



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: May 9, 2022

Report No: DS-019-22

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

Recommendation: **THAT** Zoning Application Z-05/19 - for an amendment to the Town of Milton Comprehensive Zoning By-law 016-2014, as amended, to change the current Future Development (FD) zone and Residential Medium Density I (RMD1) Zone to a site specific Institutional Minor (I-A*312) zone symbol and an Open Space (OS) zone, to permit the development of a 2-storey day care centre **BE APPROVED**;

AND THAT WHEREAS the Planning Act limits the ability to apply for a minor variance for a 2-year period following approval of this by-law, **BE IT RESOLVED** that a privately initiated application for a minor variance may be made;

AND FURTHER THAT staff be authorized to bring forward an amending Zoning By-law for Council adoption.

EXECUTIVE SUMMARY

The applicant has applied to amend the Town's Comprehensive Zoning By-law for the lands known municipally as 9980 Derry Road West. The proposed development consists of a 2-storey daycare with associated parking. The proposed amendment would change the current Future Development (FD) Zone and Residential Medium Density 1 (RMD1) zone to a site specific Institutional Minor (I-A*312) Zone and Open Space (OS) zone to permit the development as proposed.

All internal Town of Milton departments and responding external agencies have provided correspondence to Town Planning staff indicating their support for the application as currently presented. Staff has reviewed all of the documentation, plans and comments provided to date and is of the opinion that the applications as submitted are prepared in a manner that would allow them to be considered by Town Council for approval.

Conclusions and Recommendations

EXECUTIVE SUMMARY

Planning staff is satisfied that the proposed Zoning By-law amendment is consistent with the policies of the Provincial Policy Statement and conforms to the Regional and Town Official Plans. Therefore, staff recommends approval of the Zoning By-law Amendment attached as Appendix 1.

REPORT

Background

Owner: 9980 Derry Holdings Inc., 180 Elgin Mills Road West, Richmond Hill,

Applicant: Glenn Schnarr & Associates Inc., 10 Kingsbridge Garden Circle, Mississauga,

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.

Figure 2 illustrates the proposed concept plan. The development proposes a two-storey approximately 1661 square metre daycare centre containing 17 classrooms with 51 surface parking spaces. Access to the site is provided by a full moves access from Fourth Line and a right-in, right-out access from Derry Road. The development proposes 4 outdoor playground areas totalling 480 square metres in size.

As part of the development, the applicant will be required to dedicate an approximately 5 metre wide strip of land across the entire Derry Road frontage to the Region of Halton for the purpose of a road widening. At the rear of the property, the applicant will be providing to the Town of Milton, an approximate 7.5 metre wide strip of land for the purpose of increased buffering to the existing channel lands.

The following plans and documents, which have been submitted in support of the application, are listed below:

- Public Engagement Letter, prepared by Glenn Schnarr & Associates, dated September 19, 2019



Background

- 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 C.F. Crozier & Associates Consulting Engineers, dated June 2021
- Transportation Impact Analysis, prepared by C.F. Crozier & Associates Consulting Engineers, dated December 2021
- Parking and Loading Justification Study, prepared by C.F. Crozier & Associates Consulting Engineers, dated September 2019, revised June 2021
- Noise Impact Study, prepared by Aercoustics Consulting Engineers, dated June 17, 2021.

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. Additionally, Section 3.2.2 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. Furthermore, Section C.6.5.1.2 of the Bristol Survey Secondary Plan permits privately owned facilities such as places of worship, private schools and day care facilities within the Residential Areas, subject to 3.2.3.6 and 3.2.3.7 of the Plan.

Section 3.2.3.6 states that proposals for the development of local institutional and local commercial uses shall conform to the following general criteria:

Background

- a) whether the proposed uses will contribute in a positive way to providing a sense of community by promoting interaction among residents, by increasing the personal security of residents, and by supplying everyday needs;
- b) whether the proposed uses will provide or contribute to the "sense of place" at the neighbourhood or sub-neighbourhood level by the establishment of a focal point for community activity;
- c) whether the proposed use includes the provision of pedestrian or other non-automobile linkages to the uses;
- d) ensuring that the proposed use would not generate an unacceptable level of vehicular traffic onto local streets; and,
- e) whether the service to be provided by the proposed use is needed at the proposed location in the Residential Area designation and that the service cannot be or is not being provided in other areas which are designated for such uses.

It is the opinion of Planning staff that the proposal is consistent with the above direction. The proposed daycare use will promote and encourage interaction among residents while contributing towards the supply of much needed daycare space in Milton. Based on the Region of Halton's Child Care Market Analysis (2021), the Town of Milton is experiencing an overall shortage of daycare spaces, with East Milton over 200 spaces deficient. Daycare centres are often focal points in neighbourhoods and provide for a "sense of place" or local importance for the nearby residents. Pedestrian access is available via sidewalks along Derry Road and Fourth Line and bicycle parking racks are provided as per the Town's Zoning By-law. In support of the proposed application, a Transportation Impact Study, prepared by C.F. Crozier & Associates, was provided and subsequently reviewed to the satisfaction of both Region of Halton and Town of Milton Transportation staff.

Once a proposal for the development of local institutional or local commercial uses (excluding schools) has been reviewed against the general criteria outlined in subsection 3.2.3.6, an evaluation shall be undertaken based on conformity to all the following siting criteria:

- a) Site:
 - i) the site is either large enough to act as a focal point for the surrounding residential area, and is small enough so that it can easily be integrated into the residential area;
 - ii) the area of the site is sufficient to provide for adequate buffering for any adjacent residential uses and for parking facilities and adequate drop-off facilities; and,
 - iii) sites for local institutional facilities provide an adequate outdoor play area for the children using the facility.

Background

b) Location:

The site is:

- i) adjacent to, or with direct access to a regional, arterial or collector road where safe pedestrian access is available;
- ii) generally in a location within the neighbourhood that is easily accessible to the neighbourhood or neighbourhoods the use is designed to serve; and,
- iii) adjacent to or clustered with other similar neighbourhood support uses in a traditional urban form.

c) Local Commercial Size:

Local commercial uses shall consist of one or more commercial uses and the maximum total size of such uses in a neighbourhood shall not exceed 930 square metres.

