



# The Corporation of the Town of Milton

---

Report To: Council

---

From: Jill Hogan, Commissioner, Development Services

---

Date: July 18, 2022

---

Report No: DS-073-22

---

Subject: Technical Report - Official Plan Amendment and Zoning By-law Amendment Application by Village Developments Inc. and Ornella Group Inc., applicable to lands legally described as Part Lot 13, Concession 1, (NS) Trafalgar, known municipally as 180, 182, 184, 190 and 194 Bronte Street South. (Town Files: LOPA 08/20 and Z-17/20)

**Recommendation:** THAT Development Services Report DS-073-22 outlining applications for amendments to the Town of Milton Official Plan and Zoning By-law 016-2014, as amended, to facilitate the construction of an eight-storey residential apartment building, BE APPROVED;

AND THAT staff be authorized to bring forward Official Plan Amendment No. 74 in accordance with the draft Official Plan Amendment attached as Appendix 1 to Report DS-073-22 for Council adoption;

AND THAT staff be authorized to bring forward an amending Zoning By-law in accordance with the draft By-law attached as Appendix 2 to Report DS-073-22 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;

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

AND FURTHER THAT the Town clerk forward a copy of Report DS-073-22 and the decision to the Region of Halton for their information.

## **EXECUTIVE SUMMARY**

Applications have been made seeking amendments to the Town of Milton Official Plan and Comprehensive Zoning By-law to facilitate the re-development of the subject lands and to construct an eight-storey apartment building with associated parking. The Official Plan Amendment is proposing to retain the current Residential Office Area designation and increase the maximum density to 354 units per hectare with a maximum height of eight storeys whereas 150 units per hectare and eight storeys is currently permitted in the Residential Office designation. The Zoning By-law Amendment application is proposing to replace the existing Residential Medium Density 1 (RMD1) and site specific Residential Medium Density 1 (RMD1\*42) zones and replace with a site specific Residential Office with a Holding Symbol (RO\*322-H68-H70) zone to accommodate the proposed development.

### Conclusions and Recommendations

Staff recommends that the applications for amendments to the Town of Milton Official Plan and 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 meets all of the technical requirements of the affected Civic Departments and all other agencies;
3. The proposed land use is compatible with surrounding land uses;
4. The proposal represents an efficient use of land and infrastructure;
5. That proposal will provide additional residential rental units to the Town's housing stock.
6. The proposed high-density development represents reasonable intensification and offers an alternative housing form.

## **REPORT**

### **Background**

Owner:

Ornella Group Inc. & Village Developments Inc., 7686 Appleby Line, Milton, Ontario.

Applicant:

Batory Management, 655 Annland Street, Pickering, Ontario.

Location:

The subject lands are located on the west side of Bronte Street South at Barton Street, and are known municipally as 180 Bronte Street South, 182 Bronte Street South, 184 Bronte Street South, 190 Bronte Street South and 194 Bronte Street South. Surrounding

## Background

land uses are predominantly a mix of low, medium and high density residential uses. A CN Rail line runs along the rear of the subject lands to the west.

Currently existing on the subject lands, which consists of two properties to be consolidated, are three townhouse buildings containing multiple dwelling units and two single detached dwellings. These existing structures will be removed to accommodate the proposed development.

### Proposal:

Figure 2 illustrates the proposed residential development. The proposal consists of an 8-storey residential apartment building containing 268 apartment dwelling units which corresponds to a density of 354 units per net hectare. The apartment will contain a mix of bachelor (11 units), one bedroom (141 units), one bedroom with den (82 units) and two bedroom units (34 units). The applicant has indicated the proposed building will be rental apartments. The development proposes a total of 418 vehicle parking spaces, 67 of which are proposed for visitors, and 116 bicycle parking spaces. Two levels of underground parking are proposed with vehicle access to the property provided via Bronte Street South. A total of 1,918 square metres of amenity space, of which 260 square metres located indoors and 1,658 square metres located outdoors, is proposed.

