



Report to: Development Services Committee

Report Date: June 2, 2015

SUBJECT: PRELIMINARY REPORT
1038715 Ontario Ltd.
Unionville Montessori School
9286 Kennedy Road
West side of Kennedy Road, north of 16th Avenue
Applications for a Zoning By-law Amendment to permit a
temporary portable and site plan approval for the portable
File No.: ZA/SC 14 125142

PREPARED BY: Gary Sellars, MCIP, RPP, ext. 2960
Senior Planner, West District

REVIEWED BY: Dave Miller, MCIP, RPP, ext. 4960
Acting Manager, West District

RECOMMENDATION:

- 1) That the report dated June 2, 2015 entitled "PRELIMINARY REPORT, 1038715 Ontario Ltd., Unionville Montessori School, 9286 Kennedy Road, Applications for a Zoning By-law Amendment to permit a temporary portable and site plan approval for the portable, File No.: ZA/SC 14 125142" be received;

PURPOSE:

This report provides preliminary information on the applications for a Zoning By-law amendment to permit a temporary portable containing 3 classrooms and site plan approval for the portable. Authorization to hold a statutory Public Meeting was received from Development Services Committee on May 5, 2015 and the Public Meeting will be held on the same date as this report. This report contains general information in regards to applicable Official Plan or other policies as well as other issues and the report should not be taken as Staff's opinion or recommendation on the applications.

BACKGROUND:

Property and Area Context

The subject property is approximately 0.27 hectares (0.66 acres) and is located on the west side of Kennedy Road, north of 16th Avenue (see Figure 1). This property in combination with six other properties forms the Unionville Montessori School lands (see Figures 2 and 3). A vacant heritage dwelling (George Hunter House, circa 1860) is located on the subject property fronting on Kennedy Road. The house is designated under Part IV of the *Ontario Heritage Act*.

The portion of the school's lands at the corner of Kennedy Road and 16th Avenue are currently vacant. A Mattamy Homes sales office was previously located on the vacant lands and the associated gravel parking area remains. The school buildings are located on the northern portion of the lands.

The surrounding area context consists of:

To the east, across Kennedy Road, is the Upper Unionville community which is currently under construction;

To the west is a residential condominium development and the Village Grocer on 16th Avenue;

To the north are single detached residential lots fronting on Kennedy Road;

To the south, across 16th Avenue, are single detached residential lots that back onto 16th Avenue.

Markham Official Plan and Zoning By-law

The in-force Official Plan (Revised 1987), as amended, designates the Unionville Montessori School lands "Agriculture (A1)" and "Future Urban Area". Site specific policies permit the existing school as built in this designation. The 2014 Official Plan (not yet in force) designates the lands "Mixed Use Mid Rise". This designation provides for private schools provided they are located on arterial or major collector roads.

The Unionville Montessori School lands are zoned Community Amenity One (CA1*260) by By-law 177-96, as amended and Rural Residential One (RR1) by By-law 304-87, as amended (see Figure 2). The Community Amenity One zone permits Private Schools. The Rural Residential One zone on the vacant lands at the corner of Kennedy Road and 16th Avenue, and on the lands on which the heritage dwelling is located, does not permit Private Schools. The Zoning By-law amendment is required because the portable is proposed to be located on the portion of the school's lands that is zoned Rural Residential (see Figure 4) which does not permit the proposed portable. This application was deemed complete on February 10, 2015.

Proposal

The proponent has submitted an application for a Zoning By-law amendment to permit a 201m² (2,164ft²) portable containing 3 classrooms on a temporary basis for three years. Section 39 of the Planning Act allows Temporary Use By-laws for a maximum 3 year period.

The applicant has advised that, due to new Day Care Act regulations, the portable is required in order to increase the square footage required per child under four years old. The additional floor area provided by the portable will serve to maintain the existing school's daycare enrolment. The applicant's long term plans for the vacant portion of the Unionville Montessori School lands is a new building that will accommodate high school students. A rezoning of the vacant lands will be required in the future to permit the applicant's long term plans.

