



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: March 4, 2024

Report No: DS-013-24

Subject: Technical Report: Zoning By-law Amendment Application by Ahmadiyya Muslim Jama'at Canada Inc. applicable to lands located at 1456 Bronte Street South (Town File: Z-12/21)

Recommendation: THAT Application Z-12/21 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 site-specific Minor Institutional Zone (I-A*342) Zone to permit the development of a Place of Worship, 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-013-24 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 west of Bronte Street South, just north of Etheridge Avenue, and municipally known as 1456 Bronte Street South. The proposed development consists of a place of worship containing a prayer hall, multi-purpose community hall, library and other ancillary uses with associated parking and landscaping. The proposed amendment would change the current Future Development (FD) Zone applicable to the lands to a site-specific Minor Institutional (I-A*342) Zone to permit the development as proposed.

A virtual Public Information Centre (PIC) was held by the applicant on September 21, 2021 and the statutory public meeting was held on November 15, 2021. Members of the public sought information about the proposed development and the planning process and raised questions at the meetings in relation to the proposed use, traffic impacts, parking, land use compatibility, potential noise impacts, proposed site-specific zoning provisions, the overall engineering design (grading, drainage and servicing) and the impact that the development could have on surrounding property values. Staff also received several written submissions (Appendix 2) from members of the public, including a petition signed by several residents

EXECUTIVE SUMMARY

who reside on Holbrook Court and Etheridge Avenue (located directly across from the subject lands on the east side of Bronte Street South) and Shadybrook Development Inc. (an arm of Great Gulf), the residential developer to the south.

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: Ahmadiyya Muslim Jama'at Canada Inc., 10610 Jane Street, Maple, Ontario

Agent: WSP Canada Inc., 100 Commerce Valley Drive West, Thornhill, Ontario

Location/Description:

The subject lands are located on the west side of Bronte Street South, just north of the future extension of Etheridge Avenue in Ward 4. The lands are legally described as Part of Lot 6, Concession 1, New Survey, Former Geographic Township of Trafalgar, and are municipally identified as 1456 Bronte Street South. The location of the subject lands is illustrated in Figure 1 attached to this report.

The subject lands are located within the Boyne Survey Secondary Plan Area and are approximately 0.38 hectares (0.94 acres) in size, with a frontage of 45.72 metres and a depth of approximately 85 metres. The subject lands are currently occupied by a single detached dwelling, which is occasionally used as a gathering space and place of worship, and an

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accessory building. The site is currently lower in grade than Bronte Street South and the adjacent lands to the north.

Surrounding land uses are primarily residential with constructed dwelling units to the east and a small development to the south. Lands immediately adjacent to the southern property line are designated for future residential development within the Boyne Survey and are currently being reviewed as part of subdivision application 24T-14012/M (Stevenson / Shadybrook). A new public secondary school (i.e. Elsie MacGill Secondary School) is located to the north. Although not adjacent to the subject lands, it should be noted that a portion of a large natural heritage system as well as an active CN Rail Line, is located to the west.

Proposal:

The applicant is seeking an amendment to the Town's Comprehensive Zoning By-law 016-2014, as amended, to permit the development of a place of worship containing a prayer hall, multi-purpose community hall, library and other ancillary uses on the subject lands. The proposed building, located to the rear of the property, is generally rectangular in shape and one-storey in height with the exception of a two-storey section located at the front and middle of the building. The total gross floor area (GFA) of the proposed building is 1,530.37 square metres. Access to the development is proposed from Bronte Street South via a right in/right out private driveway. Parking is proposed in front of the building with a total of 72 at-grade parking spaces including three (3) accessible parking spaces. Landscaping is also provided as part of the proposed development, with the majority of the plantings being located adjacent to the front property line along Bronte Street South. A side walk is along proposed along the southern lot line.

A site plan, floor plans and building elevations are attached as Figures 2 and 3 to this report.

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

- Legal Plan of Survey, prepared by J.H Gelbloom Surveying Limited, dated September 29, 2016;
- Draft Zoning By-law Amendment, prepared by WSP Canada Inc., December 2023;
- Site Plan, prepared by Paradigm Architecture and Design, dated June 2, 2023 and revised January 18, 2024 (Rev 3);
- Floor Plans & Elevations, prepared by Paradigm Architecture and Design, dated June 2, 2023 and revised January 18, 2024 (Rev 3);
- 3D Views & Sections, prepared by Paradigm Architecture and Design, dated June 2, 2023 and revised January 18, 2024 (Rev 3);

