash, retail stores, restaurants, convenience commercial and a hotel. The site is being constructed in phases with the first phase already completed and fully operational (i.e. Esso Gas Bar/Tim Horton's, HSBC Bank, and three mixed use commercial/retail buildings).

Lands south of the subject property (across Main Street) are zoned Future Development and is occupied by the existing Ontario Power Generation substation, north lies Highway 401, west lies James Snow Parkway and further beyond lies an existing residential subdivision, stormwater management pond and watercourse channel. To the east of the site, lies Future Development lands that are vacant and are located within the Derry Green Business Park Secondary Plan and Parkway Belt Plan.

Discussion

Proposal

The subject property is currently zoned site-specific (C6*72) and the applicant is seeking to rezone the lands to add motor vehicle repair garage (i.e. Mr. Lube) and commercial school – trade/profession uses to the list of already permitted uses on the subject property. The intent of the proposal is to situate the Mr. Lube use in the southeast corner as to be complimentary with the existing Esso gas station and further removed from the existing retail commercial buildings.

The commercial school – trade/profession use is defined as a school for where trade or profession is taught for profit or gain such as a business school, hair dressing school or other specific trade. Currently, the site-specific zone (C6*72) on the property allows a commercial school – skill meaning a school conducted for profit or gain, where students are taught a specific skill such as music, dancing, gymnastics etc. There is no specific building that will be constructed for the proposed use at this time but once the next phase of development proceeds; the applicant would like to have the option of permitting such a use in the event that it is required.



Figures 2-6 demonstrate the proposed site plan and elevations, showing how the proposed building (Mr. Lube) will be incorporated into the overall site.

It should be noted that the original application had also proposed a day nursery use but the applicant has since revised the application to delete this proposed use. Accordingly, this use is no longer being considered by Planning staff.

Planning Policy

The subject lands are designated "Business Park Area" within both the Town's Official Plan and the Bristol Survey Secondary Plan. While a full review of the applicable planning policies will be undertaken as part of the review of the application, based on the information provided, staff is of the opinion at this time, that an Official Plan amendment is not required.

Zoning By-law

The current zoning does not permit the commercial school (trade/profession) or motor vehicle repair garage as of right on the subject property and, accordingly, a zoning amendment is required.

Site Plan Control

The developer has currently obtained site plan approval for Phase 1 of the site. Site Plan approval will also be required prior to the issuance of a building permit for any new development on the site including the proposed motor vehicle repair garage and/or commercial school – trade/profession.

Public Consultation and Review Process

- Notice for the public meeting was circulated on January 3, 2011 and posted on the Town's website.
- Public Notice Sign was posted on the subject property in accordance with the Planning Act.
- Agencies were circulated on October 3, 2011

Staff has identified the following issues to be reviewed:

- Site Design and Landscaping
- Land Use Compatibility



A report will be brought forward at a later date, responding to issues raised both at the Public Meeting and through the circulation process and addressing policy and technical matters.

Relationship to the Strategic Plan

The relationship to the Strategic Plan will be assessed during the review process.

Financial Impact

There is no financial impact arising from this report.

