



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: March 27, 2023

Report No: DS-018-23

Subject: Technical Report - Zoning By-law Amendment Application by 2587523 Ontario Inc., applicable to lands known municipally as 155 Nipissing Road, Milton. (Town File: Z-19/21)

Recommendation: THAT Staff Report DS-018-23 outlining an amendment to the Town of Milton Zoning By-law 016-2014, as amended, to facilitate the construction of a 19-storey mixed-use building **BE APPROVED**;

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-018-23 for Council adoption.

EXECUTIVE SUMMARY

The applicant is seeking an amendment to the Town of Milton's Zoning By-law 016-2014, as amended, to facilitate the construction of a 19-storey mixed-use building. In total, the proposed building provides 266 residential units, 277 square metres of retail/office space and 272 parking spaces provided within 3 levels of underground parking and limited surface parking. The Zoning By-law Amendment application proposes to rezone the subject lands from the existing Urban Growth Centre Mixed Use with Holding Provisions (UGC-MU-H1-H2-H4-H31-H71-H72-H73-H74) to a site specific Urban Growth Centre Mixed Use with a Holding Provision (UGC-MU*333-H77) zone.

In 2021, application was made for an Official Plan Amendment and Zoning By-law Amendment to facilitate the development of the lands with a 19-storey mixed-use building. The Official Plan Amendment was required to accommodate the proposed building height of 19-stories. The related Zoning By-law Amendment was made to accommodate the increase in height, but also a reduced parking rate and site specific provisions of the by-law to accommodate the proposed development.

In August 2022, the Region of Halton approved Official Plan Amendment No. 70 which granted permissions within the Milton Mobility Hub, including increased heights, density and development standards and provisions to accommodate high density residential and mixed use developments. In September 2022, Town Council approved the related Zoning By-law Amendment implementing the direction of Official Plan Amendment No.70. The result of OPA No. 70 and the MTSA zoning changes on the proposed development is that the site specific Official Plan Amendment is no longer required as the height is permitted as of right, and the Zoning By-law Amendment is now solely to address site specific standards of the by-law (ie setbacks, design provisions). Additionally, with regard to the various Holding Provisions currently in place, these will be consolidated under a single Holding Provision to be satisfied through the detailed design Site Plan Approval process.

Conclusions and Recommendations

Staff recommends that the application for an amendment to the Town of Milton Zoning By-law 016-2014, as amended, **BE APPROVED** for the following reasons:

1. The proposal conforms to Provincial, Regional and Town planning policy.
2. The proposal represents intensification within Milton's Urban Growth Centre that would make a positive contribution to meeting the Town's growth targets in accordance with Town, Regional and Provincial planning policy.
3. The proposal meets all of the technical requirements of the affected Civic Departments and all other agencies.
4. The proposed land use is compatible with surrounding land uses.
5. The proposal represents an efficient use of land and infrastructure.

REPORT

Background

Owner: 2587523 Ontario Inc, 2201 Bristol Circle, Oakville, ON.

Applicant: Batory Planning & Management, 655 Annland Street, Pickering, ON.

Location/Description:

The subject lands are located on the north side of Nipissing Road and are known municipally as 155 Nipissing Road. Existing currently on the subject lands is a two storey building containing an automotive repair and collision centre. Surrounding uses include a proposed high density residential development to the immediate west and the Milton Mall further west, the Canadian Pacific Rail corridor to the north and a future Metrolinx site to the immediate east (tentatively planned for a parking lot) and commercial/light industrial uses further to the east and south. Existing residential uses, consisting of primarily of low density uses, are located further to the south.

Proposal:

The applicant is seeking an amendment to the Town of Milton's Zoning By-law 016-2014, as amended, to facilitate the development of a mixed use 19-storey building.