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- Planning Justification Report, prepared by WSP Canada Inc., dated May 11, 2021 and revised August 2023;
- Stage 1, 2 & 3 Archaeological Assessment, prepared by Fisher Archaeological Consulting, dated November 28, 2016;
- Ministry of Heritage, Sport, Tourism and Culture Industries Letter re: Stage 1-3 Archaeological Reports, dated March 14, 2017;
- Phase 1 Environmental Site Assessment prepared by Terraprobe Inc., dated March 3, 2021;
- Phase 1 Environmental Site Assessment Update, prepared by Terraprobe Inc., dated August 3, 2023;
- Geotechnical Investigation, prepared by Terraprobe Inc., dated October 12, 2016 and revised February 17, 2021;
- Functional Servicing and Stormwater Management Report, prepared by Husson Engineering and Management, dated July 2023;
- Servicing Plan, prepared by Husson Engineering and Management, dated July 19, 2023;
- Grading Plan, prepared by Husson Engineering and Management, dated July 19, 2023;
- Erosion and Sediment Control Plan, prepared by Husson Engineering and Management, dated July 19, 2023;
- Traffic Impact Study Update, prepared by C.F. Crozier & Associates, dated May 2021, revised January 2024; and,
- Noise Feasibility Study, prepared by HGC Limited, dated June 20, 2023.

It should be noted that the applicant has been reviewing their proposal at the site plan level and coordinating the construction of an appropriate privacy fence along the southern mutual property line (adjacent to future residential units) and reviewing various grading, drainage and servicing schemes with the residential developer to the south.

Planning Policy

Provincial Policy

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. The PPS identifies the subject lands as being within a settlement area. In settlement areas, the PPS directs growth and supports the accommodation of an appropriate range and mix of uses. The PPS also encourages the

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efficient use of land, resources, infrastructure and public service facilities where infrastructure is planned or available to service the development.

A Place to Grow: A Growth Plan for the Greater Golden Horseshoe, 2019, as amended by Amendment 1, 2020 (APTG), like other provincial plans, builds upon the policy foundation provided by the PPS and provides additional and more specific land use planning policies to address issues facing specific geographic areas in Ontario. The Growth Plan through its policies supports the achievement of complete communities made up of a diverse mix of land uses and a convenient access to public services facilities.

Halton Region Official Plan (ROP), 2009

Within 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 including the following:

- Section 58 (1.1) permits development provided that adequate supply of water and treatment of wastewater for the proposed use has been secured to the satisfaction of the Region; and,
- Section 147(17) requires the applicant of a development proposal to determine whether there is any potential contamination on the site they wish to develop, and if there is, to undertake the steps necessary to bring the site to a condition suitable for its intended use.

Regional staff has reviewed the application and are satisfied the development conforms to the Urban Area policies of the ROP.

Milton Official Plan (OP)

At the local level, the subject lands are designated “Residential/Office Area” on Schedule B -Urban Land Use Plan of the Town’s Official Plan. The “Residential/Office Area” designation is intended for lands within the Established and HUSP Urban Areas where higher density development is to be encouraged. The permitted uses will be primarily high rise residential uses, but may also include office and accessory local commercial uses which are located in the residential or office buildings particularly adjacent to gateways and major institutional uses. Section 3.3.2 of the Official Plan, also provides additional permitted uses including:

- c) Local Institutional Uses which by their activity, scale and design are compatible with residential uses and which serve adjacent residential areas, including elementary schools, libraries, churches, day care facilities and community centres,

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or institutional uses which are related to adjacent major institutional uses, in accordance with the policies of 3.2.3.6.

Section 3.2.3.6 states that proposals for the development of local institutional and local commercial uses (excluding schools) shall conform to the following general criteria:

- a) the proposed uses will contribute in a positive way to providing a sense of community by promoting interaction among residents, by increasing the personal security of residents, and by supplying everyday needs;
- b) the proposed uses will provide or contribute to the “sense of place” at the neighbourhood or sub-neighbourhood level by the establishment of a focal point for the community;
- c) the proposed use includes the provision of pedestrian or other non-automobile linkages to the uses;
- d) ensuring that the proposed use would not generate an unacceptable level of vehicular traffic onto local streets; and,
- e) the service to be provided by the proposed use is needed at the proposed location and the service cannot be or is not being provided in other areas which are designated for such uses.

The subject lands are further designated “Institutional Area” on Schedule C.10.C - Boyne Survey Secondary Plan Land Use Plan. This designation is intended primarily for major public and quasi-public uses. The main permitted uses include secondary schools, large religious facilities and places of worship, which serve the Boyne Survey Planning District. Accessory residential uses such as a rectory, manse and/or caretaker’s residence, accessory service commercial uses, retail uses and office functions shall also be permitted, as well as high density residential development, assisted and special needs housing or supportive housing in conjunction with institutional uses or on separate sites.

Staff reviewed the application in relation to the policies of the Provincial Policy Statement, the Growth Plan, 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.