Respectfully submitted,

W. F. Mann, MCIP, RPP, OALA, RPF
Director, Planning & Development

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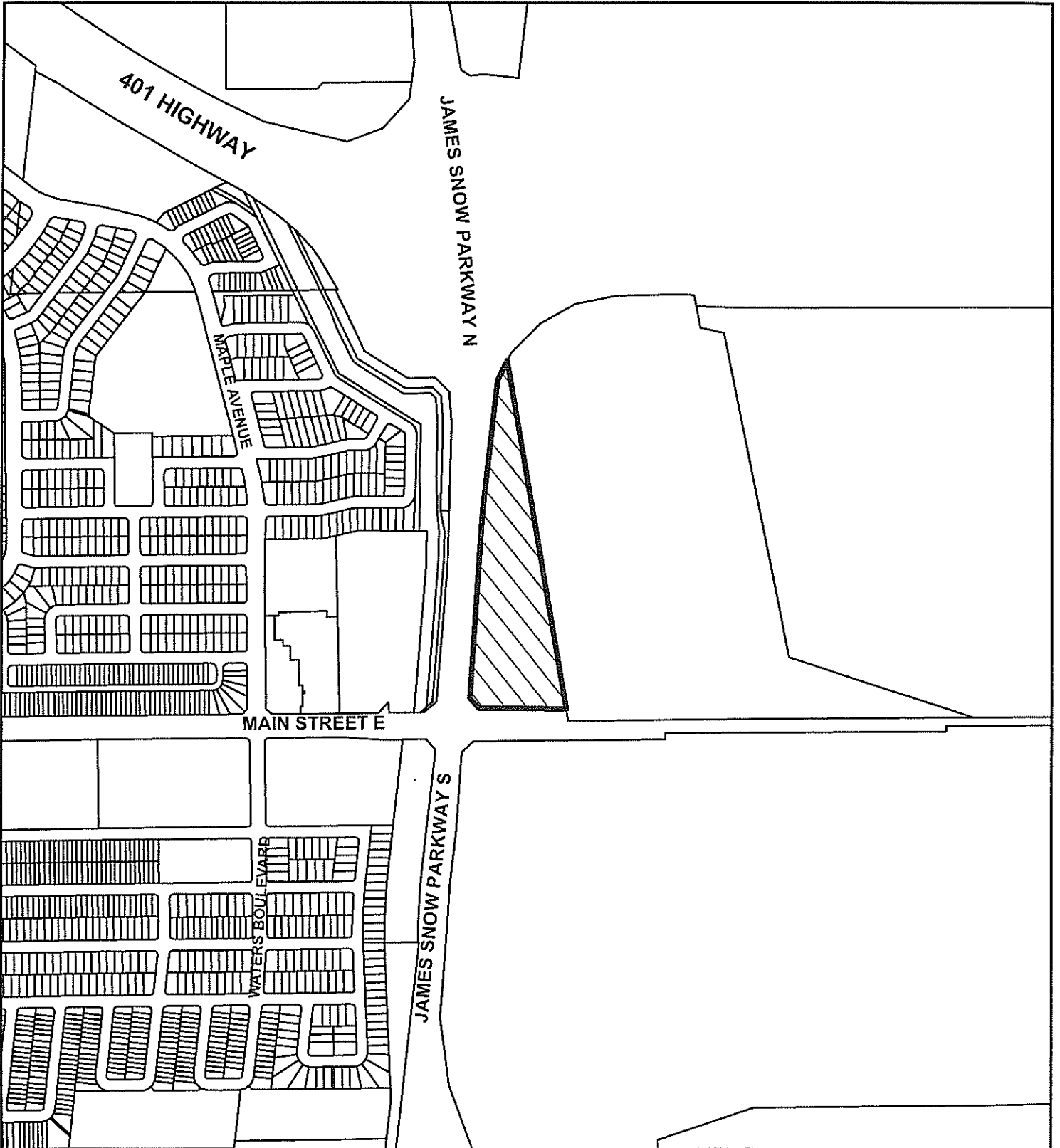
If you have any questions on the content of this report: Christian Lupis, 905-878-7252 ext. 2305

Attachments: Figure 1 – Location/Zoning
Figures 2 – 6 - Site Plan and Elevations
Appendix 1 – Draft Zoning By-law Amendment

