



# The Corporation of the TOWN OF MILTON

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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-003-12

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Subject: Technical Report – Proposed amendment to the Zoning By-law to remove the Holding Symbol from the Lands owned by Woodbine Entertainment Group at 9430 Guelph Line, legally described as Part of Lots 8 and 9, Concession 3, Nassagaweya, permitting site plan approval of a golf course

**RECOMMENDATION: THAT Planning and Development Department Report PD-003-12 outlining an application for an amendment to the Town of Milton Zoning By-law 144-2003, as amended, to remove the Holding (H7) symbol from the lands at 9430 Guelph Line, legally described as Part of Lots 8 and 9, Concession 3, Nassagaweya, BE APPROVED;**

**AND THAT staff be authorized to bring forward an Amending Zoning By-law in accordance with the Draft By-law attached as Appendix 1 to this Report.**

## **EXECUTIVE SUMMARY**

### Requested Amendment

The applicant has requested an amendment to the Town of Milton Comprehensive Zoning By-law 144-2003, as amended, to remove the Holding (H7) Symbol on the subject lands to permit golf course uses in addition to the existing race track and accessory uses on the subject property.

The “H7” Holding Provision was placed on the subject lands at the request of Halton Region, Conservation Halton and the Town. Conditions for lifting the Holding Symbol consist of completing a satisfactory Environmental Adaptive Management Plan, fulfilling the conditions outlined in Appendix 4 to report PD-011-08, submitting a satisfactory site plan application, the Owner entering into a site plan agreement with the Town and posting the associated securities and the satisfying all of the Owner’s obligations pursuant to the Tree Compensation Agreement between the Owner and the Town.



Even though the applicant has not completed all of the requirements outlined in the “H7” Holding Provision, the site plan application is generally acceptable and the remaining outstanding matters are being addressed through the conditions in the site plan agreement and the Conservation Halton permit approval process. Halton Region and Conservation Halton have advised that they have no objection to the lifting of the Holding Symbol or to site plan approval.

The applicant has entered into a site plan agreement and is intending to post the required securities prior to approval of this report. With respect to the Owner’s obligations pursuant to the Tree Compensation Agreement, the Owner has requested that these obligations may be satisfied when the Conservation Halton permits are issued. Staff has included a condition in the site plan agreement to ensure that the Owner will satisfy these obligations. As such, Town staff is satisfied that the intent of the “H7” Holding Provision is being met.

#### Conclusions and Recommendations

Staff recommends that the application for an amendment to the Zoning By-law to remove the “H7” Holding Symbol from the subject lands be approved, as the remaining environmental issues are addressed through the conditions in the site plan agreement or will be addressed through the Conservation Halton permit approval process.

## **REPORT**

### **Background**

#### Agent

Walker Nott Dragicevic Associates Ltd.  
6 Mill Street East, Box 278  
Tottenham ON L0G 1W0

#### Owner

Woodbine Entertainment Group  
555 Rexdale Boulevard  
P.O. Box 156  
Toronto ON M9W 5L2



### Location/Description

The subject lands have an area of 175.4 ha and are located west of Guelph Line north of Highway 401. The municipal address is 9430 Guelph Line and the property is legally described as Parts of Lots 8 and 9, Concession 3, (Geographic Township of Nassagaweya) Town of Milton. The existing Zones applicable to the subject lands are Auto Commercial Site Specific (C5\*4-H7), Greenlands A (GA-H7), Greenlands A Site Specific (GA\*4a-H7), Greenlands A Site Specific (GA\*4b-H7), Greenlands B Site Specific (GB\*4a-H7), Greenlands B Site Specific (GB\*4b-H7), Golfcourse Site Specific (GC\*4-H7), Open Space (OS-H7), and Open Space Site Specific (OS\*4-H7) Zones. The location of the property and the zones applicable to the site are illustrated on Figure 1. All of the zones are subject to the "H7" Holding Provision.

