



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: July 18, 2022

Report No: DS-079-22

Subject: Technical Report: Proposed Plan of Subdivision and Zoning By-law Amendment by Nadeem Aslam and Saima Nadeem applicable to lands legally described as Part of Lot 12, Concession 4, Blocks 101, 102, 105, 111-114 on Plan 20M-1132, and Part of Part 3 on Plan 20R-17075 (Town Files: 24T-21009/M and Z-28/21)

Recommendation: THAT Town of Milton Council support the granting of Draft Plan Approval by the Commissioner of Development Services for the proposed plan of subdivision (Town file: 24T-21009/M);

AND THAT Application Z-28/21 for an amendment to the Town of Milton Comprehensive Zoning By-law 016-2014, as amended, to change the current Future Development (FD) and Residential Medium Density 1 Special Provision 35 (RMD1* 35) Zones to a Residential Medium Density 1 Special Provision 326 (RMD1*326) Zone to permit the development of a residential plan of subdivision, BE APPROVED;

AND FURTHER 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-079-22 for Council Adoption;

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.

EXECUTIVE SUMMARY

The applicant is seeking an amendment to the Town of Milton Zoning By-law 016-2014, as amended, to rezone the subject lands from the current Future Development (FD) and Residential Medium Density 1 Special Provision 35 (RMD1*35) Zones to a Residential Medium Density 1 Special Provision 326 (RMD1*326) Zone. The change in zoning is



EXECUTIVE SUMMARY

being requested to facilitate the development of a residential plan of subdivision consisting of 10 detached lots. The proposed infill subdivision will be connected to existing water and wastewater services, use established road networks and complete the development of the Clarke Neighbourhood.

All internal Town of Milton departments and responding external agencies have provided correspondence to Town Planning staff indicating their support for the applications as currently presented. They have also provided appropriate conditions of draft plan approval necessary for the Town to consider the approval of these applications. Staff has reviewed all 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.

REPORT

Background

Owner: Nadeem Aslam and Saima Nadeem, 6335 Lisgar Drive, Mississauga ON

Applicant/Agent: MB1 Development Consulting Inc., 1489 Abbeywood Drive, Oakville ON

Location/Description:

The subject lands are generally located on the west side of Cedar Hedge Road, north of Laurier Avenue, and are legally described as Part of Lots 11 and 12, Concession 4, New Survey, Former Geographic Township of Trafalgar, in the Town of Milton, in the Regional Municipality of Halton, Blocks 101, 102, 105, 111-114 on Plan 20M-1132, and Part of Part 3 on Plan 20R-17075. See Figure 1- Location Map.

The subject lands are approximately 0.29 hectares in size, and are comprised of an existing residential lot (i.e. 398 Cedar Hedge Road) and residential reserve blocks from two previous adjacent plans of subdivision. The residential lot is currently occupied by a one-storey detached dwelling, detached garage, and front yard surface parking area, and the residential reserve blocks are vacant. The subject lands have frontage along Cedar Hedge Road, abut Hincks Drive at the rear, and are entirely surrounded by medium density residential uses. The lands are located within the Bristol Survey Secondary Plan Area.

Proposal:

Figure 2 illustrates the proposed plan of subdivision, which consists of 10 detached lots. It is evident from the various residential reserve blocks established through the previous adjacent plans of subdivision, that the property municipally known as 398 Cedar Hedge Road would be redeveloped as proposed to fit within the existing community at the appropriate time. The proposed infill subdivision will be connected to existing water and

Background

wastewater services, use established road networks and will complete the development of the Clarke Neighbourhood.

The proposal before Council at the current time, is a request for an amendment to the Town of Milton Zoning By-law 016-2014, as amended, to implement the draft plan of subdivision as proposed above. Accordingly, the proposal seeks to rezone the lands from the existing Future Development (FD) and Residential Medium Density 1 Special Provision 35 (RMD1*35) Zones to a Residential Medium Density 1 Special Provision 326 (RMD1*326) Zone.

The draft amending Zoning By-law is attached as Appendix 1 to this report.