CAO Approval: _____



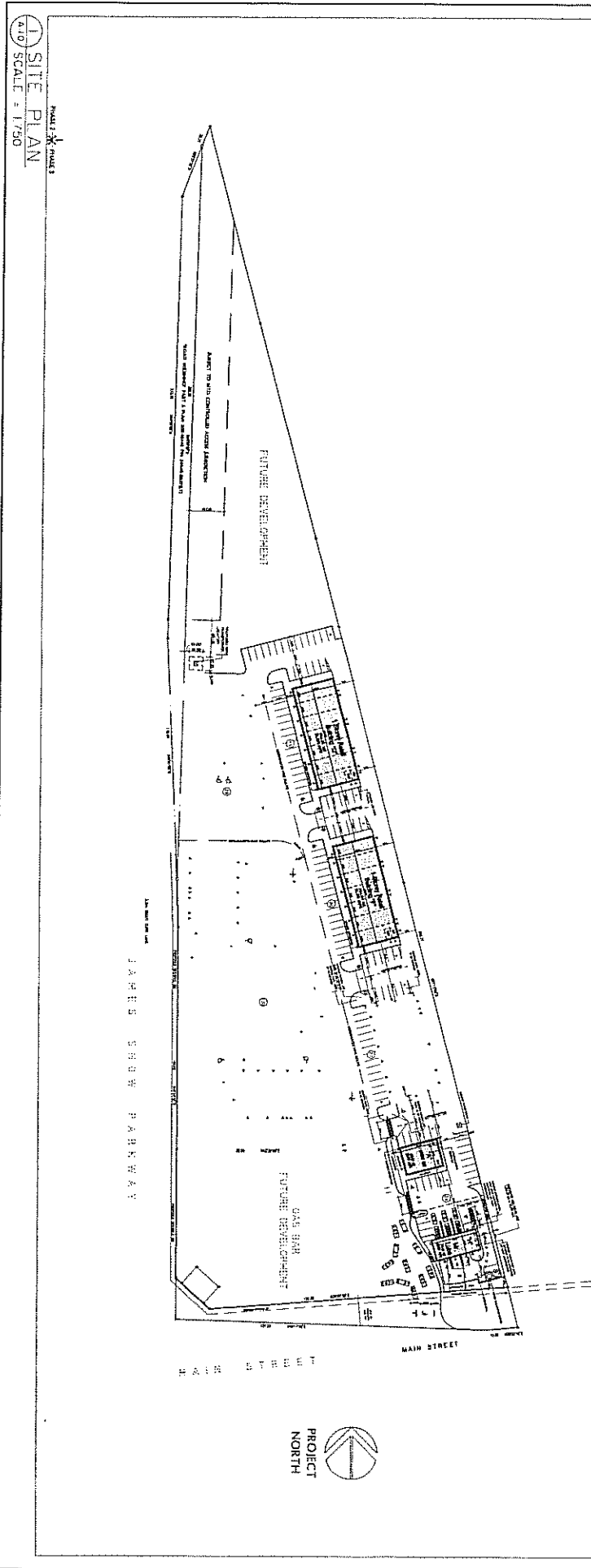
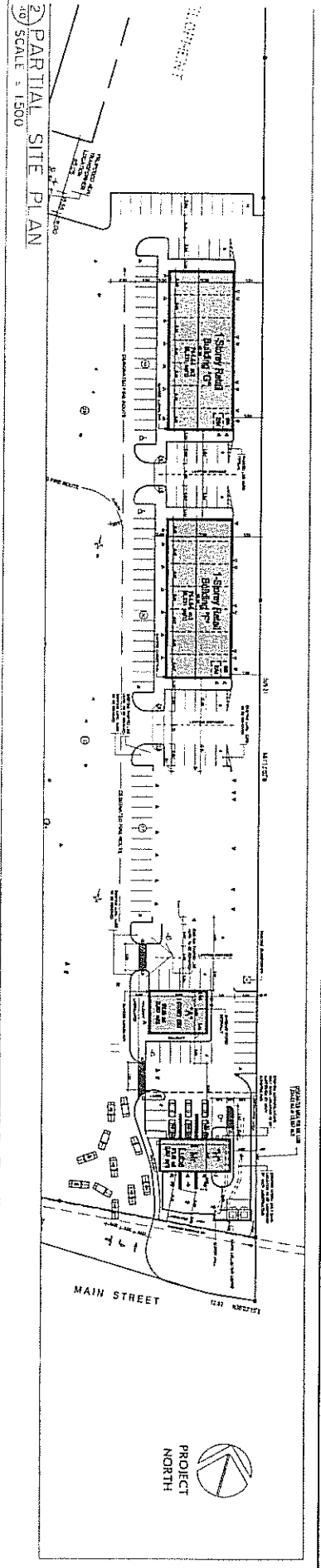
FIGURE 1 LOCATION MAP



A+P Meeting Date: January 23, 2012	Scale: 1:7, 500	File: Z-13/11	Planning & Development Department
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Subject Property

Figure 2 to Report PD-002-12



NO.	REVISION	DATE	BY	DESCRIPTION
1	ISSUED FOR CLINIC REVIEW	JAN 11		
2	ISSUED FOR CLINIC REVIEW	FEB 11		
3	ISSUED FOR CLINIC REVIEW	MAR 11		
4	ISSUED FOR REVIEW	APR 11		
5	ISSUED FOR REVIEW	MAY 11		
6	ISSUED FOR REVIEW	JUN 11		
7	ISSUED FOR REVIEW	JUL 11		
8	ISSUED FOR REVIEW	AUG 11		
9	ISSUED FOR REVIEW	SEP 11		
10	ISSUED FOR REVIEW	OCT 11		
11	ISSUED FOR REVIEW	NOV 11		
12	ISSUED FOR REVIEW	DEC 11		