It is the opinion of Planning staff that the proposed daycare use is in conformity with the above noted criteria. The subject lands are large enough to act as a focal point for the area while also buffered by Fourth Line and Sixteen Mile Creek from the adjacent residential uses. The lands can accommodate the parking needs of the proposed use, as justified through the satisfactory submission of the Parking Justification Study, prepared by CF Crozier & Associates and supported by the Town's Transportation section. The lands are located at the intersection of Derry Road and Fourth Line and safe pedestrian access is provided via sidewalks along both roadways. The daycare will provide much needed daycare spaces to not only the immediate area, which contains a mix of low, medium and high density residential uses, but to Milton as a whole. While the proposed daycare is approximately 1661 square metres in size, the commercial size limits pertains to the amount of retail floor area permitted outside of designated commercial areas in order to protect the Town's retail hierarchy. Furthermore, daycare uses are considered institutional uses and will be placed in a site specific Institutional Minor (I-A) zone with the only permitted use being a daycare centre.

Staff reviewed the application in relation to the policies of the Provincial Policy Statement, the Growth Plan, and the Halton Region Official Plan. Town staff and our agency partners are satisfied that the application for the zoning by-law amendment as presented through this report, conform to the applicable Provincial, Regional and Town land use planning policies and regulations.

Zoning By-law 016-2014, as amended

The subject lands are currently zoned Future Development (FD) and Residential Medium Density 1 (RMD1), which does not permit the proposed land use. The current Zoning By-law Amendment application proposes to rezone the subject lands to a site specific Institutional Minor (I-A*312) Zone to accommodate the proposed 2 storey daycare centre building. The site specific zoning addresses a reduced parking rate, reduced setbacks due

Background

to the configuration of the lot and other site specific provisions to accommodate the proposed development.

Site Plan Control

Should the applications be approved, the applicant will require site plan approval prior to the issuance of a building permit and commencement of any development. The applicant has submitted a site plan application (SP-25/20) and detailed site plan drawings to the Town to address such matters as access, site design (including parking, pedestrian circulation, accessibility, fire truck access, and garbage disposal), lot grading and drainage, lighting and landscaping. The applicant will be required to enter into a site plan agreement with the Town and provide securities to guarantee the completion of works in accordance with the approved drawings.

Discussion

Public Consultation and Review Process

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. The Public Information Session was well attended by area residents.

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 statutory Public Meeting was held on February 10, 2020. Numerous area residents attend the Public Meeting and spoke to the proposal before Council. As well, staff have received numerous emails requesting notice of the technical report and concerns with the proposal. The letters of concern are attached as Appendix 2 to this report.

Agency Consultation

The concept plan, zoning by-law amendment and all supportive documents were circulated to both internal and external commenting agencies. Town Departments, School Boards and other agencies offered no objection to the application. Halton Region has offered no objections but noted that the applicant will be required to transfer a road widening along the Derry Road frontage for the purpose of future right of way improvements. Additionally, the Town of Milton will require a 7.5 metre transfer of land along the rear of the property for additional buffering for the Sixteen Mile Creek. Both land

Discussion

dedications will be required as part of the Site Plan Approval's process. Agencies will continue to work with the applicants through the detailed draft approval process.

Summary of Issues

The following issues and concerns were noted by residents, members of Council and staff through the application review process.

Noise

Residents had expressed a concern regarding noise impacts from the proposed development on the existing residential uses. In support of the application, a Noise Impact Study was prepared by Aercoustics Engineering Ltd, which examined the stationary noise impacts and concluded that the development will meet all the Ontario Ministry of the Environment, Conservation and Parks (MECP) requirements. While non-stationary noise from daycare users cannot be measured, the applicants have revised their building to provide more additional screening of the playground areas, as was suggested by the residents. Furthermore, a concern about the usage of bells was expressed. The applicant has indicated outdoor bells will not be used.

Parking

Concern was expressed that the proposal did not provide for a satisfactory amount of on-site parking to accommodate the daycare users and workers. The proposed development is required by the Town's Zoning By-law to provide 73 parking spaces whereas 51 parking spaces are proposed. In support of their application, the applicant has submitted a Parking and Loading Justification Study, dated June 2021, prepared by C.F. Crozier & Associates. The study concluded that based on a survey at a surrogate site, with similar floor area and classrooms, a peak parking demand of 42 parking spaces was observed. Furthermore, a review against the Institute of Transportation Engineers (ITE) Parking Generation Manual was conducted and found to yield a peak demand of 41 parking spaces. The proposed supply of 51 parking spaces exceeds the peak demand from the surrogate site as well as stated within the ITE manual. The Town's Transportation staff has reviewed the Parking and Loading Justification Report and concurs with its findings.

Additionally, concern was expressed with the potential removal of on-street parking along the Fourth Line frontage to accommodate the development. Transportation staff have confirmed that the Town has no plans to remove any on-street parking as a result of this development (outside of where the Fourth Line access is to be provided).

Traffic Impacts

Concern was expressed regarding potential traffic impacts from the proposed development on the local road network. The applicants submitted a Transportation Impact Study, prepared by C.F. Crozier & Associates, in support of the application. The study concluded that the proposed daycare will have minimal impact on the signalized intersection of Derry Road and Trudeau Drive and that the one way stop controlled intersection of Derry Road at Fourth Line will continue to operate at a moderate delay due

Discussion

to the existing high eastbound commuter traffic volumes on Derry Road. The remaining boundary road network is expected to operate at an unchanged level of service. Both site accesses are anticipated to operate at acceptable levels with the Fourth Line site access operating at a level of service “A” while the Derry Road access is expected to operate at a level of service of “D” and “B” during the weekday a.m. and p.m. peak periods. Again, the delay experienced at the Derry Road site access is attributed to the existing high eastbound traffic volumes. However, the site access is expected to operate at an acceptable level. The remaining boundary road networks are expected to continue to operate at an unchanged level of service. The Town and Region’s Transportation sections have reviewed the submitted Transportation Impact Study and have concurred with its findings. Planning staff rely on the expertise of our Transportation professionals and therefore can support the proposed application.

Environmental

A number of residents indicated concern regarding the potential impact to the environment, namely the Sixteen Mile Creek which runs along the rear and western edge of the property, and the wildlife that frequent it. The current development is not proposing to extend into the creek area, which would not be permitted, but rather as a result of the development, the applicant will be transferring an additional 7.5-metre-wide buffer along the feature, increasing the existing creek buffer to 15 metres and helping to protect this feature.