Figures 2, 3 and 4 illustrate the proposed concept plan, ground level plan, and architectural renderings. The application proposes 277 square metres of retail/office space on the ground floor (increased from the initial 46 square metres) and 266 residential units (reduced from 271 units) within a 19-storey building. Vehicle parking is provided via three levels of underground parking and limited surface parking, providing a total of 272 parking spaces and 68 electric vehicle spaces. A crash wall is proposed along the rail corridor. With regard to outdoor amenity area, the development proposes the required 4.0 square metre per unit as required under the Zoning By-law for a total of 1,139 square metres located on the ground level, 16th floor and rooftop. The development also proposes approximately 590 square metres of indoor amenity area. Site access is provided from a single access from Nipissing Road.

The following reports have been submitted in support of this application:

- Planning and Urban Design Rationale, dated October 2022, prepared by Batory Urban Planning and Project Management

Background

- Environmental Noise Assessment, dated September 2022, prepared by SLR Consulting (Canada) Ltd.
- Functional Servicing Report, dated September 8, 2022, prepared by Skira & Associates Ltd.
- Geotechnical Investigation, dated August 18, 2021, prepared by Terraprobe Inc.
- Hydrogeological Assessment Report, dated August 27, 2021, prepared by Terraprobe Inc.
- Pedestrian Wind Assessment, dated August 19, 2021, prepared by SLR Consulting (Canada) Ltd.
- Phase One Environmental Site Assessment, dated August 27, 2021, prepared by Terraprobe Inc.
- Phase 2 Environmental Site Assessment, dated September 24, 2021, prepared by Terraprobe Inc.
- Tree Inventory and Preservation Plan Report, dated August 5, 2021, prepared by Kuntz Forestry Consulting Inc.
- Urban Transportation Considerations, dated August 26, 2021, prepared by BA Consulting Group Ltd.
- Transportation Study Updated, dated October 5, 2022, prepared by BA Consulting Group Ltd.
- Rail Safety Report, dated October 2022, prepared by Entuitive.
- Stage 1 Archaeological Assessment, dated September 10, 2021, prepared by Irvan Heritage Inc.

Planning Policy

The subject lands are located within the Urban Growth Centre of the Central Business District and are designated Urban Growth Centre Mixed Use Sub-Area as shown on Schedule C - Central Business District Land Use Plan of the Town of Milton Official Plan.

The Urban Growth Centre Mixed Use Sub-Area designation makes up the majority of the Central Business District and is to be planned as a concentrated, vibrant urban centre that accommodates a significant share of the Town's population and employment growth supported by Regional scale public services and major transit infrastructure. In addition to the uses permitted within the Central Business District land use designation, within the Urban Growth Centre Mixed Use Sub-Area designation, higher density residential and employment uses, major office, retail, hotels and convention centres and appropriate major institutional uses may be permitted.

The lands are also within the Milton Mobility Hub, a strategic growth area centred on the Milton GO Station and subject to a Town initiated Official Plan Amendment No. 70 (OPA No 70), approved by Town of Milton Council in 2022. The effect of OPA 70 was to prescribe minimum densities for the lands within the identified Hub area, modify matters relating to building density and heights, including revised maximum building heights, update the land use provisions, including matters relating to land use compatibility and employment lands, update the policy direction for reduced parking standards, and revise urban design and built form criteria. As it pertains to the current development, the approval of OPA 70 negated the need for the applicant's site specific Official Plan Amendment for an increase in maximum building height as the permitted height is now 23 storeys.

Background

Staff reviewed the application in relation to the policies of the Provincial Policy Statement, the Growth Plan (2017), the Halton Region Official Plan and the Town of Milton Official Plan. Town staff and our agency partners are satisfied that the application for the zoning by-law amendment as presented through this report, conforms 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 Urban Growth Centre Mixed Use with Holding Provisions (UGC-MU-H1-H2-H4-H31-H71-H72-H73-H74). The UGC-MU zone allows for standalone residential and mixed use buildings, as well as a variety of commercial/retail/office and institutional uses. In September 2022, Town Council passed By-law 089-2022, imbedding the direction from the Town's Mobility Hub Study and Official Plan Amendment No 70. By-law 089-2022 had the effect of increasing overall heights, modifying the parking requirements and implementing a number of provisions and standards to accommodate high density development. As a result of the By-law, a number of permissions the initial Zoning By-law Amendment application were seeking, such as an increase in height, reduction in parking, among others, are no longer required. The site specific permissions being sought accommodate reductions in setbacks, minor adjustments to design standards and provisions related to the incorporation of a crash wall abutting the railway right-of-way corridor. Typically, permissions such as these are sought through a Minor Variance at the Town's Committee of Adjustment, however as the application for a Zoning By-law Amendment was made, it is appropriate to include these as site specific provisions to the subject lands.