MAINGATE SQUARE
MILTON, ONTARIO

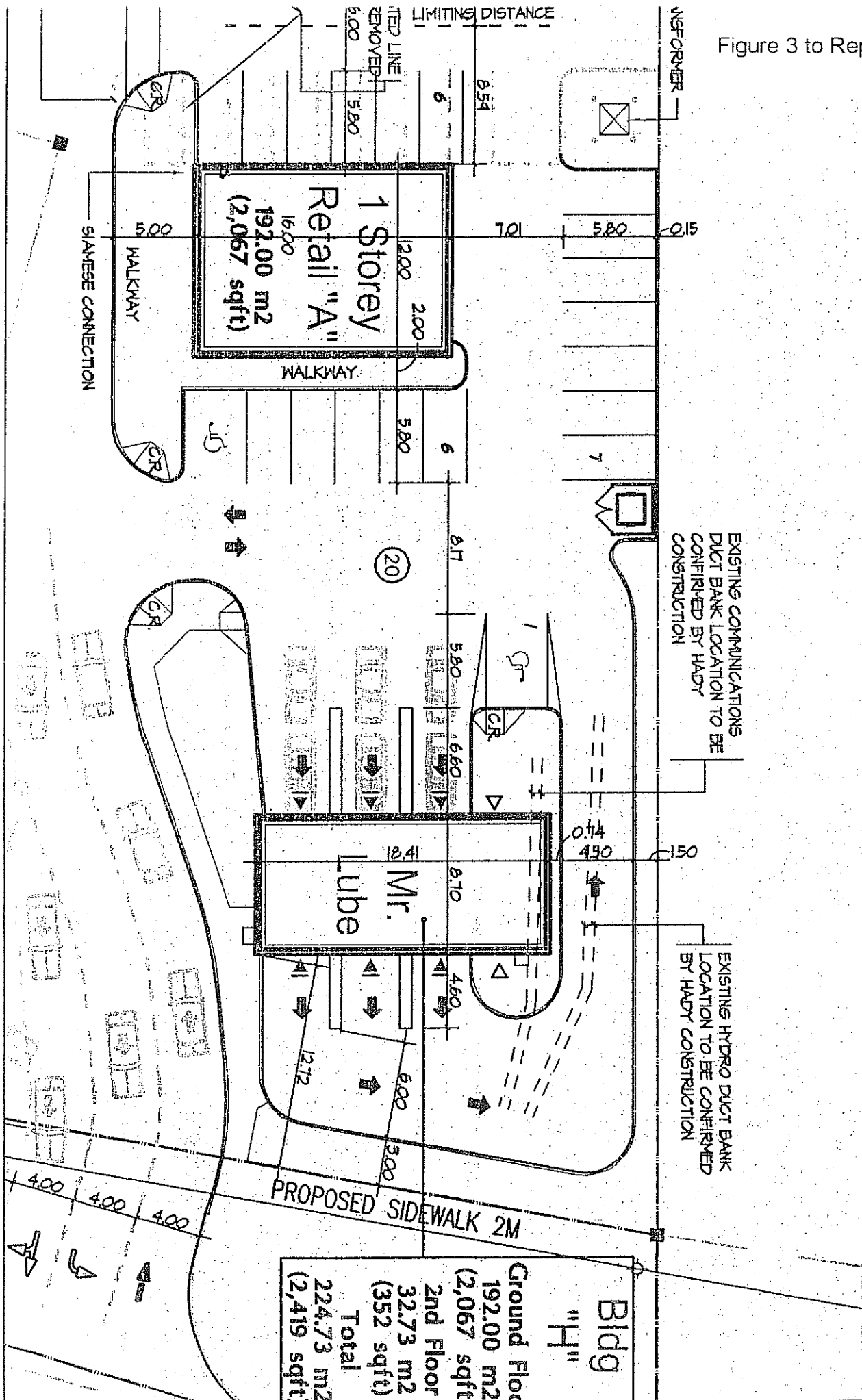
A. BALDASSARRA
Architect Inc.
7500 Jupp Street, Suite 100
Caledon, Ontario L7K 4K6
Tel: (905) 840-0721
Fax: (905) 840-0719