Widening and Extension of Fourth Line

Staff received written correspondence regarding concern of a potential road widening of Fourth Line and its connection to Cedar Hedge Road to the north. There are no plans to widen Fourth Line. As well, the Town currently has no plans to connect Fourth Line to Cedar Hedge Road to the north and signalize.

Surplus Land Sale

Through the initial review of the proposal, it was discovered that a 3.5 metre strip of land along the Fourth Line frontage was acquired by the Town from the previous owners for the purpose of a road widening. At the time of the transfer many years ago, Fourth Line was intended to have an ultimate width of 26 metres. Upon development of the existing residential subdivisions in the area, the intentions for the widening of Fourth Line were abandoned and the Fourth Line right of way requirements reverted to 20 metres. As such, the 3.5 metre strip of land, which through an error in the Land Transfer process was never mapped as part of the Fourth Line right-of-way, was deemed to be surplus and was sold to the applicant to be incorporated in their development proposal. Similar instances have occurred elsewhere on Fourth Line.

Fourth Line Driveway

Concern was expressed regarding the proposed full moves access on Fourth Line and it was suggested by numerous residents that the Fourth Line access to the site be closed in



Discussion

favor of a full moves access on Derry Road. The Town and Regional Transportation staff have reviewed the proposed development and are in support of the full moves access onto Fourth Line. As noted previously, the submitted Transportation Impact Plan has concluded that the access will operate at a service level “A”, the highest functioning level. With regard to the Derry Road access, upon initial submission and based on initial comments from the Region, access from Derry Road was restricted. Following the public information session, the applicant added the proposed access and has been working closely with the Region of Halton to justify the access as it requires a deviation from Regional standards. Following various updates to the Traffic Impact Study the Region has supported the right-in, right-out access from Derry Road as a secondary access but requires the Fourth Line full moves to remain.

Conclusion

Planning staff is satisfied that the proposed zoning by-law amendment is consistent with the Provincial Policy and conforms to the Region of Halton and Town of Milton Official Plan and staff recommends approval of the draft zoning by-law amendment.

Financial Impact

None arising from this report

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Aaron Raymond, MCIP, RPP, Phone: Ext. 2313
Senior Planner

Attachments

Figure 1 - Location Map
Figure 2 - Concept Plan
Figure 3 - Rendering
Appendix 1 - Zoning By-law
Appendix 2 - Public Comments

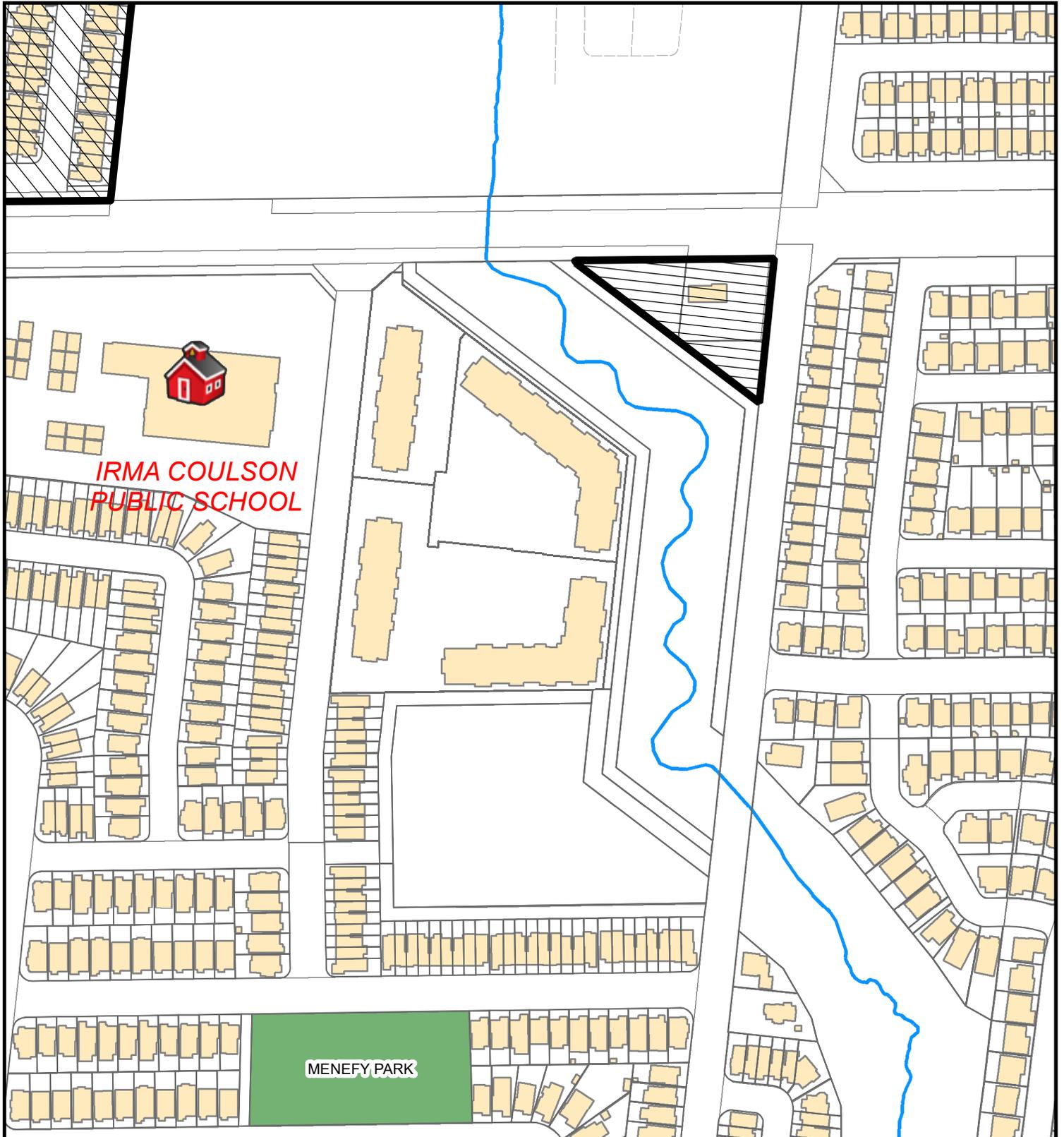
CAO Approval
Andrew M. Siltala
Chief Administrative Officer



Recognition of Traditional Lands

The Town of Milton resides on the Treaty Lands and Territory of the Mississaugas of the Credit First Nation. We also recognize the traditional territory of the Huron-Wendat and Haudenosaunee people. The Town of Milton shares this land and the responsibility for the water, food and resources. We stand as allies with the First Nations as stewards of these lands.