A site plan approval application has also been submitted for the portable. Authority to approve such a development proposal has been delegated to the Director of Planning and Urban Design by Delegation By-law 2002-202.

DISCUSSION:

The in-force Official Plan (Revised 1987), as amended, would only allow a school portable in the proposed location on a temporary basis, subject to the use not requiring any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use, upon the termination of the temporary use provisions. Council may grant extensions to temporary use By-laws.

The 2014 Official Plan (not yet in force) policies require that a proposed temporary use:

- maintain the long term viability of the lands for the uses permitted in the plan
- be compatible with adjacent land uses and not jeopardize the long-term development intentions for the lands/area
- be suitable for the site in terms of site layout, building design, accessibility, provision of landscaping, screening and buffering and available services
- have no adverse impact on traffic, transportation or parking facilities in the area
- provide adequate on site parking facilities
- provide sufficient services to accommodate the proposed use
- be temporary in nature, appropriate for a limited time span and can be terminated when the authorizing by-law expires
- not entail any major construction or investment on the part of the owner so that the owner will not experience undue hardship in reverting to the original use upon termination of the temporary use provisions

ISSUES TO BE RESOLVED:

The following is a brief summary of matters raised to date. Other matters identified through the circulation and detailed review of the proposal will be addressed in a final staff report to be presented to Committee at a later date, if required.

1. Heritage staff have reviewed a Building Condition Assessment Report for the heritage dwelling that was submitted by the applicant and have met on site with the applicant to review the condition of the dwelling. The applicant is required to submit a revised report that provides additional information. This application has also been reviewed by Heritage Markham and it has recommended that certain repairs (roof repairs and exterior painting) to the building to provide effective weather protection be required, prior to site plan approval for the portable.
2. The Engineering Department has reviewed servicing, grading and stormwater management plans that have been submitted by the applicant. An Environmental Site Assessment that has also been submitted by the applicant is currently under review.

3. The Building Code Act requires buildings located on separate properties to be connected separately to municipal services (water and sanitary sewers), even if the properties are abutting each other and are in the same ownership, as is the case with the Unionville Montessori School lands. This is required since each individual property can be conveyed separately. The applicant is proposing to provide services for the portable from the school's existing servicing infrastructure. In order to accommodate this servicing, which would cross property lines, the applicant will need to merge title of the property on which the portable is proposed to be located with the adjacent lands on which the school is located. Council will have to enact a deeming by-law to facilitate this property merger. The applicant has agreed to this action.
4. The applicant has advised that with the addition of the 3 classroom portable, the school will have a total of 31 classrooms. At the rate of 4 parking spaces per classroom required by the Parking Standards By-law 28-97, a total of 124 parking spaces would be required. There are currently 128 parking spaces provided at the school. The Building Department has advised that further information is required from the applicant with respect to classroom type to ensure compliance with parking requirements.

FINANCIAL CONSIDERATIONS:

Not applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

POTENTIAL BENEFITS OF APPROVAL OF THE PROPOSAL:

The proposed portable will enable the school to maintain its current daycare enrolment.

ALIGNMENT WITH STRATEGIC PRIORITIES:

Growth Management:

Providing for complete communities that include both public and private institutional uses.

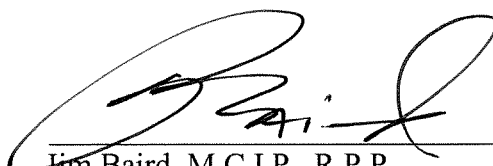
BUSINESS UNITS CONSULTED AND AFFECTED:

The applications have been circulated to various City departments and external agencies and are currently under review. Requirements of the City and external agencies will be reflected in the Zoning By-law amendment, site plan and site plan agreement.

