



The Corporation of the Town of Milton

Report To:	Council
From:	Barbara Koopmans, Commissioner, Development Services
Date:	September 13, 2021
Report No:	DS-071-21
Subject:	Technical Report - Zoning By-law Amendment Application by Fernbrook Homes (Milton One) Limited, applicable to lands municipally known as 8175 Britannia Road, Milton (Town File: Z-10/20)

Recommendation: **THAT** Application Z-10/20 for an amendment to the Town of Milton Comprehensive Zoning By-law 016-2014, as amended, to change the existing Open Space (OS) Zone symbol to a site specific Mixed Use (MU*305*H55) Zone with Holding (H55) symbol for the property known as 8175 Britannia Road to facilitate the construction of a 254 stacked townhouse development, **BE APPROVED**;

AND THAT staff be authorized to bring forward the amending Zoning By-law attached in Appendix 1 to this Report for Council adoption;

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 minor variance may be made.

EXECUTIVE SUMMARY

The applicant is seeking amendments to the Town of Milton Zoning By-law 016-2014, as amended, to permit the development of a 254 unit stacked townhouse development. Specifically, the applicant is seeking to amend the zoning on a property located at 8175 Britannia Road and within the Boyne Survey Secondary Plan from the current Open Space (OS) Zone to a site specific Mixed Use (MU*305*H55) Zone with holding provision (H55) to allow for the development of a stacked townhouse development.

The proposed concept site plan (Appendix 2: Concept Site Plan and Elevations) identifies nine stacked townhouse blocks containing 254 units. Seven of the blocks are arranged around the perimeter of the property, with an internal circulation ring road surrounding the other two blocks and the primary outdoor communal amenity area. The majority of the parking provided will be located below grade, accessed from a ramp located on the internal circulation ring road.



EXECUTIVE SUMMARY

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. No 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.

Conclusions and Recommendations

Staff is satisfied that the Zoning By-law Amendment processed under file Z 10/20 conforms to Provincial, Regional and Town planning policy and achieves acceptable design standards is generally consistent with the Town of Milton Urban Design Guidelines and the Boyne Survey Secondary Plan Urban Design Guidelines. The proposed development as permitted through the draft Zoning By-law Amendment will also positively contribute to the overall development of the Major Node area contemplated for the north-east corner of Britannia Road and Regional Road 25, complements the portion of the Major Node being developed on the adjacent lands owned by Primont Homes (Milton) Inc., and is being developed at a density and in a built form consistent with the Major Node policies of the Boyne Survey Secondary Plan. Therefore, staff recommends approval of the Zoning By-law Amendment attached as Appendix 1.

REPORT

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Background

Owner: Fernbrook Homes (Milton One) Limited, 2220 Highway 7, Concord, Ontario

Agent: Robert Russell Planning Consultants Inc., 162 Guelph Street, Halton Hills, Ontario

Location: The property is situated on the north side of Britannia Road, approximately 250 metres east of Regional Road 25. The property is 1.55 hectares in area with a rectangular shape. The width is approximately 111 metres, and the depth is approximately 150 metres. The immediate neighbourhood context is generally rural to the south of Britannia Road, consisting of agricultural uses and large lot residential properties. The lands immediately to the north and east form part of the Primont Homes draft approved plan of subdivision (Town File: 24T-14004/M) and the lands to the west are predominantly part of the Sunset plan of subdivision (Town File: 24T-16001/M) and other lands owned by Halton Region. The lands west of Regional Road 25 have recently developed, or are in the construction stages of development, as predominantly urban residential neighbourhoods.

The Fernbrook property at 8175 Britannia Road contains two existing structures, a small former community centre and a storage shed. The property was previously known as the Boyne Soccer Field and Community Centre and was owned by the Town of Milton. The property was sold by the Town of Milton to Fernbrook Homes in April 2016. There are a

Background

few trees near these structures and one tree near the rear property line, but the site is otherwise devoid of large vegetation and has recently been in agricultural production.

Proposal

Fernbrook Homes is proposing to develop the site with nine stacked townhouse blocks containing 254 units. Seven of the blocks are arranged around the perimeter of the property, with an internal circulation ring road surrounding the other 2 blocks and the primary outdoor communal amenity area. The majority of the provided parking will be located below grade, accessed from a ramp located on the internal circulation ring road. 396 parking spaces are provided underground consisting of 56 visitor spaces and 340 resident spaces. Eight additional visitor parking spaces are proposed to also be provided at grade. The townhouse blocks will contain three full storeys above grade plus one story partially below grade, with underground parking below that.