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

- Legal Survey, prepared by J.D. Barnes Limited, dated September 7, 2021;
- Draft Plan of Subdivision, prepared by MB1 Development Consulting Inc., dated March 15, 2022;
- Draft Plan of Subdivision Showing Overlay of Lands Outside of 398 Cedar Hedge, Land Pro Engineering Consultants Inc., dated May 2012;
- Layout Plan/ Survey, prepared by J.D. Barnes Limited, dated June 24, 2021;
- Planning Justification Report, prepared by MB1 Development Consulting Inc., dated March 2022;
- Public Consultation Strategy, prepared by prepared by MB1 Development Consulting Inc., dated October 15, 2021;
- Phase One - Environmental Site Assessment, prepared by Terraprobe, dated July 30, 2021;
- Detailed Noise Control Study, prepared by SS Wilson Associates, dated June 17, 2022;
- Functional Servicing and Stormwater Management Report, Schaeffers Consulting Engineers, dated August 2021;
- Geo-Technical Investigation, prepared by Soil Engineers Ltd., dated May 2021;
- Site Plan, prepared by R.A. Jeffries and Associates, dated September 22, 2021 (Revision 4);
- Landscape Plan, prepared by BTi Landscape Architecture, dated April 11, 2022;
- Streetscape Plan, prepared by R.A. Jeffries and Associates, dated September 22, 2021 (Revision 3);
- Elevations, prepared by R.A. Jeffries and Associates, dated March 2022;

Background

- Floor Plans, prepared by R.A. Jeffries and Associates, dated March 3, 2022; and,
- Draft Zoning By-law Amendment.

Planning Policy

Within the 2009 Halton Region Official Plan (ROP), the subject lands are designated Urban Area. The Urban Area policies of the ROP are in effect and provide that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to all other relevant policies of the Regional Plan.

A key objective of the ROP as it relates to housing, is to make more efficient use of existing developed lands, housing stock and available services to increase the supply of housing while maintaining the physical character of existing neighbourhoods. Regional staff has confirmed that the infill residential development proposed on the attached draft plan of subdivision conforms to the Regional Official Plan and all Provincial land use policy.

At the local level, the subject lands are located within the Urban Area and are designated Residential Area on Schedule B - Urban Land Use Plan of the Town's Official Plan and Schedule C.6.D - Bristol Survey Secondary Plan Land Use Plan. The Residential Area designation in both the parent plan and the secondary plan permits a full range of residential uses and densities as well as complementary non-residential uses that are necessary to create a residential neighbourhood environment.

In addition to the above, a Character Area overlay designation along Cedar Hedge Road (formerly Fourth Line) is shown on the following Bristol Survey Schedules C.6.A - Community Structure Plan, C.6.B - Transportation Plan (shown as Character Street), C.6.C - Open Space, Pedestrian/Bike Path Plan, and C.6.D - Land Use Plan. Lands subject to the Character Area overlay designation are to be developed in accordance with the policies of the underlying designation, and where possible take into consideration, the rural nature of the local streetscape. Given that the character of the area has been reviewed and determined through surrounding registered plans of subdivision, any new development shall be designed in a manner which is compatible with, and sympathetic in design to the existing streetscape.

Section C.6.5.1.3 of the secondary plan further states that street-oriented medium density residential uses, shall be evaluated to ensure appropriate integration with the adjacent development in accordance with the Urban Design Guidelines that form part of the Bristol Survey Planning District Implementation Strategy.

Staff reviewed the application in relation to the policies of the Provincial Policy Statement (2020), the Growth Plan (2019), the Halton Region Official Plan 2009 (ROP) the Town of Milton Official Plan, and the Bristol Survey Secondary Plan. Town staff and our agency partners are satisfied that the draft plan of subdivision and 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.

Background

Zoning By-law 016-2014, as amended

The subject lands are currently zoned Future Development (FD) and Residential Medium Density 1 Special Provision 35 (RMD1*35) under the Town's Urban Area Zoning By-law. The FD Zone only permits uses that legally existed on the date the Zoning By-law came into effect, and although the RMD1*35 Zone permits new residential development, the blocks that the RMD1*35 Zone apply to (i.e. the residential reserve blocks from the abutting subdivisions) do not meet the minimum lot frontage and lot depth requirements to proceed with development. As a result, an amendment to Comprehensive Zoning By-law 016-204, as amended, is required in order to allow the implementation of the residential plan of subdivision as described above. A draft amending Zoning By-law is attached as Appendix 1 to this report.

