



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date: Monday, April 27, 2026

To: Mayor Mills and Members of Council

From: **Steve Wever, Town Planner**

Report: P2026-05

Subject: **Application for Zoning By-law
Amendment (Z26/01)
305 Colonel Phillips Drive**

Recommendation

Be it resolved that Council receive Report P2026-05 as information.

Be it resolved that, subject to the consideration of any input received at the public meeting, By-law 17-2026 being a by-law to amend Zoning By-law 38-2007, as amended, by rezoning the lands known municipally as 301, 303 and 305 Colonel Phillips Drive and described legally as Block 244, Plan 7M56, Town of Shelburne, County of Dufferin, from Service Commercial (C3) Zone to Service Commercial Exception (C3-1) Zone as shown on Schedule "A1" to the By-law, be read a first, second, and third time and finally passed.

Background

An application for a Zoning By-law Amendment has been submitted by Blue Puzzle Child Care Centre on behalf of the property owner (2477838 Ontario Inc.). The purpose and effect of the application is to permit a 'Day Care Centre' as defined in the Town of Shelburne Zoning By-law in the existing one-storey commercial building (305 Col. Phillips Drive) located in the westerly portion of the subject property in the Service Commercial (C3) Zone. The building has been historically used for Streams Creative Hub, which is a community service providing programs focused on education, music, art, etc. The proposed Day Care Centre would operate out of the same building, under separate entities.

While the proposed use of the building for a Day Care Centre is not permitted in the current C3 Zone applicable to the property, the use can, in our opinion, be considered compatible with the surrounding uses including the existing use of the building and is proposed in an appropriate location.

Analysis

The subject property is municipally known as 301, 303 and 305 Colonel Phillips Drive and is legally described as Block 244, Plan 7M56, Town of Shelburne, County of Dufferin. The subject property is owned by 2477838 Ontario Inc. and currently contains a multi-unit commercial plaza with three one-storey commercial buildings including a building near the westerly edge of the property which is proposed to be used for the daycare facility.

The subject property is located on the south side of Colonel Phillips Drive and is known as the Summer Hill Plaza. The subject property is 9,950 m² in area (0.99 ha). The subject property is designated 'Community Commercial' in the Town of Shelburne Official Plan, and is currently zoned 'Service Commercial (C3)' Zone.

Proposed Development

The applicant is seeking to re-zone the subject property from Service Commercial (C3) Zone to a site-specific Service Commercial (C3-1) Zone to permit a 'Day Care Centre' as defined in the Zoning By-law.

The following regulations for the Service Commercial (C3) Zone apply to the subject property:

Regulations	C3	Provided
Min. Lot Area	750 m ²	9,950 m ²
Min. Lot Frontage	25.0 m	65 m (existing)
Min. Front Yard	6.0 m	6.0 m (existing)
Min. Exterior Side Yard	6.0 m	14.0 m (existing)
Min. Interior Side Yard	3.0 m	3.0 m (existing)
Min. Rear Yard	4.5 m	4.5 m (existing)
Maximum Lot Coverage	30%	19.4% (existing)
Maximum Building Height	10.0 m	7 m (existing)

Regulations	C3	Provided
Minimum Number of Off-Street Parking Spaces (Section 3.15.7)	Variance obtained for shopping centre	1 space per 19 square metres of gross floor

Provincial Planning Statement (PPS)

The proposal is supported by the following PPS policies:

- Planning authorities should support the achievement of complete communities by: accommodating an appropriate range and mix of land uses and other institutional uses (including child care facilities), [...] to meet long-term needs (2.1.6 a)).
- Settlement areas shall be the focus of growth and development (2.3.1.1).
- Planning authorities shall promote economic development and competitiveness by: providing for an appropriate range and mix of employment, institutional, and broader mixed uses to meet long-term needs (2.8.1.1).

County of Dufferin Official Plan

The proposal is supported by the following County of Dufferin Official Plan policies:

- Urban settlement areas will be the focus of growth and will accommodate a broad range of uses. The range of permitted uses and associated land use policies will be established in the local municipal official plans and in accordance with the policies of this Plan (b); Urban settlement areas will have municipal sewage services, municipal water services, and appropriate stormwater management services, and provide a range of land uses and densities, a mix of housing types including affordable housing options and supportive housing forms, and be designed to be walkable communities with opportunities for public transit (c) (3.3.2).

