



The Corporation of the Town of Milton

Report To: Council

From: Barbara Koopmans, Commissioner, Planning and Development

Date: October 7, 2019

Report No: PD-037-19

Subject: Public Meeting and Initial Report: Proposed Local Official Plan Amendment and Zoning By-law Amendment by Radha Soami Society Beas Canada and 2542534 Ontario Inc., for lands known municipally as 6566 Sixth Line, Milton (Town Files: LOPA-05/19 & Z-03/19)

Recommendation: THAT Planning and Development Report PD-037-19, 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 purpose of the applications is to amend the Zoning By-law from the current site specific Temporary Future Development Special (T11-FD*112) Zone to a site-specific Institutional Zone (I-A*XXX) to permit the existing study centre/place of worship use on a permanent basis. The current Temporary Use By-law expires in November 2019. The amendment to the Official Plan (Derry Green Secondary Plan) is required to add a special policy area to permit the existing study centre/place of worship on a permanent basis.

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 any issues raised through the consultation and review process.

REPORT

Background

Owner:

Radha Soami Society Beas Canada & 2542534 Ontario Inc.



Background

Applicant:

James Dymont, Municipal Planning Consultants, 326 Howland Ave., Toronto, ON

Location:

The subject property is municipally known as 6566 Sixth Line and is located on the west side of Sixth Line, immediately south of the Trafalgar Golf and Country Club and adjacent to the Union Gas pipeline corridor (See Figure 1 - Location Map).

Site Description:

The subject property is approximately 12.4 hectares in size with approximately 380 metres of frontage on Sixth Line. The portion of the property occupied by the study centre/place of worship has an area of 4.28 hectares and a frontage of approximately 55.5 metres. The site contains the worship building, an associated parking lot and a designated heritage dwelling, which is also used for Society office purposes. The property has permitted or approved on-site sewage systems.

A branch of Sixteen Mile Creek meanders along a wooded valley, through scrub and farmland in the north eastern portion of the site. This part of the site is designated Natural Heritage System and is located in the Regional Storm flood plain.

A 45 metre wide easement in favour of Union Gas extends along the northerly limit of the subject lands, adjacent to the worship building.

The subject lands are in the edge of the designated "Business Park" area with a Natural Heritage Oriented Area overlay within the Derry Green Corporate Business Park Secondary Plan.

The Science of the Soul Study Centre is a non-denominational charitable organization dedicated to fostering spiritual development in the individual. The study centre/place of worship is an institutional land use where gatherings take place for spiritual fulfilment and guidance.

Surrounding Land Use:

To the north-west there is the Trafalgar Golf and Country Club with a Golf Course (GC) and Natural Heritage System (NHS) zones under Zoning By-law 016-2014, as amended. To the west are agricultural and utility lands zoned Agricultural (A1), Greenlands A (GA), Greenlands B (GB) and Future Development (FD). To the south east are agricultural lands and non farm related residential uses zoned Agricultural (A1) and Greenlands A (GA). The lands to south west are zoned Future Development under Zoning By-law 144-2003, as amended.

Background

Proposal:

The applicant is proposing to establish the existing place of worship and study centre as a permanent use. The use has been formerly recognized through a temporary use by-law, site plan and development agreement and site specific policy exception.

The proposed Local Official Plan amendment seeks to permanently allow the existing place of worship/study center to operate one day per week on the lands, subject to restrictions on the use to ensure that the building footprint size and intensity of the use is not increased. The current Official Plan (Derry Green Corporate Business Park Secondary Plan) policies permit a study centre as a temporary use subject to specific restrictions in accordance with a decision of the Ontario Municipal Board issued November 1, 2005. Attached to this report as Appendix 1 is the Draft Official Plan Amendment.

The proposed Zoning By-law amendment seeks to re-zone the subject lands from the Future Development (FD) and Temporary Use (T-11-FD*112) Zone to the Minor Institutional Exception___ (IA*__) Zone in order to permanently permit the current use as a place of worship having a maximum capacity of 1500 persons. The amendment would carry forward the special provisions contained in the Temporary Use By-law related to required parking, surface treatment of parking and driveway areas and maximum ground floor area of the worship building. Attached to this report as Appendix 2 is the Draft Zoning Bylaw.

