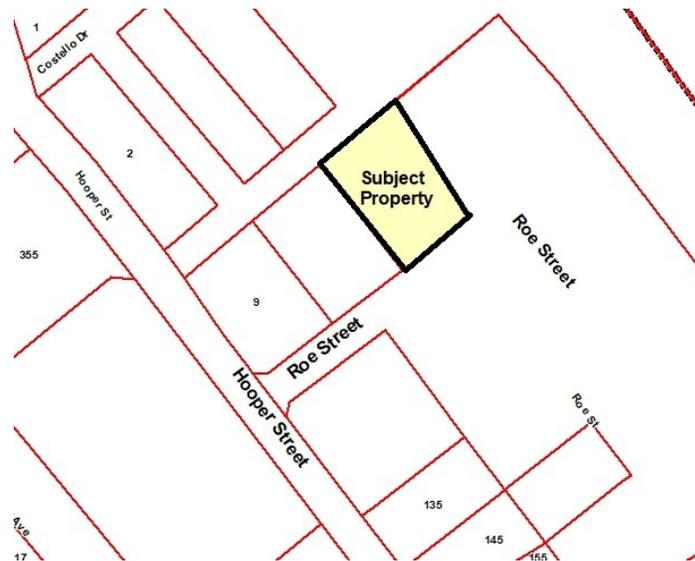


## COMMUNICATION 131013

Received from: Tyler Duval, Planning Consultant  
Addressed to: Committee of the Whole  
Date: December 17, 2019  
Topic: DP3-12-2019, 11487710 Canada Inc.,  
29 Roe Street – Daycare Facility

### SUMMARY

An application has been submitted for a Class 3 Development Permit for the property locally known as 29 Roe Street, legally described as Parts 1 and 2 on Plan 27R9338; Town of Carleton Place. The property is designated as *Employment District – Business Campus* in both the Official Plan and the Development Permit By-law. The application proposes the phased construction of a privately owned *Daycare Facility* (Phase 1: a 709.78 m<sup>2</sup> one-storey building; Phase 2: a 117.1 m<sup>2</sup> addition to the Phase 1 building). The proposed *Daycare Facility* use is considered a Discretionary Use in the *Business Campus*. Discretionary Uses are uses that are likely suitable for a property but require a Committee decision on whether or not they are appropriate on a case-by-case basis. The application meets or exceeds all required landscaping, open space and parking provisions and does not require any variations to the Development Permit By-law.



### COMMENT

The review of this application is subject to the policy framework set out by the Provincial Policy Statement 2014, Lanark County Sustainable Communities Official Plan, and the Town of Carleton Place Official Plan.

The Carleton Place Development Permit By-Law regulates the development standards and site-specific provisions within the Town. The proposed development will not require any variations to the Development Permit By-law.

The proposed *Daycare Facility* use is considered a Discretionary Use in the *Business Campus*. Discretionary Uses are uses that are likely suitable for a property but require a Committee decision on whether or not they are appropriate on a case-by-case basis. Staff is of the opinion that the proposed *Daycare Facility* use is both suitable and appropriate in the context of the Town's business park. Currently, there are no adjacent land uses that would be considered incompatible with the proposed land use.

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides direction on matters of Provincial interest pertaining to land use matters and all development proposals must be consistent with the policies therein. The statement supports that long term prosperity for the Province depends upon a "strong, sustainable and resilient community, a clean and healthy environment, and a strong and competitive economy". The policy statement directs development to settlement areas and protects the resources throughout the province.

Section 1.0 of the PPS, Building Strong Healthy Communities, stresses the utilization of existing infrastructure and the promotion of efficient development patterns that support sustainable, livable, healthy and resilient communities while facilitating economic growth.

Section 2.0 of the PPS speaks to the protection and management of resources.

Section 3.0 of the PPS outlines policies to direct development away from areas of potential hazards.

This proposed application is consistent with the Provincial Policy Statement as it will make use of existing municipal infrastructure and provides employment opportunities within an urban settlement area.

### **County of Lanark Sustainable Communities Official Plan**

The County Official Plan delineates the Town of Carleton Place as a Settlement Area. Section 2.3, Settlement Area Policies, encourages efficient development patterns in Settlement Areas to optimize the use of land, resources, infrastructure and public service facilities. Further, it states that local land use policies shall be further elaborated in local Official Plans (Town of Carleton Place Official Plan).

Local land use policies shall provide for mixed use development including residential, commercial, employment lands, parks and open space and institutional uses in areas designated as a settlement area in local Official Plans.

This proposal conforms to the Lanark County Sustainable Community Official Plan.

### **Town of Carleton Place Official Plan**

Section 3.4 of the Town of Carleton Place Official Plan sets out the intent and objectives of the *Employment District*. The objectives of the *Employment District* include:

- To support the expansion of the Town's employment;
- To provide for commercial uses which require larger land areas; and

- To enhance economic development opportunities.

The *Employment District* is further divided into specific designations including the *Business Campus* designation. The *Business Campus* is intended to accommodate various types of business employment uses. Permitted uses for the *Business Campus* include all those uses deemed appropriate or compatible with a business park as described in the implementing Development Permit By-law (the Development Permit By-law lists the proposed *Daycare Facility* as a Discretionary Use).