Town of Shelburne Official Plan

In the Official Plan, the property is within the area designated 'Community Commercial', and is subject to Section 4.3 of the Official Plan including the following objectives, uses and criteria:

- The primary role of the Community Commercial areas shall be to provide convenient access to local office, retail and commercial services

primarily for residents of the community in locations that are adjoining or within a short walking distance of residential areas (4.3.3.3 b) i));

- Community Commercial areas shall be located along arterial and collector roads and at intersections of these roads to ensure adequate vehicular access, and sidewalks shall be provided and other facilities may be required for pedestrian and cycling access (4.3.3.3 b) iii));
- The design of development within Community Commercial areas shall address the street frontages and the interface with adjoining residential uses to address compatibility, access and the safe and efficient movement of vehicles, pedestrians and cyclists (4.3.3.3 b) iv));
- Community Commercial areas that include multiple properties and/or businesses shall be designed to function as a single site through shared access and parking with cohesive building design and landscaping (4.3.3.3 b) v));
- Commercial uses that provide for convenient local access to healthy food and/or personal, health, educational, recreational and/or day care services will be promoted in the Community Commercial areas (4.3.3.3 b) vi)).

The proposed Zoning By-law Amendment will contribute towards achieving the goals of the Town's Official Plan by providing a location for a Day Care Centre which is much needed within the Town of Shelburne and the County of Dufferin, within an established community commercial plaza conveniently located within a large residential subdivision. Existing infrastructure and services are not expected to be impacted by the proposed use, and an increase in traffic and/or parking is not expected to exceed what would normally be seen at this type of commercial plaza. The proposed use can be serviced by the existing water and sewer connections to the building and is not expected to have a significantly different water / wastewater servicing demand than the previous use of the building.

A Minor Variance was granted in 2021 (A21/05) which reduced the required parking from 1 space per 17 square metres of gross floor area for a shopping centre to permit a minimum requirement of 1 space per 19 square metres of gross floor area which is to be applied to the overall gross floor area for all three (3) buildings. Given this approval, the addition of a Day Care Centre would not change the required parking for the subject property.

An outdoor play area is proposed to the west side of the building. The area is proposed to be 108.7 square metres in area and will be enclosed with a 1.57-metre-high fence. This area is required by the Day Care Centre per the Child Care and Early Years Act, 2014.

Staff identified some potential issues with respect to the location and functionality of the proposed outdoor play area. Specifically, clarification was requested regarding the height and type of fencing, as well as whether the enclosure would connect to the existing chain link fence along the west boundary, which is owned by the Town of Shelburne. As this area of the property was originally designed to function as a service and loading area for the commercial businesses rather than an amenity area, the area is not currently ideally suited to be used as an outdoor play area for children.

In particular, staff noted the constrained nature of the space and the presence of existing infrastructure, including sanitary manholes which may require periodic access for maintenance. Other potential constraints include the proximity of a hydro vault and associated easement, which will require further coordination with Hydro One for any proposed fencing within the prescribed clearance area. Existing site features, such as the existing trees and snow storage areas, are required to be preserved in accordance with the approved Site Plan.

Staff requested further details on how the applicant intends to address these constraints and implement any necessary modifications to ensure the area can function safely and effectively as an outdoor play space, including any adjustments to snow storage and maintenance operations if year-round use is proposed.

The applicant has provided additional information regarding the proposed outdoor play area and associated site considerations. The proposed fencing will meet the minimum height requirements of the Child Care and Early Years Act, 2014, and the applicant has confirmed their intent to fully enclose the play area by connecting to the existing Town-owned chain link fence, subject to obtaining any necessary approvals from the Town for the fence attachment.

With respect to utility constraints, the applicant has initiated discussions with Hydro One to determine whether grounding is a feasible option to maximize the usable outdoor space. Should this not be viable, the applicant has indicated that the play area will be adjusted to comply with all required clearances. Additional details have also been provided regarding programming and operations, including the provision of outdoor play equipment such as a storage bin and sandbox, and the incorporation of supervised neighbourhood walks as part of the outdoor play curriculum, subject to licensing approval from the Ministry of Education.

The applicant has further advised that operational considerations related to the sanitary manhole will be managed by restricting outdoor play during any required maintenance activities, and alternative arrangements (such as indoor

programming or neighbourhood walks) will be implemented as needed. Finally, snow storage has been confirmed to occur within designated areas of the parking lot, with additional removal services available through a contracted third party to ensure that the outdoor play area remains functional and accessible during winter months.

Ultimately, staff are satisfied that the details of the outdoor space associated with the proposed daycare will be addressed as part of the daycare licensing requirements and related standards, and through a minor change to the approved Site Plan which can be permitted under the Site Plan Agreement for the property. Overall, for the purposes of the current application for Zoning By-law Amendment, staff are satisfied that the applicant has provided a sufficient level of information related to the proposed outdoor play area and demonstrates that the site can reasonably accommodate the use, subject to the noted constraints and required approvals.

