



Memorandum to Committee of Adjustment Members

Minor Variance Application: A23-071M - 130 Thompson Road

General Description of Application:

Under Section 45(1) of the *Planning Act*, the following minor variances to Zoning By-law 016-2014, as amended, has been requested to:

1. Allow a maximum of 873 units, where as the Zoning By-law currently permits 810 units (an increase of 63 units).

The subject property is known municipally as 130 Thompson Road South and is legally described as Part of Lot 13, Concession 3. The lands are generally located at the southwest corner of Thompson Road South and Drew Centre Drive. Surrounding land uses include commercial to the north, parkland to the east (Lions Sports Park), stormwater management pond to the west, and a rail corridor (Metrolinx and Canadian Pacific Rail) to the south.

On March 4, 2019, Council approved a privately initiated Official Plan amendment and Zoning By-law amendment to facilitate a mixed use development at 130 Thompson Road. Since such time, the applicant has submitted a Site Plan Application (SP-23/21) that is currently under review by Town Staff to focus on detailed design and site circulation. The applicant is proposing to construct a mixed-use development that is comprised of residential units, with below-grade parking facilities, and 1,156 square metres of at-grade commercial use.

A previous Minor Variance application was approved in April 2023. The relief that was approved facilitated the development in context of the subject lands, including: proximity to the adjacent rail corridor, alignment with the Milton Go MTSA Hub Study By-law 089-2022, and siting of the overall development.

The applicant has since revised the proposal so far as the unit count to increase the number of units from 810 to 873. This proposed change is in response to market conditions after the development went to sale in June 2023 and purchasers showed preference for reduced unit size in order to increase overall attainability and affordability.

Official Plan Designation (including any applicable Secondary Plan designations):

The subject property is designated as Central Business District (CBD) with a Gateway overlay on Schedule B - Urban Land Use Plan. Schedule C - Central Business District Land Use Plan further identifies these lands as Urban Growth Centre Mixed Use Sub Area. Schedule C.7.A.1 CBD - Central Business District Secondary Plan identifies a Gateway overlay on the site. The CBD and secondary designations permit a range of commercial and office uses, along with residential uses.

In 2019, the applicant received approval for their privately-initiated Local Official Plan Amendment #53 (LOPA 53) for various site-specific policy updates, including a maximum density of 524 units per hectare or height of 31 storeys of residential buildings.

On February 28, 2022, the Town of Milton Council passed Local Official Plan Amendment #70 (LOPA 70) - this amendment implemented policy direction informed by the Milton Go MTSA Study. Policy updates included the addition of height and density limits, along with efforts to enhance the overall MTSA area, with the goal of supporting transit-friendly, complete communities. LOPA 70, and the associated Zoning By-law Amendment, also included policies to clarify *how* density is evaluated for a site.

On Schedule C.7.A1 CBD of the Town's Official Plan, implemented through LOPA 70, the subject lands are permitted to have buildings with a maximum height of 31 storeys for residential area and Floor Space Index (FSI) of 6.0.

It is Staff's opinion that the proposal is in conformity with the Town of Milton Official Plan, as amended, given that the mixed-use proposal maintains supported uses set-out in the primary and secondary designations and that the proposed maximum height of 31 storeys applies to the residential portions of the buildings. While the development's density was not initially calculated based on FSI in the site-specific special policy area (LOPA 70), through current Official Plan policy for the MTSA area, the established standard to do so is through FSI. Accordingly, the current development proposes an FSI of 5.78 and maintains the spirit of the Official Plan.

Zoning:

The subject lands are zoned as Urban Growth Centre - Mixed Use *258 (MGC-MU*258) under the Town of Milton Urban Zoning By-law 016-2014, as amended. This zone permits a range of commercial uses and high-density residential uses.

The *258 site specific zone standards set-out the following so far as size of a development on the site:

- a. Maximum number of dwelling units is 810 units.
- b. The maximum permitted gross floor area of all buildings and structures on the lands is 88,000 square metres.
- c. The maximum lot coverage shall be 70%.
- d. Maximum height of all buildings is 31 storeys and 100 metres.

Relief from the Zoning By-law is required to accommodate the addition of units to Towers 2 and 3. The floorplates within towers will be re-configured to include 11 units per floor, rather than the current 9 to 10 units.