Discussion

Public Consultation and Review Process

The application was deemed complete on November 5, 2021. A virtual public information centre (PIC) was held by the applicant on March 30, 2022 and was attended by members of Council, interested residents and staff. Members of the public sought information about the proposed development and the planning process, and provided support for the proposed infill subdivision as it would complete the neighbourhood. Questions relating to built form and tenure, grading and drainage, property values, and construction related matters were raised. These topics are addressed in the Summary of Issues section below.

Notice for the statutory public meeting was provided pursuant to the requirements of the Planning Act via written notice to all properties within 200 metres of the subject lands, as well as an ad in the Milton Canadian Champion Newspaper on March 17, 2022. The statutory public meeting was held on April 11, 2022 and one member of the public spoke in support of the application. Staff received one formal written submission, which is attached as Appendix 2 to this report.

Agency Consultation

The draft plan of subdivision, zoning by-law amendment and all supportive documents were circulated to both internal and external commenting agencies. All Town Departments and affected agencies including Halton Region, the School Boards and other agencies offered no objection to the applications and requested standard conditions of draft plan approval be applied. Agencies will continue to work with the applicant through the detailed draft approval process.

Summary of Issues

Built Form and Tenure

The proposed dwelling units for this development are generally two and half storeys in height and also contain raised porches with stairs leading to the front door. While the

Discussion

elevations will differ slightly from the existing single detached dwellings in the neighbourhood, the proposed lots and dwelling units will be consistent in terms of pattern and size (i.e. lot frontage, lot depth, square footage, setbacks and height), which will ensure a compatible integration with the existing neighbourhood. While the proposed height of the new dwelling units met the requirements of the Zoning By-law, Planning Policy and Urban Design staff recommended slight changes to the roof lines to provide a softer transition between unit types. The applicant accommodated the recommended revisions in the proposed elevation drawings.

With respect to tenure, the applicant confirmed that each lot and the dwelling upon it, will be freehold. Existing residents had raised concerns that the units may be built for rental purposes.

Grading and Drainage

The elevation at 398 Cedar Hedge Road is lower than the surrounding development and as a result, the drainage has not been optimal on the subject lands. The applicant provided a Functional Servicing and Stormwater Management Study that confirms that the subject lands will be raised to meet the existing grades of adjacent properties, and demonstrates that upon completion of the site works, the drainage concerns will be addressed.

Property Values

There are many factors that impact the value of a property. Changes to the local context can both increase and decrease a properties value. Provincial planning polices and the Planning Act do not identify impact on property values as a consideration for planning decisions. Rather, all development applications must be evaluated to ensure consistency with Provincial, Regional, and Local planning policies.

Construction Impacts

It is expected that there will be impacts associated with the development and construction of the subject lands, however, it is the developer's responsibility to ensure that any negative impacts on adjacent properties are minimized. To address the many concerns raised by residents in the area in this regard, the applicant has committed to preparing a Construction Management Plan (CMP) prior to the commencement of any works. A CMP is a plan that outlines the proposed building works to be undertaken and how the constructor intends to manage the project to minimize the likely impacts on the local residents and surrounding areas during the site works.

Commonly addressed items include (but are not limited to):

- Public safety and site security
- Site operating hours and points of contact (e.g. site supervisor)
- Construction activities and programming
- Controls to be put in place to limit noise and vibration



Discussion

- Proper management of air, dust, stormwater and site drainage/sediment
- Site waste management
- Traffic management including access routes to and from the site

In addition to the above, Town Development Engineering Inspectors will visit the site on a regular basis to ensure that construction is occurring in accordance with the approved plans, and that appropriate measures are being undertaken.

It should also be noted that the Town's Noise By-law restricts daytime hours when construction and noise can take place. Any complaints related to noise can be directed to the Town's By-law Enforcement office.

Amending Zoning By-law (Z-28/21)

In order to permit the proposed development, a Zoning By-law Amendment containing an appropriate residential Zone classification (i.e. Residential Medium Density 1 (RMD1)) to permit new residential units, as well as one site-specific provision (*326) that will allow for some variation in the design of the main floor building façade, is required.

The proposed development complies with all other requirements of the Zoning By-law including provisions relating to height, parking, landscaping and setbacks to adjacent lot lines.