### Discussion

The applicant has submitted a site plan application for a golf course on the subject lands. The application has been reviewed and comments provided. Staff is now in receipt of a revised submission which is still under review. For financial business reasons and in preparation for site plan approval, the applicant has, at this time, requested an amendment to the Town of Milton Comprehensive Zoning By-law 144-2003, as amended, to remove the "H7" Holding Symbol on the subject lands to permit golf course uses in addition to the existing race track and accessory uses on the subject property.

The "H7" Holding Provision was placed on the lands at the request of Halton Region, Conservation Halton and the Town. The following conditions are to be satisfied prior to the lifting of the Holding Symbol:

- a) The Region of Halton has advised that they are satisfied with the Owner's Environmental Adaptive Management Plan with respect to the property;
- b) The conditions in Appendix 4 to report PD-011-08 have been satisfied to the satisfaction of Conservation Halton and Halton Region and the Director of Planning and Development or Town Council is prepared to approve the Site Plan for the development and the use of a golf course on the lands and the Owner has entered into a site plan agreement with the Town with respect to the golf course and has posted the associated securities, and;
- c) The Owner has satisfied all of its obligations pursuant to the Tree Compensation Agreement between the Owner and the Town.



In support of the site plan application, the Owner submitted an Environmental Adaptive Management Plan, which has recently been resubmitted and is currently under review. It is staff's understanding that the conditions in Appendix 4 to report PD-011-08 and the Owner's obligations pursuant to the Tree Compensation Agreement between the Owner and the Town have not been fully satisfied; however, these will be addressed through the conditions of the site plan agreement and through the Conservation Halton permit approval process.

Even though the applicant has not completed all of the above requirements as outlined in the "H7" Holding Provision, the site plan application is generally acceptable. The Owner has entered into a site plan agreement with the Town, but has not yet posted the associated securities. The applicant has advised that the Owner is intending to post the required securities and financial obligations, other than the Owner's obligations under the Tree Compensation Agreement, prior to this report being approved by Council.

In their letter of December 14, 2011, Conservation Halton advised that they have no objection to the lifting of the Holding Symbol subject to conditions being included in the site plan agreement with the remaining requirements to be addressed through the Conservation Halton permit approval process. Upon resolution of the outstanding environmental issues through Conservation Halton permit(s), the applicant will have to submit, for approval to the Town, final site plan drawings as a site plan modification prior to the commencement of any site alteration.

Halton Region has advised that they are satisfied that the remaining issues have been adequately addressed by Conservation Halton's letter of December 14, 2011. As a result, the Region has no objection to the lifting of the Holding Symbol to allow execution of the site plan agreement by the Town.

With respect to the Owner's obligations pursuant to the Tree Compensation Agreement, staff has added the following condition to the site plan agreement as a safeguard that these obligations are met prior to the release of any securities held under the site plan agreement:

"Notwithstanding any other clause in this Agreement to the contrary and notwithstanding that the site plan securities outlined in Schedule D do not specifically identify an amount to be secured for the Tree Compensation Agreement, the Owner acknowledges and agrees that none of the site plan securities identified in Schedule D will be released unless the Owner's obligations under the Tree Compensation Agreement have been fully satisfied. The Owner further agrees that in the event that the project does not proceed and the Owner requests a refund of the securities listed in Schedule D, alternate



securities will need to be provided for the obligations under the Tree Compensation Agreement to the satisfaction of the Town, as the Holding Symbol for the subject lands has been lifted.”

Based on the foregoing, staff is satisfied that the intent of the conditions for the removal of the “H7” Holding Provision have been met through the site plan agreement or will be addressed through the Conservation Halton permit approval process. Therefore, staff is supportive of the adoption of an amending Zoning By-law removing the “H7” Holding Symbol from the subject lands.

### **Relationship to the Strategic Plan**

This application relates to the goal of “A diverse and Sustainable Economy”. In particular, the proposal relates to encouraging “the development of appropriate commercial and tourist commercial uses in the rural area and hamlets” under Direction 3.