All units are proposed to contain 2 bedrooms, or 1 bedroom with den, to be selected by the purchaser. Other configurations may be designed and offered based on market demand at the time of sales. Each block contains between 24 and 32 units, each block provides a footprint ranging in size from 593 m² to 793 m² and gross floor area (gfa) ranging from 2,337.9 m² and 3,121.1 m². Total gross floor area of the project is 27,203.8 m². The design vision for the proposed development is to create an attractive, compact, pedestrian-scaled residential enclave of stacked condominium townhouses with underground parking in a location adjacent to Britannia Road that will be in close proximity to future transit opportunities.

The following information has been submitted in support of the applications:

- Functional Servicing and Stormwater Management Report , Report, SKIRA and Associates Ltd., dated May 5, 2020
- Geotechnical Soil Report, Soil Engineers Ltd., dated April 2016
- Architectural Site Plan Package, SRN Architects dated June 8, 2017
- Urban Design Guidelines, John G. Williams Ltd., dated May 26, 2020
- Zoning By-law, Robert Russell Planning Consultants Inc., dated May 2020
- Traffic Impact Study, Paradigm, dated May 2020
- Environmental Noise Assessment, YCA Engineers Limited dated May 2020
- Phase 1 ESA, DS Consulting Ltd., dated February, 25 2020
- Planning Justification Report, Robert Russell Planning Consultants Inc., dated May 2020
- Stage One Archaeological Assessment, Archeoworks Inc., dated September 17, 2015

Background

- Waste Collection Report, CANAM Waste, dated April 20, 2020

Discussion

Planning Policy

The subject lands are located within the Boyne Survey Secondary Plan area and within the Cobban Neighbourhood as noted on Schedule C.10.A of the Secondary Plan. They are located on a Major Arterial Road (Britannia Road) with an on-street bike path and enhanced streetscape requirements as noted on Schedule C.10.B. They are designated “Major Node” and “Gateway” on Schedule C.10.C and are within the Phase 3A area as noted on Schedule C.10.D. The subject lands are also currently zoned Open Space (OS), which is consistent with their previous use by the Town of Milton as a community centre and recreational field.

Within the Major Node policies, Medium Density Residential II uses are permitted. These uses include stacked townhouses as contemplated by Fernbrook. Through OPA 48 which looked specifically at the nodes within the Boyne Survey Secondary Plan, high density residential uses and mixed uses are specifically targeted for the Major Node designated areas. High density residential uses are described as consisting of apartment buildings and stacked townhouse dwelling units with a common underground parking area, generally containing the equivalent of the required tenant parking, with a density range of greater than 100 to 200 units per net hectare. The areas designated Major Node are located at major intersections and are to be the focus of the highest densities and intensities of development within the secondary plan.

The Fernbrook proposal is currently being contemplated at a density of 164 units per net hectare which is within the density range permitted. In the standard parent Mixed Use (MU) Zone, the permitted Floor Space Index (FSI) range is noted at between 1 and 2 FSI and includes the provision for underground parking. The Fernbrook development as currently proposed has underground parking and is proposed to be developed with an FSI of approximately 1.61. Again, this is within the FSI range allowed in a MU zone. Both the proposed density and FSI are below the maximums that could be permitted.

As a result, the stacked townhouse use is permitted by the secondary plan within the Major Node Designation, the scale and density that is being proposed is consistent with the secondary plan policy requirements and the use of underground parking is in accordance with the Town requirements. The applicant will be required to further demonstrate that the proposal achieves the overall density requirements of the Boyne Survey Secondary Plan as they refine the development concept throughout the site plan approval process.

There are also a number of other policies in the Boyne Survey Secondary Plan that must be considered in order to support the proposed rezoning. Most of these are intended to support the quality of the built form and the provision of and connection to private and public spaces both within and adjacent to a development. The applicant provided a draft



Discussion

Urban Design Guideline for the Town to review as part of the application submission package. Through ongoing dialogue between the applicant and the Town, the document has been amended to the satisfaction of Town staff. This document is consistent with the Town of Milton Official Plan and Boyne Secondary Plan policies and Urban Design Guideline requirements. These guidelines will be used to provide technical guidance with the further refinements to the development as currently proposed which will be the subject of negotiation through the Site Plan process. Through that process the applicant will also be required to prepare an urban design brief further clarifying the design elements and directions incorporated into the overall site. It will be through the Site Plan approval process and through the development of the urban design brief that the gateway requirements of the secondary plan will be implemented.