Conclusion

Staff is of the opinion that the proposed development of ten detached dwelling units on the subject lands, conforms to Provincial, Regional and local planning policy and achieves acceptable engineering and design standards. On the basis of the foregoing, staff recommends that the Zoning By-law Amendment, attached as Appendix 1 to this report, be brought forward for Council adoption. Furthermore, staff recommends that at the appropriate time, the Commissioner of Development Services grant draft plan approval of the proposed Plan of Subdivision, subject to the standard and any site-specific draft plan conditions.

Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services



The Corporation of the Town of Milton

Report #:
DS-079-22
Page 8 of 8

For questions, please contact: Angela Janzen, MCIP, RPP Phone: Ext. 2310
Sr. Planner

Attachments

Figure 1 - Location Map
Figure 2 - Draft Plan of Subdivision
Appendix 1 - Draft Zoning By-law Amendment
Appendix 2 - Public Comments

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.

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 LOTS 11 AND 12, CONCESSION 4, N.S. (TRAFALGAR) IN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON, BLOCKS 101, 102, 105, 111-114 ON PLAN 20M-1132, AND PART OF PART 3 ON PLAN 20R-17075 (NADEEM ASLAM AND SAIMA NADEEM) - FILE: Z-28/21

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 Future Development (FD) and Residential Medium Density 1 Special Provision 35 (RMD1* 35) Zone symbols to a Residential Medium Density 1 Special Provision 326 (RMD1*326) Zone symbol on the lands 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 13.1.1.326 to read as follows:

Residential Medium Density 1 - Special Provision 326 (RMD1*326) Zone

Notwithstanding the special residential provisions of Section 6.3.1.1 of the Zoning By-law to the contrary, the following provisions shall apply:

- i) Special Site Provisions
 - a. The dwelling face must be a minimum of 36% of the main floor building face.
3. 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