The following reports and supporting materials have been submitted in support of the application and are currently under review:

- Shadow Study, prepared by Architecture Unfolded, dated October 21, 2020;
- Waste Management Plan, prepared by Architecture Unfolded, dated October 21, 2020;
- Planning & Urban Design Rationale, prepared by Batory Management, dated October 2020;
- Public Consultation Strategy, prepared by Batory Management, dated October 28, 2020;
- Functional Servicing Report prepared by Skira & Associates, dated September 29, 2020, revised November 8, 2021;
- Geotechnical Investigation, prepared by Terraprobe, dated September 23, 2020;
- Hydrogeological Report, prepared by Terraprobe, dated September 22, 2020;
- Transportation Impact Study, prepared by IBI Group, dated November 2021;
- Phase 1 Environmental Site Assessment for 194 Bronte Street, prepared by Pinchin Environmental, dated January 24, 2019
- Phase 1 Environmental Site Assessment for 180-190 Bronte Road inclusive, prepared by S2S Environmental, dated April 16, 2019;
- Phase 2 Environmental Site Assessment for 180-190 Bronte Road inclusive, prepared by S2S Environmental, dated February 3, 2022.



## Background

- Noise & Vibration Assessment, prepared by SLR, dated November 2021;
- Tree Inventory & Preservation Report, prepared by Kuntz Forestry, dated March 13, 2020;

## Discussion

### Planning Policy:

The subject lands are designated Residential/Office Area as shown on Schedule B - Urban Area Land Use Plan of the Town's Official Plan. The Residential/Office Area designation is intended for lands within the Urban Area where higher density development is to be encouraged. The Residential/Office designation means that the main permitted uses shall be at a minimum density of 85 units per net hectare and a maximum density of 150 units per net hectare applicable to the residential use. The proposed Official Plan Amendment seeks an increase in maximum density to 354 units per net hectare.

The subject lands are identified as an "Intensification Area" as shown on Schedule K - Intensification Areas Plan. Intensification Area lands are lands identified within the Urban Area that are to be the focus for accommodating intensification. Intensification Areas include Urban Growth Centres, Major Transit Station Areas (including Metrolinx designated Mobility Hubs), Intensification Corridors and Mixed Use Nodes. Section 2.1.6.1 states that the Town shall promote intensification in order to support the development of compact, efficient, vibrant, complete and healthy communities that:

- a) Support a strong and competitive economy;
- b) Protect, conserve, enhance and wisely use land, air and water;
- c) Optimize the use of existing and new infrastructure;
- d) Manage growth in a manner that reflects Milton's vision, goals and strategic objective. and,
- e) Support achievement of the intensification and density targets of this Plan.

Section 2.7.1 of the Official Plan states that it is the goal of the Town of Milton to meet current and future housing needs by:

- a) Ensuring that an appropriate range and mix of housing by density, type and affordability are permitted within the Town to meet a wide range of needs of current and future households;
- b) Encouraging innovation with the development industry to expand the variety of housing forms available and the ease with which they can be adapted to meet the changing needs of residents throughout their lives and, in particular, residents with special needs;
- c) Fostering the creation of additional housing accommodation through various forms of residential intensification;

## Discussion

- d) Encouraging the inter-mixing of different housing forms and types within neighborhoods to foster community integration;
- e) Improving public awareness and understanding of the housing issues facing the Town.

It is staff's opinion that the proposed development would satisfy the above housing goals as the proposed rental units add to the variety of housing types available to meet a wide range of needs of households, represents the creation of additional housing accommodation through intensification and further encourages the intermixing of different housing forms and types within the community. Furthermore, the proposed increase in overall density will result in the replacement of existing residential uses with compatible new residential developments at a higher density which in turn adds more affordable housing options to the Town.

Section 3.3.3.5 states that applications for development of high density residential uses in a Residential/Office Area, or proposed sites for such uses in Secondary Plans, shall be evaluated based on conformity with all the following criteria:

- a) Site: the area of the site is sufficient to provide on-site recreation amenities, adequate parking facilities and landscaped area.
- b) Mixed Use Development: the residential uses may form part of a mixed use building or be located in a purpose designed building.
- c) Height: i) the height of the building does not exceed eight stories except in accordance with the policies of subsection 5.5.3.8 of this Plan; and, ii) the height or bulk of this proposal will not unduly overshadow any adjacent low and medium residential uses. Shadow studies may be required from the applicant to satisfy.

It is the opinion of staff that the proposal conforms to the criteria outlined in Section 3.3.3.5. The development proposes a total of 1,919 square metres of amenity space, of which 260 square metres located indoors and 1,658 square metres located outdoors and provides adequate visitor and tenant parking (a mix of surface and underground parking is provided). With regard to height, the application proposes an 8-storey residential apartment building and a Shadow Impact Study has been submitted in support of the application indicating minimal impact on the adjacent land uses and in compliance with the Town's Shadow Study Guidelines.

