



The Corporation of the Town of Milton

Report To: Council

From: Barbara Koopmans, Commissioner, Planning and Development

Date: February 10, 2020

Report No: PD-005-20

Subject: Public Meeting and Initial Report: Zoning By-law Amendment Application by 9980 Derry Holdings Inc., applicable to lands known municipally as 9980 Derry Road West, Milton. (Town File: Z-05/19).

Recommendation: **THAT Planning and Development Report PD-005-20 BE RECEIVED FOR INFORMATION.**

EXECUTIVE SUMMARY

The applicant is seeking amendments to the Town of Milton Zoning By-law 016-2014, as amended, to permit the development of a Day Care Centre within a proposed two-storey building.

The application is complete pursuant to the requirements of the Planning Act and is being processed accordingly. Upon completion of the consultation and review process, a technical report, including recommendations, will be brought forward for consideration by Council. The technical report will address issues raised through the consultation and review process.

REPORT

Background

Owner:

9980 Derry Holdings Inc., 180 Elgin Mills Road West, Richmond Hill, L4C 4M2

Applicant:

Glenn Schnarr & Associates Inc., 10 Kingsbridge Garden Circle, Mississauga, L5R 3K6

Location:

The subject lands are located at the southwest corner of Derry Road and Fourth Line within the Bristol Survey Secondary Plan. Surrounding land uses include existing residential to the east and northeast, vacant land to the immediate north, an environmental channel (owned by the Town of Milton) runs to the south and to the west. Beyond the channel lands

to the west, there exists residential development and Irma Coulson Public Elementary School.

Proposal:

The applicant is seeking amendments to the Town of Milton Zoning By-law to permit the development of a Day Care Centre within a proposed two-storey building. The amendments are required to permit the proposed use as well as to address site specific provisions to accommodate the proposed development. The existing dwelling and swimming pool are to be removed.

Figure 2 illustrates the concept plan initially submitted and circulated for technical review. The proposed two-storey building is located along the Derry Road frontage with two outdoor play areas, totaling 614 square metres, located behind the building. Driveway access is provided from Fourth Line. The initial concept plan proposed 49 parking spaces located to the rear of the property. As well, the applicant is required to transfer approximately 7 metres of land for the purposes of additional buffering to the existing channel.

Following the initial circulation, the Region of Halton provided comments indicating that additional lands (approximately 5 metres in depth along the entire Derry Road frontage) were required to be dedicated to the Region to facilitate the future widening of Derry Road.

The applicant held a Public Information Session on December 12, 2019 and based on comments expressed by the residents, as well as to address the Derry Road widening requirements, the applicant has revised their initial concept plan, shown as Figure 3. The concept plan was revised as follows:

- The additional land required by the Region of Halton for Derry Road improvements has been shown, resulting in the loss of five (5) metres in depth of land along the Derry Road frontage and the development shifting south.
- A right-in, right-out access is proposed from Derry Road to address traffic impact concerns of the residents on Fourth Line.
- The proposed building has increased in size to 1,330 square metres from the original 1,264 square metres and the shape of the building has been slightly modified.
- On-site parking has been reduced from the initial 49 parking spaces to 45 parking spaces.
- The total outdoor play area has been reduced to 564.8 square metres from 614.1 square metres.

Staff notes that revised concept plan will require further updates to the submitted reports and is still under review. The applicant has indicated they will continue to work with staff to address concerns of the residents expressed through the public process.

The following reports have been submitted in support of the application and are currently under review:

- Public Engagement Letter, prepared by Glenn Schnarr & Associates, dated September 19, 2019
- Planning Justification Study, prepared by Glenn Schnarr & Associates, dated September 19, 2019
- Phase I Environmental Site Assessment, prepared by EXP Consulting Engineers, dated December 12, 2018
- Phase II Environmental Site Assessment, prepared by EXP Consulting Engineers, dated April 12, 2019
- Tree Inventory and Preservation Plan/Report, prepared by Kuntz Forestry Consulting Inc., dated September 10, 2019
- Soils/Geotechnical Study, prepared by EXP Consulting Engineers, dated July 5, 2019
- Functional Servicing and Stormwater Management Report, prepared by CF Crozier & Associates Consulting Engineers, dated September 2019
- Transportation Impact Analysis, prepared by CF Crozier & Associates Consulting Engineers, dated September 2019
- Parking Justification Study, prepared by CF Crozier & Associates Consulting Engineers, dated September 2019
- Noise Impact Study, prepared by Aercoustics Consulting Engineers, dated September 2019.