As the Major Node that the subject property lands in includes a number of landowners, Town staff have been working with each developer as applications are presented/submitted to ensure that the overall Major Node policy objectives are been achieved. The first development to be approved was Primont (File: 24T-14004/M). This plan of subdivision is approaching registration and it was through the draft approval by Council that an overall Major Node Concept Plan was prepared to guide the development of the rest of the node. The Fernbrook development as currently proposed is consistent with this guiding concept plan for the Major Node. This proposal integrates well from a development fabric perspective, from a built form perspective and from an overall livability perspective. The form of development being proposed by Fernbrook complements the development proposed on the Primont lands and there is ample private amenity space being proposed in accordance with the Town's requirements. There are also public open space opportunities being provided nearby with the adjacent development (Primont) and trail linkages to the 16 Mile Creek Valley.

For the areas within this development that are subject to the enhanced streetscape and landscaping requirements (frontage or visibility from Britannia Road), the secondary plan policies require that development along these roads shall be of a high quality of site design and built form. In particular, the buildings that will be designed to face on these roads, and any significant parking areas will be at least partially screened. These matters have been addressed in the revised urban design guidelines prepared by the applicant through this application and will be further refined through the site plan approval process and the required urban design brief.

The Gateway policies recognize key points of entry to the Milton Urban Area of the Town. These areas require special design treatment of both the road allowance and any development adjacent to the road allowance. This includes enhanced streetscaping requirements along the western road frontage (Street A as illustrated on the Primont draft approved plan of subdivision (Town File: 24T-14004/M)) and along the Britannia Road frontage. These frontages shall include a combination of high branching trees, shrubs and hard and soft landscaping treatments to establish a strong street edge. This landscaping treatment will resolve the grade transition issues adjacent to the Britannia Road frontage.

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This treatment will need to also account for the road upgrades currently underway by Halton Region to their and the Town's satisfaction. These technical matters are not considered significant and there are several design treatments that can be considered through the site plan approval process to ensure the design objectives of the secondary plan are achieved and the streetscapes are built to the highest standards.

There were no water and wastewater servicing related issues identified through the review process. The road infrastructure in the area once upgraded (currently underway) will be able to accommodate the proposed subdivision and the access point noted in the proposed concept plan meet all Town and Regional separation distance requirement. This access will also be further assessed and refined through the Site Plan approval process. The applicant has also secured sufficient regional servicing allocation for this development as currently proposed and this has been confirmed by Halton Region.

The proposed stacked townhouse form of development and the density being proposed is consistent with the requirements of the Boyne Survey Secondary Plan and the Major Node policies and requirements. The development as proposed will help the Town meet the overall housing mix provisions of the Boyne Survey Secondary Plan.

Zoning By-law 016-2014, As Amended

The subject lands are currently zoned Open Space (OS) under Zoning By-law 016-2014, as amended in recognition of the previous use of the property as a community park. As the OS zone does not permit the proposed townhouse uses, a Zoning By-law Amendment was required to accommodate the development.

The current application is seeking to rezone the lands to a Mixed Use (MU) Zone to permit the development as proposed within the Major Node policy framework. In addition to permitting the use, the site specific zoning also proposes special provisions required to accommodate the design of the development as proposed. A holding provision (H55) has also been placed on the subject property pending final confirmation from the Region of Halton that there is adequate Regional servicing allocation to accommodate this project.

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

Site Plan Control

Should the rezoning application be approved, the applicant will be required to secure Site Plan Approval from the Town prior to applying for a building permit or the commencement of any construction on the subject property. This will also include the review and approval of the required Urban Design Brief to ensure the development will be consistent with the design objectives of the Town. Through this process the following matters will be clarified and addressed to the satisfaction of the Town through additional design work and further studies/ reports:

- Physical and design integration with adjacent developments;
- Overall site design and servicing;

Discussion

- Pedestrian and vehicle access/ circulation;
- Private amenity space composition and location;
- Landscaping treatments throughout the site; and
- Provision of parking both underground and on the surface and resident and visitor.