FIGURE 1 LOCATION MAP



Council Meeting Date:
April 11, 2021

Scale: 1: 5,000

Files: Z-05/19

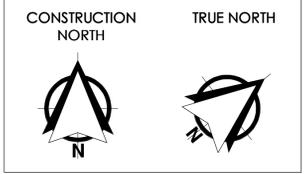
Development Services Department



Subject Property



All drawings are provided by and in the property of AMB Architects Inc. If not used for the project for which it was issued, it shall not be used or circulated for any other purpose than that for which it was issued without written permission. This drawing is not to scale. Contractor must verify and accept responsibility for all dimensions and conditions on site. Contractor to verify all dimensions and conditions on site. Any inconsistencies or unexplained conditions to be reviewed and approved by the architect prior to proceeding with the construction. The architect is not responsible for the accuracy of survey, structural, mechanical, electrical, etc. information shown on this drawing. Contractor is responsible for coordination and shall refer to the appropriate Consultant's drawings before proceeding with the work. Refer to structural drawings for all support conditions and steel and construction requirements. Construction must conform to all applicable Codes and requirements of Authorities Having Jurisdiction. Construction shall be in accordance with the applicable building Codes, Regulations and Bylaws. Contractor working from drawings not specifically marked for construction must assume full responsibility and bear cost for any corrections or damages resulting from its work.



LEGEND

- ▼ MAIN ENTRANCE
- ▼ SECONDARY ENTRANCES
- ▭ BUILDING FOOTPRINT
- ▭ WALKWAY
- - - EXISTING PROPERTY LINE
- PROPOSED PROPERTY LINE
- ⊗ LIGHT FIXTURE

No.	Description	Date
1	ISSUED FOR RE-ZONING/SPA	OCT 6th, 2020
2	ISSUED FOR RE-ZONING/SPA (2nd SUBMISSION)	JUNE 9th, 2021
3	ISSUED FOR RE-ZONING/SPA (3rd SUBMISSION)	DEC. 23rd, 2021
4	ISSUED FOR RE-ZONING/SPA (4th SUBMISSION)	JAN. 21st, 2022
5	ISSUED FOR RE-ZONING/SPA (5th SUBMISSION)	JAN. 31st, 2022

