



# The Corporation of the Town of Milton

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Report To: Council

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From: Jill Hogan, Commissioner, Development Services

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Date: July 18, 2022

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Report No: DS-081-22

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Subject: Technical Report: Zoning By-law Amendment by Shearling Heights Estates Ltd. applicable to the lands known as BLOCK 360, PLAN 20M-1184 (Town File: Z-15/21)

**Recommendation:** THAT Application Z-15-21 for a Zoning By-law Amendment to the Town of Milton Zoning By-law 016-2014, as amended, to change the current Mixed Use (MU Zone) to a Mixed Use with Site Specific Provisions Zone with a Holding Provision (MU\*323\*H69) to permit three (3) mid-rise mixed-use buildings (352 units), 32 double-car car garage townhouse units and 28 back-to-back townhouses on lands municipally identified as BLOCK 360, PLAN 20M-1184, BE APPROVED;

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

AND THAT the Provincial Ministers of Health, Education, Transportation and Infrastructure and Metrolinx receive a copy of this report with a request to review and plan for future Milton District Hospital, school and transportation expansions;

AND THAT staff be authorized to bring forward an amending Zoning By-law in accordance with the Draft By-law attached as Appendix 1 to Report DS-081-22 for Council adoption.

## EXECUTIVE SUMMARY

The applicant is seeking amendments to the Town of Milton Zoning By-law 016-2014, as amended, to facilitate the development of three (3) mid-rise mixed-use buildings totalling 352 units as well as 32 double-car garage townhouse units and 28 back-to-back



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townhouses at Block 360, PLAN 20M-1184. The three (3) mixed-use buildings feature commercial units at grade with residential apartments above. The overall vision for the proposed development is to create a mixed-use residential and commercial node that will offer higher density, transit-supportive housing options in the area and in accordance with the secondary plan requirements. The Zoning By-law Amendment seeks to rezone the lands to permit the proposed townhouse units and back-to-back townhouses on the subject property and further establish zone standards specific to the proposed development.

The application is complete pursuant to the requirements of the *Planning Act*, the proposed amendment is consistent with Provincial, Region and Town of Milton Planning policies. Two members of the public attended the statutory public meeting and no written comments from the general public were received. All internal departments and external agencies have reviewed the proposed rezoning and do not object to the rezoning of the subject property. Staff has reviewed all of the documentation, plans and comments provided to date and is of the opinion that the applications are prepared in a manner that would allow them to be considered by Town Council for approval.

### Conclusion & Recommendations

Staff is satisfied that the Zoning By-law Amendment process under Z-15/21 conforms to Provincial, Regional and Town planning policy and achieves acceptable design standards is generally consistent with the Town of Milton Official Plan policies.

Staff is satisfied that the proposed Mixed Use Zone with Site Specifics Provisions Zone with a Holding Provision (MU\*323\*H69) conforms to planning policies and Official Plan policies and therefore, staff recommends approval of the Zoning By-law Amendment attached as Appendix 1.

## REPORT

### Background

**Owner:** Shearling Heights Estates Ltd.

**Applicant:** Glenn Schnarr & Associates Inc.

**Location & Site Description:** The subject lands are approximately 2.12 hectares (5.2 acres) in size with approximately 130 metres of frontage on Bronte Street South and 116 metres of frontage on Britannia Road. Please see Figure 1 - Location Map. The lands are currently vacant.

**Background**

The immediate neighbourhood to the north consists of residential uses, primarily single-detached dwellings, semi-detached dwellings and townhouses. The lands to the northwest of the subject property are part of the Shadybrook Development draft approved plan of subdivision (24T-14012/M). The Shadybrook Development includes both residential and commercial uses. The lands to the southeast and southwest remain undeveloped.

**Proposal:** The application seeks to facilitate the development of three (3) mid-rise apartment buildings, a total of 352 residential units as well as 32 double-car garage townhouse units and 28 back-to-back townhouse units. The apartment buildings will include:

- Building A which will be located to the northeast corner of Bronte Street South and Britannia and will be 12 storeys;
- Building B which is to be located at the southeast corner of Bronte Street South and Bronson Terrace and will be 6 storeys; and
- Building C is to be located at the northwest corner of Britannia Road and Chretien Street and will be 6 storeys.