In our opinion, the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement and conforms with the County Official Plan and the Town of Shelburne Official Plan.

Financial Impact

None. The applicant has paid the required application fee to cover the costs of processing this application. As no new building areas are proposed or required, Development Charges do not apply.

Policies & Implications (if any) Affecting Proposal

Town of Shelburne Zoning By-law 38-2007

Consultation and Communications

Notice of the Public Meeting for the proposed Zoning By-law Amendment has been given in accordance with the Planning Act.

Hydro One provided comments on the proposal, noting that while potential options were identified to accommodate the outdoor play area, there is no ideal solution from their perspective without significant infrastructure relocation. Hydro One advised that there is a substantial amount of high voltage cabling in the vicinity, which may extend beyond the visible limits of the existing concrete vault. As such, locates and extreme caution will be required during any fence installation.

Hydro One further noted that the applicant will be responsible for confirming the exact location of the easement prior to any construction, and no structures are permitted within the easement area. Should the proposed fencing be

located within 3 metres of the equipment foundation, coordination with Hydro One will be required to address bonding requirements. The applicant will also be responsible for any damage to Hydro One infrastructure that may occur during construction.

No public comments or objections have been received as of the writing of this report.

Council Priorities

Council's Priorities has three Pillars - Sustainable, Engaged and Livable.

There is a total of 14 Priorities within the three Pillars.

This report aligns with the Sustainable and Livable Pillars within the Priorities of:

- SP3 Promote balanced growth
- L3 Promote strong local economy

Supporting Documentation

- Site Plan
- By-law 17-2026

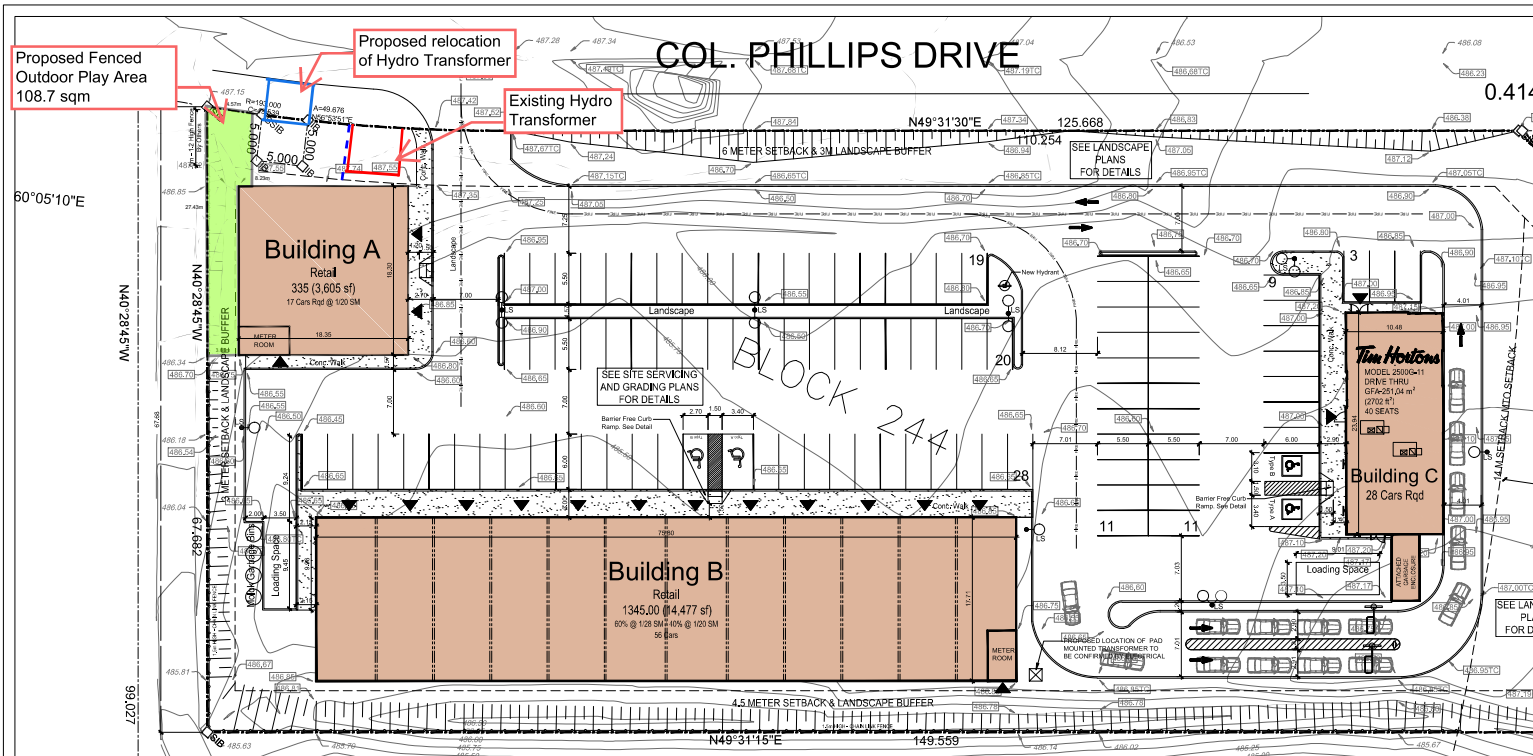
Respectfully Submitted:

Jenna Wenzel, Planning Coordinator

Steve Wever, MCIP, RPP, Town Planner

Reviewed by:

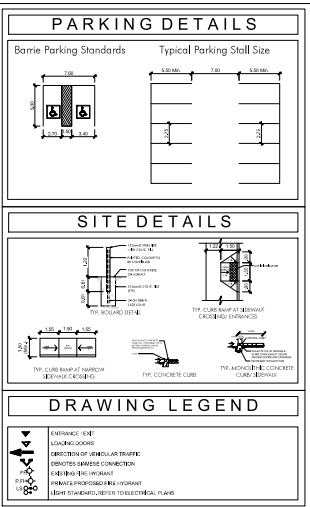
Denyse Morrissey, CAO



01 Site Plan
SPI

ZONING REGULATIONS		
Planning Requirements	Required	Required
Setback (Front)	10.0m	10.0m
Setback (Side)	3.0m	3.0m
Setback (Rear)	3.0m	3.0m
Maximum Building Height	10m	7m
Building Coverage (%)	35 % Maximum	10 %
Landscaping Coverage (%)	1.0 % Minimum	30.0 %
Area Chart	Area	Percentage
Developed Area	6,990 sqm	100.0%
Open Space (Total)	1,220 sqm	17.4%
Open Space (Permitted)	4,200 sqm	60.1%
Open Space (Required)	6,990 sqm	100.0%
SITE STATISTICS		
Project Name	4	Metropolitan Building Inc.
Address	100 Community Commercial	100 Community Commercial
City	Metropolitan Building Inc.	Metropolitan Building Inc.
Province	Ontario	Ontario
Country	Canada	Canada
Legal Description	Part of Lot 1 and 2, Concession 3, Old Runway, Plan 7048 Block 244	Part of Lot 1 and 2, Concession 3, Old Runway, Plan 7048 Block 244
Proposed Use	Commercial Retail	Commercial Retail
Site Area	10,000 sqm	10,000 sqm
Proposed Building Area	1,345,000 sqm	1,345,000 sqm
Proposed Parking	100	100
Proposed Landscaping	1,220 sqm	1,220 sqm
Proposed Open Space	4,200 sqm	4,200 sqm
Proposed Total Area	1,345,000 sqm	1,345,000 sqm
Proposed Total Area (Including Landscaping and Open Space)	1,345,000 sqm	1,345,000 sqm
Proposed Total Area (Including Landscaping and Open Space - 100%)	1,345,000 sqm	1,345,000 sqm
Proposed Total Area (Including Landscaping and Open Space - 100% - 100%)	1,345,000 sqm	1,345,000 sqm
Proposed Total Area (Including Landscaping and Open Space - 100% - 100% - 100%)	1,345,000 sqm	1,345,000 sqm
Proposed Total Area (Including Landscaping and Open Space - 100% - 100% - 100% - 100%)	1,345,000 sqm	1,345,000 sqm

02 Site Statistics and Details
SPI



03 Key Plan
SPI

THE CORPORATION OF THE TOWN OF SHELBURNE

BY-LAW NO. 17-2026

Being a by-law to amend by-law 38-2007, as amended.

WHEREAS an Official Plan has been approved for the Town of Shelburne.

AND WHEREAS authority is granted under Section 34 of the Planning Act, R.S.O. 1990, C.P.13 and amendments thereto, to enact this By-law.