RECOMMENDED BY:



Ron Blake, M.C.I.P., R.P.P.
Acting Senior Development Manager



Jim Baird, M.C.I.P., R.P.P.
Commissioner, Development Services

ATTACHMENTS:

Figure 1 – Location Map

Figure 2 – Area Context/Zoning

Figure 3 – Air Photo

Figure 4 – Site Plan

Figure 5 – Photo of proposed portable

APPLICANT / AGENT:

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File path: Amanda\File 14 125142\Documents\Recommendation Report

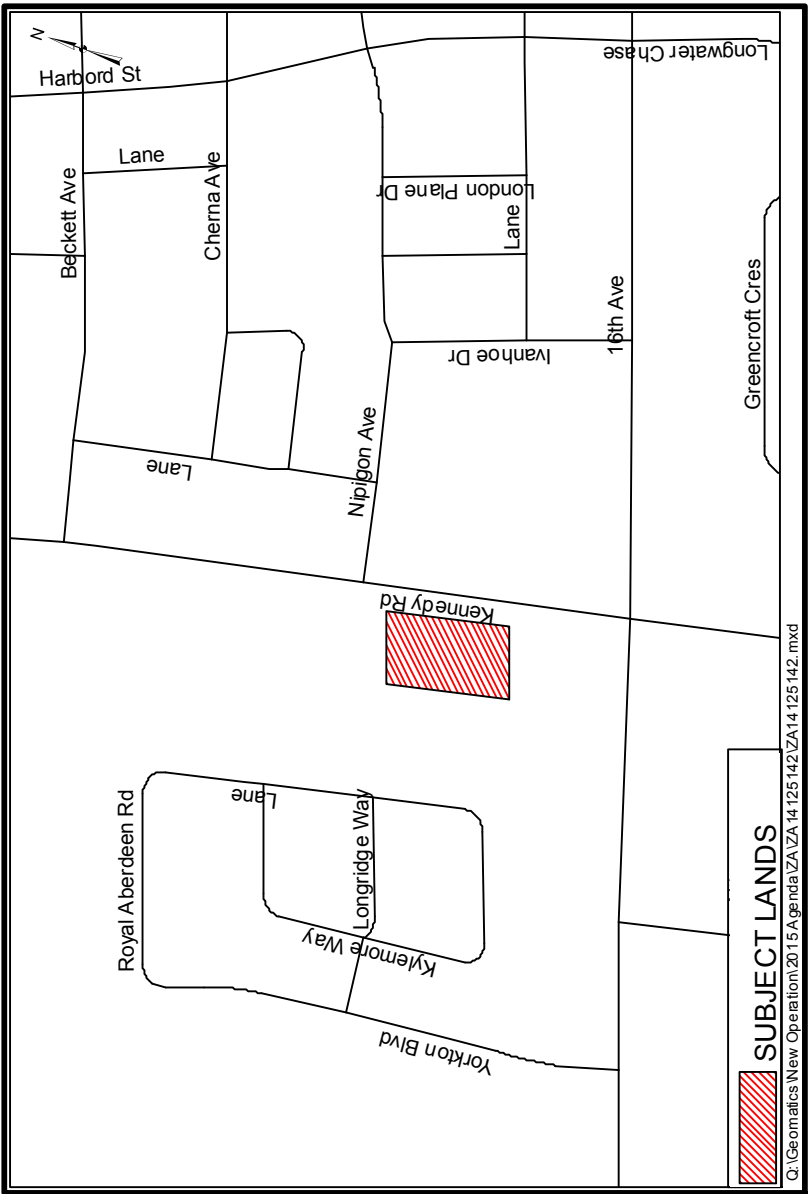
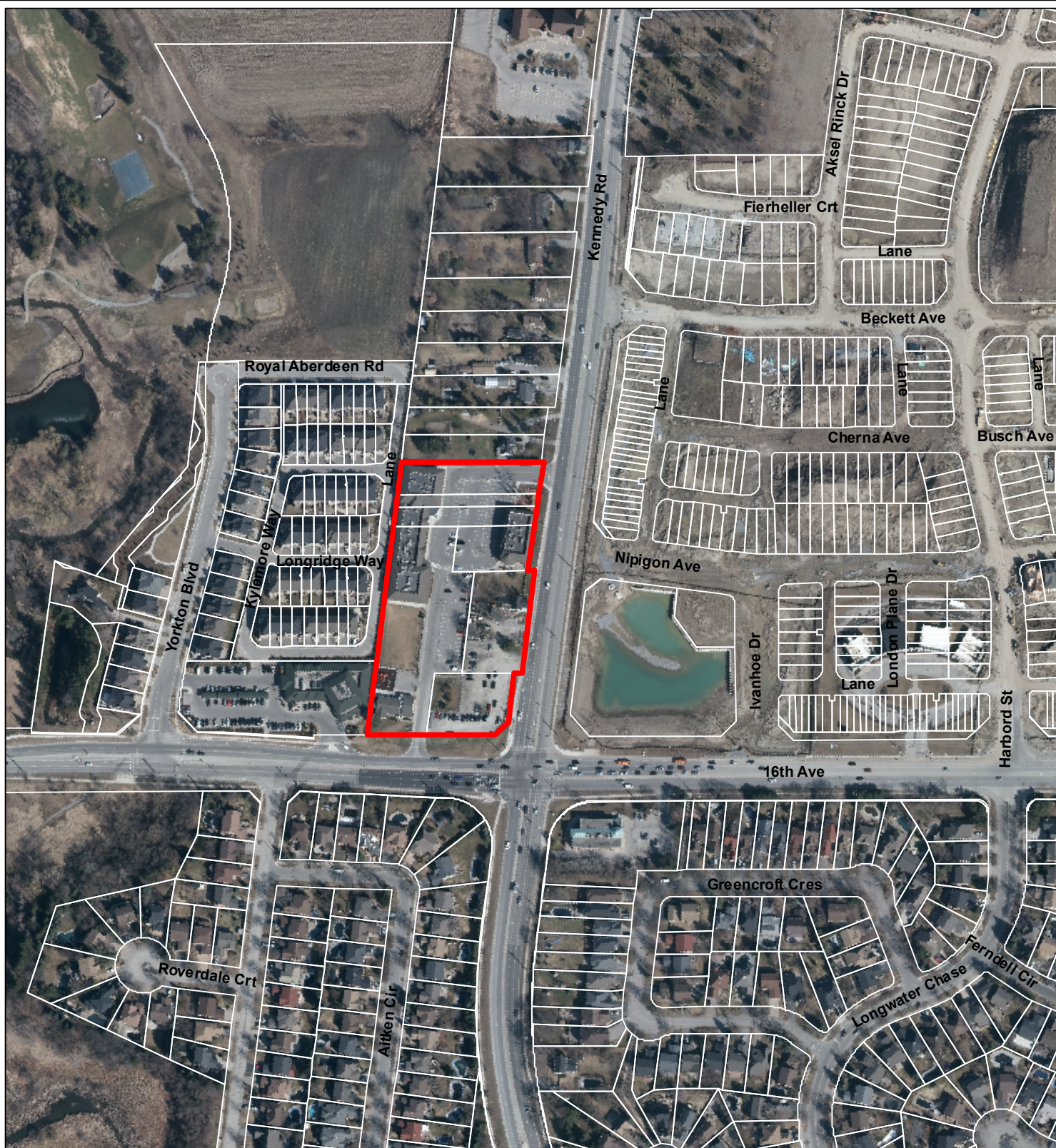