It is the opinion of staff that the proposed Official Plan Amendment is in conformity with the above noted policies and direction of the Town of Milton Official Plan. Attached as Appendix 1 to this report is the Draft Official Plan Amendment.

Staff reviewed the application in relation to the policies of the Provincial Policy Statement (2017), the Growth Plan (2017), the Halton Region Official Plan and the Town of Milton Official Plan, the Bristol Survey Secondary Plan. Town staff and our agency partners are



## Discussion

satisfied that the Official Plan Amendment as presented through this report, conform 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 Residential Medium Density 1 (RMD1) zone and a site specific Residential Medium Density 1 (RMD1\*42) zone under the Town's Zoning By-law. The RMD1 zone permits a variety of residential dwelling types including detached and townhouse dwellings, but does not permit apartment buildings. The site specific RMD1\*42 contains provisions to accommodate the existing townhouse development on the property.

In 2017, a minor variance application was approved to permit the redevelopment of the lands known municipally as 194 Bronte Street for the purpose of 18 townhouse units. To accommodate the proposed redevelopment, various minor variances were granted included reductions in the southerly side yard setback to 1.19 metres, reduced setbacks of parking areas to lot lines, lot frontage and reductions in required parking. The property was subsequently sold and minor variances have lapsed.

As the current zoning on the lands does not permit apartment buildings, a Zoning By-law Amendment is required to facilitate the proposed development. Specifically, the site specific Residential Office with a Holding Symbol (RO\*322-H68-H70) zone will facilitate the proposed apartment building use and contain zone provisions and standards to accommodate the proposal. These site specific provisions include a reduced parking rate of 1.55 parking spaces per unit (inclusive of visitor parking), a maximum unit count to reflect the current proposal, and reductions in setbacks to accommodate the proposed development.

Through their review of the proposed development, CN Rail has indicated a number of studies that are required to be Peer Reviewed to the satisfaction of CN Rail and that the applicant enter into a Development Agreement with CN. The applicant has submitted the required documents and the review process is well underway. To ensure that these items are addressed to the satisfaction of CN Rail, a Holding Symbol will be placed on the zoning and will not be lifted until the Town has received written confirmation that these requirements have been met. As well, the Region of Halton has requested a Holding provision be placed on the subject lands until such time as an Archaeological Assessment of the site is carried out. This assessment is to be submitted through the related Site Plan Application process.

The Draft Zoning By-law is attached as Appendix 2

## Public Consultation and Review Process

The applicants held a virtual Public Information Session on January 6, 2021 which was attended by members of Council, interested residents and staff. The applicants presented the proposal and offered a short question and answer period.



## Discussion

Notice for the public meeting was provided pursuant to the requirements of the Planning Act. The statutory Public Meeting was held on February 8, 2021.

Through the review process, staff received written comments and will address the concerns raised in the Summary of Issues section of this report.

### Agency Consultation

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

### Urban Design/Tall & Mid-Rise Building Guidelines

The Town's Urban Design staff have reviewed the proposal and have provided the following comments.

The proposal is for an 8-storey building composed of a 5-storey building base or podium with 3 additional upper stories above. The proposal takes into account and has regard to the Town's Mid-Rise Building Urban Design Guidelines.

The site is located in an area which is suitable for intensification and where low-rise, mid-rise and tall built forms co-exist alongside one another. A mid-rise built form is considered to be appropriate in this location

The proposed 5-storey podium achieves a satisfactory human-scale street interface. The substantial (7.0m) step back at the 6th floor maintains the pedestrian scale perception and ensures the building fits comfortably within the street environment. The pedestrian level experience is further enhanced by a 4.5m set back, which also serves to protect the residential amenity of the building's occupants. The building's positive relationship to the street is also supported by the main building entry oriented towards the municipal sidewalk. It is clearly identifiable and protected by an overhanging colonnade.

The development achieves an appropriate transition in scale and relationship to adjacent low-rise developments. The 8-storey building height and massing is concentrated towards the western/north-western portion of the site allowing the building to step down towards the rear yards of adjacent townhouses. This arrangement generally observes the rear or side angular plane provisions recommended in the Town's urban design guideline. The positioning of the 8-storey element also serves to achieve an appropriate separation and relationship to the fronts of the townhomes to the north-west. As a result, sun shadow impacts of adjacent properties are minimized and generally comply with the Town's guidelines.

As recommended in the urban design guidelines, parking and service areas are within the interior of the site and almost entirely contained within a below grade and above grade

## Discussion

parking garage. As a result, abundant residential amenity areas are integrated at grade and above the building podium.