The proposed development includes a variety of compatible residential built forms as envisioned in the secondary plan for this area, including mid-rise mixed-use buildings, townhouses and back-to-back townhouses. Through the three (3) mid-rise mixed use buildings, a total of 352 residential units are proposed. The proposed density for the entire site is a Floor Space Index (FSI) of 1.79. The unit break down includes:

<b>Building</b>	<b>Number of Units</b>
Building A	224
Building B	59
Building C	69
<b>TOTAL</b>	<b>352</b>

It should also be noted that the proposal includes 729 parking spaces, which exceeds the minimum parking requirements identified as 696 spaces in the Town’s Zoning By-law.

<b>Building</b>	<b>Required Parking</b>	<b>Provided Parking</b>
Building A	280	280
Building A (Commercial & Visitor)	56	56
Building B	104	104
Building C	89	89
Building B/C (Visitor)	32	32
<b>Total</b>	<b>561</b>	<b>561</b>

**Background**

<b>Townhouses</b>	<b>Required Parking</b>	<b>Provided Parking</b>
Back-to-Back Townhouses	64	64
Back-to-Back Townhouses (Visitor Spaces)	8	8
Double-Car Garage Townhouses	56	56
Double-Car Garage Townhouses	7	7
<b>Total</b>	<b>135</b>	<b>135</b>

The proposed development also includes 6 additional temporary lay-by spaces at grade and 26 additional spaces in the underground parking facility. Further, 15 barrier-free spaces were required and provided. Town staff have no concerns with the parking scheme proposed for the development.

The proposal also includes a total of 3,959 square metres of open space and over 600 square metres of indoor amenity spaces. The outdoor open spaces will include a large linear open space central to the proposed development, two passive open space blocks that will provide pedestrian connections to both Bronte Street South and Britannia Road from within this development and broader residential area and one gateway/open space block at the corner of Britannia Road and Chretien Street.

The proposal will also feature two focal art features throughout the proposed development. Town staff have informed the applicant that staff in Culture Services will work with Development Services to provide comment on any proposed public art at the site plan review stage.

It should also be noted that Urban Design staff are satisfied with the design proposed for the three types of residential units.

Figure 2 shows the concept plan for the proposed plan of development. Figure 3 shows a simplified site plan for the proposal.

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

- Draft Plan of Subdivision prepared by J.D. Barnes Ltd., dated December 2016;
- Site Plan prepared by Glenn Schnarr & Associates, dated April 12, 2022;
- Conceptual Plans (Townhouse Concepts and Back-to-Back Concepts) prepared by One Riser Designs, dated April 12, 2022;

## Background

- Planning Justification Report prepared by Glen Schnarr & Associates, dated April 11, 2022;
- Archaeological Clearance Letter prepared by MTC, dated August 28, 2021;
- Traffic Impact Study prepared by GHD, dated April 7, 2022;
- Phase One Environmental Site Assessment prepared by Soil Engineers Ltd., dated November 19, 2021;
- Functional Servicing Report prepared by Schaeffers Consulting Engineers, dated April 2022;
- Geotechnical Engineering Report prepared by Grounded Engineers Ltd., dated February 8, 2022;
- Hydrogeological Assessment prepared by Grounded Engineers Ltd., dated February 18, 2022;
- Preliminary Noise Report prepared by Jade Acoustics Inc., dated June 7, 2021;
- Shadow Impact Study prepared by Strybos Barron King Landscape, dated January 31, 2022; and
- Urban Design Brief prepared by John G. Williams Ltd., dated April 11, 2022.

## Planning Policy

The subject lands are within the Urban Area of the Town of Milton and further located within the Boyne Secondary Plan Area. Further, the subject lands are identified as being within the Ford neighbourhood of Schedule C.10.A of the Secondary Plan. The subject lands are also located on the corner of Britannia Road (Major Arterial Road) and Bronte Street South (Minor Arterial Road) as shown on Schedule C.10.B of the Secondary Plan. The subject lands are designated as Major Node Area on Schedule C.10.C and are within Phase 3A area as noted on Schedule C.10.D. The subject lands are zoned as Mixed Use (MU) as a result of a previous Zoning By-law Amendment approved for the property.

Section C.10.3.1 of the Boyne Secondary Plan provides a goal for the area which seeks to create a safe, liveable, attractive complete and healthy community in the Boyne Survey which is designed to be integrated with the rest of the Milton Urban Area, and to reflect the engaging, balanced and connected character of the Town of Milton as a whole. Town staff are of the opinion that the proposed development achieves the goal of the Secondary Plan.