NOW THEREFORE the Council of the Corporation of the Town of Shelburne enacts as follows:

1. That Schedule "A" of By-law 38-2007, as amended, be further amended by rezoning the lands known municipally as 301, 303 and 305 Colonel Phillips Drive and legally described as Block 244, Plan 7M56, in the Town of Shelburne, County of Dufferin, from Service Commercial (C3) Zone to Service Commercial Exception One (C3-1) Zone as shown on Schedule "A1" to this By-law.
2. That subsection 4.8.3 of By-law 38-2007, as amended, be further amended by inserting an exception zone after subsection 4.8.3, as follows:

"4.8.3.1 Service Commercial Exception One (C3-1) Zone

In addition to the uses permitted in subsection 4.8.3, permitted uses shall include:
Day Care Centre."

3. That except as amended by this By-law, the subject lands as shown on Schedule "A1" to this By-law shall be subject to all other applicable regulations of By-law 38-2007, as amended.
4. Schedule "A1" attached hereto forms part of this By-law.
5. This By-law shall take effect from its date of passage by Council and shall come into force either upon approval by the Ontario Land Tribunal or upon compliance with Section 34 of the Planning Act, R.S.O. 1990, C.P. 13.

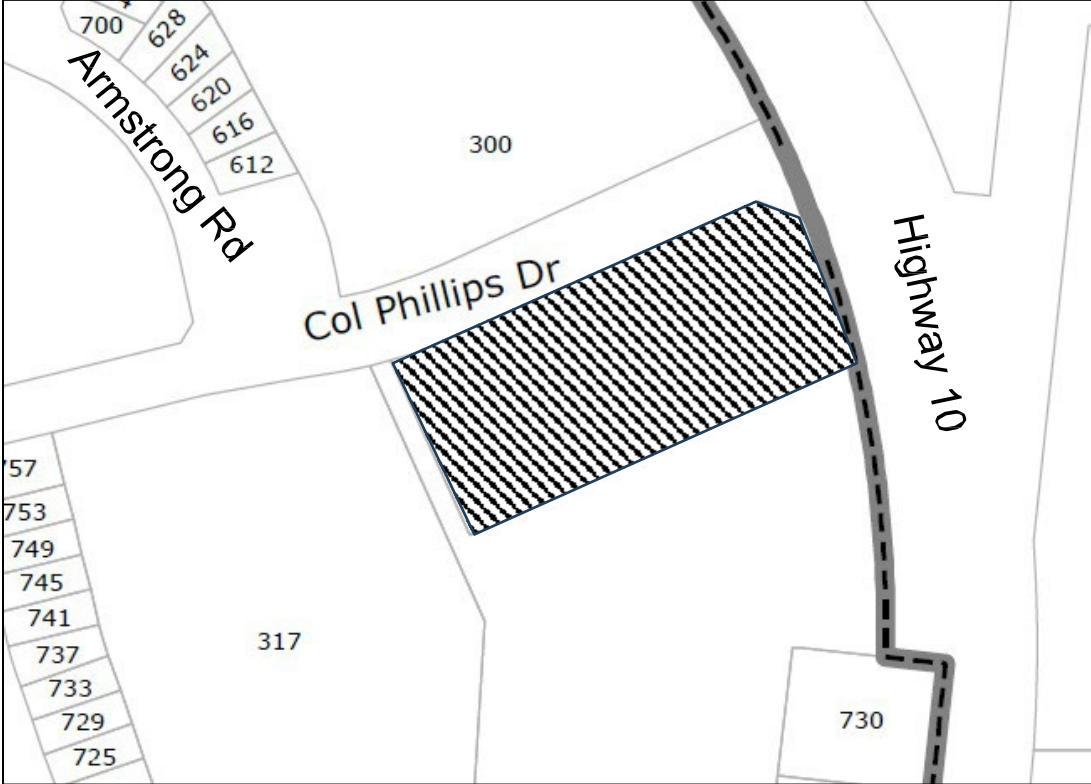
Passed in Open Council this 27th day of April 2026.

MAYOR

CLERK

By signing this by-law on April 27, 2026, Mayor Wade Mills will not exercise the power to veto this by-law and this by-law is deemed passed as of this date.

SCHEDULE A1 TO BY-LAW NO. 17-2026



 Zone change from C3 to C3-1

EXPLANATORY NOTE

The purpose and effect of this amendment to Zoning By-law 38-2007 is to change the zoning of the property municipally known as 301, 303 and 305 Colonel Phillips Drive and described legally as Block 244, Plan 7M56, Town of Shelburne, County of Dufferin, from Service Commercial (C3) Zone to site-specific Service Commercial Exception One (C3-1) Zone as shown on Schedule "A1" to this By-law to add a day care centre as a permitted use in accordance with the applicable regulations of the C3 Zone and the other applicable regulations of the Zoning By-law.