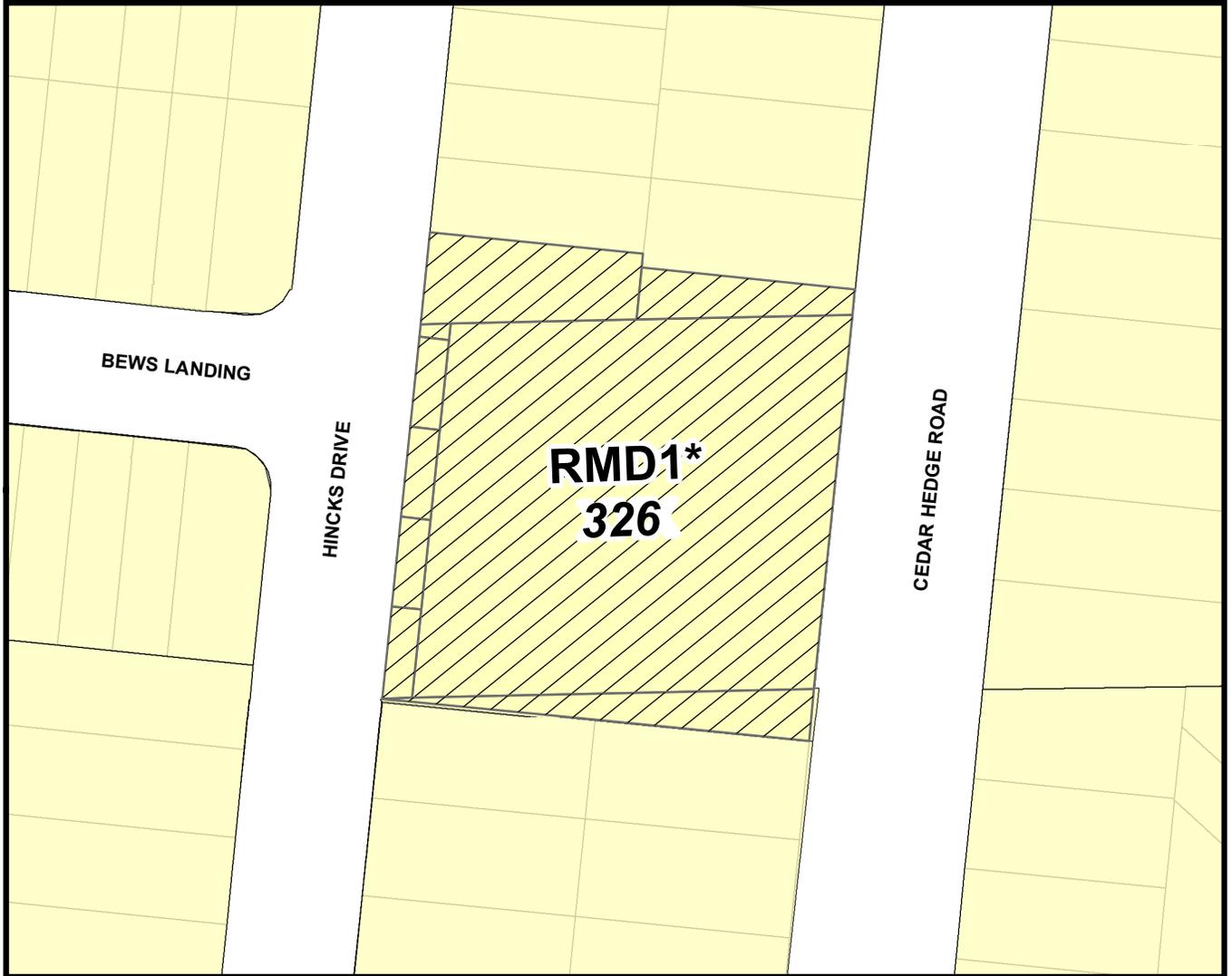
Meaghen Reid

Town Clerk

SCHEDULE A
TO BY-LAW No. -2022

TOWN OF MILTON

PLAN 20M-1132 BLKS 101,102, 105, 111-114,
PART OF PART 3 ON PLAN 20R-17075,
PART OF LOTS 11 AND 12, CONCESSION 4 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

 RMD1*326 - Medium Density Residential 1 Zone Special



Miranda Borris

Subject: FW: Website Delegation Request - Alladin Elamin -

From: noreply@esolutionsgroup.ca <noreply@esolutionsgroup.ca>

Sent: Thursday, March 31, 2022 12:58 PM

To: MB-townclerk@milton.ca <Townclerk@milton.ca>

Subject: Website Delegation Request - Alladin Elamin -

Hello Town Clerk's Staff,

Please note the following response to Delegate Request Application has been submitted at Thursday March 31st 2022 12:54 PM with reference number 2022-03-31-029.

<https://forms.milton.ca/Management/Response/View/ed3e3239-608f-4c3d-8f1d-ec4d7b3b00ce>

Application Information

- **First Name:**
Alladin
- **Last Name**
Elamin
- **Email Address:**
- **Phone number:**
- **Street Address**
- **Town**
Milton
- **Postal Code:**
- **Are you representing a group?**
No
- **Council Meeting Date**
4/11/2022

- **Please indicate how you intend to interact with the online Council Meeting**
Both audio and video
- **Please describe the issue you intend to present:**
I would like to join the meeting regarding 398 Cedar Hedge Road
- **Please describe specific actions you want Council to take:**
I would hope the Council to approve the amendment to the zoning to allow for the 10 detached homes at the lot, I'm a homeowner lives in the neighborhood for 6 years.
- **Please provide your comments in support of or in opposition to the staff recommendation:**
to be discussed further
- **Do you give your permission to be audio and video recorded on the Town of Milton's live Council meeting stream?**
Yes I give my permission

[This is an automated email notification -- please do not respond]