Additionally, the MTSA Zoning By-law added a number of Holding Provisions to the lands within the Mobility Hub area requiring technical reports/studies to be satisfied prior to the lifting of the Holdings and development to proceed. The Holding provisions relate to the issuance of an MECP Record of Site Condition, the submission of a Site Plan application (including Sun-Shadow Analysis, Pedestrian Wind Study and an Urban Design Brief), a Noise and Vibration Study and the submission of a Land Use Compatibility Study. Planning staff will be carrying these requirements over to the site specific by-law.

Attached to this report as Appendix 1 is the site specific Zoning By-law including the respective holding provisions.

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. The applicant has not yet made formal submission for Site Plan approval.

Discussion

Public Consultation

The applicant held a virtual Public Information Centre on October 26, 2021. No formal presentations were made at this information centre. The purpose of the PIC was to provide the



Discussion

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 technical consultants and learn about the application process. Staff were present at the PIC as well.

Notice for the public meeting was provided pursuant to the requirements of the Planning Act on November 18, 2021. The statutory Public Meeting was held on December 13, 2021. No members of the public spoke to the proposal.

Agency Circulation

The Zoning By-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 applications. Agencies will continue to work with the applicants through the detailed Site Plan approval process.

Conclusion

It is the opinion of Planning staff that the proposed amendment to the Town's Zoning By-law conforms to Provincial and Regional planning policy, meet the intent of the Town's Official Plan and achieves acceptable engineering and urban design standards. The proposed use, height and density are compatible with adjacent land uses, resulting in appropriate development of the subject lands. It is the opinion of staff that the proposed development will not only achieve appropriate intensification in a planned location but will also contribute to providing a complete community by offering a range of housing options that can support convenient access to the necessities of daily living, including access to the Milton GO Station and nearby commercial/retail amenities.

Staff recommends that the Zoning By-law amendment, attached as Appendix 1, be brought forward for Council adoption subject to the required holding provision.

Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

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



Attachments

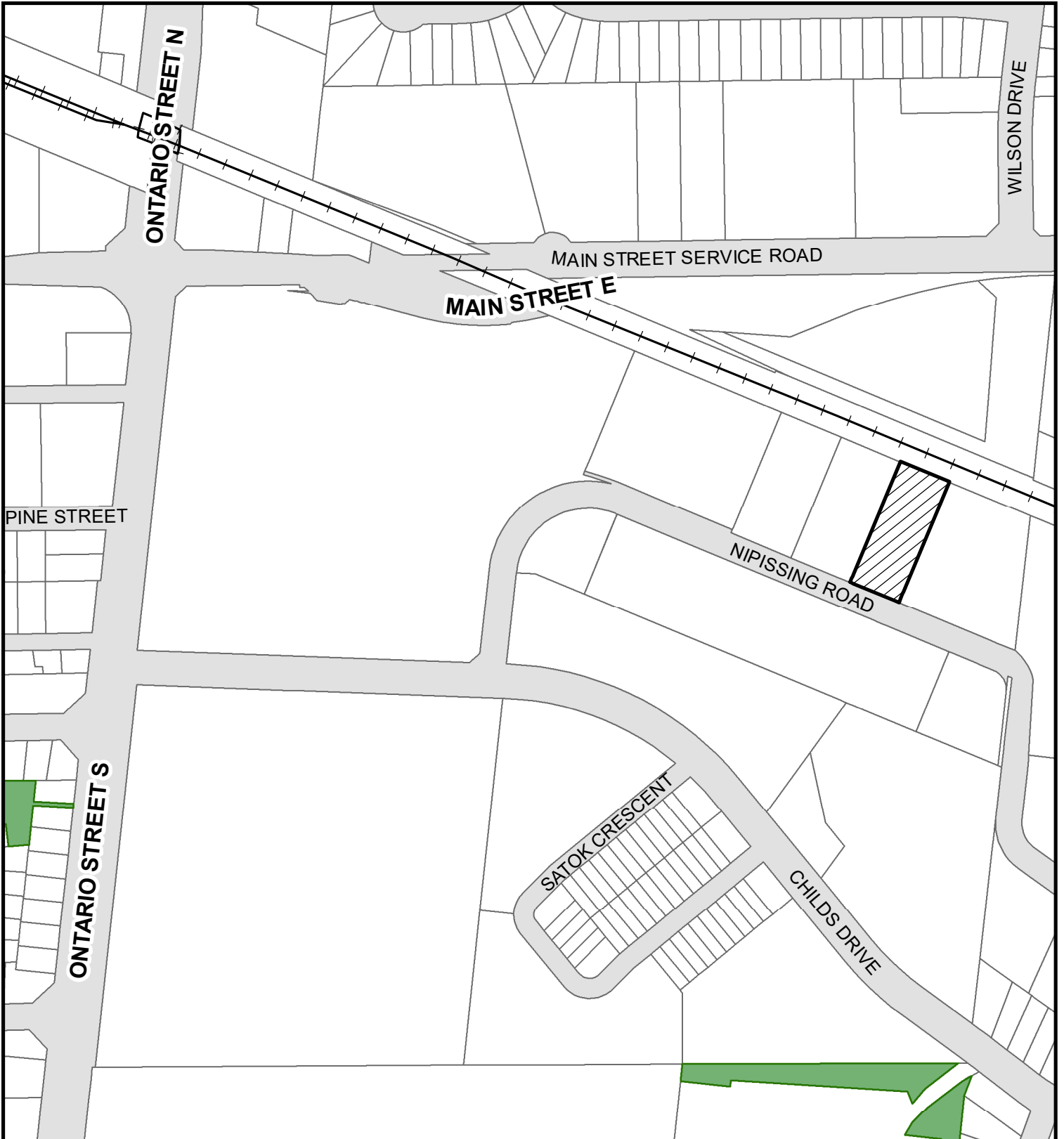
Figure 1 - Location Map
Figure 2 - Concept Plan
Figure 3 - Ground Level Plan
Figure 4 - Architectural Rendering
Appendix 1 - Zoning By-law Amendment

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:

Scale: 1: 1,300

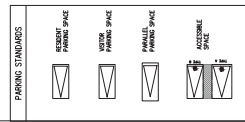
Files: Z-19-21

Development Services Department



Subject Property
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Drawings must NOT be sealed. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the architect prior to proceeding with any of the work.



