



# 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-079-22

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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

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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.