Supporting information has been submitted by the applicant (available on the Town's website for review) as follows:

- Planning Justification Report, prepared by Municipal Planning Consultants, dated August, 2019;
- Reference Plan 20R-21223, prepared by Fiddes Clipsham Inc. dated September 24, 2018
- Traffic Impact Study letter, prepared by WSP, dated August 19, 2019;
- Wastewater Infrastructure letter, prepared by Rivercourt, dated August 19, 2019.

Discussion

Planning Policy

The subject lands fall with the Derry Green Corporate Business Park Secondary Plan, which was consolidated through OPA 41 and approved on November 8, 2015. The Derry Green Secondary Plan designates the lands as Business Park Area with an overlay designation of Natural Heritage Oriented Area.

Section C.9.5.1.7 notes that the subject lands as designated on Schedule “B” as Natural Heritage Oriented Area - Temporary Use shall be subject to the policies of the Natural Heritage Oriented Area. In addition, a study centre shall be permitted as a temporary use subject to specific restrictions in accordance with a decision of the Ontario Municipal Board issued November 1, 2005.

Notwithstanding the above, it should be noted that institutional land uses are not a permitted land use with the Derry Green Corporate Business Park Secondary Plan.

OPA#31, as modified by Halton Region, updates the Official Plan in conformity with Provincial Policy. The policy for non-employment uses in *Employment Areas* was modified to fully align with the Region Official Plan (ROPA38). Accordingly, a new Section 3.7.1.12 is added to the Official Plan as follows:

“NON-EMPLOYMENT USES

Within Employment Areas, residential and other non-employment uses, including major retail uses, shall be prohibited, except:

- a) to recognize uses permitted by specific policies of this Plan prior to December 16, 2009; or
- b) for institutional uses identified as a result of a detailed study that sets limits and criteria on such uses based on the following principles:
 - i. the use is small scale and such uses collectively within the Employment Area shall not change the character of that Employment Area;
 - ii. the location and design of the use meet the Region of Halton’s Land Use Compatibility Guidelines;
 - iii. the use is located at the periphery of the Employment Area;
 - iv. such uses do not collectively displace employment from Employment Areas to result in a shortfall in Employment Areas to meet the employment forecast contained in Section 2.1.4 of this Plan.”

The proposed local Official Plan amendment seeks to amend the Official Plan policies to permanently establish the current temporary use, subject to limits and criteria on the use in accordance with the principles set out in 3.7.1.12 above.

It is noted that that there is a proposed trail along the gas corridor lands and to Sixth Line contemplated through the Secondary Plan in the vicinity of the subject lands were as depicted on Schedule C-9-A. The trail connection along the gas corridor lands is envisioned as a continuation of the Milton Pipeline Trail which exists from Tremaine through to James Snow Parkway, and is intended to extend east to Sixth Line with connectivity to the proposed Derry Green Community Park. The most easterly connection to Sixth Line will pass through the existing NHS on the subject lands.

Zoning By-law 016-2016, as amended

In 2005, the Ontario Municipal Board (OMB) approved the Temporary Use By-law to permit the Radha Soami Society Beas (RSSB) Canada Study Centre within an existing building for a three-year period. This site specific by-law changed the zoning on the property from Future Development (FD) to the current temporary site-specific (T-11-FD*112) zone. Since that time, the Society has sought and was granted, extensions to their temporary use by-law, with the most recent extension occurring in November 2016 and set to expire on November 21 2019.

The OMB required that certain restrictions upon the use of the building by the Society be imposed by way of a development agreement between the Society and the Town which has been registered on title since 2008. In 2017, the Development Agreement was amended to allow an increase in the existing study centre from 500 persons to a maximum of 1,500 persons.

This site specific amendment would permit the continuation of the existing study centre/place of worship use on a permanent basis, subject to the same provisions contained in the Temporary Use By-Law and imposed by the Development Agreement.