Discussion

Planning Policy

The subject lands are located within the Bristol Survey Secondary Plan and are designated Residential Area as shown on Schedule B - Urban Area Land Use Plan and Schedule C.6.D - Bristol Survey Secondary Plan of the Town of Milton Official Plan. The Residential Area designation permits a full range of residential uses and densities. Complementary non-residential uses that are necessary to create a residential neighbourhood are also contemplated. Section 3.2.2 h) of the Plan permits Local Institutional Uses which by their activity, scale and design are compatible with residential uses and which service adjacent residential areas including elementary schools, libraries, place of worship, day care facilities and community centres, in accordance with the policies of subsections 3.2.3.6 and 3.2.3.7. The application proposes a day care centre within a two-storey building.

While a full review of the applicable planning policies will be undertaken as part of the review of the application, based on the information provided, staff is satisfied that an Official Plan Amendment is not required.



Zoning By-law 016-2014, as amended

The subject lands are currently zoned Future Development (FD) zone and Residential Medium Density I (RMD1) under Zoning By-law 016-2014, as amended. As neither the FD zone, nor the RMD1 zone permit the proposed day care centre use, a Zoning By-law Amendment will be required to accommodate the development.

The current application is seeking to rezone the lands to a site specific Institutional Minor (I-A*XXX) zone to permit the proposed development. In addition to permitting the use, the site specific zoning also proposes provisions required to accommodate the development such as lot area, a reduction in required parking, setbacks and landscape buffers. As well a 7 metre buffer along the southern portion of the subject lands abutting the existing channel are required to be transferred to the Town of Milton. These lands are to be rezoned to an Open Space (OS) zone through this amendment application.

The Draft Zoning By-law is attached as Appendix 1 to this Report.

Site Plan Control

Should the application be approved, the applicant will be required to receive Site Plan Approval prior to the commencement of any development.