Public Consultation and Review Process

Notice for the public meeting was provided pursuant to the requirements of the *Planning Act* on August 19, 2020. Notice was placed in the August 27, 2020 edition of the Canadian Champion (Milton) newspaper, signage was posted on the Britannia Road frontage of the property, and personal notice was provided by mail to all residents within 200 metres of the subject lands.

No members of the public were present nor did anyone speak to these applications at the September 21, 2020 public meeting nor has the town received any written correspondence or verbal calls regarding this zoning by-law amendment application.

Agency Consultation and Revisions to the Draft Zoning By-law Amendment

Subsequent to the public meeting on September 21, 2020, a number of technical revisions were made to the draft plan in response to issues identified through the review process.

Accordingly, the following changes were made the draft Zoning By-law Amendment:

- The full right-of-way has been secured for Rose Way;
- Significant site and building design improvements have been made to the development through the first round of the Site Plan circulation process;
- Additional landscaping/ safety railings, buffering and improved pedestrian circulation has been incorporated into the site design;
- Overall improvements to the walkability and interconnectivity of the property with adjacent development will improve the pedestrian flow in the area;
- With the underground parking and the access points designed as they are, the subject lands will function in a manner that will not impact adjacent existing property owners and the adjacent road network; and
- Connections to the 16 Mile Creek Trail system are immediately adjacent to this development so the future residences will be able to take advantage of this amazing community infrastructure once implemented through the adjacent developments as they come on line later this year and into next.

The internal departments and external agencies are all satisfied with the revisions made to the draft zoning by-law amendment and offer no objection to moving forward with the approval of the zoning by-law amendment.



Discussion

Staff has reviewed the subject application in relation to the policies of the Provincial Policy Statement (2020), the Growth Plan (2019), the Regional and Town Official Plans and the Boyne Survey Secondary Plan including the Boyne Survey Tertiary Plan (July 2017) and the relevant Subwatershed Impact Study (SIS for Boyne Block 2). Staff is satisfied that the draft zoning by-law amendment as modified through the review process, conforms to the Provincial, Regional, and Town policies and other requirements.

Financial Impact

None arising from this Report.

Respectfully submitted,

Barbara Koopmans, MPA, MCIP, RPP, CMO
Commissioner, Development Services

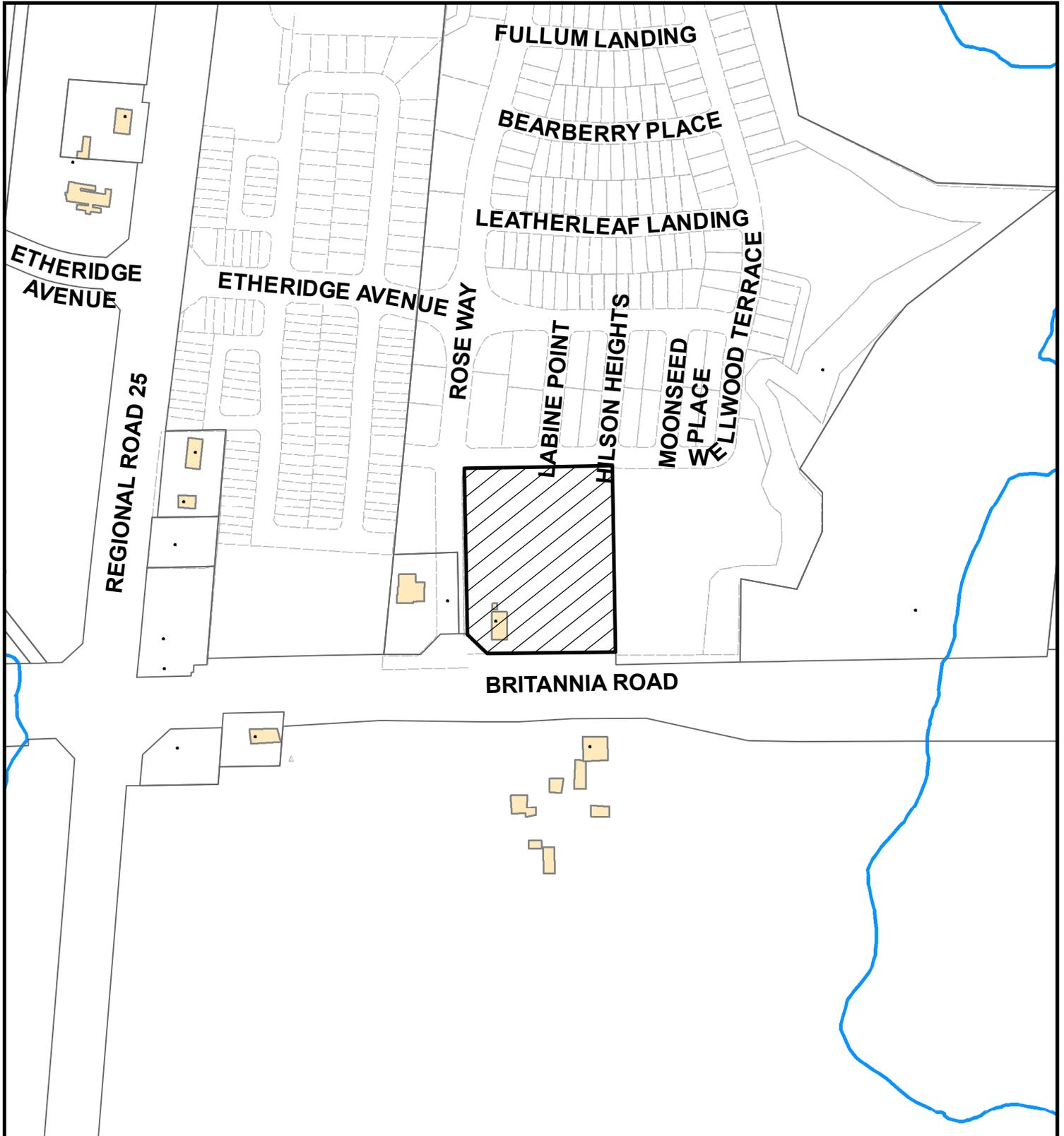
For questions, please contact: Stirling Todd, MES, MCIP, Phone: Ext. 2262
Senior Planner, Development