### **Financial Impact**

Should the golf course development proceed, some change in the assessed value of the subject lands for property tax purposes is anticipated. In addition, development charges will be payable upon building permit issuance for any future buildings.

Respectfully submitted,

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

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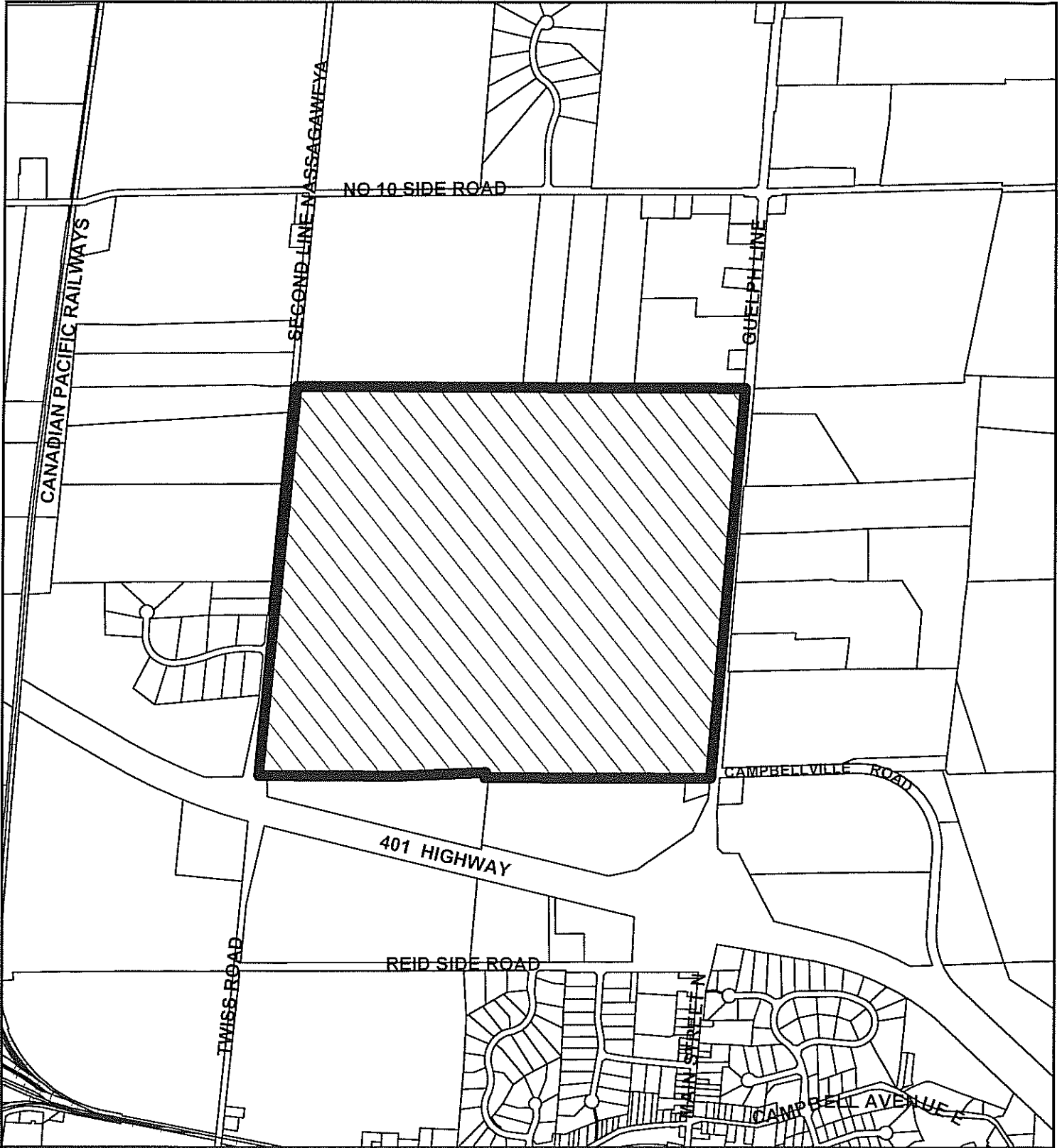
If you have any questions on the content of this report: Maria Smith, 905-878-7252 ext. 2311