AMB Architects Inc.
5 Senneca Hill Drive
Toronto, ON
M2J 2W2
T: 416 225 3647

PROJECT NAME: LULLABOO MILTON CAMPUS

PROJECT LOCATION: 9980 DERRY ROAD, MILTON, ON L9T 7J1

SHEET NAME: CONCEPTUAL SITE PLAN

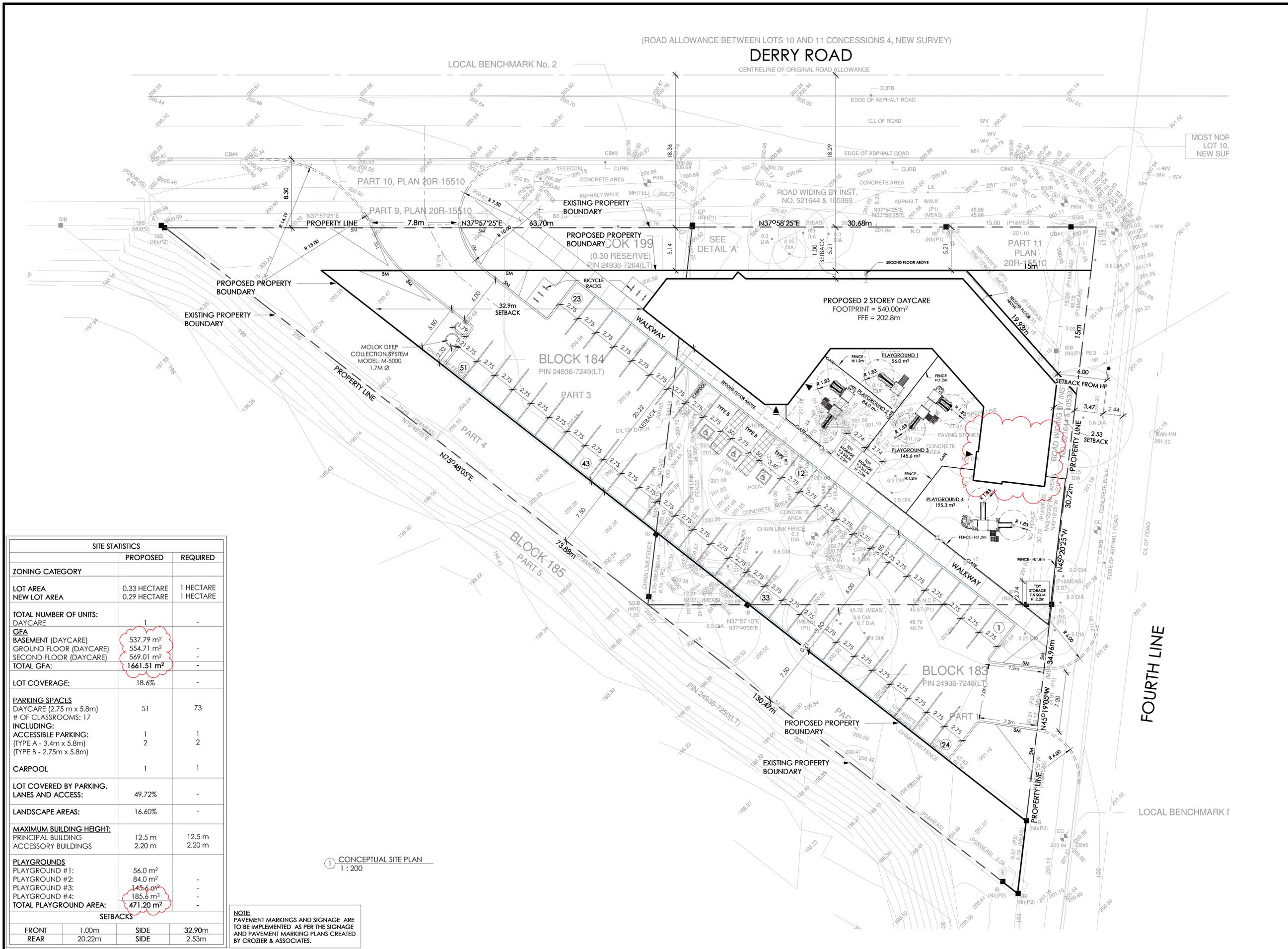
CHECKED BY: ATEF BOULOS

DRAWN BY: RAMY YOUSSEF

DATE: 06/09/2021

SHEET NUMBER: A100

SCALE: 1 : 200



SITE STATISTICS		
ZONING CATEGORY	PROPOSED	REQUIRED
LOT AREA	0.33 HECTARE	1 HECTARE
NEW LOT AREA	0.29 HECTARE	1 HECTARE
TOTAL NUMBER OF UNITS: DAYCARE		
GFA	537.79 m ²	-
BASEMENT (DAYCARE)	554.71 m ²	-
GROUND FLOOR (DAYCARE)	569.01 m ²	-
SECOND FLOOR (DAYCARE)	1661.51 m ²	-
TOTAL GFA:		
LOT COVERAGE:	18.6%	-
PARKING SPACES		
DAYCARE (2.75 m x 5.8m)	51	73
# OF CLASSROOMS: 17		
INCLUDING:		
ACCESSIBLE PARKING: (TYPE A - 3.4m x 5.8m)	1	1
(TYPE B - 2.75m x 5.8m)	2	2
CARPOOL	1	1
LOT COVERED BY PARKING, LANES AND ACCESS:	49.72%	-
LANDSCAPE AREAS:	16.60%	-
MAXIMUM BUILDING HEIGHT:		
PRINCIPAL BUILDING	12.5 m	12.5 m
ACCESSORY BUILDINGS	2.20 m	2.20 m
PLAYGROUNDS		
PLAYGROUND # 1:	56.0 m ²	-
PLAYGROUND # 2:	84.0 m ²	-
PLAYGROUND # 3:	145.6 m ²	-
PLAYGROUND # 4:	185.6 m ²	-
TOTAL PLAYGROUND AREA:	471.20 m ²	-
SETBACKS		
FRONT	1.00m	32.90m
REAR	20.22m	2.53m
SIDE		
SIDE		

NOTE: PAVEMENT MARKINGS AND SIGNAGE ARE TO BE IMPLEMENTED AS PER THE SIGNAGE AND PAVEMENT MARKING PLANS CREATED BY CROZIER & ASSOCIATES.

① CONCEPTUAL SITE PLAN
1 : 200



THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. 0XX-2022

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 (QUADSPRING INC.) TOWN 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) and Residential Low Density (RLD) zones to a Minor Institutional Zone (IA * 312) to allow for the construction of a proposed two-storey day care on the land shown on Schedule A attached hereto.

2.0 THAT Section 13.1 is amended by adding Section 13.1.1.312 to read as follows:

For lands zoned Minor Institutional Zone (IA * 312) the following provisions also apply:

1. Only Uses Permitted:
 - a) A Day Care Centre use
2. Site Considerations:
 - a) Notwithstanding, for the purposes of this by-law all proposed special zone standards apply to Schedule A, the subject property in its entirety; and
 - b) Notwithstanding, for the purposes of this by-law the front lot line of the property shall be Derry Road.
3. Special Zone Standards:

- a) Notwithstanding Table 9B, the minimum Lot Area for a Day Nursery use shall be 0.29 hectares;
- b) Notwithstanding Table 9B, the maximum Gross Floor Area for individual buildings shall be 1,700 square meters;
- c) Notwithstanding Table 9B, the minimum front yard (Derry Road) shall be 1.0 metres; and
- d) Notwithstanding Section 4.19.5 Table H, Ornamental Projections shall be permitted to encroach a maximum of 1.0 meters;
- e) Notwithstanding Section 4.19.5 Table H, where an Architectural Feature projects into a front yard, a 0.0 metre setback can be provided and such feature may encroach into a required Landscape Buffer;
- f) Notwithstanding Section 9.2, Table 9B a minimum of 8% landscape open space is required;
- g) Notwithstanding Section 5.11 i), 0 loading spaces are required for a day care use;
- h) Notwithstanding Table 9B, the minimum Landscape Buffer abutting a street line shall be 0.5 metres along Fourth Line and 1.0 metres along Derry Road;
- i) Notwithstanding Table 9B, the minimum Exterior Side Yard (Fourth Line) shall be 2.5 metres; and
- j) Notwithstanding Table 9B, any rooftop equipment and/or structures shall not be included in the maximum height restrictions;
- k) Notwithstanding Section 5.8.2 Table 5G, minimum parking required for a day care centre shall be 51 spaces;
- l) Notwithstanding Table 5L, the minimum setback of a parking area from all other lot lines shall be 0.0 metres; and
- m) Notwithstanding Section 4.14.2 v) d), deep collection waste disposal container(s) shall be located no closer than 0.10 meters from a building or parking area.

3.0 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 Ontario Land Tribunal dismisses the appeal, this by-law shall come into force on the day of its passing. If the Ontario Land 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.