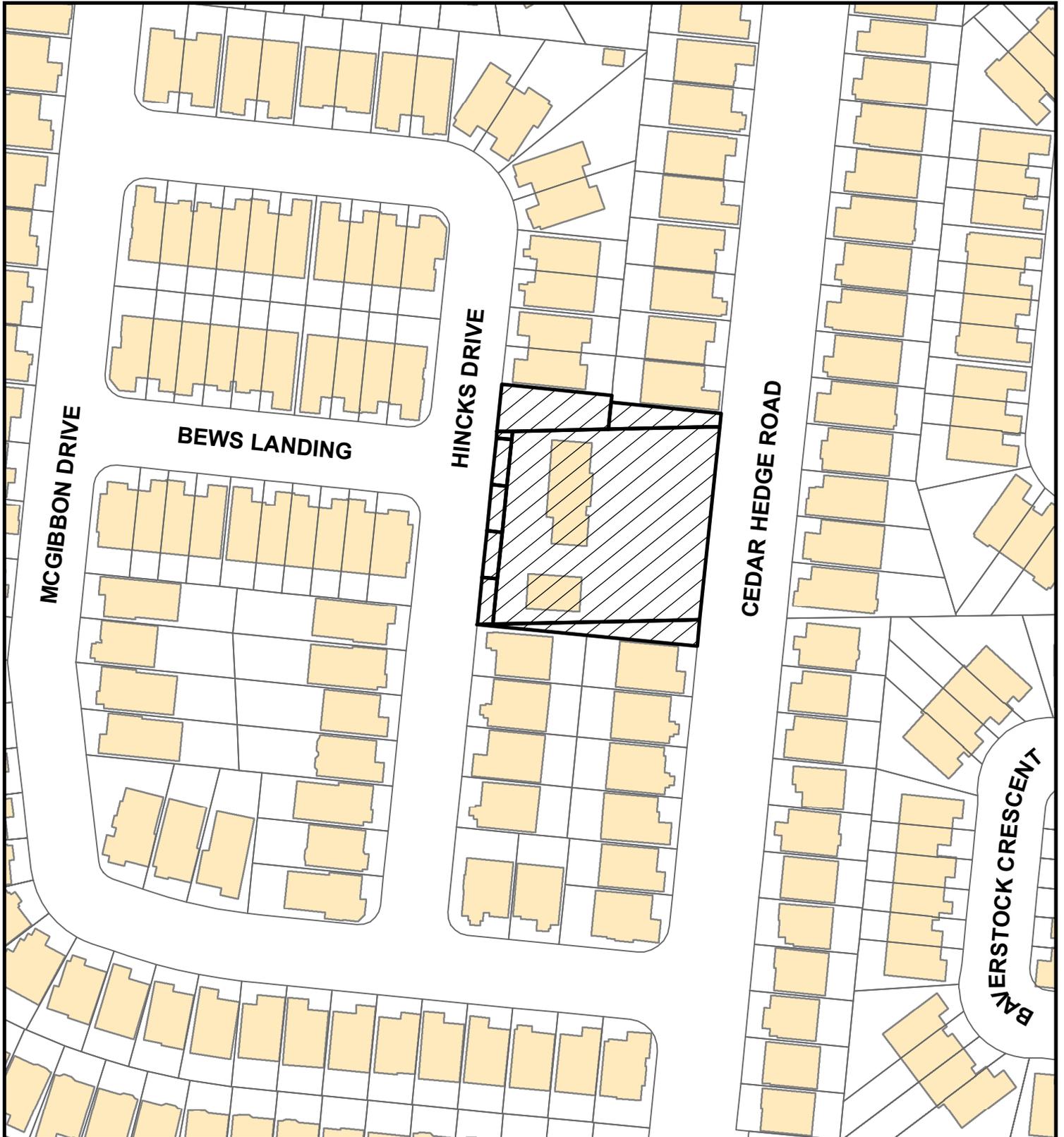


[esolutionsNoReply -External Contact](mailto:esolutionsNoReply@townofmilton.ca)

, ON,

www.milton.ca

FIGURE 1 LOCATION MAP



Council Meeting Date:
July 18, 2022

Scale: 1: 3,000

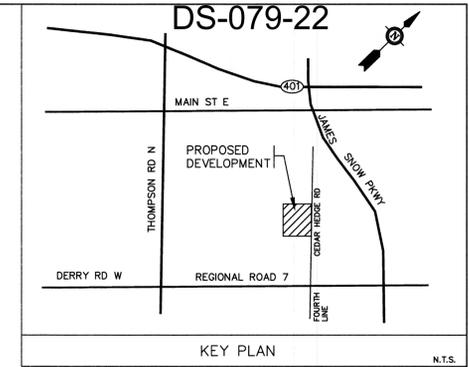
Files: Z-28/21

Development Services Department

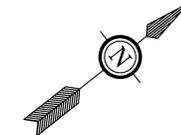


Subject Property
Page 384 of 459

FIGURE 2
DS-079-22



DRAFT PLAN OF
PROPOSED SUBDIVISION
PART OF THE NORTHEAST HALF OF
LOT 12, CONCESSION 4, NEW SURVEY
(GEOGRAPHIC TOWNSHIP OF TRAFALGAR)
NOW IN THE
TOWN OF MILTON
REGIONAL MUNICIPALITY OF HALTON