Section C.10.4.4. of the Boyne Secondary Plan states that the Boyne Survey is designed to provide a diverse range of housing options and transit-supportive development. Further, the Plan provides a housing mix-target, which anticipates a higher percentage of medium and high density development.

## Background

Section C.10.5.6.1 of the Boyne Secondary Plan states that the Major Node Area is intended to be the focus of urban activity for surrounding residential neighbourhoods, be pedestrian-oriented and maximize the use of public transit.

Section C.10.5.6.2 of the Boyne Secondary Plan provides a list of permitted uses which include a variety of high density residential uses as well as a) medium-density residential II uses and e) retail and service commercial uses, generally not exceeding a combined total gross floor area of 2,787 square metres within a single node, located on the main floor of a multi-storey building. Town staff are satisfied as the proposed development includes high density residential, medium-density residential uses as well as retail and service commercial uses at-grade.

Section C.10.5.6.3 of the Boyne Survey Secondary Plan notes that the design of development within the Major Node Area shall ensure compatibility and transition between the Node and adjacent development. In addition, the following policies apply:

- a) Land assembly to create larger viable holdings and facilitate comprehensive development shall be encouraged;
- b) A variety of building heights and forms is encouraged with the highest buildings being orientated to the primary intersection, and stepped back or terraced abutting development outside of the Node;
- c) Buildings shall have a minimum height of three storeys and a minimum FSI of 1.0, however development with additional height and density is encouraged to a maximum height of 15 storeys and a maximum FSI of 3.0.;
- d) Buildings should be located on or close to the street line and massed at intersections to establish a strong street edge;
- e) Pedestrian traffic generating activities, particularly retail commercial uses and restaurants, shall be located at grade level, with residential and office uses in upper storey locations except in purpose designed buildings;
- f) Parking is strongly encouraged to be located underground or within parking structures; surface parking, where permitted, should be minimized and shall be located away from the streetline; and,
- g) Development shall be designed to facilitate access to public transit.

Staff is of the opinion that the proposal is in conformity with the policies as noted above and provides for an appropriate transition to the adjacent low density residential uses.

Section C.10.2.2 f) of the Boyne Secondary Plan states that Britannia Road represents a significant corridor in and through the Boyne Survey and Milton Urban Area, as such requires enhanced streetscape design. Also, Section C.10.3.2.8 of the Boyne Secondary Plan provides an objective that speaks to developing neighbourhoods that each have a “sense of place” created by the design of the development, including pedestrian orientation of the streetscape and emphasis placed on parks, which are designed as



## Background

“meeting” points for the immediate area. Town staff are of the opinion that the proposed development meets both policies of the Secondary Plan as there is a sufficient amount of outdoor amenity space throughout the development as well as unique features such as two focal art features that will contribute to the overall site design.

Based on the information provided and outlined above, Town staff is satisfied that an Official Plan Amendment is not required for the proposed development as the density range for High Density Residential Uses is met and the emphasis on a high level of Urban Design and the development of a unique “Sense of Place” is at the forefront of the development proposal.

### Zoning By-law 016-2014, as amended

The subject lands are currently zoned Mixed Use (MU) under the Zoning By-law 016-2014, as amended, as part of a previous plan of subdivision application presented to Town Council for the subject property. The MU zone does permit apartment buildings but does not permit the proposed townhouse uses, a Zoning By-law Amendment was required to accommodate the development.

The lands are proposed to be zoned site specific Mixed Use with a Holding Provision (MU\*323\*H69) to facilitate the proposed development. In addition to allowing townhouse units, the site specific zoning also includes a number of special provisions required to accommodate the unique design parameters and features being offered by the developer.

A Holding Provision (H69) will be applied to the lands and includes two conditions that require noise concerns to be addressed to the satisfaction of CN Rail and stormwater management concerns to be addressed to the satisfaction of Engineering Development Staff at the Town of Milton.

During the review, CN Rail requested further noise measurements be conducted to determine the traffic and rail noise given the subject property being in close proximity to the proposed CN Intermodal Rail Yard. The applicant has provided CN Rail with an updated Noise Report but at this time, it is being peer reviewed to confirm if it satisfies the concerns outlined by CN Rail. To ensure that this item is addressed to the satisfaction of CN Rail, a Holding Provision (H) will be placed on the zoning and will not be lifted until the Town has received confirmation that these requirements have been met.