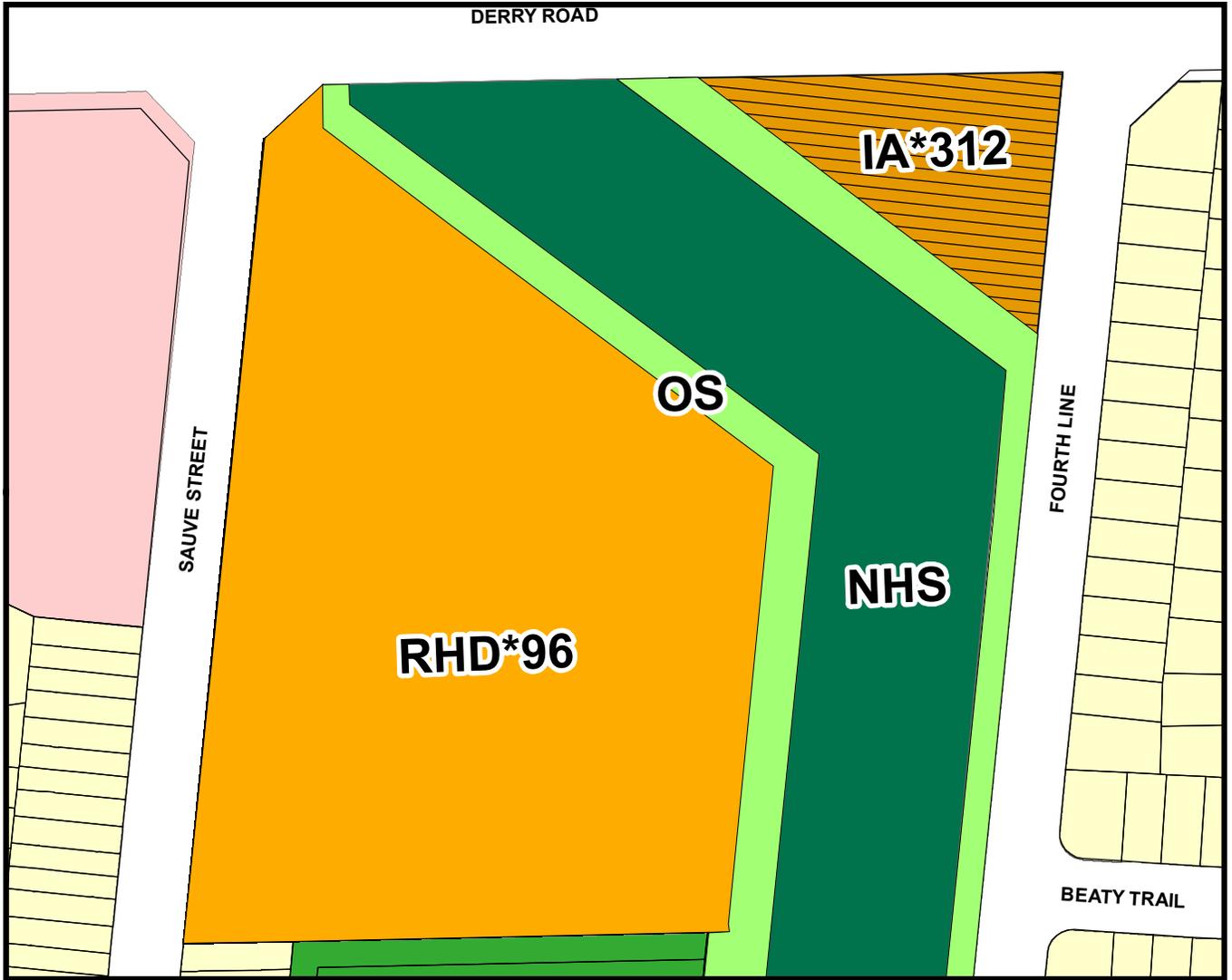
PASSED IN OPEN COUNCIL ON MAY 9, 2022

_____ Mayor
G.A. Krantz

_____ Clerk
Meaghan Reid

SCHEDULE A
 TO BY-LAW No. _____ -2022
 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 _____, 2022.

 MAYOR - Gordon A. Krantz

 CLERK- Meaghen Reid

-  IA*312 - Institutional Zone Special 312
-  OS - Open Space
-  RHD - High Density Residential Zone
-  NHS - Natural Heritage Zone



Debbie Johnson

From: Purie Desouza [REDACTED]
Sent: Friday, February 14, 2020 11:46 AM
To: Mike Cluett; Aaron Raymond; barbara.koopmans@milton.ca; [REDACTED]
Subject: Town File: Z-05/19 -- proposed redevelopment of 9980 Derry Road and Fourth Line

Proposed Redevelopment of 9980 Derry Road and Fourth Line, Milton Town File : Z- 05/19

To whom it may concern:

This email is in regard to the proposed redevelopment of 9980 Derry Road, Milton and the impact it will have on the residential area in question.

My husband and I were at the council meeting on February 10th 2020, and were disheartened to hear that the proposed plan of the daycare is:

- to accommodate 340 plus children and have parking spaces for 47 cars as opposed to 200 children and 30 spaces for parking which was stated at the December 2019 meeting. This is a substantial increase !!
- Based on this information it would mean that the traffic / parking would increase considerably resulting in "on street" parking and blocking of driveways.

We live on Fourth Line and backing out of our driveway is often difficult when cars parked on the west site of Fourth Line. If this proposal goes through, with parents dropping and or picking up their children there is an increased risk of accidents and injury. Needless to say this is a potentially dangerous situation which sadly occurred in Toronto where a child died as she was pinned between two cars as parents were picking up their kids from the school.

- As noted from the proposed plan, there will be an entrance off Derry Road and another on Fourth Line. As it stands right now it is a challenge to turn on to Derry as there is often a line up of cars waiting to go East as well as there are usually cars parked on both sides of Fourth Line near Derry dropping(and after school) and picking up kids that go to Irma Coulson school on Sauve Street further exacerbating the traffic situation. Now with the proposed driveway on Fourth Line this adds in another factor contributing to an even more challenging environment. As an example of how this situation will play out , one just has to drive down Sauve Street where there are cars parked on the street, cars exiting from the condos as well as from the school.

- A few weeks ago (presumably) traffic monitoring devices were installed at the corner of Fourth Line and Beaty Trail and another at Beaty Trail and Trudeau. We noticed that these devices were there for one day. If the intent of these installations was to monitor traffic and speeding which is also a huge issue, then monitoring needs to be done for a lot longer and when schools are not on strike to get an accurate picture of the situation. Regarding the speeding issue, there is an autistic child that lives on the street. Even though a sign is posted and is visible there are many that speed down Fourth Line.

- We moved from Oakville as I work here in Milton and purchased our home because of the open space, the quiet residential area and to do our part to lower our carbon footprint...this is our investment and retirement home.

Having the daycare and the anticipated the traffic nightmare the concern is the devaluation of our property and increase in taxes and even car insurance.

It is unfair that while the owner of the daycare is investing in a business venture, our investment will be devalued and we will be hit with higher costs.

- As was mentioned by my neighbors at the meeting, there is a day care down the street as well as the Library. In fact, there are others such as the Milton Irma Coulson on the next block ,Happy Bunnies and Guardian Angles to name a few all within a small radius.

- Regarding re-zoning, we do not want the residential area to be converted to a commercial area. In this part of Milton, there is a school and condos at the corner of Derry and Sauve and a commercial plaza on the corner of Derry and Trudeau ...making for a "High density " area on both the WEST and EAST side of Fourth Line.