Attachments

Figure 1 - Location map
Figure 2 - Concept Plan for Major Node Block
Appendix 1 - Zoning By-law Amendment
Appendix 2 - Concept Site Plan and Elevations

CAO Approval
Andrew M. Siltala
Chief Administrative Officer

FIGURE 1 LOCATION MAP



Council Meeting Date:
September 13, 2021

Scale: 1: 4,000

File: Z 10/ 20

Planning & Development Department



Subject Property

THE CORPORATION OF THE TOWN OF MILTON
BY-LAW NO. XXX-2021

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 3, FORMER GEOGRAPHIC SURVEY OF TRAFALGAR AND MUNICIPALLY KNOWN AS 8175 BRITANNIA ROAD IN THE TOWN OF MILTON, REGIONAL MUNICIPALITY OF HALTON (FERNBROOK HOMES (MILTON ONE) LIMITED) - File: Z-10/20

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 a portion of the existing Open Space (OS) Zone to a site specific Mixed Use (MU*305-H55) Zone on this property as shown on Schedule A attached hereto.
- 2.0 **THAT** Section 13.1 of Comprehensive Zoning By-law 016-2014, as amended, is hereby further amended by adding subsection 13.1.1.305 as follows:

Notwithstanding any provision of the by-law to the contrary, for lands zoned site specific Mixed Use *305 (MU*305-H55 Zone), the following special provisions apply:

- A. Notwithstanding Section 6.1 – Table 6A-1 Permitted Uses, the following additional uses shall be permitted:
 - 1) Multiple Dwellings (Stacked Townhouses) at a minimum density of 100 units per net hectare and provided that a minimum of 80% of parking spaces are within a parking structure.
- B. Notwithstanding the provisions found in Section 6.2 Table 6F of the By-law, for the lands zoned site specific Mixed Use (MU*305-H55) Zone the following additional special site provisions shall apply:
 - 1) For the purposes of this By-law, the lot line facing Rose Way shall be deemed the front lot line;
 - 2) Setback to all other zones – 3.0 metres;
 - 3) Minimum first storey height - 3.1 metres;