In regards to a condition related to stormwater management concerns, Town staff identified that one of the proposed culvert replacements which crosses Britannia Road was not constructed during the reconstruction of Britannia Road, as envisioned in the Subwatershed Impact Study (SIS). The reconstruction of Britannia Road is now substantially complete and installing the culvert per the SIS is no longer a possibility. This



## Background

culvert affects the stormwater drainage of both the subject lands (Shearling Heights) and the lands at the northwest corner of Bronte/Britannia (Shadybrook).

In order to facilitate storm water drainage for these two affected properties, additional engineering work is required in coordination with Conservation Halton, Halton Region and the adjoining land owners to determine a suitable storm water outlet that will work with the future land uses. As noted above, applying a Holding Provision (H) to the subject property allows for the development to move forward while the additional engineering and coordination works are advanced to the satisfaction of the Town of Milton.

A draft of the Zoning By-law Amendment is included as Appendix 1.

## Discussion

### Public Consultation and Review Process

Notice of a complete application was provided on July 21, 2021, pursuant to the requirements of the *Planning Act*. Notice for the public meeting was provided pursuant to the requirements of the *Planning Act* on September 9, 2021, through written notice to all properties within 200 metres of the subject lands, as well as an ad in the Milton Canadian Champion. The Public Statutory Meeting was held on October 4, 2021 and Town staff did not receive any public comments nor did any public attend the meeting.

The applicant held a virtual privately initiated Public Information Centre session (PIC) on September 29, 2021. The purpose of the PIC was to provide the public with an informal opportunity to not only view the drawings and concepts illustrating the proposal, but also to directly ask questions of the applicant and technical consultants and learn about the application process. Town staff were present at the PIC as well. Two residents did attend the PIC but no questions or concerns were raised regarding the proposed development. It should also be noted that since the Public Statutory Meeting and PIC, Town staff have not received any public comments.

### Agency Consultation and Summary of Issues

The proposed Zoning By-law Amendment and all supportive documents were circulated to both internal and external commenting agencies. Halton Region, Town Departments, School Boards and other agencies offered no objection to the application, subject to the Holding (H) Provision requested by CN Rail and Town of Milton Development Engineering Staff. Agencies will continue to work with the applicants through the Site Plan Approval process prior to the development of the site.

### Conclusion

Staff is satisfied that the Zoning By-law Amendment process under Z-15/21 conforms to Provincial, Regional and Town planning policy and achieves acceptable design standards





### Discussion

is generally consistent with the Town of Milton Official Plan and Boyne Survey Secondary Plan policies.

Staff is satisfied that the proposed Mixed Use Zone with Site Specifics Provisions Zone with a Holding Provision (MU\*323\*H69) conforms to planning policies and Official Plan policies and therefore, staff recommends approval of the Zoning By-law Amendment attached as Appendix 1.

### Financial Impact

None arising from this Report.

Respectfully submitted,

Jill Hogan  
Commissioner, Development Services

For questions, please contact: Taylor Wellings, MCIP, RPP      Phone: Ext. 2311  
Planner, Development Review

### Attachments

Figure 1 - Location Map  
Figure 2 - Concept Plan  
Figure 3 - Simplified Site Plan  
Appendix 1 - Schedule A & Draft Zoning By-law

Approved by CAO  
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

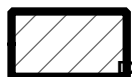


Council Meeting Date:  
July 18, 2022

Scale: 1: 3,000

Files: Z-15/21

Development Services Department



Subject Property  
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SIMPLIFIED SITE PLAN

• Greenpark Group • Shearling Heights • 1466.17 • Sep. 9, 2021

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW XXX-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 6, CONCESSION 2 NS, BLOCK 360, REGISTERED PLAN 20M-1184, FORMER GEOGRAPHIC TOWNSHIP OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (Shearling Heights Estates Ltd.) - FILE: Z-15/21

**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. **THAT** Schedule A to Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by changing the existing Mixed Use (MU) zone symbol to a new site specific Mixed Use Zone with a Holding Provision (MU\*323-H69) symbol on the land shown on Schedule A attached hereto.
2. **THAT** Section 13.1.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.1.1.323 to read as follows:

Notwithstanding any provisions of the By-law to the contrary, for lands zoned site-specific Mixed Use (MU\*323), the following provisions shall apply:

i) Additional Permitted Uses:

Townhouse Dwellings

ii) Special Site Provisions:

- a) The lands identified as MU\*323 on Schedule A shall be considered one lot for the purposes of administering the Zoning By-law;
- b) Notwithstanding Footnote (\*4) to Table 6A-1 to the contrary, the density calculation per net hectare shall include the total number of all dwelling units located on the lot;
- c) Minimum height of a bicycle parking space in a stacked system shall be 1.0m;
- d) An entrance/exit ramp to an underground parking structure shall be setback a minimum of 1.2m from a building;

- e) A loading space shall be setback a minimum of 8.4 m from a public street line;
  - f) A loading space shall be setback a minimum of 1.5m from a building;
  - g) The below grade parking structure shall be setback a minimum of 2.5m from a street line or lot line;
- iii) Zone Standards for Townhouse Dwellings (Lane Access, All Other Streets):
- a) Notwithstanding Section 6.2 Table 6F, Townhouse Dwellings shall be subject to the zone provisions for the RMDII zone;
  - b) A 'unit' or parcel of tied land within a plan of condominium, on which a townhouse dwelling is situated, shall be considered a lot for the purpose of administering the zoning by-law;
  - c) The rear lot line shall be the lot line over which the driveway access is provided.
  - d) Maximum building height shall be 13.5 m;
  - e) Minimum lot depth shall be 23.0 m;
  - f) Minimum lot frontage for corner end unit shall be 7.6m;
  - g) Minimum rear yard shall be 3.0 m;
  - h) Minimum exterior side yard shall be 1.5 m;
  - i) Rooftop amenity area shall be permitted as private amenity area;
  - j) Notwithstanding Section 5.6.2 iii), a residential driveway shall be setback a minimum of 3 m from a lot line abutting a public street;
  - k) Maximum width of a residential driveway, on which a townhouse dwelling unit is situated, shall not exceed the width of the garage face;
  - l) A residential driveway leading to an attached garage in the rear yard shall be permitted; and,
  - m) Section 5.6.2 viii) b) shall not apply.
- iv) Zone Standards for Multiple Dwellings:
- a) Minimum setback from a street line shall be 2.5 m;
  - b) Rooftop amenity area shall be permitted as private amenity area;
  - c) The Setbacks to All Other Zones and Grade Related Dwellings provision is not applicable;
  - d) The Access to at-grade units provision is not applicable; and,
  - e) Notwithstanding Section 4.5 to the contrary, balconies shall be permitted in any yard

v) Zone Standards for Mixed Use Buildings and Apartment Buildings:

- a) Maximum building height shall be 12 storeys and 42.0 m;
- b) The Setbacks to All Other Zones and Grade Related Dwellings provision is not applicable;
- c) The access to at-grade units provision shall not apply to apartment dwelling units located at grade that do not have any exterior walls facing a public street;
- d) Where balconies are oriented towards an arterial road, they are permitted above 4.0 m from established grade;
- e) A transformer may project towards a public street beyond the main wall of a building;
- f) All outdoor open space areas shall be considered outdoor communal amenity space; and,
- g) Notwithstanding Section 4.19.5 Table 4H to the contrary, balconies may project a maximum distance of 2.0 m into a required yard.

3. **THAT** Section 13.2.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding Section 13.2.1.112 to read as follows:

For lands with Holding Provision H69, the “H69” Holding Provision shall not be removed until such times as the Owner has satisfied the following requirements and has provided written confirmation from CN Rail of the same:

- a) The Owner submits an updated noise mitigation report and implements any recommendations to the satisfaction of CN Rail
- b) The Owner has provided a suitable storm water outlet to the satisfaction of the Town of Milton

4. **THAT**, If no appeal is filed pursuant to Section 34(19) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or if an appeal is filed and the 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 JULY 18, 2022**