Provisions within Zoning By-law Amendment 089-2022 (Milton Go MTSA Study Zoning By-law Amendment) are not automatically applied to these lands as the concurrent Site Plan Application was submitted prior to the date in which By-law 089-2022 came into force and effect. Section 1.11 of Zoning By-law 016-2014 includes a transition provision that permits a Site Plan Application submitted before the date in which new provisions take force and effect, to be considered under the Zoning By-law provisions that were in-effect on the date the application was submitted. Therefore, while the provisions within By-law 089-2022 are not applied to the site, the applicant is requesting relief with respect to the proposed density and seeks to forgo the consideration of density based on a unit-per-

hectare evaluation (implemented through the privately initiated ZBA and OPA) and instead align with the FSI ratio set-out throughout the MTSA on Schedule D1 - Central Business District (Building Heights) within the Zoning By-law 016-2014. Through the MTSA provisions, the permitted FSI for 130 Thompson Road is 6.0 and the development being proposed has an FSI of 5.78.

The added units create no other zoning deficiencies on the site, including parking requirements or gross floor area.

Consultation

Public Consultation

Notice for the hearing was provided pursuant to the *Planning Act* on, September 14, 2023. As of the writing of this report on, September 20, 2023, Staff have not received any comments from members of the public.

Agency Consultation

No objections were filed with respect to the variance application from Town Staff or external agencies.

Both Development Engineering and Halton Region Staff noted that approval from the adjacent rail corridor operator be received before the development proceeds. Planning Staff are satisfied that both Canadian Pacific Rail and Metrolinx has been made aware of the proposal and have offered no objection - both agencies are engaged through the concurrent Site Plan Application review.

The Site Planner reviewing file SP-23/21 is satisfied that the application has reached a satisfactory stage where the minor variance can proceed.

Development Review Comments:

The proposed development includes three towers with a three-storey podium and commercial at-grade. The development has a total gross floor area of 87,295 square metres and Floor Space Index (FSI) of 5.78. The applicant's request for additional units results in a total of 873 units (increase of 63).

The original Official Plan Amendment (LOPA 53) set-out both the total gross floor area of the site, along with a metric for which density shall be measured (units per hectare). Since such time, the Milton Go MTSA Study has updated both the Official Plan and Zoning By-law for the area surrounding the transit hub - including how density and built form shall be envisioned and measured. Rather than including a unit-per-hectare based approach, the Milton Go MTSA Study recommended that FSI and maximum height better represents how to evaluate the appropriateness of built form on a site - regardless of unit count. A Floor Space Index (FSI) ratio intends to measure the built form in relation to the overall lot size to ensure the development is appropriate in context of the property. Through the Milton Go MTSA Study, Staff were of the opinion that the area was well positioned to accommodate additional height, given its location away from existing established neighbourhoods, proximity to the station and relatively central location. The permitted FSI for 130 Thompson Road is 6.0 and the development being proposed has an FSI of 5.78.

While the proposed unit count differs from that which was approved through the privately initiated LOPA and ZBA, the built form maintains the vision for and approach to the MTSA area. Further, it does not result in overdevelopment of the lands which the original planning applications sought to ensure through the unit-per-hectare metric. The site maintains the maximum gross floor area provision of 88,000 square metres set-out in the site-specific zoning. Further, should the applicant have applied for Site Plan Approval today, the lands would be considered under the current Milton Go MTSA Study provisions - including the maximum FSI metric. Ultimately, the additional units do not impact the site physically, beyond the internal re-configuration of floor plans - the approved built form (i.e. tower height and footprint) will not change. All other zoning provisions are maintained and there is no impact anticipated as a result from the additional units beyond what is currently proposed. It is the opinion of Staff that the development and variance maintains the intent and spirit of the applicable Official Plan and Zoning By-law policies.

Based on the aforementioned, Planning Staff have reviewed the requested variance and offer no objection. The additional units do not impact the physical built-form of the development, nor the functionality of the site, and ultimately contributes to increased housing supply and attainability within the overall MTSA area. Therefore, Planning Staff are of the opinion that the variance being requested is desirable for the development of the subject lands, minor in nature, and maintains the intent of both the Official Plan and Zoning By-law.

Recommendation:

THAT the application for minor variance BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

1. That Site Plan Approval be granted prior to Building Permit Issuance.
2. That a Building Permit be issued within two (2) years from the date of this decision.
3. That the approval be subject to an expiry of two (2) years from the date of decision if the conditions are not met, if the proposed development does not proceed and/or a Building Permit is not secured.

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