- 4) Balconies oriented towards Britannia Road (an arterial road) or internal to a property are permitted at any height;
- 5) Balconies that are oriented toward any other public road other than an arterial road – Minimum 1.0 metres above grade;
- 6) A bicycle parking rate of 0.2 unit for long term parking and 0.2 for short term parking for a total of 0.4 combined short and long term bicycle parking shall apply;
- 7) Minimum Landscape Open Spaces for residential uses – 23% and any landscaping located between Rose Way and Street “B” shall be maintained as part of the private amenity area located adjacent to the public right of way;
- 8) At Grade Patio encroachment – where an 80% or greater at grade patio encroachment is requested, a minimum 1-metre tall ornate railings with masonry pillars is required. In addition, no storage of personal belongings will be permitted on the said Patio with this encroachment;
- 9) Any proposed pedestrian public access from a unit onto Street “B” will require a safety railing on any steps gaining access to Street “B” or any private walkway leading to Street “B”;
- 10) Access to a stacked townhouse unit from a public or private street shall be a maximum 3.25 metres above grade; and
- 11) Any below grade patio fronting onto Britannia Road shall have direct pedestrian access to a private walkway or public street.
- 12) Setback to an underground parking structure 0.55 m.
- 13) The maximum encroachment of a column in an underground parking garage is 0.1 metre into a parking space.
- 14) Notwithstanding the requirements in Table 5D, the minimum off-street parking requirement for a multiple dwelling in a common parking area is as follows:
 - 1.25 spaces per dwelling unit, and
 - 0.25 spaces per dwelling unit for visitor parking
- 15) Setback to a patio wall located on top of a parking structure, regardless of patio wall foundation type 0.07 m;
- 16) The minimum setback of a ramp accessing an underground parking structure to a building is 0.0 metre; and
- 17) Common Amenity Area per dwelling unit (minimum): 4.0 m²

3.0 THAT Section 13.2 of By-law 016-2014, as amended, is further amended by adding the following conditions for removal of this H55 Holding Provision:

“H55” shall not be removed until:

- a) Municipal water and wastewater capacity and the ability to connect to municipal services is confirmed by the Region of Halton.

4.0 **THAT** Section 13.2 is amended by adding subsection 13.2.1.55 as follows:

For the lands zoned site specific Mixed Use (MU*305-H55) Zone on the property legally described as Part of Lots 6, Concession 3, (Trafalgar), only legally established existing uses are permitted on the lots covered by “H55” until the conditions for removal identified in the “H55” Holding provision are satisfied.

5.0 **THAT** the Owner be permitted to apply for a Minor Variance Application(s) to the Town and/or the Town of Milton Committee of Adjustment, if required, before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into effect, to permit minor adjustments to the implementing Zoning By-law.

6.0 **THAT** pursuant to Section 34(21) of the Planning Act, R.S.O. 1990, c. P.13, as amended, this by-law comes into effect the day after the last day for filing a notice of appeal, if no appeal is filed pursuant to Subsection 34(19) of the Planning Act, as amended. Where one or more appeals have been filed under Subsection 34(19) of the said Act, as amended, this Zoning By-law Amendment comes into effect when all such appeals have been withdrawn or finally disposed of in accordance with the direction of the Ontario Land Tribunal.