Public Consultation and Review Process

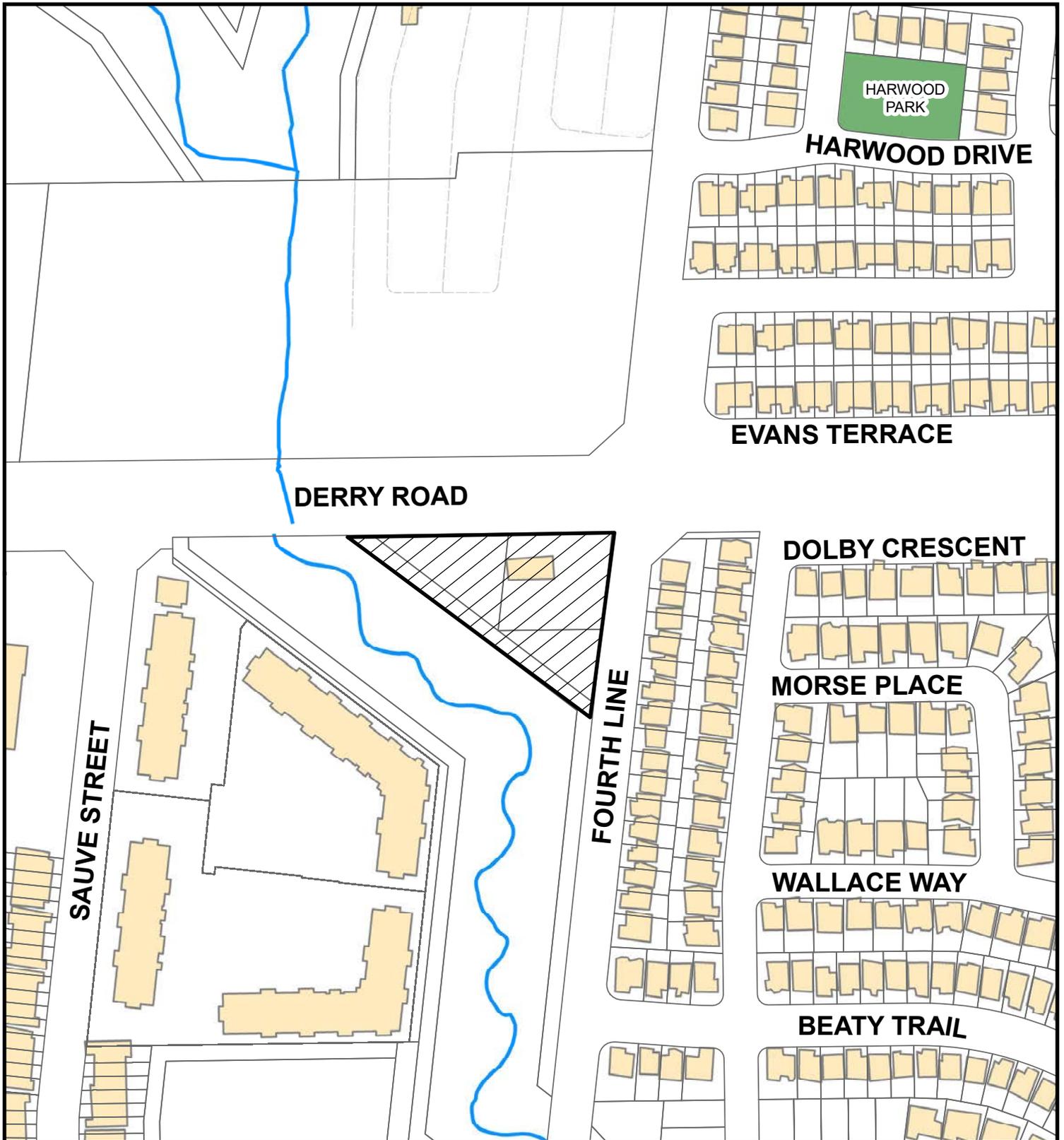
Notice for the public meeting was provided pursuant to the requirements of the Planning Act on January 16, 2020. Notice was placed in the January 16th of the Canadian Champion (Milton) newspaper, signage was posted on both the Derry Road and Fourth Line frontages, and personal notice was provided by mail to all residents within 200 metres of the subject lands.

The applicant held a Public Information Session on December 12, 2019 at Make Café, located within the commercial plaza at Derry Road and Trudeau Drive, and known municipally as 10220 Derry Road. The purpose of the information session was to provide the public with an informal opportunity to not only view the drawings and concepts illustrating the proposal, but also to ask questions of the applicant and learn about the application process. Staff were present at the information session as well.

With regards to the proposal, staff have identified the following as items requiring review:

- Site Design, Built Form, Urban Design
- Traffic Impacts
- Provision of Parking
- Pedestrian and Vehicle Access/Circulation
- Noise Impacts

FIGURE 1 LOCATION MAP



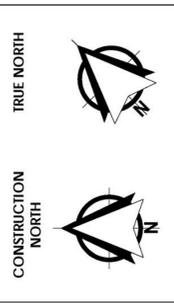
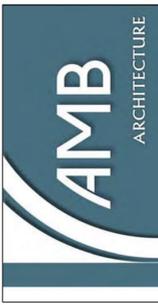
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File: Z-05/19

Planning & Development Department



Subject Property



LEGEND

- ▲ MAIN ENTRANCE
- ▶ SECONDARY ENTRANCES
- ▨ BUILDING FOOT PRINT
- ▭ WALKWAY
- - - EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- ⊕ LIGHT FIXTURE
- - - FENCE