Background

The current Zoning By-law Amendment application proposes to rezone the subject lands from the current Future Development (FD) Zone to a site-specific Minor Institutional (I-A*342) Zone to accommodate the proposed place of worship containing a prayer hall, multi-purpose community hall, library and other ancillary uses and recognize site-specific provisions relating to lot frontage, lot area, rear yard and interior side yard setbacks, landscaped open space and buffers, setbacks to parking areas and access routes to the main building, loading spaces, encroachments for ornamental projections, stairs, landings and accessible ramps, and a minimum fence height along the southern lot line abutting future residential uses.

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 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 June 14, 2021. A virtual Public Information Centre (PIC) was held by the applicant on September 21, 2021 and was attended by members of Council, interested area residents and staff. The applicants presented the proposal and offered a short question and answer period. Members of the public sought information about the proposed development and the planning process and raised questions relating to the proposed use, traffic impacts, parking, land use compatibility, and the impact that the development could have on surrounding property values.

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 October 21, 2021. The statutory public meeting was held on November 15, 2021 and no members of the public spoke at the meeting.

Discussion

Following the virtual PIC and the statutory public meeting, staff did receive several written submissions from members of the public, including a petition signed by several residents who reside on Holbrook Court and Etheridge Avenue (located directly across from the subject lands on the east side of Bronte Street South) and Shadybrook Development Inc. (an arm of Great Gulf), the residential developer to the south. In addition to the aforementioned issues, concerns were also raised in regards to the proposed reduction in the interior side yard setback (to the southern lot line), potential noise impacts, and the overall functional servicing and engineering design. Written submissions are attached as Appendix 2 to this report.

Concerns referenced above are discussed in the Summary of Issues section below.

Agency Consultation

The proposed Zoning By-law Amendment and all supporting documents were circulated to both internal and external commenting agencies. Although Halton Region, Conservation Halton, the Town Departments, the School Boards and other agencies including Canada Post and Milton Hydro offered no objection to the application, the following comments should be noted.

Fire Department

While specific details relating to fire safety requirements (e.g. exterior building connections, on-site hydrants and a clear path of travel to these connections) are typically addressed at the site plan stage, the Fire Department noted it was appropriate to examine these requirements during the zoning review as the location and design of these features had the potential to affect the proposed parking spaces on the site. The applicant provided the details as requested and only had to make a minor alteration to the plan to ensure that the proposed number of parking spaces remained unchanged.

Milton Hydro

Milton Hydro requires that their utility poles be located a minimum of 1.5 metres from the edge of a driveway. Where this cannot be achieved in relation to a development proposal, the Owner is responsible for the relocation of the pole at their cost.

Halton District School Board

The Halton District School Board (HDSB) noted that the abutting property to the north and the west of the subject lands, contains a 1,191 pupil place building (i.e. Elsie MacGill Secondary School) and has the potential to accommodate up to twelve (12) portables, which at capacity could increase the number of pupil places to 1,476, plus staff. Total site capacity is projected to be surpassed by 2025.

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While the HDSB supports the approval of the zoning amendment application to permit the development of a place of worship, community hall, library, and other ancillary uses, the Board advised staff of the following:

1. The Board does not want to preclude the future capacity increases to the facility for future additions and/or portable needs to accommodate growth.
2. As a result of the above, there will be no opportunity for formalized shared use of parking facilities on the school site for the proposed place of worship.
3. Due to the proximity of the building to the school property, the site plan submission should be reviewed in relation to the Elsie MacGill Secondary School site plan to ensure no conflicts are anticipated between both uses.

Agencies will continue to work with the applicants through the Site Plan Approval process prior to the development of the site.

Summary of Issues

Proposed Use and Compatibility With Surrounding Neighbourhood

Residents living in the immediate area raised concerns with respect to the proposed place of worship being located next to Elsie MacGill High School and within an already dense residential area (with further development on the way), as they have already experienced a noticeable increase in traffic and on-street parking demand from the existing uses on weekdays. Some residents requested that the applicant consider alternative locations that would provide some distance between residential areas and the proposed use to minimize the potential negative impacts such as parking, noise and traffic.

As outlined in the planning policy section of this report, the subject lands are located within the Residential/Office Area designation, which allows for a range of uses including Local Institutional Uses which by their activity, scale and design are compatible with residential uses and which serve adjacent residential areas, including elementary schools, libraries, churches, day care facilities and community centres, or institutional uses which are related to adjacent major institutional uses, in accordance with specific policies of the Official Plan. Further to the use being permitted in the proposed location, the proposed primary use of the new building as a place of worship and accessory community space will be smaller in nature as the development has been scaled to reflect the smaller lot. The height of the building (not including the ornamental domes and minarets) is also lower in height than a typical two-storey grade related residential unit. The proposed lot coverage is 20% which is two thirds of the maximum lot coverage for the Minor Institutional Zone. Furthermore, the place of worship is located amongst other existing institutional uses which is appropriate and encouraged from a land use perspective.

