



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: December 18, 2023

Report No: DS-065-23

Subject: Technical Report: Zoning By-law Amendment Application by Boyne Urban Development Inc. applicable to lands known municipally as 8671 & 8751 Britannia Road (Town File: Z-02/21)

Recommendation: THAT Application Z-02/21 for an amendment to the Town of Milton Comprehensive Zoning By-law 016-2014, as amended, to change the current Future Development (FD) Zone to a Residential Medium Density II Special Provision 340 (RMD2*340) Zone to permit the development of 64 dwelling units (i.e. a combination of stacked townhouse and multiple dwelling units), BE APPROVED;

AND 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-065-23 for Council Adoption.

EXECUTIVE SUMMARY

The applicant has applied to amend the Town's Comprehensive Zoning By-law 016-2014, as amended, for lands located on the north side of Britannia Road between the Sixteen Mile Creek Valley lands and Thompson Road within the Boyne Survey Secondary Plan Area, and known municipally as 8671 & 8751 Britannia Road. The proposed development consists of 64 dwelling units (i.e. a combination of stacked townhouse and multiple dwelling units) within five (5), 3-storey development blocks connected by a one-way private road with access to/from the future Hickory Crescent that will be constructed as part of the adjacent Mil Con Three (Fieldgate) subdivision. The proposal also includes a combination of above grade garage, driveway and underground parking for residents, visitor parking along the private road, amenity areas and landscaping. The proposed amendment would change the current Future Development (FD) Zone to a Residential Medium Density II Special Provision 340 (RMD2*340) Zone to permit the development as proposed.



EXECUTIVE SUMMARY

All internal Town of Milton departments and responding external agencies have provided correspondence to Town Planning staff indicating their support for the application as currently presented. Staff has reviewed all of the documentation, plans and comments provided to date and is of the opinion that the application as submitted is prepared in a manner that would allow it to be considered by Town Council for approval.

Conclusions and Recommendations

Planning staff is satisfied that the proposed Zoning By-law Amendment is consistent with the policies of the Provincial Policy Statement and conforms to the Growth Plan, the Regional and Town Official Plans, and the Boyne Survey Secondary Plan. Therefore, staff recommends approval of the Zoning By-law Amendment attached as Appendix 1 to this report.

REPORT

Background

Owner: Boyne Urban Development Inc., 4275 Village Centre Court, Unit 102, Mississauga, Ontario

Agent: Korsiak Urban Planning, 277 Lakeshore Road East, Unit 206, Oakville, Ontario

Location/Description: The subject lands are located in Ward 3, on the north side of Britannia Road between the Sixteen Mile Creek Valley lands and Thompson Road within the Boyne Survey Secondary Plan Area. The lands are legally described as Part of Lot 6, Concession 3, New Survey, Former Geographic Township of Trafalgar and municipally known as 8671 and 8751 Britannia Road. A small residential reserve located between the new frontages of the aforementioned properties and the future Hickory Crescent to be constructed through the adjacent Mil Con Three Plan of Subdivision (24T-20005/M) to the north and west, has also been included as part of the subject property. Following registration of the Mil Con Three Subdivision, which is anticipated by the end of 2023, residential reserve Block 166 as identified on the draft M-Plan associated with the executed Mil Con Three subdivision agreement, will be transferred to the Owner of the subject lands for the purposes of access, infrastructure and landscaping. Until the transfer is complete, Fieldgate Developments has authorized staff to zone the sliver of land they still own along with the remainder of the lands

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owned by Boyne Urban Developments Inc. (BUDI). The location of the subject lands is illustrated in Figure 1 attached to this report.

The subject lands are approximately 0.8 hectares (1.98 acres) in size with an 80 metre frontage along Hickory Crescent, and contain two existing residential dwellings that will be demolished prior to construction. The subject lands are surrounded by a stormwater management pond and medium density residential development of the future Mil Con Three subdivision to the west and north, medium density residential development within the Mattamy Martin East subdivision to the northeast, Omagh Presbyterian Church to the east, and agricultural lands south of Britannia Road that are planned to be developed in the future as part of the Milton Phase 4 lands, specifically the Britannia Secondary Plan Area.

Proposal:

The applicant is seeking an amendment to the Town's Comprehensive Zoning By-law 016-2014, as amended, to permit the development of 64 dwelling units (i.e. a combination of stacked townhouse and multiple dwelling units) within five (5), 3-storey development blocks connected via a private one-way internal road that will have access points to/from Hickory Crescent (road to be provided through the Fieldgate - Mil Con Three subdivision). Once developed, the subject lands will no longer have access from Britannia Road.