No.	Description	Date
1	ISSUED FOR CIRCULATION	AUGUST 27 TH , 2019



PROJECT NAME:
LULLABOO MILTON CAMPUS

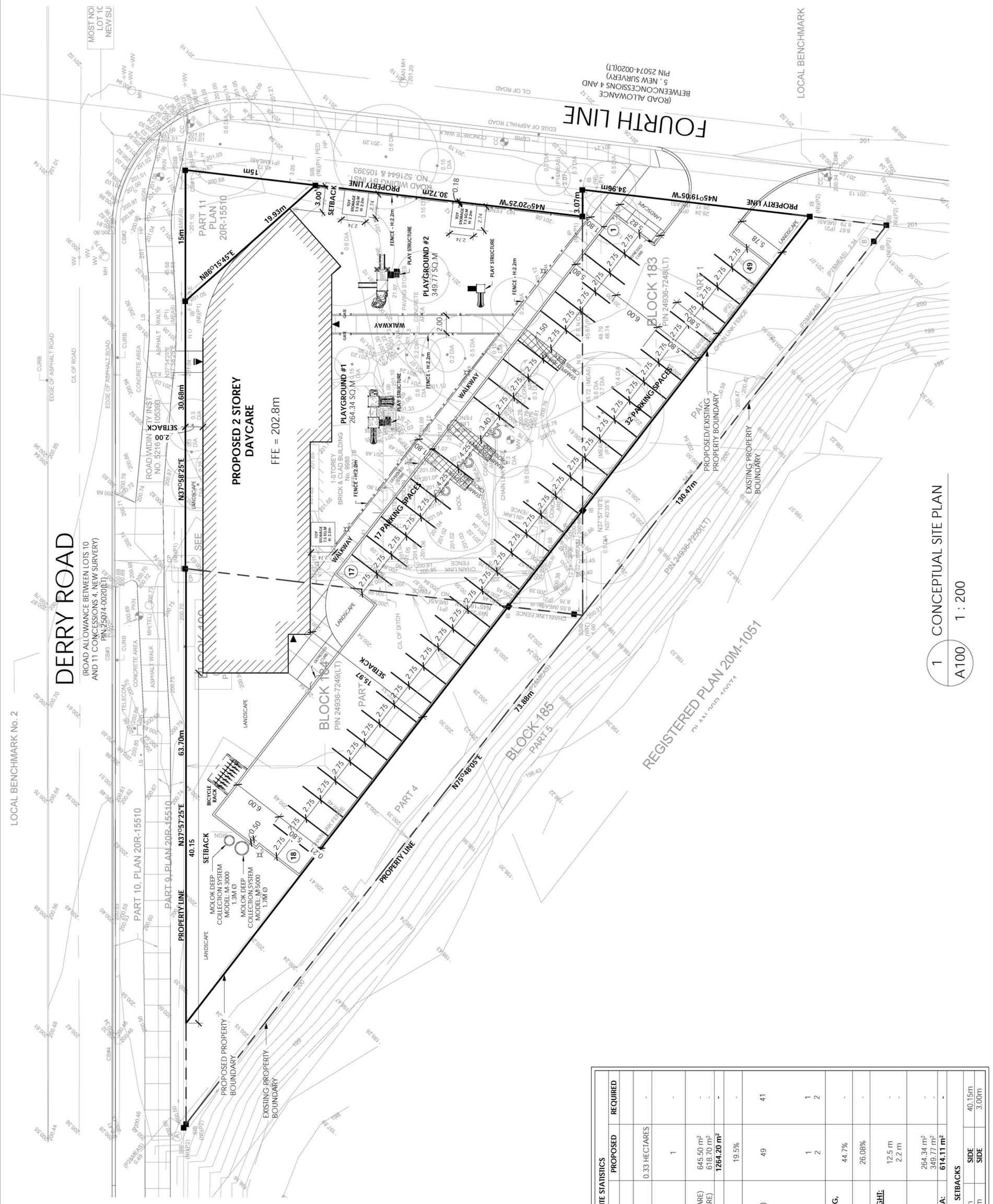
PROJECT LOCATION:
9980 DERRY RD WEST MILTON, ON

SHEET NAME:
CONCEPTUAL SITE PLAN

CHECKED BY: ATEF BOULOS
DRAWN BY: RAMY YOUSSEF
DATE: 19/06/2019
SHEET NUMBER: 1

SCALE:
A100

FIGURE 2
PD-005-20



1 CONCEPTUAL SITE PLAN
A100 1 : 200

ZONING CATEGORY	SITE STATISTICS	
	PROPOSED	REQUIRED
LOT AREA	0.33 HECTARES	-
TOTAL NUMBER OF UNITS: DAYCARE	1	-
GFA	645.50 m ² (GROUND FLOOR (DAYCARE)) 618.70 m ² (SECOND FLOOR (DAYCARE)) 1264.20 m² (TOTAL GFA)	-
LOT COVERAGE:	19.5%	-
PARKING SPACES	49	41
DAYCARE (2.75m x 5.8m)		
PARKING SPACE (4.5m x 5.8m)		
0.82 PER STAFF (45)		
0.01 PER CHILD (330)		
ACCESSIBLE PARKING:	1	1
(TYPE A - 3.4m x 5.8m)		
(TYPE B - 2.75m x 5.8m)	2	2
LOT COVERED BY PARKING, LANES AND ACCESS:	44.7%	-
LANDSCAPE AREAS:	26.08%	-
MAXIMUM BUILDING HEIGHT:	12.5 m	-
PRINCIPAL BUILDING		
ACCESSORY BUILDINGS	2.2 m	-
PLAYGROUNDS	264.34 m ² (PLAYGROUND #1) 349.77 m ² (PLAYGROUND #2) 614.11 m² (TOTAL PLAYGROUND AREA)	-
SETBACKS		
FRONT	2.00m	40.15m
REAR	15.97m	3.00m

THE CORPORATION OF THE TOWN OF MILTON
BY-LAW NO. XXX-2020

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE ZONING BY-LAW 016-2014, AS AMENDED, PURSUANT TO SECTION 34 OF THE PLANNING ACT IN RESPECT OF THE LANDS DESCRIBED AS PART OF LOT 10, CONCESSION 4, FORMER GEOGRAPHIC SURVEY OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (9980 DERRY HOLDINGS INC.) (FILE: Z-05-19)

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 provides for the lands affected by this by-law to be zoned as set forth in this by-law;

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