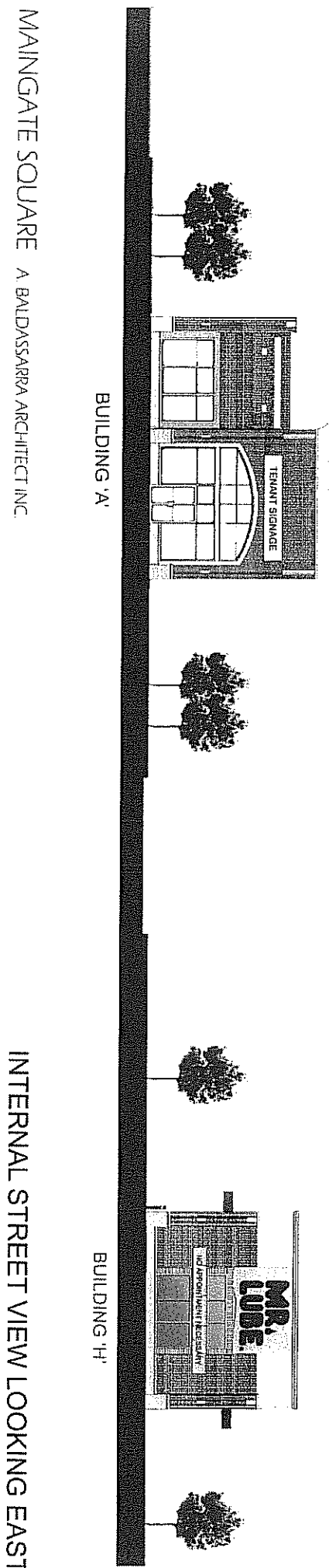
DATE	BY	DESCRIPTION
10-10	AS NOTED	
APRIL 2009	AS NOTED	
10-10	AS NOTED	

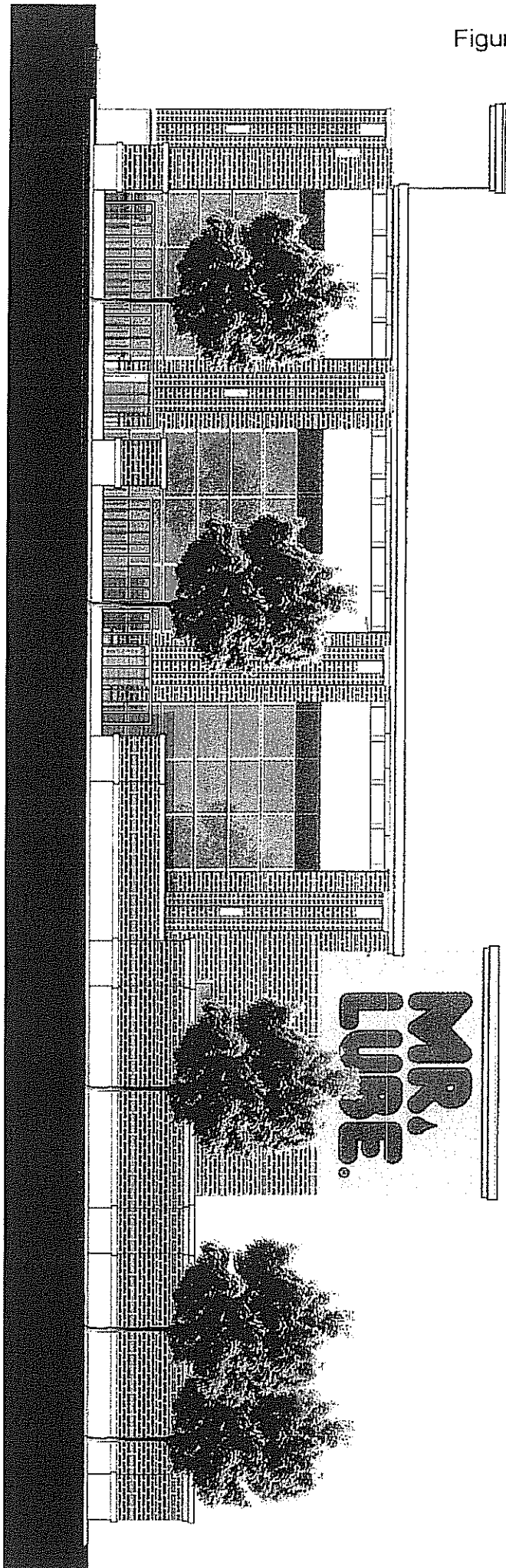


Figure 3 to Report PD-002-12



Bldg "H"	
Ground Floor	192.00 m ² (2,067 sqft)
2nd Floor	32.73 m ² (352 sqft)
Total	224.73 m² (2,419 sqft)