PASSED IN OPEN COUNCIL ON SEPTEMBER 13, 2021

_____ Mayor

Gordon A. Krantz

_____ Town Clerk

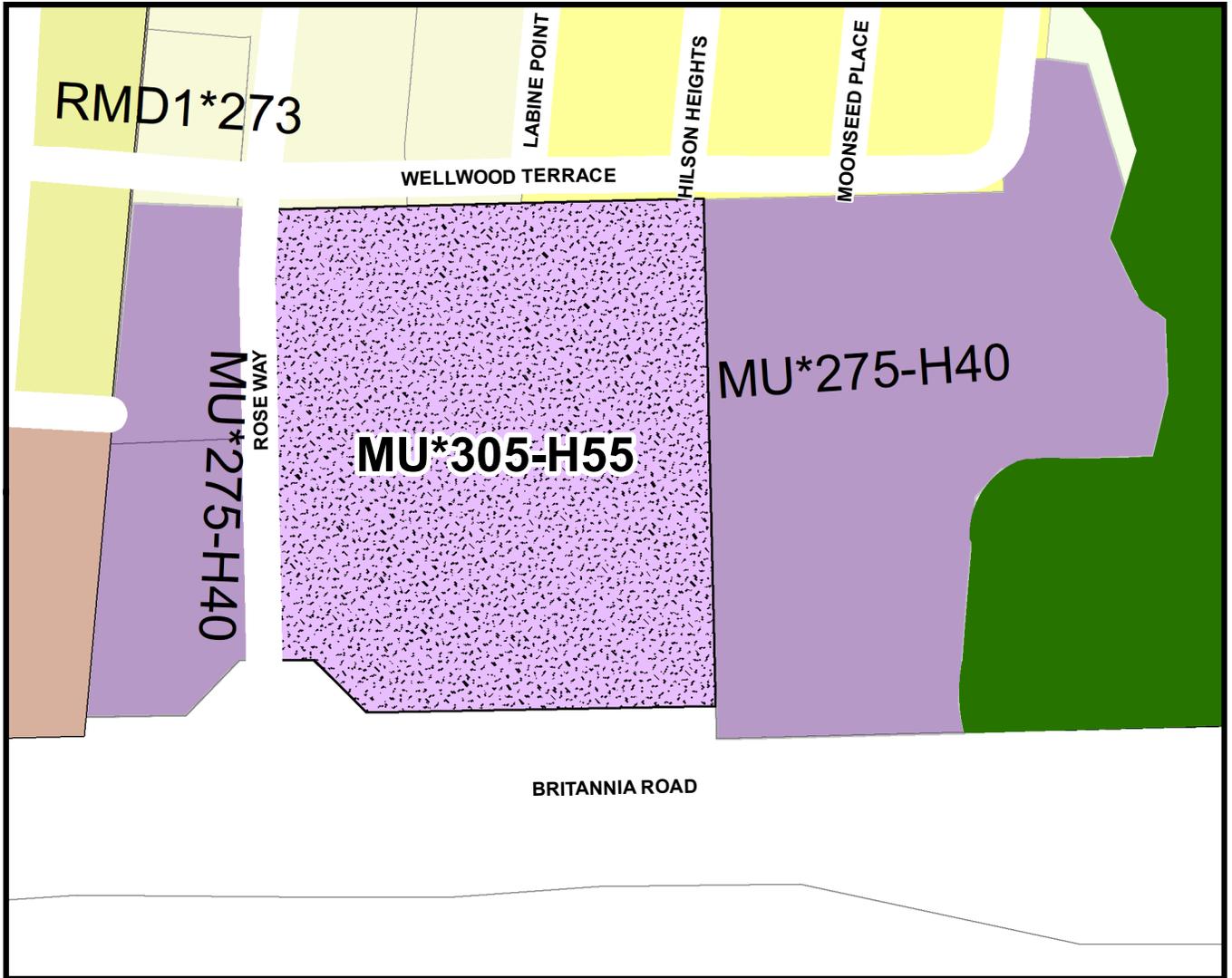
Meaghen Reid

SCHEDULE A
TO BY-LAW No. -2021

TOWN OF MILTON

20R20338 PT PART 1 PART LOT 6 CONCESSION 1 TRAFALGAR NEW SURVEY
TOWN OF MILTON

Town of Milton



THIS IS SCHEDULE A
TO BY-LAW NO. _____ PASSED
THIS __ DAY OF _____, 2021.