QUESTIONS TO BE ADDRESSED:

- **What are the plans to ensure the safety of the kids, and residents with regard to the traffic, parking and speeding issues?**
- **Have environmental studies been done to assess the increase in vehicular pollution (carbon monoxide) from Derry / Fourth Line and the impact on the health of the children, residents as well as the animals that live here?**
- **What will the Town of Milton who stands to benefit with revenue from this business do to protect the investment of the local taxpaying residents of Fourth Line?**
- **Is it the vision of the Town of Milton, to have commercial buildings on every corner??**
- **If the area is rezoned to be commercial, the proposed day care will make this a "HIGH DENSITY" area and will impact the environment in a negative way leading to a larger carbon footprint. What are the plans of the Town of Milton, to deal with the climate change issue (lower the carbon footprint) which will impact the very lives of the children who will be in the daycare??**

IN SUMMARY:

1. We are **totally** against having the proposed 2-storey day care being built on Derry and Fourth Line given the fact that there are other day cares in the immediate vicinity
2. We **vehemently** object to the site being re-zoned from Residential *Low Density" to Commercial
3. We have the same concerns re: parking for our guests that were mentioned by our neighbors at meeting on February 10th 2020

These are our thoughts and concerns relating to the application.

We hope that the Town of Milton will do the right thing for the residents (tax payers) of Fourth Line, do its part to reduce the carbon footprint ...benefiting the children and not make financial gain the main factor.

Sincerely,

Purie and Mervyn DeSouza



Debbie Johnson

From: Flora Watts [REDACTED]
Sent: Tuesday, November 5, 2019 10:57 PM
To: Aaron Raymond
Cc: Debbie Johnson
Subject: Re: Proposed Zoning By-law Amendment - 9980 Derry Road

Thanks Aaron for the opportunity. Having the only driveway to the proposed daycare off Fourth Line is absolutely a cause for concern for me. As you know parking on Fourth Line is only allowed on that side of the street. That would mean there would be less space for the residents as our guests would not be able to park in front of the drive way to the daycare.

The increased volume of traffic is going to be ridiculous as well. We already have seen an increase in traffic on Fourth Line from the new school a block away on Suave Street especially in the peak hours and whenever there is an event at the school.

At this time the the entrance to the property is off Derry Road but if that changes the traffic going east on Derry will now be turning on right on to Fourth or coming north on Fourth. There will be traffic turning around in our driveway and my neighbour's as well.

I'm also concerned about the environmental impact as well. There are mature trees and an enormous amount of wildlife that still call that area home. A few years ago the creek was clear cut of some great forestation which resulted in the lost not only of some beautiful trees but the displacement of wildlife. The foxes and beavers and many others were left homeless. There are many mature trees on that property now and I'm sure they will all be lost with a new project like this.

One of the reasons I bought my property is because I was confident there was not going to have a condo or business go in directly across from my driveway. There is the conservation area on the south side of Fourth Line. It was as I said earlier clear cut to build the apartment buildings that are there now. That was a disappointment but I believe having the driveway to the daycare on Fourth Line will impact negatively the value of my and my neighbour's property.

Thanks

Flora

On Nov 5, 2019, at 13:17, "Aaron.Raymond@milton.ca" <Aaron.Raymond@milton.ca> wrote:

Hello Ms. Watts,

Further to our conversation, please feel free to respond to this email with concerns related to the above noted application. Be advised that as you live across the street from the development you will receive notice of both the Public Information Session (held by the Developer) and the statutory public meeting held by the Town . I have copied Debbie Johnson, the Town's Planning Administrator, on this email and she will add your name to the file.

Thank you,

Aaron

<esig_cb7daa72-4770-4979-b68f-eed4c3985ef2.png>

Aaron Raymond, MCIP, RPP
Senior Planner, Development Review
150 Mary Street, Milton ON, L9T 6Z5
905-878-7252 x2313
www.milton.ca

Confidentiality notice: This message and any attachments are intended only for the recipient named above. This message may contain confidential or personal information that may be subject to the Municipal Freedom of Information Act and must not be distributed or disclosed to unauthorized persons. If you received this message in error, please notify the sender immediately. Thank you for your assistance.

[REDACTED]
[REDACTED]
[REDACTED]
Points to Consider

Town File : Z-05/19

Proposed Redevelopment of 9980 Derry Road & Fourth Line, Milton

*Preference would be that the Entrance and Exit driveway NOT be on Fourth Line, but rather you keep the existing driveway off Derry Road.

*The proposed drive way entry to the new building would be on Fourth Line. The street would be way too busy at drop off and pickup times. Since the inside parking lot provides parking for 47 cars, half of that would be used for staff. With 340+ children, the staff would be at least (6 kids to 1 Adults), therefore 20-30+ adults. There would not be enough inside parking for parents, therefore parents with cars would have to park on Fourth Line and walk their children in. Furthermore, the cars would be turning back and forth in all of our driveways obstructing pedestrian and car traffic.

*There is already a lineup of cars in the morning during rush hour, waiting to exit Fourth Line onto Derry. It would be impossible to have a drop off area included within the same space.

*I understand that the drop off & pickup times would be staggered, which would cause traffic to be continuous and worst during the day. This area would be **too busy with daytime traffic on a two-lane road.**

*This is a quiet residential area, and with the proposed 2 outside playground areas bounding on Fourth Line, there would be too much outside noise coming from the 340+ children, as the other residents and we would be disturbed during the quite day. The noise would travel through the open area and onto the surrounding areas on Fourth Line.

*There is already a daycare further down on Fourth Line.

*There is already the Milton Public Library further down on Fourth Line. This library has after school programs, and Fourth Line gets quite busy again at drop off and pickup times. **We do not need an additional Commercial Business that would add to that traffic.**

*One of the reasons that we (the neighbours) bought our homes here on Fourth Line, was because it is a quiet street as there is only a right turn in and out, with no access from East Derry. The plans mention "widening for the intersection at Fourth Line & Derry". Where would the land come from for this widening? Again that would amount to excessive traffic on fourth Line. **This is a quiet residential street; we do not want any widening.**

*In addition, Fourth Line provides street parking opposite our homes for OUR house guests. Since we all have only a one car garage and very limited driveway space, most of our house guests definitely need to use the street parking day and night. We also, need to move our cars out in the morning to free up space for our other car to come out of the garage. We park our cars on Fourth Line. With the proposed driveway off Fourth Line, there would be No parking from the corner of Derry, South on Fourth Line to the proposed driveway.

Where would WE & OUR house guests' park? Furthermore, there would be "No Parking" signs put along Fourth Line from Derry to Beaty Trail Road. NOTE: This was just done after the Markay Townhomes were built further South on Fourth Line.