### Summary of Issues

#### Traffic Impacts

In support of the application, a Transportation Impact Study prepared by IBI Group. The report concluded that “The proposed 268-unit residential development is expected to generate up to 97 and 118 new automobile trips during the Weekday AM and PM peak hour, respectively. However, only 91 trips during the Weekday AM peak hour and 100 trips during the Weekday PM peak hour are new trips - the remainder are trips already being made by residents of the existing residential development (proposed to be replaced with the proposed development). Overall, the traffic operations analysis indicates that the addition of the proposed development site traffic to the study area is anticipated to have a minimal impact on the study area roadways. In comparison to 2029 Future Background traffic conditions, no capacity or queueing concerns are anticipated as a result of site traffic, and increases to delays are minimal.” The Town’s Transportation section has reviewed the report and have no objections to the approval of the proposed development.

#### Proposed Height

At the time of the Public Meeting, concern was expressed regarding the proposed nine-storey height of the apartment building, which required an Official Plan Amendment to facilitate. Since that time, the applicant has since revised the proposal to reduce the height to eight storeys and, as such, is now in keeping with the current permissions within the Residential Office Area designation. In support of the proposal, a Shadow Impact Analysis was submitted and reviewed by the Town’s Urban Design staff and found to be in consistent with the Town’s Shadow Impact Study Guidelines. As well, the proposal was reviewed against the Town’s Tall/Mid-Rise Building Guidelines and was found to be acceptable. Additionally, while the area largely consists of existing one and two-storey dwellings, there are existing five-storey and nine-storey apartment buildings in close proximity to the proposal.

#### Tree Removal

A resident had provided written and verbal comments at the Public Meeting regarding tree removal. While the retention of trees is always the Town’s objective, in order to accommodate the development, tree removal is necessary. The Town of Milton does not have a Tree Cutting By-law which would regulate tree removal, nor does the treed area exceed a size of 0.5 hectares, which would fall under the Region of Halton’s Tree Cutting By-law (the approximate size of the treed area is 0.14 hectares and the Region has reviewed the proposal and has not raised any objections). The applicants submitted a Tree Inventory and Preservation Plan Report which indicated that a total of 117 trees and two hedgerows of varying health and species exist on the site. The removal of 85 trees and the two hedgerows will be required to accommodate the proposed development. The



## Discussion

Town will continue to work with the applicant through the Site Plan process to mitigate any tree removal.

It should be noted that the Owner would not be permitted to damage or remove any existing trees located outside of their property line without acknowledgement from the adjacent landowner. This documentation must be provided, if required, at the Site Plan Approval's stage. If not provided, the applicant will be required to demonstrate that no trees outside of their property will be damaged or removed as a result of their development.

### Pedestrian Crossing

At the time of the Public Meeting in February 2021, the question of a potential pedestrian crossing at Bronte Street was raised to help with pedestrian walkability and safety in crossing Bronte Street. Since that time, construction of a pedestrian crossing at Bronte Street and John Street is nearing completion and a set of traffic signals at Bronte Street and Heslop Road have been installed and will also assist in pedestrian access in the area.

### Rental Tenants

The redevelopment of the lands would require the demolition of the existing 15 rental townhouses and replaced with 268 rental units. The applicants have outlined their commitment to supporting the existing residents of the property by:

- Working collaboratively with each resident and their family members in their individual relocation plans in a timely respectful manner.
- The landowner will support residents by providing relocation assistance individualized to the needs of the resident and family, where possible.
- During the redevelopment phase, the landowners will continue to communicate regularly with former residents and family members keeping them closely apprised of the project's progress.

As the proposed development is a rental apartment building and consistent with the requirements of the Residential Tenancies Act, the tenants will be offered first right of refusal to a similar unit once the development is complete, or a negotiated buyout as per the requirements of the Act, 2006, S.O 2006, c.17.

## Conclusion

Planning staff is satisfied that the proposed Official Plan Amendment and Zoning By-law Amendment are consistent with the Provincial Policy and conform to the Region of Halton and Town of Milton Official Plans. Therefore, staff recommends approval of the draft Official Plan Amendment and Zoning By-law Amendment.



### Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan  
Commissioner, Development Services

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

### Attachments

Figure 1 - Location Map  
Figure 2 - Concept Plan  
Figure 3 - Rendering  
Appendix 1 - Official Plan Amendment  
Appendix 2 - Zoning By-law Amendment  
Appendix 3 - 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.