Site Plan Control

The applicant has already obtained Site Plan Approval for the development including entering into a Site Plan Agreement with the Town and providing securities to guarantee the completion of works in accordance with the approved drawings.

Public Consultation and Review Process

Notice for the public meeting was provided pursuant to the requirements of the Planning Act on September 12, 2019.

The application was circulated to internal and external agencies on September 4, 2019 with a commenting deadline of October 12, 2019. Staff have identified the following issues to be reviewed:

- The scale and intensity of the use
- Traffic impacts
- Land use compatibility
- Planned trail connections

A Technical Report with recommendations will be brought forward for Council consideration upon completion of the evaluation of the application



The Corporation of the Town of Milton

Report #:
PD-037-19
Page 6 of 6

Financial Impact

None arising from this Report

Respectfully submitted,

Barbara Koopmans, MPA, MCIP, RPP, CMO
Commissioner, Planning and Development

For questions, please contact: David Twigg, BA (Hons)
MRTPI, Senior Planner

Phone: Ext. 2205

Attachments

Figure 1 – Location Map
Appendix 1 – Draft Official Plan Amendment
Appendix 2 – Draft Zoning By-law Amendment

CAO Approval
Andrew M. Siltala
Acting Chief Administrative Officer

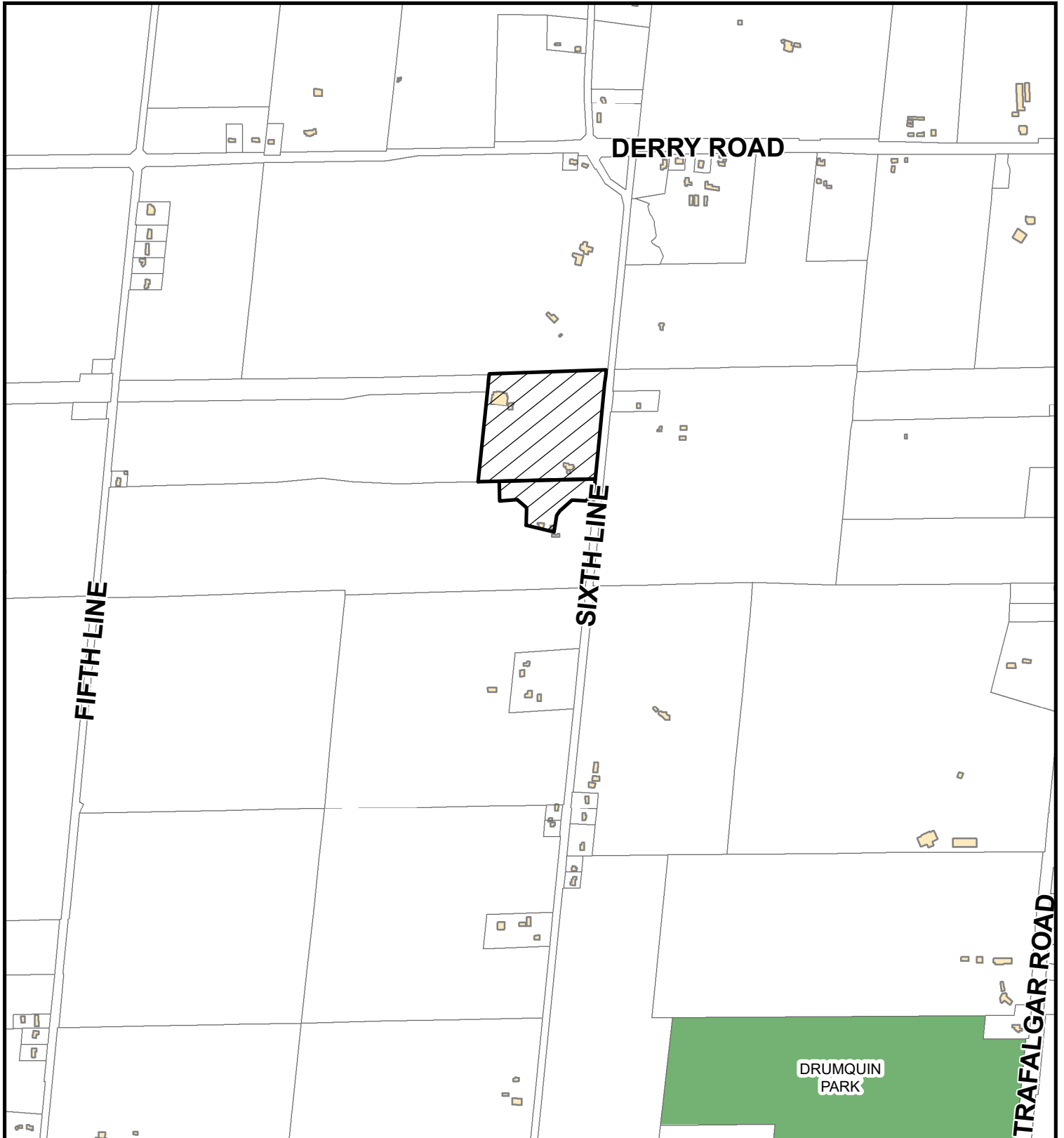


MILTON

FIGURE 1 LOCATION MAP



MILTON

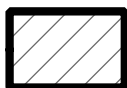


Public Meeting Date:
October 7, 2019

Scale: 1: 15,000

Files: LOPA-05/19 & Z-03/19

Planning & Development Department



Subject Property

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THE CORPORATION OF THE TOWN OF MILTON

BY-LAW XXX-2019

BEING A BY-LAW OF THE TOWN OF MILTON TO ADOPT AN AMENDMENT TO THE TOWN OF MILTON OFFICIAL PLAN PURSUANT TO SECTIONS 17 AND 21 OF THE *PLANNING ACT*, AS AMENDED, TO ADOPT AMENDMENT NO. XX TO THE APPROVED OFFICIAL PLAN (TOWN FILE: LOPA-05/19)

The Council of the Corporation of the Town of Milton, in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, hereby enacts as follows:

1. **THAT** Amendment No. XX to the Official Plan of the Corporation of the Town of Milton, attached hereto, is hereby adopted.
2. **THAT** pursuant to Subsection 17(27) of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, this Official Plan Amendment comes into effect the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to subsections 17 (24) and (25). Where one or more appeals have been filed under Subsection 17 (24) or (25) of the said Act, as amended, this Official Plan Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Land Use Planning Appeals Tribunal.
3. **THAT** in the event that the Regional Municipality of Halton, being the Approval Authority, has declared this Official Plan Amendment to not be exempt, the Clerk is hereby authorized and directed to make application to the Approval Authority for approval of the aforementioned Amendment Number XX to the Official Plan of the Town of Milton.

PASSED IN OPEN COUNCIL ON2019.

Mayor
Gordon A. Krantz

Clerk
Troy McHarg

**AMENDMENT NUMBER XX
TO THE OFFICIAL PLAN
OF THE TOWN OF MILTON**

Subject:

RADHA SOAMI SOCIETY BEAS CANADA

**Part Lot 9, Concession 6, Former geographic Township of Trafalgar,
6566 Sixth Line, Town of Milton**

**The following text and schedules constitute
Amendment No. XX to the Official Plan
Of the Town of Milton**

August 2019

AMENDMENT NUMBER XX TO THE OFFICIAL PLAN OF THE TOWN OF MILTON

PART I- THE PREAMBLE, does not constitute part of this Amendment

PART II- THE AMENDMENT, consisting of the following text constitutes Amendment No. XX to the Official Plan of the Town of Milton

DRAFT

PART I: THE PREAMBLE

THE TITLE

This amendment, being an amendment to the Official Plan to the Town of Milton shall be known as:

Amendment No. XX to the Official Plan of the Town of Milton- Town Wide

PURPOSE OF THIS AMENDMENT

The purpose of the amendment is to incorporate revisions to the Derry Green Business Park Secondary Plan that would permit the continued use of the subject lands as a place of worship whereas the current policies in the Secondary Plan recognize the use as a temporary use. The amendment limits the use of the lands to the current size and intensity of the use.

