

**SUBJECT:** PRELIMINARY REPORT 1938540 Ontario Ltd., Unionville Montessori School, Temporary Use Zoning By-law Amendment Application to permit a private school and day nursery to operate within the existing portable at 9286 Kennedy Road, File No. PLAN 19 256209 (Ward 6)

**PREPARED BY:** Rick Cefaratti, MCIP, RPP, Ext. 3675  
Planner II, West District

**REVIEWED BY:** Dave Miller, MCIP, RPP, Ext. 4960  
Manager, West District

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**RECOMMENDATION:**

1. That the report dated September 23, 2019 entitled “PRELIMINARY REPORT, 1938540 Ontario Ltd., Unionville Montessori School, Temporary Use Zoning By-law Amendment Application to permit a private school and day nursery within the existing portable at 9286 Kennedy Road, File No. PLAN 19 256209 (Ward 6)” be received;

**PURPOSE:**

This report provides preliminary information on a Temporary Use Zoning By-law to permit an existing portable containing three classrooms to continue. The portable operates in association with the existing school and day nursery on the site. This report also contains general information in regards to applicable Official Plan and related policies as well as other issues and should not be taken as Staff’s opinion or recommendation on the application.

**BACKGROUND:****Property and Area Context**

The Unionville Montessori School (“UMS”) lands include three adjoining properties that are located on the west side of Kennedy Road, north of 16<sup>th</sup> Avenue (see Figures 1, 2 and 3). A vacant heritage dwelling (George Hunter House, circa 1860) and portable are located on the property fronting onto 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 16<sup>th</sup> Avenue are currently vacant (4488 16<sup>th</sup> Avenue). The school buildings (4486 and 4484 16<sup>th</sup> Avenue) are located on the north and west portion of the subject lands. A day nursery (9302 Kennedy Road) also fronts onto Kennedy Road.

Single detached residential lots fronting onto Kennedy Road are located to the north. To the east, across Kennedy Road, is the recently developed Upper Unionville community. To the west is the Kylemore Communities Yorkton residential condominium development and the Village Grocer on 16<sup>th</sup> Avenue. To the south, across 16<sup>th</sup> Avenue, are single detached residential lots that back onto 16<sup>th</sup> Avenue.

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The previous Temporary Use Zoning By-law Amendment (By-law# 2015-105) was approved (File No. ZA 14 125142) to permit the existing school portable on the above noted lands. The Temporary Use Zoning By-law expired on June 23, 2018. Consequently, the applicant is asking to extend permission to allow the existing portable to remain on a temporary basis for an additional three years.

**Process to date and next steps:**

- The application to amend the Zoning By-law was deemed complete on April 26, 2019.
- A Statutory Public Meeting will be scheduled for October 7, 2019 to provide an opportunity for the public to comment on the proposed amendment to the Zoning By-law;
- Following the Public Meeting, Development Services Committee will receive a recommendation report regarding the proposed Temporary Use Zoning By-law Amendment application that address matters raised in this report and at the Public Meeting;

**OFFICIAL PLAN AND ZONING**2014 Official Plan

The City's 2014 Official Plan (as partially approved on November 24, 2017 and updated on April 9, 2018) designates the subject lands as "Mixed Use Mid Rise". This designation provides for private schools provided they are located on arterial or major collector roads.

Zoning

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 CA1\*260 zone permits Private Schools. The RR1 zone on the vacant lands at Kennedy Road and 16<sup>th</sup> Avenue, and on the lands on which the heritage dwelling is located, does not permit a Private School or Day Nursery. The existing portable is located on the portion of the school's lands that is zoned RR1 (see Figure 4) and was permitted subject to the previous temporary use by-law.

**OPTIONS/ DISCUSSION:**

Council may authorize extensions to temporary use by-laws provided that such extensions do not jeopardize the long-term development intentions for the subject lands.

Provided that no significant concerns are raised at the Public Meeting, it may be reasonable to extend the temporary use permission for another 3 years starting on the expiry of the previous temporary use by-law (By-law #2015-105 expired June 23, 2018).

Due to its prominent location adjacent to Kennedy Road, a permanent zoning change to permit private school and daycare uses to operate within the existing portable was not considered appropriate and a temporary use by-law was approved. Staff has had discussions, with the owner of UMS, regarding their proposed expansion, which includes the addition of permanent multi-storey buildings on these lands. The extension of the

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temporary use by-law, will provide the owner an opportunity to develop an expansion proposal prior to the submission of formal development applications.

No issues have been raised to date. If any issues are identified through the circulation and detailed review of the proposal or at the Public Meeting they can be addressed in a final staff report, if required.

The previous Temporary Use By-law included the following special Zone Standards:

Zone Standards

- a) minimum required *rear yard* – 0 metres;
- b) a *private school* and a *nursery school* may only be located within a portable building;
- c) the provisions of Section 5.5 shall not apply; and,
- d) required parking spaces for the additional uses permitted on those lands may be located on adjacent lands to the west.

These zone standards and parking provisions should continue to apply to an extended temporary use by-law on the subject lands, if approved.

**FINANCIAL CONSIDERATIONS:**

Not applicable.

**HUMAN RESOURCES CONSIDERATIONS**

Not applicable.

**ALIGNMENT WITH STRATEGIC PRIORITIES:**

The applications were reviewed in the context of the City's strategic priorities of Growth Management – providing for complete communities that include both public and private institutional uses.

**BUSINESS UNITS CONSULTED AND AFFECTED:**

The application has been circulated to various City departments and external agencies and is currently under review. Requirements of the City and external agencies will be reflected in the Zoning By-law amendment.

**RECOMMENDED BY:**

Biju Karumanchery, R.P.P., M.C.I.P.  
Director of Planning and Urban Design

Arvin Prasad, R.P.P., M.C.I.P.  
Commissioner of Development Services

**ATTACHMENTS:**

Figure 1 – Location Map  
Figure 2 – Area Context/Zoning  
Figure 3 – Air Photo  
Figure 4 – Site Plan

**APPLICANT / AGENT:**

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