Residential parking for the development will be provided as follows:

- Units within Blocks A & B: one parking space within the garage and a second parking space on an external driveway;
- Units within Block C: one parking space within the garage. These units are situated along the driveway similar to a rear lane townhouse dwelling; and,
- Units within Blocks D1 and D2: one parking space in the underground garage.

Visitor parking for all units will be provided along the private road within the site and three accessible spaces will be provided in an area internal to all of the buildings. Approximately 600 square metres of outdoor communal amenity space is proposed between Buildings B and C to serve the entire development, and roof top patios may also be available for some units. The proposal will be developed as a condominium. The proposed density of the development is 80 units per net hectare (upnh). A conceptual site plan, floor plans and building elevations are attached as Figures 2, 3 and 4 to this report.

It should be noted that the applicant did submit a consent application (B21/010/M) in March 2021 for the purposes of obtaining servicing connections from the Mattamy Martin East

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subdivision, given that the Mil Con Three subdivision application, which would provide the ultimate services was not advanced enough at that time to provide the connections. Given that there was a delay in the subject application and the Mil Con Three subdivision is now close to registration, the severance is no longer required.

The following information has been submitted in support of the Zoning By-law Amendment application:

- Topographic Survey, prepared by J.D. Barnes, dated April 14, 2020;
- Conceptual Site Plan (A100), prepared by McCallumSather, dated November 21, 2023;
- Underground Parking Plan (A200), prepared by McCallumSather, dated November 20, 2020;
- Conceptual Floor Plans and Roof Plans, prepared by McCallumSather, dated November 10 & 13, 2020;
- Concept Designs / Elevations, prepared by McCallumSather, dated October 15, 2020;
- Renderings, prepared by McCallumSather;
- Building Area Analysis, prepared by McCallumSather, dated November 06, 2020;
- Planning Justification Report, prepared by Korsiak Urban Planning, dated January 2021;
- Planning Justification Report Update, prepared by Korsiak Urban Planning, dated November 29, 2021;
- Stage 1 and 2 Archaeological Assessment, prepared by Golder Associates Ltd., dated January 10, 2019 (and Ministry of Culture, Sports and Tourism Clearance Letter, dated February 4, 2019);
- Phase 1 Environmental Site Assessment, prepared by Terraprobe Inc., dated January 31, 2019;
- Phase 1 Environmental Site Assessment Update, prepared by Terraprobe Inc., dated September 13, 2021;
- Phase 2 Environmental Site Assessment, prepared by Terraprobe Inc., dated April 22, 2019, and revised October 22, 2019 and September 14, 2021;
- Arborist Report, prepared by Bruce Tree Expert Company Ltd., dated December 7, 2020;
- Tree Protection Plan, prepared by Bruce Tree Expert Company Ltd., dated December 6, 2020;
- Geotechnical Report, prepared by Terraprobe Inc., dated June 26, 2019 and revised December 16, 2020;

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- Hydrogeological Report / Groundwater Control Measures, prepared by Terraprobe Inc., dated January 29, 2021 (Revision 1);
- Detailed Water Balance Assessment, Terraprobe Inc., dated August 16, 2021;
- Memorandum re: Addendum to Areas 5A, 5B and 6 Subwatershed Impact Study, prepared by David Schaeffer Engineering Ltd., dated October 23, 2020;
- Scoped Environmental Impact Study, prepared by Savanta, dated January 2021;
- Functional Servicing/Stormwater Management Report, prepared by S. Llewellyn & Associates Limited, dated November 2020 and revised November 2021;
- Preliminary Grading Plan (C101), Servicing Plan (C102), and Notes and Details (C103), prepared by S. Llewellyn & Associates Limited, dated November 2021;
- Noise Feasibility Study, prepared by HGC Engineering, dated December 14, 2020;
- Transportation Impact Study (Includes a Parking Analysis, Waste Management Strategy and Auto-turn Swept Path Analysis), prepared by GHD, dated October 2023;
- Urban Design Brief, prepared by McCallumSather, dated November 13, 2020 and revised December 8, 2021;
- Public Engagement Strategy, prepared by Korsiak Urban Planning, dated January 12, 2021; and,
- Draft Zoning By-law.

Planning Policy

Within the 2009 Halton Region Official Plan (ROP), the subject lands are designated Urban Area. Section 76 of the ROP establishes that the range of permitted uses and the creation of new lots within the Urban Area will be in accordance with the applicable Local Official Plans and Zoning By-laws. All development, however, shall be subject to the Regional Official Plan policies in effect. Regional staff have reviewed the application and are satisfied the development conforms to the Urban Area policies of the ROP.