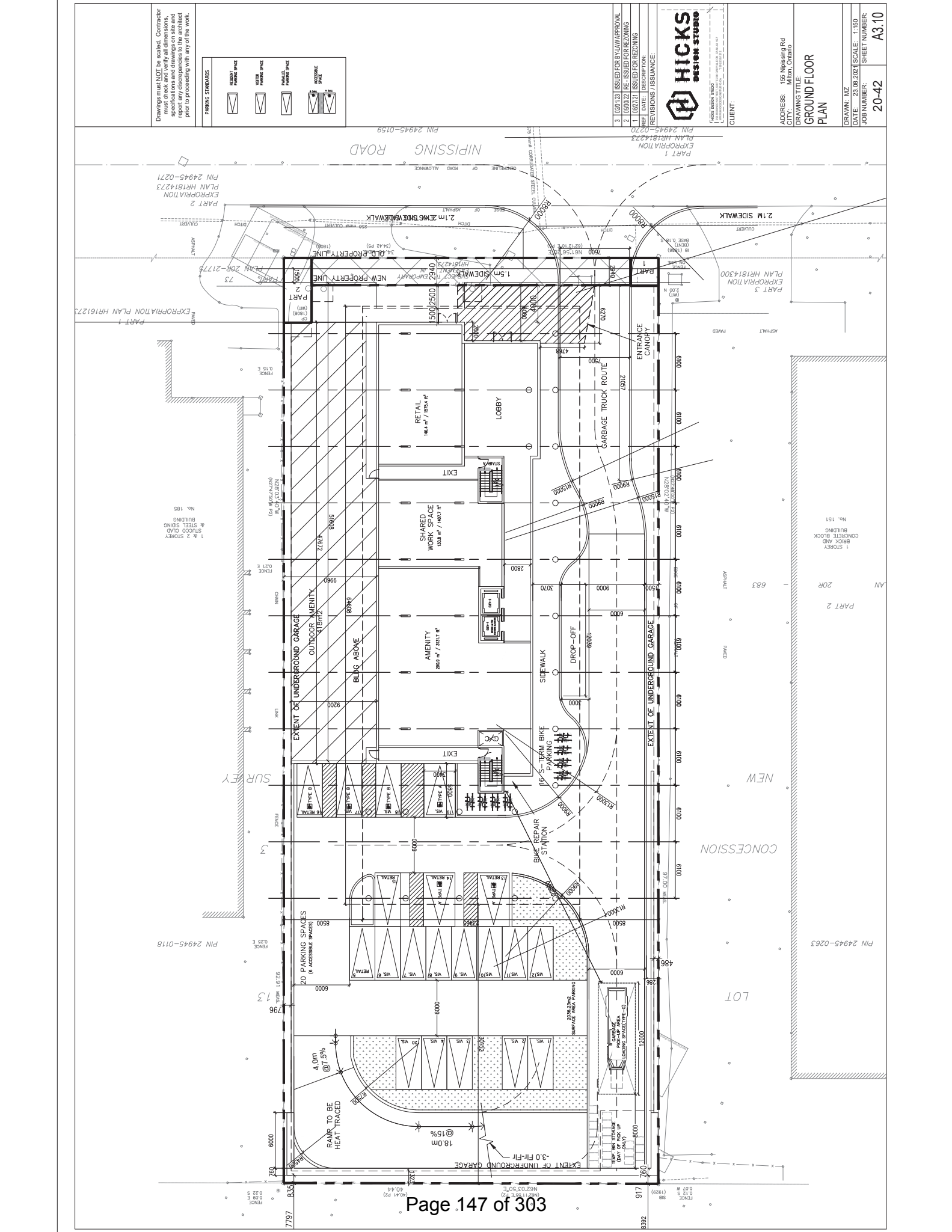
3 10/01/23 ISSUED FOR B.Y. LAW APPROVAL
 2 09/30/22 RE- ISSUED FOR RE-ZONING
 1 08/27/21 ISSUED FOR RE-ZONING



CLIENT:
 ADDRESS: 155 Nipissing Rd
 City: Milton, Ontario

DRAWING TITLE:
GROUND FLOOR PLAN

DRAWN: MZ
 DATE: 23.08.2024 SCALE: 1:150
 JOB NUMBER: 20-42
 SHEET NUMBER: A3.10





Drawings must NOT be scaled. Contractor must check and verify all dimensions, specifications and drawings on site and report any discrepancies to the architect prior to proceeding with any of the work.

1	08/27/21	ISSUED FOR REZONING
REF:	DATE:	DESCRIPTION:
REVISIONS / ISSUANCE:		



HICKS DESIGN STUDIO
 216 ROBINSON STREET, SUITE 200 OAKVILLE ON, CAN L4J 1G7
 WWW.HICKSDSIGNSTUDIO.CA T 905.339.1212

CLIENT:

ADDRESS: 155 Nipising Rd
 CITY: Milton, Ontario

DRAWING TITLE:

VIEW

DRAWN: MZ	
DATE: 23.08.2021	SCALE: NTS
JOB NUMBER: 20-42	SHEET NUMBER: A4.2

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW XXX-2023

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 LOT 13, CONCESSION 3 (NS) FORMER GEOGRAPHIC TOWNSHIP OF TRAFALGAR, TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (2587523 ONTARIO INC.) - FILE: Z-19/21