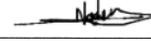
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE SUBDIVIDED AS SHOWN ON THIS PLAN, AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

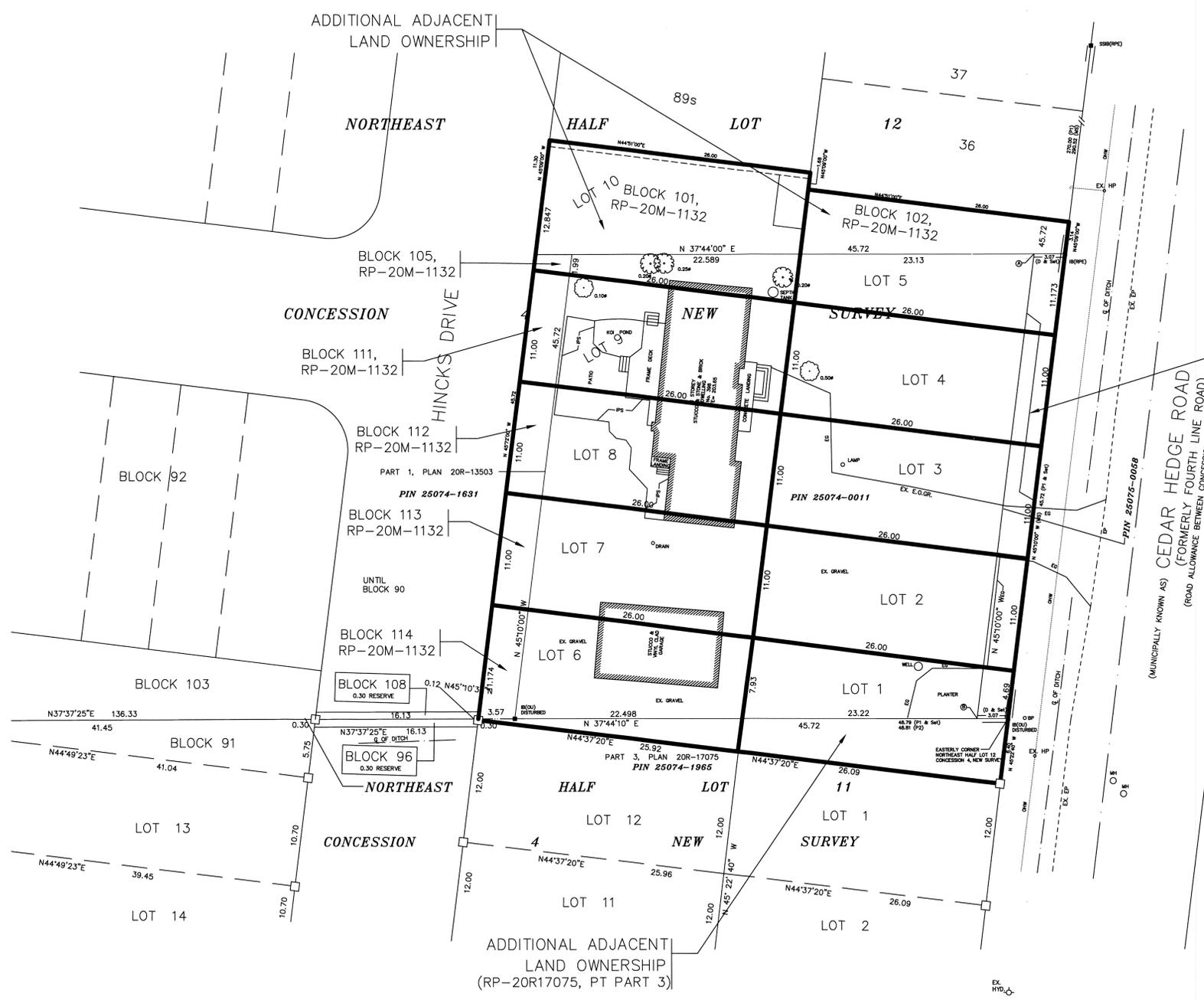
Signature:  15th March 2022.
Day Month Year
Sunil Perera, O.L.S.