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 on Schedule C.10.C - Boyne 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, including Medium Density Residential II uses consisting of mid-rise multiple attached residential units such as stacked townhouses and apartments with a density range of greater than 45 to 100 units per net hectare (upnh) subject to specific policies.

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In addition, Schedule K - Intensification Areas of the Official Plan, shows that the subject lands are located along a designated Intensification Corridor (Britannia Road), which policies promote higher densities that support transit usage and active transportation.

Section 2.7 of the Official Plan states that the Town of Milton is committed to the provision of opportunities within the Town for the creation of housing which is affordable, accessible, adequate and appropriate to the full range of present and expected households. To achieve this, a number of overarching goals and objectives are identified in this Section, along with specific policies relating to housing targets, housing mix, affordability and intensification.

Notably, Section 2.7.1 sets out a series of goals to assist the Town in meeting current and future housing needs, which includes, but is not limited to the following:

- 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;
- encouraging the development industry to design innovative housing forms that stress flexibility in use, mix of compatible land uses, good environmental practices, incorporate universal physical access, public safety and security needs, cost-efficiency, affordability and energy and natural resource conservation while maintaining sound engineering and planning principles;
- fostering the creation of additional housing accommodation through various forms of residential intensification;
- encouraging the inter-mixing of different housing forms and types within neighbourhoods to foster community integration; and,
- making 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.

Section 3.2.1.2 of the Official Plan speaks to residential intensification. As stated in the opening paragraph of this section, intensification within the Residential Area designation shall be directed to the intensification areas and to nodes and corridors as identified on Schedule K and shall generally take the form of medium and high density residential uses. Intensification corridors are defined as intensification areas identified along major roads, arterials or higher order transit corridors that have the potential to provide a focus for higher density mixed use development consistent with planned transit service levels.

Lands located within designated greenfield areas, such as the subject lands, are also subject to the residential mix policies that apply to these areas. As stated in Section 3.2.1.7,

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residential development within designated greenfield areas shall in addition to the provisions of Section 2.7, Housing, and other applicable policies of the Plan:

- encourage an intermixing of dwelling unit types and densities;
- encourage a higher distribution of Medium Density II and High Density Residential Uses, particularly within nodes and along corridors;
- encourage medium and high density development that is street oriented; and,
- contribute toward achieving the density target set out in Section 2.1.4 and Regional Phasing set out in Section 2.1.5 of the Plan in order to contribute to the creation of healthy, complete communities.

Staff reviewed the application in relation to the policies of the Provincial Policy Statement (PPS), 2020, the Growth Plan, 2019, as amended by Amendment 1, 2020, the Halton Region Official Plan, the Town of Milton Official Plan, and the Boyne Survey Secondary Plan. Town staff and our agency partners are satisfied that the application for the zoning by-law amendment as presented through this report, conforms to the applicable Provincial, Regional and Local land use planning policies and regulations.

Zoning By-law 016-2014, as amended

The subject lands are currently zoned Future Development (FD) under Zoning By-law 016-2014, as amended, which only permits uses that legally existed on the date that the By-law came into effect.

The current Zoning By-law Amendment application proposes to rezone the subject lands from the current Future Development (FD) Zone to a Residential Medium Density II Special Provision 340 (RMD2*340) Zone to accommodate the proposed 64 dwelling units, and recognize site-specific provisions relating to the development including front, rear and side yard setbacks, the underground parking structure, parking area locations, minimum off-street parking requirements, widths of internal driveways, landscape open space, the description of a lot and that access that would typically apply to apartment buildings with one main entrance does not apply to site.

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

Site Plan Control

Should the Zoning By-law Amendment application be approved, the applicant will be required to receive Site Plan Approval prior to the issuance of a building permit and commencement of any development. Detailed site plan drawings addressing such matters as access, site design (including parking, pedestrian circulation, accessibility, fire truck

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access and waste disposal), lot grading and drainage, lighting and landscaping will be required to be submitted for review and approval. The applicant will also be required to enter into a site plan agreement with the Town and provide securities to guarantee the completion of works in accordance with the approved drawings.