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 Urban Growth Centre Mixed Use with a Holding symbol (UGC-MU-H1-H2-H4-H31-H71-H72-H73-H74) to a site specific Urban Growth Centre Mixed Use with a Holding symbol (UGC-MU*333 -H77) zone 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 13.1.1.333 to read as follows:
 - a. Notwithstanding any provisions of the By-law to the contrary, for lands zoned the following standards and provisions shall apply
 - b. Definitions:

For the purpose of this by-law:

 - i. **BICYCLE STACKER** means a device whereby a bicycle parking space is positioned above or below another bicycle parking space and is accessed by means of an elevating device
 - c. Special Provisions:
 - i. Notwithstanding Section 4.22.3 (i), the minimum setback from a parking structure to the railway corridor right-of-way shall be 0.0 metres.
 - ii. Notwithstanding Section 5.12 -Table 5L, parking areas shall be setback a minimum of 0.5 metres from the lot line.

- iii. Notwithstanding Section 5.14.1 to the contrary, the underground parking structure may be located within 0.0 metres of a street line or a lot line.
 - iv. Any permanent awning may project to any street line or lot line
 - v. With regard to Bicycle Stacker Systems, a bicycle parking space in a stacker system shall be dimensions shall be a minimum of 1.2 metres in height, 0.45 metres in width, and 1.8 metres in length.
 - vi. Notwithstanding Section 4.19.5 -Table 4H, balconies may encroach into the required railway right-of-way setback by 3.0 metres.
 - vii. Notwithstanding Section 4.22.3(i), balconies may encroach a maximum of 3.0 metres into the required 30.0 metre setback from the railway right-of-way.
 - viii. The parking area setback permitted is 0.0 metres from the building and 0.0 metres from the lot line.
 - ix. Notwithstanding Section 5.11.1, the Loading Area may be located a maximum of 25 metres from the building.
 - x. The height permitted for the fence (crash wall) is 3.7 metres.
- d. Zone Standards

Notwithstanding any provisions of Section 7.2, Table 7C-1 and Table 7A footnotes to the contrary, the following shall apply:

- i. Minimum front yard setback above the 4th Storey: 4.0 metres
 - ii. Minimum rear yard setback: 0.0 metres
 - iii. Minimum side yard setback Floors 9 and above: 9.5 metres.
 - iv. Notwithstanding Table 7A, Footnote 9, the minimum amenity area width on the rooftop may be 3.0 metres when providing connection between amenity areas.
 - v. The maximum linear length of the tower floor plate is 51.0 metres.
 - vi. The maximum surface parking area coverage is 52%
3. **THAT** Section 13.2.1.120 of By-law 016-2014, as amended, is hereby further amended by adding the following conditions for removal of this “H77” Holding Provision:

“That prior to the lifting of the H symbol, the Owner shall have addressed the following:

- a) To the satisfaction of Halton Region:
 - a. The Qualified Professional (QP) is required to apply potable site condition standards in the Phase Two ESA.
 - b. A Record of Site Condition (RSC) is required.
 - c. That the author of the environmental site assessment reports extend third party reliance to Halton Region.

 - b) To the satisfaction of the Town of Milton:
 - a. A site plan application has been received by the Town of Milton including a Sun-Shadow Analysis, a Pedestrian Impacts Wind Study, and an Urban Design Brief, where required, and the Owner has entered into a site plan agreement with the Town with respect to the proposed development and has posted the associated securities.
 - b. A Noise and Vibration Study associated with a site plan application for development on lands abutting the CP rail line has been conducted and written confirmation has been provided by a qualified acoustical engineer that the required noise mitigation measures have been completed in accordance with the approved Study.
 - c. The submission and approval of a Land Use Compatibility Study associated with a site plan application for development of a sensitive land use within the area of influence of a major facility has been conducted and any pre-construction mitigation measures that are required are completed.
4. 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 [DATE]