Attachments: Figure 1 – Location Map  
Appendix 1 - Draft Zoning By-law

CAO Approval: \_\_\_\_\_



# FIGURE 1 LOCATION MAP



A+P Meeting Date: January 23, 2012	Scale: 1:17,000	File: Z-18/11	Planning & Development Department
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Subject Property

**Appendix 1**  
**Report PD-003-12**

**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, AS AMENDED, BY  
REMOVING A HOLDING SYMBOL PURSUANT TO SECTION 36 OF THE  
PLANNING ACT IN RESPECT OF THE LANDS DESCRIBED AS PART OF  
LOTS 8 and 9, CONCESSION III (NASSAGAWEYA), 9430 GUELPH LINE,  
WOODBINE ENTERTAINMENT GROUP, SCHEDULE A, FILE Z-18/11

**WHEREAS** the Council of the Corporation of the Town of Milton is empowered to enact this By-law by virtue of the provisions of Section 36 of the Planning Act, as amended;

**AND WHEREAS** notice of intention to remove the Holding symbol has been provided in accordance with the regulations of the Planning Act, as amended;

**AND WHEREAS** the Council of the Corporation of the Town of Milton deems it appropriate to remove the Holding symbol;

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

**1.0 THAT** Schedule A to Comprehensive Zoning By-law 144-2003, as amended, is hereby further amended by changing the existing Auto Commercial Site Specific (C5\*4-H7) to Auto Commercial Site Specific (C5\*4), the existing Greenlands A (GA-H7) to Greenlands A (GA), the existing Greenlands A Site Specific (GA\*4a-H7) to Greenlands A Site Specific (GA\*4a), the existing Greenlands A Site Specific (GA\*4b-H7) to Greenlands A Site Specific (GA\*4b), the existing Greenlands B Site Specific (GB\*4a-H7) to Greenlands B Site Specific (GB\*4a), the existing Greenlands B Site Specific (GB\*4b-H7) to Greenlands B Site Specific (GB\*4b), the existing Golfcourse Site Specific (GC\*4-H7) to Golfcourse Site Specific (GC\*4), the existing Open Space (OS-H7) to Open Space (OS), and the existing Open Space Site Specific (OS\*4-H7) to Open Space Site Specific (OS\*4) Zones as shown on Schedule A attached hereto.

**2.0 THAT** Section 13.2 is amended by adding the date that the holding provision applicable to Section 13.2.1.25 was lifted.

**3.0** This by-law shall come into force and effect on the day of its passing.

**READ A FIRST, SECOND AND THIRD TIME and FINALLY PASSED**

This \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Mayor  
G.A. Krantz

\_\_\_\_\_  
Town Clerk  
T. McHarg

# SCHEDULE A TO BY-LAW No. -2012 TOWN OF MILTON

PART OF LOTS 8 and 9, CONCESSION III, NASSAGAWEYA  
*Town of Milton*

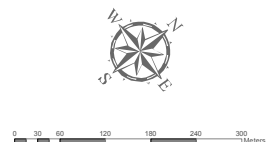


THIS IS SCHEDULE A  
TO BY-LAW NO. -2012 PASSED  
THIS DAY OF \_\_\_\_\_, 2012.

\_\_\_\_\_  
MAYOR - Gordon A. Krantz

\_\_\_\_\_  
CLERK - Troy McHarg

- C5\*4 - Auto Commercial Site Specific Zone
- GA - Greenlands A Zone
- GA\*4a - Greenlands A Site Specific Zone
- GA\*4b - Greenlands A Site Specific Zone
- GB\*4a - Greenlands B Site Specific Zone
- GB\*4b - Greenlands B Site Specific Zone
- GC\*4 - Golfcourse Site Specific Zone
- OS - Open Space Zone
- OS\*4 - Open Space Site Specific Zone



Z-05/03