Discussion

Public Consultation and Review Process

Notice of a complete application was provided on February 26, 2021. Notice for the statutory public meeting was provided pursuant to the requirements of the Planning Act and the Town's Official Plan 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 June 24, 2021. The statutory public meeting was held on July 19, 2021 and no members of the public spoke at the meeting. Staff did receive one written submission from the planning consultants on behalf of the adjacent landowner, Mil Con Three Developments Limited (Fieldgate Developments), acknowledging that Boyne Urban Development Inc. would require their participation in securing a purchase and sale agreement to facilitate the sale of the residential reserve lands that would allow the proposed townhouse development to proceed. The correspondence is attached as Appendix 2 to this report.

Agency Consultation

The proposed Zoning By-law Amendment and all supportive documents were circulated to both internal and external commenting agencies. Halton Region, Town Departments, School Boards and other agencies offered no objection to the application. Agencies will continue to work with the applicants through the Site Plan Approval process prior to the development of the site.

Summary of Issues

Availability of Infrastructure and Access to the Subject Lands

In the early stages of review of the subject application, timing of ultimate servicing connections, construction of surrounding streets and the ability to provide direct access to the future Hickory Crescent (i.e. due to a small residential reserve situated between the original two lots and the future Hickory Crescent) were unknown, as these elements were fully dependant upon registration of the Mil Con Three subdivision located to the north and

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west and construction of the necessary infrastructure associated with that plan. To advance the development of the subject lands, the applicant proceeded to apply for a consent application that would allow for the extension of necessary services from the existing Mattamy subdivision to the north and east of the subject lands.

As the review of both applications progressed, timing became more aligned and the aforementioned severance was no longer required. Through the draft plan conditions for the Mil Con Three subdivision, staff required that the residential reserve be acquired by BUDI or conveyed to the Town so that direct access from the BUDI development could be achieved. Upon registration of the Mil Con Three subdivision, anticipated before the end of the year, the residential reserve will be conveyed, the necessary servicing and road infrastructure will be provided, and the proposed development will be able to proceed following site plan approval and building permit issuance.

Amending Zoning By-law

In order to permit the proposed development, a zoning bylaw amendment containing a Residential Medium Density II (RMD2) Zone classification with site-specific provisions is required.

Residential Medium Density II (RMD2) Site-Specific Zone

In absence of general condominium provisions in the zoning by-law, planning and zoning staff must establish appropriate standards based on development principles that are acceptable to the Town for a proposed development. As a result, a portion of the amending by-law associated with the subject application (attached as Appendix 1 to this report) provides a specific description of the lot being developed and provides the minimum setbacks from each property line, based on provisions applicable to similar built form, to establish the development envelope. In addition, the by-law recognizes items that are specific to the development proposal including the addition of stacked townhouse dwelling units (they are defined but not listed as a separate use in the RMD2 Zone) and minor variations to existing zoning provisions relating to minimum off-street parking requirements, setbacks from parking areas and underground parking structures to lot lines, maximum widths of exclusive use driveways, and the minimum amount of landscape open space to be provided. Provisions that apply to the RMD2 Zone but are not applicable to the type of built form proposed, have also been noted. Since the site plan is still being refined, staff has also provided minimal flexibility in the by-law to allow for minor alterations at the next stage.



Discussion

With respect to the proposed reduction in parking, it should be noted that the Town's Zoning By-law 016-2014, as amended, does not provide a specific provision relating to condominium multiple dwellings or stacked townhouses, and as a result, the by-law defaults to an 'all other dwelling unit' category that requires a parking rate similar to privately owned grade related product (i.e. two parking spaces per unit). Given that the subject lands are located along an intensification corridor where transit will be prevalent, the proposal offers a mixture of dwelling unit types and sizes, and parking arrangements that assist in making housing more affordable, and all required visitor parking has been provided, staff is satisfied that the proposed resident parking rate of 1.42 parking spaces per unit is appropriate for the site. To further support the slight reduction, the development offers a number of Travel Demand Management (TDM) measures to meet objectives and targets to reduce vehicular demand and encourage passenger, transit, cycling, and walking including horizontal bicycle hangers for each underground parking space and garage unit, better sidewalk connectivity, and unbundled parking options (i.e. separated cost of parking space from cost of resident units) that allow residents to consider alternative modes of travel.

Conclusion

Planning staff is of the opinion that the proposed 64 dwelling unit (i.e. a combination of stacked townhouse and multiple dwelling units) subject to site-specific provisions, is consistent with the Provincial Policy Statement, 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, be brought forward for Council adoption.

Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

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



Attachments

Figure 1 - Location Map

Figure 2 - Site Plan

Figure 3 - Floor Plans & Underground Parking Plan

Figure 4 - Building Elevations & Renderings

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.