OWNER'S AUTHORIZATION

I/WE, Nadeem Aslam
BEING THE REGISTERED OWNER(S) OF THE SUBJECT LANDS, HEREBY
AUTHORIZE MB1 CONSULTING TO
PREPARE AND SUBMIT A DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

Signature:  15th, March 2022
Day Month Year
Nadeem Aslam

ORIGINALLY DEDICATED AS A PUBLIC HIGHWAY
BY BY-LAW 24-94, INSTRUMENT No. 822131
BUT NOW SUBJECT TO SUBDIVISION AND
OWNED BY DEVELOPER



NOTES

- ALL DIMENSIONS ARE IN METRES.
- ALL ELEVATIONS REFER TO GEODETIC DATUM.
- ALL EXISTING BUILDINGS TO BE DEMOLISHED.
- ADDITIONAL INFORMATION REQUIRED UNDER SECTION 50(2) OF THE PLANNING ACT
- INFORMATION REQUIRED BY CLAUSES a,b,c,d,e,f,g & j ARE SHOWN ON THE DRAFT AND KEY PLANS.
- C. THIS REPRESENTS THE APPLICANT'S ENTIRE HOLDING OF UNDEVELOPED LAND IN THIS VICINITY.
- H. MUNICIPAL PIPED WATER TO BE PROVIDED.
- I. CLAY LOAM SOIL.
- K. MUNICIPAL SANITARY & STORM SEWERS TO BE PROVIDED.

UNIT COUNT

FUTURE	
STANDARD DETACHED UNITS (11m LOTS)	9
STANDARD DETACHED UNITS (12.8m LOTS)	1
TOTAL	10

AREA TABLE

TOTAL AREA UNDER DRAFT PLAN	0.2919 Ha
TOTAL AREA UPON PLAN REGISTRATION	0.2919 Ha
STANDARD DETACHED UNITS (11.09m LOTS) LOT 1	0.0289 Ha
STANDARD DETACHED UNITS (11m LOTS) (LOTS 2,3,4,7,8,9)	0.0286 Ha
STANDARD DETACHED UNITS (11.173m LOT) LOT 5	0.0290 Ha
STANDARD DETACHED UNITS (11.174m LOT) LOT 6	0.0290 Ha
STANDARD DETACHED UNITS (12.8m LOT) LOT 10	0.0334 Ha
DEVELOPABLE AREA	0.2919 Ha

CONDITIONS FOR ELECTRONIC INFORMATION TRANSFER

- ELECTRONIC INFORMATION IS SUPPLIED TO THE OTHER ASSOCIATED FIRMS TO ASSIST THEM IN THE EXECUTION OF THEIR WORK/REVIEW. THE RECIPIENT FIRMS MUST DETERMINE THE COMPLETENESS/APPROPRIATENESS/RELEVANCE OF THE INFORMATION IN RESPECT TO THEIR PARTICULAR RESPONSIBILITY.
- MB1 CONSULTING SHALL NOT BE RESPONSIBLE FOR:
 - ERRORS, OMISSIONS, INCOMPLETENESS DUE TO LOSS OF INFORMATION IN WHOLE OR PART WHEN INFORMATION IS TRANSFERRED.
 - TRANSMISSION OF ANY VIRUS OR DAMAGE TO THE RECEIVING ELECTRONIC SYSTEM WHEN INFORMATION IS TRANSFERRED.

No.	Date	By	Description

REVISIONS
UNAUTHORIZED USE OR REUSE OF THIS DRAWING IS NOT PERMITTED

Municipality: **TOWN OF MILTON**
REGIONAL MUNICIPALITY OF HALTON
NADEEM ASLAM
398 CEDAR HEDGE ROAD
Title: **DRAFT PLAN**

MB1 Consulting
URBAN PLANNING SERVICES

DESIGN BY: V.G.	ELECTRONIC FILE: 2013-022dp2	DATE: Mar, 2022
DRAWN BY: I.P.	PROJECT No.	DRAWING No.
SCALE: HORI. 1:250	2013-023	DP-2