*We do not want our area of Fourth line changed to "No Parking", like what was done further down the street, the street parking is to be kept for the residents and our guests only.

*This area is a private residential area, and there has already been changes done within the last 3 years by adding the Coletara Origin Condos across the creek, which block westward views.

*This 2-storey building, would further commercialize the private residential area. Not acceptable.

*Taking the 2 portions of land designated as part of the Natural Heritage System for building commercial purposes is not good for the natural environment, as small animals & birds would lose their natural homes.

*We are opposed to the site being changed and re-zoned from Residential Low Density to Local Commercial Zone.

*We strongly object to the proposed 2-storey daycare being built at Derry & Fourth Line.

Suggestions

1. It is noted that the building would be built, wrapped around the corner of Derry to Fourth line, with the entrance off Fourth Line.

We would suggest that the wrapping of the building be changed, to more along Fourth Line wrapping to Derry Road, therefore allowing the Existing driveway to be utilized Off Derry Road.

2. With the widening of Derry Road in 2031, the building footprint should be smaller, as land would have to be taken from the existing Derry Road frontage.

3. To enable the drive way to be off Derry, while land is being taken from the existing frontage off Derry Road, **an exclusive Turn Lane can be made off Derry Road**, so as to facilitate traffic turning into the facility from Derry Road. Therefore, there would be no back up of traffic on Derry Road. This would be a faster turnaround for parents dropping off and continuing along Derry Road.

4. With the building wrapping around from Fourth Line to Derry Road, this way the proposed 2 play areas would be on the inside of the building, not visible to Fourth Line or Derry Road as the proposed plans are now. The children should be kept safe and away from visual site of proposed pedophiles and unwanted gawkers. Also, the noise level from the playground would be, towards the Creek Area and not towards the residents on Fourth line. This would be a better view of nature and a more calming area for the children to play in.

This could only be accomplished if the entrance is kept on/off Derry Road and No entrance/exit be placed on Fourth line.

Debbie Johnson

From: Zoser Mankarious [REDACTED]
Sent: Tuesday, February 11, 2020 2:30 PM
To: Aaron Raymond; barbara.koopmans@milton.ca; Mike Cluett
Subject: Town File : Z-05/19 - Proposed Redevelopment of 9980 Derry Road & Fourth Line, Milton
Attachments: Proposed Redevelopment of 9980 Derry Road, Milton.docx; ATT00001.txt

From : Zoser Mankarious
Address: [REDACTED]

Hi All,

After listening to the discussions yesterday during the development discussion meeting, please allow me to express my full support to the attached points and suggestions presented by neighbour [REDACTED]

In a nutshell, this proposed project will turn our lives into a living hell during the construction period (with the countless muddy construction vehicles and humongous machinery for at least a couple of years)

After this construction period, the 400 kids daycare will completely block the narrow two-lane street that can never handle this number of cars or parking for parents/employees! to understand the tragedy, please check the surrounding area of the Guardian Angels school during the dropoff and pickup times while all streets are four-lane!

Please try to understand the amount of frustration that we are going through since this project will deeply impact the quality of our lives and our biggest investments.

Thanks for understanding..!

Cheers, ZM

Debbie Johnson

From: Zoser Mankarious [REDACTED]
Sent: Thursday, November 7, 2019 10:12 AM
To: Aaron Raymond
Subject: 9980 Derry Road West- TF Z-05/19

Dear Mr. Raymond,

We have received a notice for a new daycare facility at Fourth Line, this notice gave us a great amount of discomfort since the 4th line is already packed with new constructions for such a very narrow street!

We understand that the municipality need the income from these projects but we would appreciate if there is some traffic planning that goes along with this implementation!

We already suffer from traffic and parked cars during Irma Coulson Public School beginning and end of days times, and this proposed location for the daycare is exactly where most of the parents packs in the morning and afternoons!

Not sure if this message can make a difference or not! unfortunately all my neighbors -that I've discussed this issue with- are feeling that the municipality is only considering income over our convince...

Have a good day!

Rgrds,

Zoser Mankarious

[REDACTED]

Debbie Johnson

From: David Pettinicchio [REDACTED]
Sent: Saturday, November 30, 2019 6:07 PM
To: Aaron Raymond
Cc: MB-Planning@milton.ca
Subject: Proposed development application 9980 Derry Holdings

Dear Mr. Raymond,

As a current resident of 4th line, I'm writing in regards to the proposed development application 9980 Derry Holdings. A one-page memo sent to me a few week's ago mentioned a 2-story day care to be constructed on the corner of 4th line and Derry Rd. However, I have spoken with neighbours and I hear there's also a proposed widening of 4th line and opening 4th line across Derry with a traffic light intersection.

I am surprised to hear this since this was not on the initial memo I received.

More importantly, I would like to know what this proposed widening will look like as I surely do not expect the city to undermine the creek facing our homes on 4th line (I have an email from the city before I purchased my home on 4th line indicating that this area was not to be touched).

I also know that several years ago, it was the residents of this neighbourhood that ensured 4th line not be opened on Derry due to major traffic concerns.

4th line already is already overly trafficked with drivers exceeding 60 if not 70 km per hour despite recent traffic calming efforts. In addition, I expect traffic to increase as day-cares mean daily drop offs and pick ups. I find the proposal somewhat inconsistent. On the one hand, there's a plan to locate a day care increasing the number of pedestrians and children nearby while also turning 4th line into a thoroughfare by expanding it and opening it up at Derry.

Given that Milton appears to be playing catch-up in expanding its major thoroughfares after having built homes but having done little else to upgrade infrastructure, it may be wise that a little more thought be placed in where it chooses to locate businesses, exacerbating traffic issues in neighbourhoods sought after for their tranquility and safety. If you're interested in building a day care to service the needs of employees in the business park, perhaps locating the day-care closer to it should be more seriously considered.

At your convenience, please provide me with any addition information. I know there's some 40 page PDF that outlines plans.

I would also like your response to my questions about the changes to the road itself. In your response, please address:

- A) will 4th line be opened to cross Derry rd?
- B) will 4th line itself be widened, and if so, in what way?
- C) will the creek be protected ?

Thank you for your time.

I'll be sure to keep a very watchful eye on this issue, as I am sure are the residents of the neighbourhood.

Best,
Prof. David Pettinicchio, PhD

David Pettinicchio, PhD

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