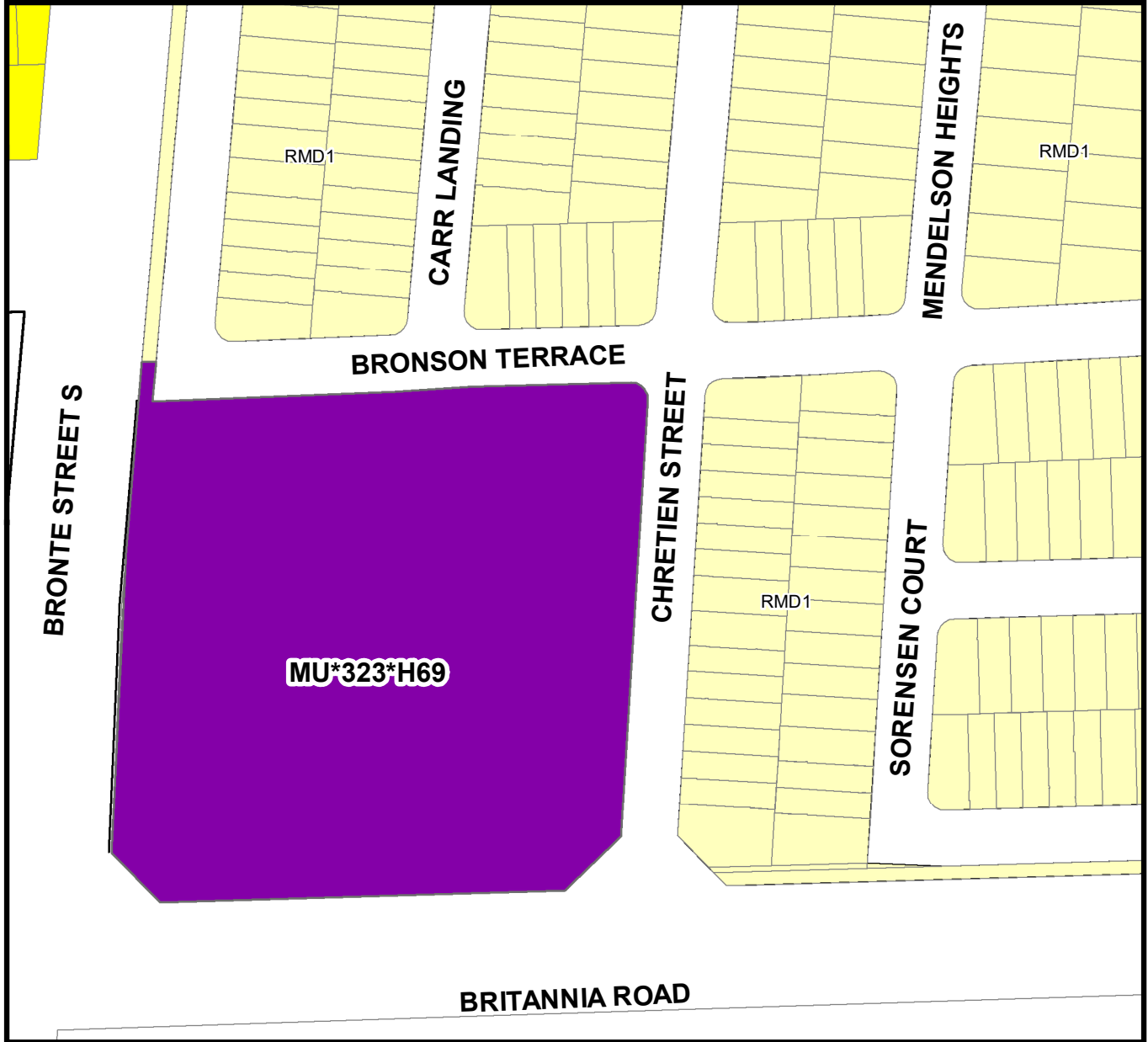
\_\_\_\_\_  
Gordon A. Krantz  
Mayor




\_\_\_\_\_ Town Clerk  
Meaghen Reid

SCHEDULE A  
TO BY-LAW No. -2022  
TOWN OF MILTON

PLAN 20M1184 BLK 360  
Town of Milton



THIS IS SCHEDULE A  
TO BY-LAW NO. \_\_\_\_\_ PASSED  
THIS \_\_\_ DAY OF \_\_\_\_\_, 2022.

 MU\*323\*H69 - Mixed use zone special with holding

\_\_\_\_\_  
MAYOR - Gordon A. Krantz

\_\_\_\_\_  
CLERK- Meaghen Reid