The proposed *Daycare Facility* is an appropriate and compatible use for the property and surrounding area. It is not anticipated to have any negative impacts on adjacent land use.

This proposal conforms to the Town of Carleton Place Official Plan.

### **Town of Carleton Place Development Permit By-law**

This property is designated *Employment District – Business Campus* in the Development Permit By-law. The proposed *Daycare Facility* use is considered a Discretionary Use in the *Business Campus*. Discretionary Uses are uses that are likely suitable for a property but require a Committee decision on whether or not they are appropriate on a case-by-case basis. Staff is of the opinion that the proposed *Daycare Facility* use is both suitable and appropriate in the context of the Town's business park. Currently, there are no adjacent land uses that would be considered incompatible with the proposed land use.

The application proposes the phased construction of a privately owned *Daycare Facility*. Phase 1 proposes a 709.78 m<sup>2</sup> one storey building, whereas Phase 2 proposes a 117.1 m<sup>2</sup> addition. The application proposes 38 parking spaces for Phase 1 (minimum requirement of 34 spaces). Phase 2 proposes 5 spaces where the addition would require a minimum of 6 additional spaces, however once fully constructed, the site will provide a total of 43 parking spaces (exceeds the minimum total requirement of 40 spaces).

The application meets or exceeds all required landscaping and open space development standards. The proposed development will not require any variations to the Development Permit By-law.

The proposed Site Plan is appended at the end of this report.

### **Mississippi Valley Conservation Authority Comment - Hooper Drain**

As part of the application's technical circulation, on November 7, 2019, the Mississippi Valley Conservation Authority (MVCA) submitted the following comments in regards to the development's proximity to the Hooper Drain.

*“As per guidelines prepared in support of the Provincial Policy Statement (PPS), a minimum setback of 30 m is generally recommended from fish habitat. However, in cases where fish habitat has been assessed through an EIS and determined to be limited, MVCA may support a lesser setback.”*

*It is our understanding the Hooper Drain is a manmade feature that was designed to convey stormwater. Aquatic habitat was not deemed to be present on or adjacent to the subject property (refer to Species at Risk Assessment) i.e. the report did not recognize the drain as fish habitat. However, it is unclear as to how this conclusion was drawn given that a fish habitat assessment of the drain was not found in this report. In addition, we note that fish habitat was deemed to be present on a downstream section of Hooper Drain, on an adjacent property to the south of the subject site (#10316 Highway 7). An Environmental Impact Statement, which was prepared in support of the adjacent property, found a fish community in the drain and assessed it to be very limited in species and numbers.*

*Based on the above, it is assumed that Hooper Drain consists of fish habitat, unless demonstrated otherwise. Given that the drain is a manmade feature and limited fish habitat is anticipated, a lesser setback of 15 m from the high water mark (HWM) of the drain, would be acceptable. It is unclear from the information provided if a minimum setback of 15 m has been provided for the subject proposal.*

[...]

*The applicant should be advised that, pursuant to Ontario Regulation 153/06 – ‘Development, Interference with Wetlands and Alterations to Shorelines and Watercourses’, a permit is required from MVCA for any alterations to the shoreline of the drain.*

*We advise consultation with Fisheries and Oceans Canada (DFO) prior to conducting any work within the drain, in order to assess potential impacts to fish habitat. Authorization from DFO may be required for such work.”*

The staff recommendation will take into consideration the MVCA’s technical review of the application.

## **COMMITTEE OPTIONS**

As with any Development Permit application, the Committee has the following options:

- a) Refuse the application;
- b) Approve the application and issue a Development Permit with no conditions attached;
- c) Approve the application and require that conditions be met before issuing a Development Permit;
- d) Approve the application and issue a Development Permit with conditions attached; or

- e) Approve the application, require that conditions be met before issuing a Development Permit and, when the conditions have been met, issue a Development Permit with further conditions attached

### **STAFF RECOMMENDATION**

**THAT** the Committee authorizes application DP3-12-2019 for the construction of Phase 1 of the proposed Daycare Facility at 29 Roe Street and directs Staff to move forward with the drafting of the Development Permit Agreement with conditions attached including:

1. **THAT** a minimum 3m wide undisturbed vegetated buffer be maintained inside the rear property line in order to provide some protection to the Hooper Drain and where the 3m wide buffer does not currently exist, the buffer shall be established with native plant species;
2. **THAT** prior to the construction of Phase 2, the Applicant shall hire a qualified professional to conduct an Environmental Impact Statement as per the recommendation of the MVCA. Until an EIS concludes that the minimum required 15 metre setback from the Hooper Drain may be reduced to the proposed 8 metres, only Phase 1 of the development may be constructed;
3. **THAT** a Class 1A Development Permit application be submitted for Phase 2 of the proposed development. The application will require an EIS in support of the proposed development in proximity to the Hooper Drain.
4. **THAT** the Committee authorizes staff to issue a Development Permit upon receipt of all required information, fees and securities.

APPENDIX 1