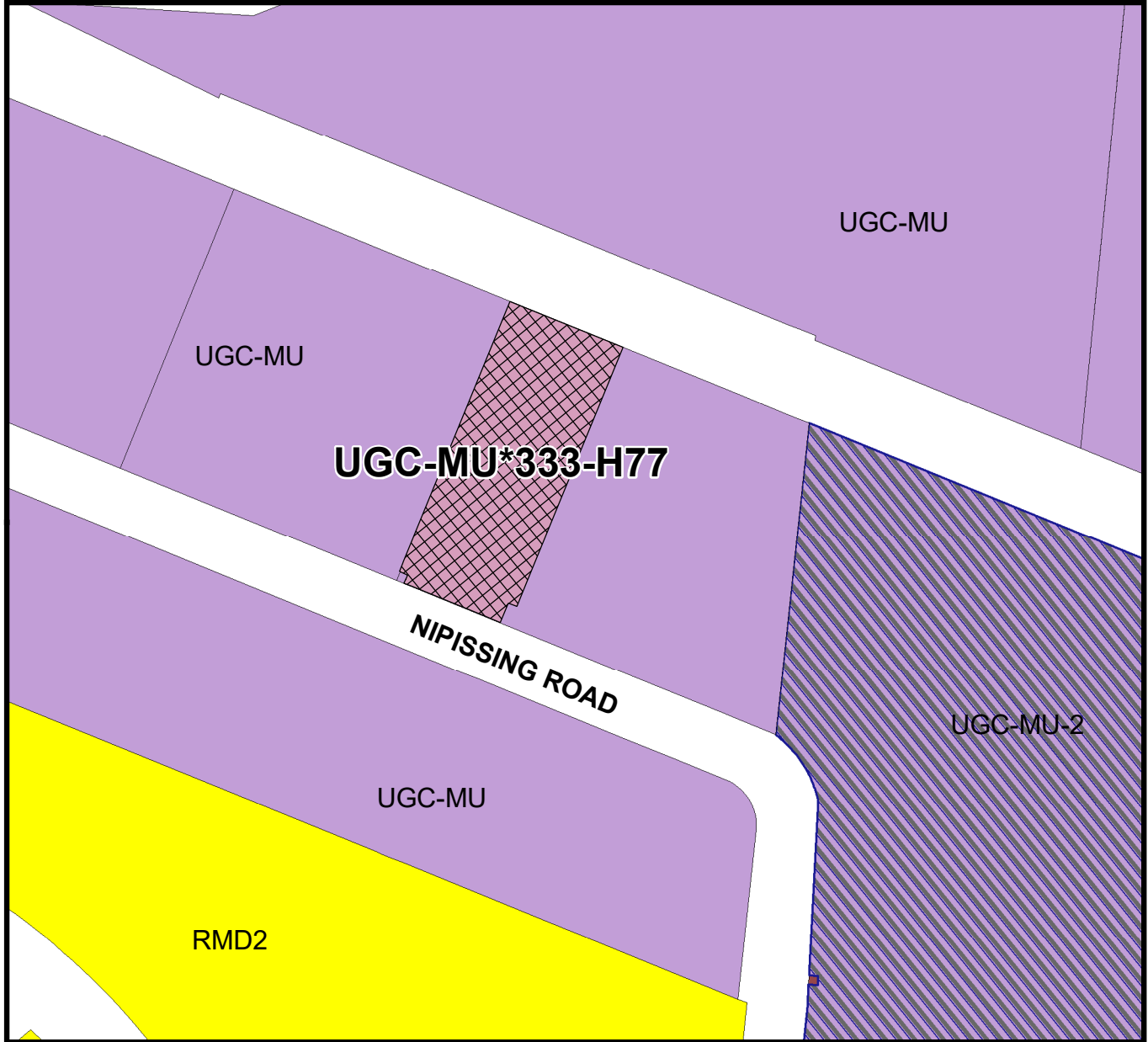
Gordon A. Krantz Mayor

_____ Town Clerk
Meaghen Reid


SCHEDULE A
TO BY-LAW No. -2023
TOWN OF MILTON

PART OF LOTS 13, CONCESSION 3, New Survey

Town of Milton



THIS IS SCHEDULE A
TO BY-LAW NO. _____ PASSED
THIS __ DAY OF _____, 2023.

 UGC-MU*333-H77 Urban Growth Centre
Mixed-Use Zone Special

MAYOR - Gordon A. Krantz

CLERK- Meaghen Reid