LOCATION OF THE AMENDMENT

This amendment affects only Part Lot 9, Concession 6, Former geographic Township of Trafalgar 6566 Sixth Line, Town of Milton as shown on Schedule A-1, attached to and forming part of this amendment.

EFFECT OF THE AMENDMENT

At the present time, the Derry Green Business Park Secondary Plan includes a special policy that states :

C.9.5.1.8 Natural Heritage Oriented Area - Temporary Use Area

The lands south of the Union Gas Pipeline, east of Sixth Line designated on Schedule "B" as Natural Heritage Oriented Area - Temporary Use shall be subject to the policies of the Natural Heritage Oriented Area. In addition, a study centre shall be permitted as a temporary use subject to specific restrictions in accordance with a decision of the Ontario Municipal Board issued November 1, 2005.

The lands described in the policy are identified in Schedule B to the Secondary Plan. The effect of the amendment is to revise those specific policies to recognize the use of the land as a place of worship and to permit the use on a permanent basis, with restrictions that would limit the size and intensity of the use to reflect the current, existing use of the lands.

Part II: THE AMENDMENT

The various sections of the Town of Milton Official Plan, as referenced below, are amended as follows:

1. That Section C.9.5.1.8 is hereby amended by deleting the Section and replacing it with the following:

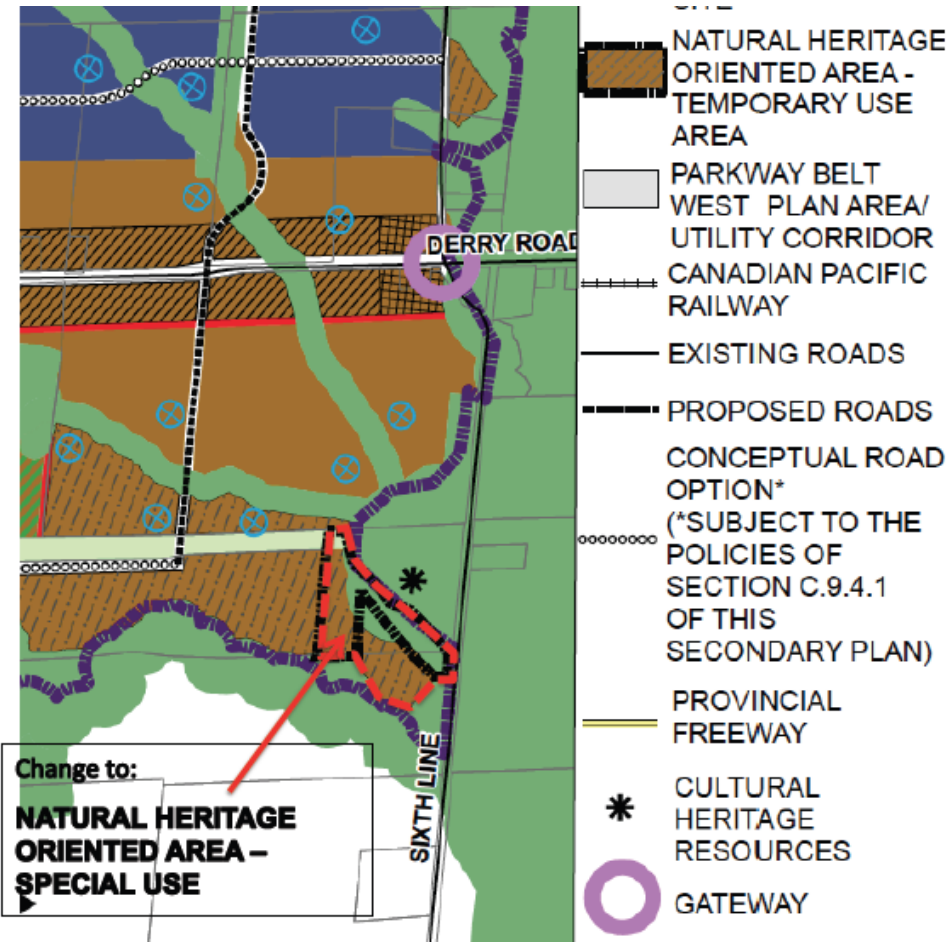
“C.9.5.1.8 Natural Heritage Oriented Area - Special Use Area

The lands south of the Union Gas Pipeline, east of Sixth Line designated on Schedule “B” as Natural Heritage Oriented Area - Special Use shall be subject to the policies of the Natural Heritage Oriented Area save and except that the existing place of worship is permitted to operate one day per week on the lands. The Zoning By-law may place restrictions on the use to ensure that the building footprint size and intensity of the use is not increased.”