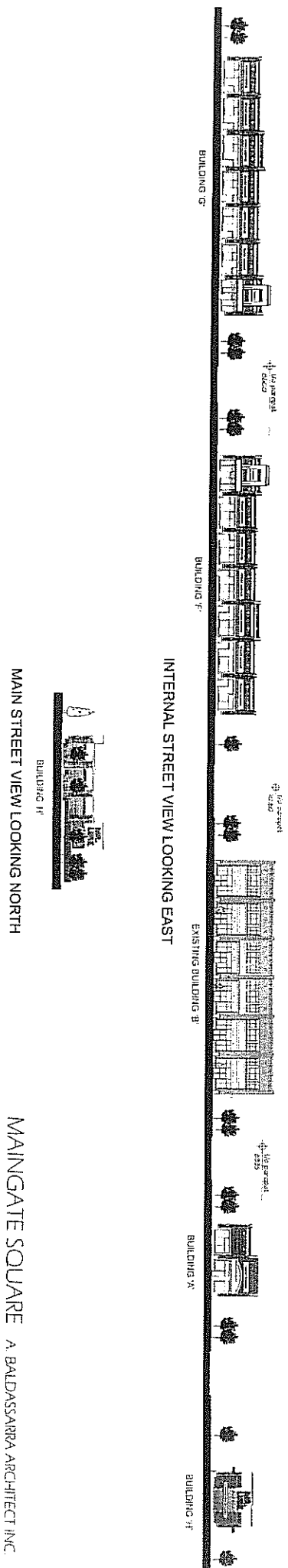


BUILDING 'H'

MAIN STREET VIEW LOOKING NORTH

MAINGATE SQUARE A BALDASSARRA ARCHITECT INC

Figure 6 to Report PD-002-12



MAIN STREET VIEW LOOKING NORTH

MAINGATE SQUARE A. BALDASSARRA ARCHITECT INC.

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. ____-2012

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 144-2003 PURSUANT TO SECTION 34 OF THE PLANNING ACT IN RESPECT OF THE LANDS MUNICIPALLY IDENTIFIED AS 1515 MAIN STEET EAST (NE CORNER OF MAIN STREET EAST AND JAMES SNOW PARKWAY) AND DESCRIBED AS PART LOT 14, CONCESSION 5, NEW SURVEY, FORMER GEOGRAPHIC TOWNSHIP OF TRAFALGAR, PART 1 ON R.P 20R-7281, TOWN OF MILTON, SCHEDULE A, FILE D14 Z-13/11.

WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 144-2003, as amended;

AND WHEREAS the Town of Milton Official Plan provides for the lands affected by this by-law to be zoned as set forth in this by-law;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby enacts as follows:

1.0 THAT Section 13.1.1.72 of Comprehensive Zoning By-law 144-2003 is hereby further amended by adding the following:

i) Additional Permitted Uses:

Commercial School – Trade/Profession
Motor Vehicle Repair Garage

ii) Special Site Provisions:

a) For the purposes of this By-law, a motor vehicle repair garage shall be defined as a premises used for the conduct of minor running mechanical repairs of motor vehicles such as fluid changes (i.e. engine oil, coolant, fuel, emission etc.), filter replacements (i.e. air, cabin, fuel, emission) and other products or services such as batteries, belts, emission valves, wiper blades, windshield replacement, lights, fuel system cleaning, engine flush and performance additives but does not include major motor vehicle repairs such as rebuilding or reconditioning of engines, transmissions or repairs that require significant disassembly and/or overnight on-site storage of vehicles.

2.0 THAT if no appeal is filed pursuant to Section 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or if an appeal is filed and the Ontario Municipal Board dismisses the appeal, this by-law shall come into force on the day of its passing. If the Ontario Municipal Board amends the by-law pursuant to Section 34(26) of the *Planning Act*, as amended, the part of parts so amended come into force upon the day the Board's Order is issued directing the amendment or amendments.

READ A FIRST, SECOND AND THIRD TIME and FINALLY PASSED this ____ day of _____, 2012.