FIGURE No. 2



AIR PHOTO

APPLICANT: 1038715 ONT.LTD.

UNIONVILLE MONTESSORI SCHOOL

9286 KENNEDY ROAD

NW CORNER OF 16TH AVE & KENNEDY ROAD

 SUBJECT LANDS

FILE No. ZA_SC14125142 (GS)

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DATE: 01/04/2015

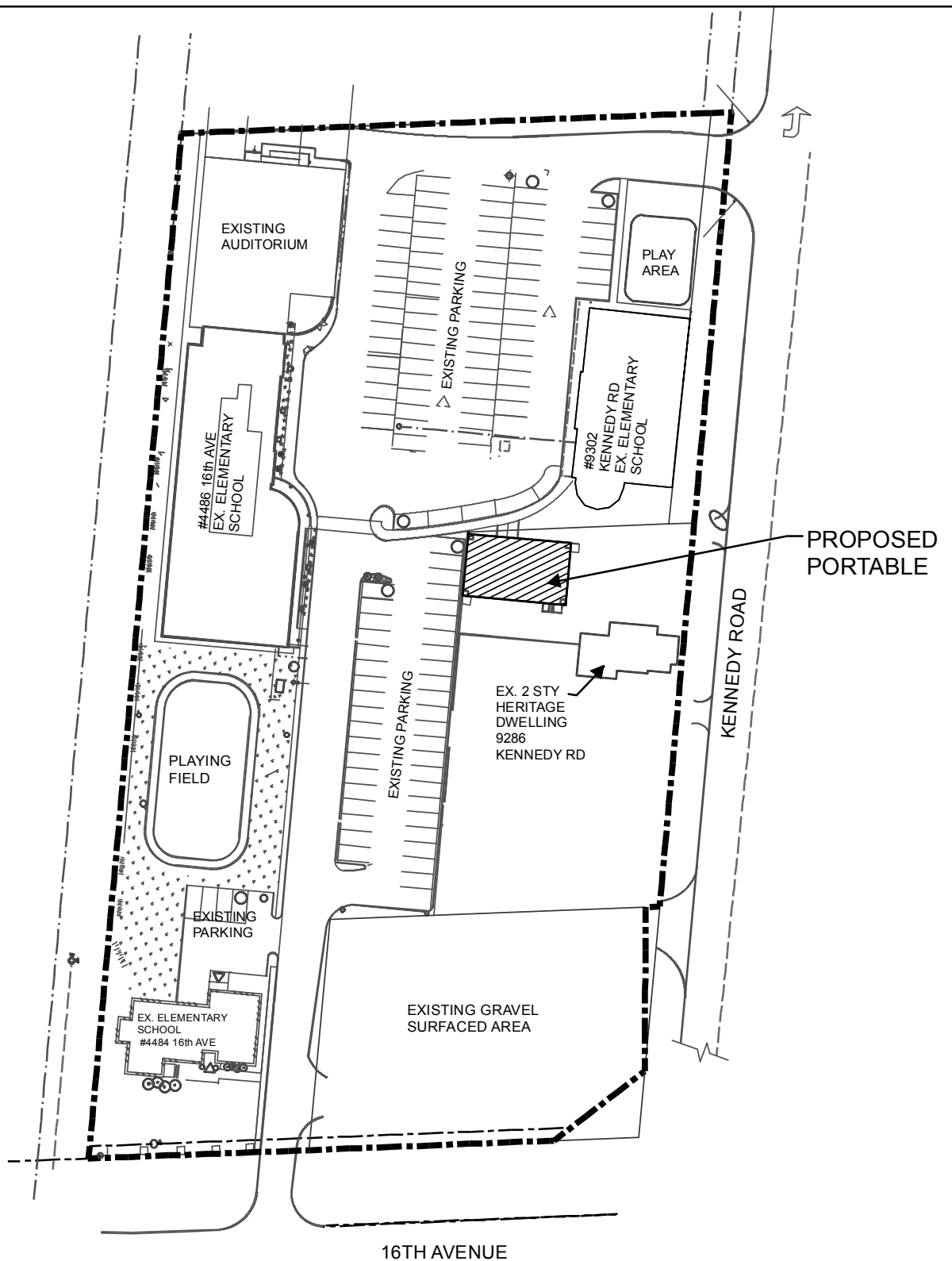


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FIGURE No. 3



SITE PLAN

APPLICANT: 1038715 ONT.LTD.
UNIONVILLE MONTESSORI SCHOOL
9286 KENNEDY ROAD
NW CORNER OF 16TH AVE & KENNEDY ROAD

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FIGURE No. 4