2. That Schedule C-9-B is hereby amended by changing the language in the legend from “Natural Heritage Oriented Area - Temporary Use” to “Natural Heritage Oriented Area - Special Use” as shown on Schedule A-1 attached to and forming part of this Amendment.

DRAFT

Schedule A-1 to Official Plan Amendment No. _____



THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. -2019

BEING A BY-LAW OF THE TOWN OF MILTON TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 016-2014, AS AMENDED, PURSUANT TO SECTION 34 OF THE *PLANNING ACT*, AS AMENDED, IN RESPECT OF THE LANDS DESCRIBED AS PART LOT 9, CONCESSION 6, NEW SURVEY, FORMER GEOGRAPHIC TOWNSHIP OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON AND MUNICIPALLY KNOWN AS 6566 SIXTH LINE (RADHA SOAMI SOCIETY BEAS-CANADA) - TOWN FILE Z-03/19

WHEREAS the Council of the Corporation of the Town of Milton deems it appropriate to amend Comprehensive Zoning By-law 016-2014, as amended;

AND WHEREAS the Town of Milton Official Plan will provide for the lands affected by this By-law to be zoned as set forth in this By-law upon the approval of Official Plan Amendment Number XX;

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

1. **THAT** Schedule A to Comprehensive Zoning By-law 016-2014 is hereby further amended by changing the existing Temporary Future Development (T1-FD*112) Zone symbol to a site -specific Institutional (I-A*XXX) Zone symbol shown on Schedule A attached hereto.
2. **THAT** Section 13.3.1.1 of Comprehensive By-law 016-2014 is hereby further amended by adding subsection 13.3.1.1.XXX as follows:
 - i) **Additional Permitted Use:**
 - Place of Worship
 - Accessory Residential Dwelling
 - ii) **Special Site Provisions:**
 - a) Notwithstanding the requirements of Section 5.1 ii), 5.5.1. i) b) and 5.13.2 to the contrary, the following site specific provisions shall apply to the temporary use:
 - a. the required parking spaces may have a gravel or grassed surface treatment with a minimum of 40 spaces having a gravel surface and the required disabled parking spaces having a hard surface treatment;

- b. the driveway access may be gravel surface treatment with the exception of the first 30 metres adjacent to Sixth Line which shall have an asphalt surface treatment, and the driveway access shall have a minimum width of 6.0 metres and maximum width of 7.5 metres; and
 - c. parking shall be provided on the basis of the greater of 1 parking space per 4 seat capacity or 1 parking space per 9 square metres of gross floor area.
- iii) The maximum ground floor area of the place of worship shall not exceed 1350 square metres or occupancy of 1500 persons in accordance with the Building Code Act.
4. 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 Local Planning Appeal Tribunal dismisses the appeal, this by-law shall come into force on the day of the passing. If the Local Planning Appeal Tribunal amends the by-law pursuant to Section 34(26) of the Planning Act, as amended, the part or parts so amended come into force upon the day the Tribunal's Order is issued directing the amendment or amendments.

PASSED IN OPEN COUNCIL ON, 2019.

Gordon Krantz Mayor

Troy McHarg Town Clerk

SCHEDULE A
TO BY-LAW No. -2019
TOWN OF MILTON

PART OF LOT 9, CONCESSION 6 TRAFALGAR NEW SURVEY

Town of Milton



THIS IS SCHEDULE A
TO BY-LAW NO. _____ PASSED
THIS ___ DAY OF _____, 2019.

 Institutional IA* ___ Zone

MAYOR - Gordon A. Krantz

TOWN CLERK- Troy McHarg