_____ Mayor
Gordon A. Krantz

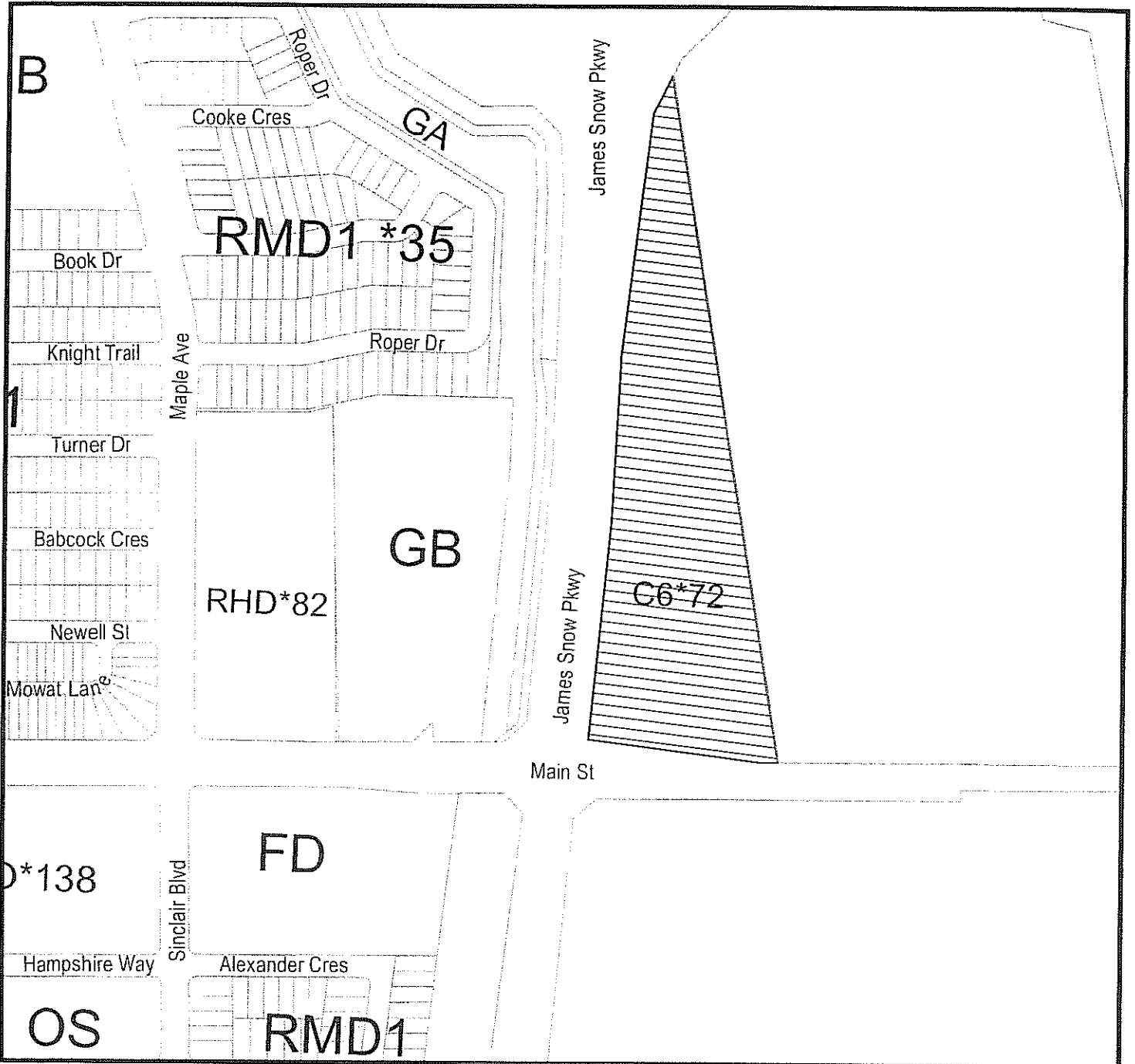
_____ Town Clerk
Troy McHarg

SCHEDULE A
TO BY-LAW No

TOWN OF MILTON

PART OF LOT 14, CONCESSION 5 NS (Trafalgar)

Town of Milton



THIS IS SCHEDULE A
TO BY-LAW No PASSED
THIS DAY OF , 2012.

 C6*72 Business Commercial Zone - Site Specific



MAYOR - Gordon A. Krantz

CLERK - Troy McHarg