1.0 THAT Schedule A to Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by changing the existing Future Development (FD) zone symbols to Institutional Minor (IA) - Site Specific (IA * XX) zone and Open Space (OS) zone symbols on the land shown on Schedule A attached hereto.

2.0 THAT Section 13.1 is amended by adding Section 13.1.1. XX to read as follows:

For lands zoned Minor Institutional (IA) - Site Specific (IA * XX) the following provisions also apply:

- i) Only Permitted Uses:
 - a) Day Care Centre
- ii) Special Zone Standards:
 - a) Notwithstanding Table 9B, the minimum Lot Area for a Day Care Centre use shall be 0.29 hectares; and
 - b) Notwithstanding Table 9B, the minimum front yard setback shall be 0.8metres; and
 - c) Notwithstanding Table 9B, the minimum exterior yard setback shall be 0.10metres; and
 - d) Notwithstanding Table 9B, the minimum Landscape Buffer abutting a street line shall be 0.8metres; and,

- e) Notwithstanding Table 9B, the minimum landscape open space (% of lot area) shall be 13%; and
- f) Notwithstanding Table 9B, any rooftop equipment and/or structures shall not be included in the maximum height restrictions; and
- g) Notwithstanding Table 5J, there shall be no requirement for a loading space on site; and
- h) Notwithstanding Table 4B, accessory structures shall also be permitted in an exterior side yard; and
- i) Notwithstanding Table 5G, parking shall be provided at a rate of 0.82 spaces per staff and 0.01 spaces per child.
- j) Notwithstanding, for the purposes of this by-law the front lot line of the property shall be Derry Road.

3.0 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 Local Planning Appeal Tribunal's Order issued directing the amendment or amendments.