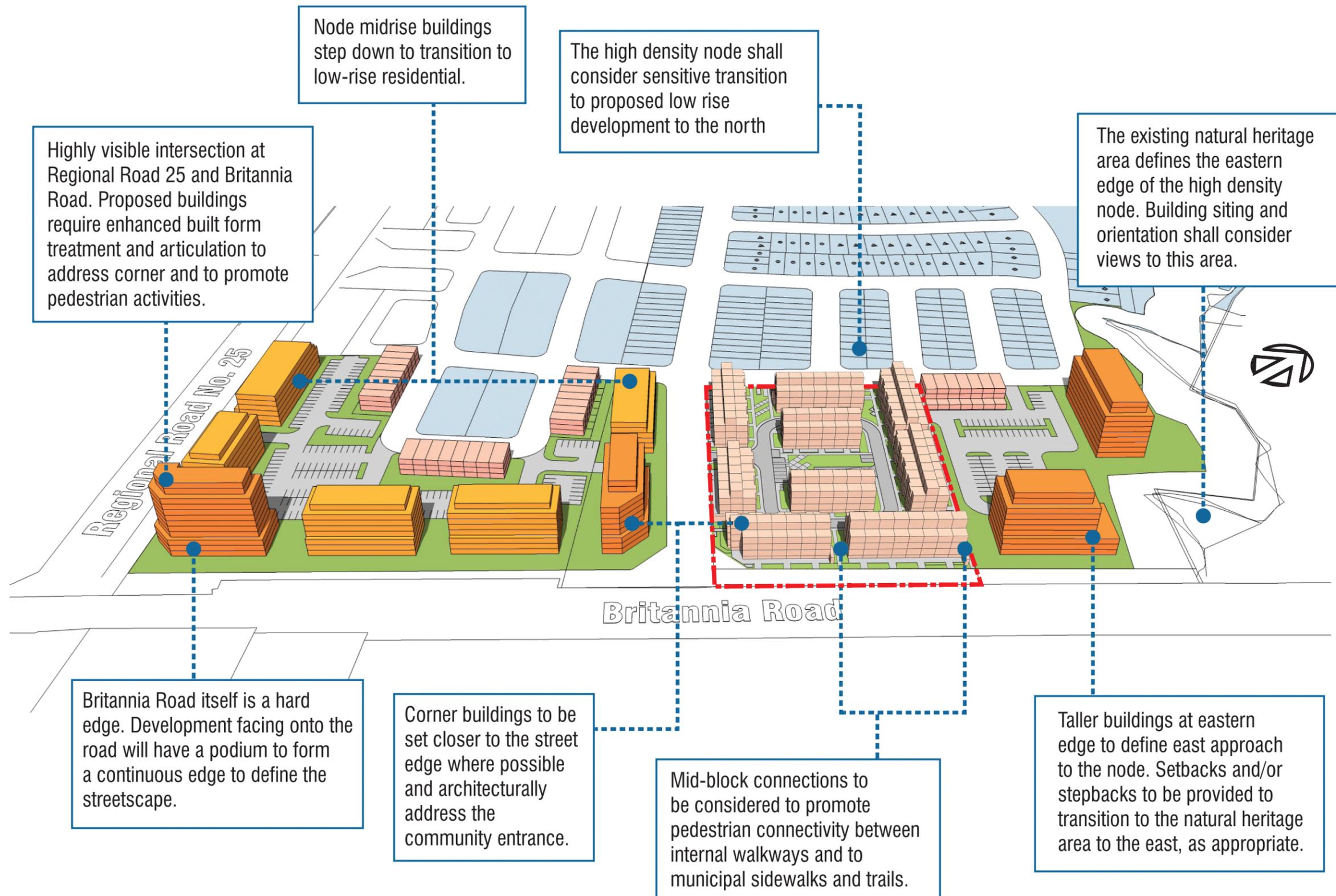


MU*305-H55 - Mixed Use Specific Zone with
Holding Provision H55

MAYOR - Gordon A. Krantz

CLERK- Meaghen Reid





Node midrise buildings step down to transition to low-rise residential.

The high density node shall consider sensitive transition to proposed low rise development to the north

The existing natural heritage area defines the eastern edge of the high density node. Building siting and orientation shall consider views to this area.

Highly visible intersection at Regional Road 25 and Britannia Road. Proposed buildings require enhanced built form treatment and articulation to address corner and to promote pedestrian activities.

Britannia Road itself is a hard edge. Development facing onto the road will have a podium to form a continuous edge to define the streetscape.

Corner buildings to be set closer to the street edge where possible and architecturally address the community entrance.

Mid-block connections to be considered to promote pedestrian connectivity between internal walkways and to municipal sidewalks and trails.

Taller buildings at eastern edge to define east approach to the node. Setbacks and/or stepbacks to be provided to transition to the natural heritage area to the east, as appropriate.

Legend

- Subject Lands

As required by the Town of Milton, this figure, originally prepared by WSP Group Limited as part of the Urban Design Brief for 8161 & 8321 Britannia Road West, has been updated to reflect the latest development concept by Fernbrook Homes (Milton One) Ltd. within the Major Node Area at the northeast corner of Britannia Road and Regional Road No. 25.

This updated figure will serve as an Addendum to the 8175 Britannia Road Major Node Block - Stacked Townhouse Development Urban Design Brief prepared on behalf of Fernbrook Homes (Milton One) Ltd. by John G. Williams Limited, Architect, dated May 26, 2020.

Update to the Diagrammatic 3D View of Conceptual Node to Illustrate the Latest Development Concept by Fernbrook Homes (Milton One) Ltd. - (Originally Prepared by WSP Group Limited)