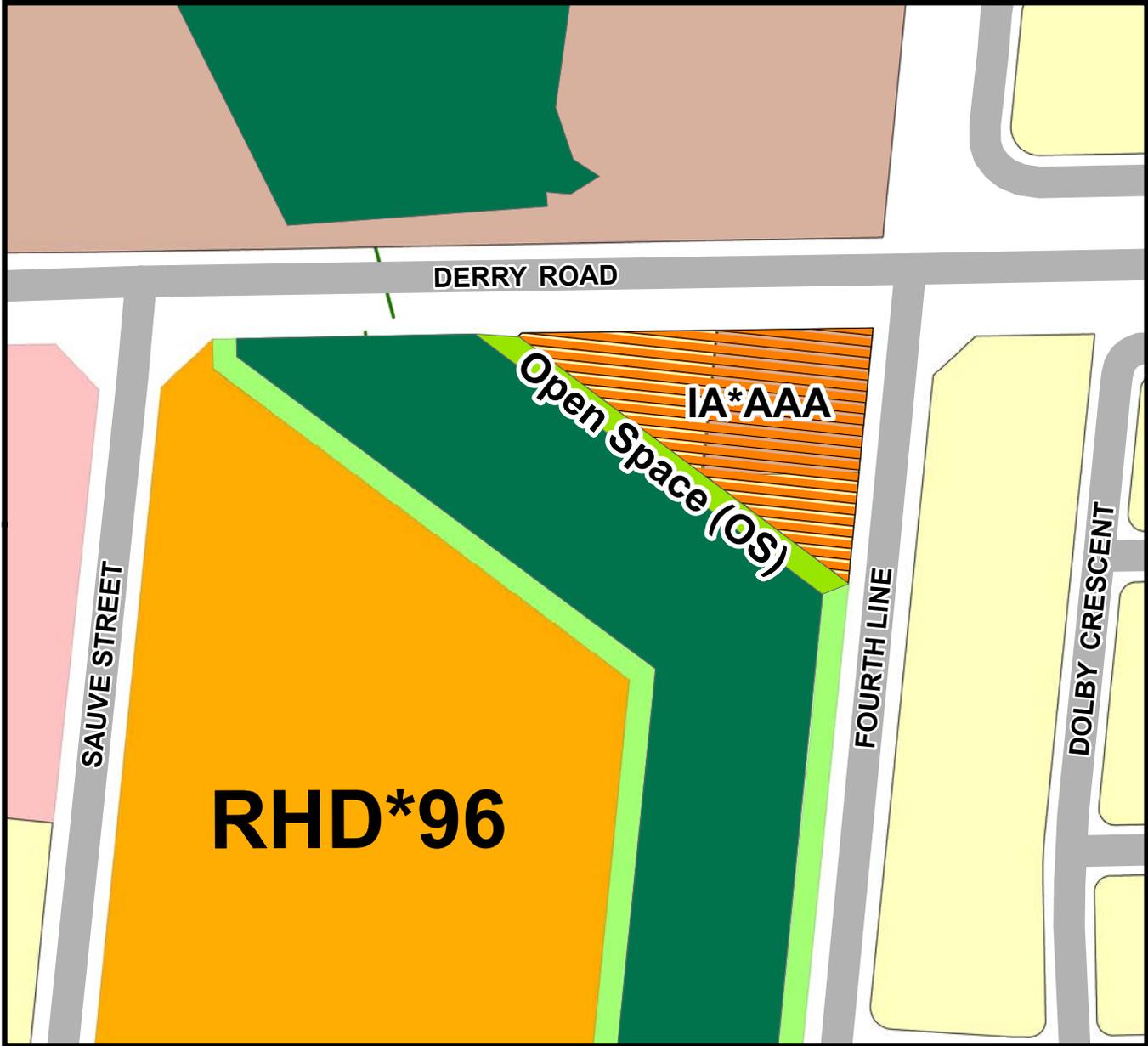
PASSED IN OPEN COUNCIL ON, 2020.

Gordon Krantz Mayor

Troy McHarg Town Clerk

SCHEDULE A
 TO BY-LAW No. -2020
 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 _____, 2020.

 Institutional IA*AAA Zone

 Open Space (OS)



 MAYOR - Gordon A. Krantz

 TOWN CLERK- Troy McHarg

Z-05/19