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In addition, Provincial and Regional policies and plans direct growth to settlement areas and supports the accommodation of an appropriate range and mix of uses to create complete communities where people live, work and play. Community institutions such as schools, community centres and places of worship are an important part of the character and vitality of neighborhoods and rely on surrounding residents in the community to utilize them. In order for an urban area to function effectively, all the needs of its citizens must be met, however, the mix of uses must be evaluated and considerations for potential impacts must be acceptable to the approval authority. It is staff's opinion that the proposal contributes to the sites location in an evolving urban environment and represents the efficient use of land in a part of the Town of Milton that is intended to be a compact, complete community.

See sections below relating to traffic, parking and noise impacts evaluated as part of the application.

Traffic Impacts

A Traffic Impact Study (TIS), prepared by C.F. Crozier & Associates Inc., dated May 2021 and revised January 2024 that documents the expected site related impacts from the proposal on the road network during the five-year horizon from the base year of 2021 to 2026 with and without the proposed development, was submitted and reviewed by Town Engineering and Transportation staff. The TIS reviewed peak travel times, taking into consideration existing and proposed conditions, including future development within the area and provided an analysis of intersection operations, trips anticipated to be generated to and from the site, site access operations/design and internal circulation (i.e. AutoTURN assessment, parking layout, safety and operations), and parking. In addition, the TIS recognized that the peak hour for a Mosque is mid-afternoon on Friday, and given the concerns raised by Town staff and area residents, they estimated site-generated traffic using previous traffic impact studies for similar developments in the surrounding municipalities. The TIS was also peer reviewed at the request of the Town.

The TIS concluded that the study area intersections are operating below capacity currently and movements are expected to continue to be below capacity once the place of worship is constructed; the proposed right-in/right-out site access at Bronte Street South will function at a good level of service and below capacity; the proposed parking provided meets the Town's Zoning requirements and is expected to be sufficient; no on-site maneuvering conflicts were found using the AutoTURN software and the expected design vehicles (e.g. automobiles, fire trucks and waste management vehicles); the site meets the TAC Geometric Design Guidelines for Canadian Roads sight distance requirements; and overall, the proposed

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development can be supported from a traffic operations perspective as the site-generated traffic will have a negligible effect on the operations of the public roadway system.

Town Development Engineering and Transportation sections have reviewed the study and are supportive of the study conclusions.

It should be noted that as a result of the change in building location from the front to the rear of the property, due to staff and adjacent landowner concerns with a reduced interior side yard setback next to the proposed residential plan of subdivision to the south in the initial application submission, the access driveway to the site was slightly relocated further south along Bronte Street South to provide for a new parking plan. Through the technical review of the relocated access, Transportation staff requested that the throat of the new access at the property line be widened to meet the Town's standard to ensure better vehicular movement into and out of the property. As a result of this, an existing hydro pole was no longer situated outside of Milton Hydro's required 1.5 metre clearance area and the applicant will be required to move the pole to satisfy Milton Hydro's requirements at time of construction. This matter will be addressed through the Site Plan Approval stage.

Parking

In addition to the parking concerns raised by residents, Shadybrook Development Inc. requested clarification as to how the required parking for the site was calculated as the proposed 72 parking spaces did not seem sufficient for the anticipated occupant load of the proposed place of worship. Their review suggested that there were a number of uses that didn't seem to be accounted for (e.g. offices, library, youth hall, classroom, children's room a kitchen, and storage rooms) and observed that only 34.7% of the total gross floor area (GFA) appeared to be used in the overall calculation.

As per Section 5.8.2, Table 5G, Non-Residential Parking Requirements in the Town's Zoning By-law 016-2014, as amended, the off-street parking requirements for a place of worship is one (1) parking space per 5.5 square metres of gross floor area in the nave, plus one (1) parking space per 11 square metres of gross floor area for a public hall, banquet hall or community/multi-use hall if permitted and associated with or on the same site as the place of worship. Based on the aforementioned, Zoning staff confirmed that 70 parking spaces are required for the proposed development and the applicant has demonstrated that the requirement plus two additional parking spaces can be accommodated on the site for a total of 72 off-street parking spaces in total.

Although the parking requirements of the Zoning By-law have been met and the TIS has been accepted by Town staff, Planning and Transportation staff still encourage the applicant

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to consider overflow parking strategies during large events as recommended by the Peer Reviewer of the TIS and discussed previously.

Reductions in Interior Side Yard Setbacks Adjacent to Residential Uses

The initial proposal sited the place of worship building at the front of the property with parking being located to the rear. While the initial proposal met urban design goals and objectives by bringing the building towards the street, Town staff and Shadybrook Development Inc. raised concerns with respect to the proposed minimum interior side yard setback of 1.5 metres from the southern property line as the abutting land use to the south is planned to be residential in nature. Although the applicant argued that the majority of the built form to be located along the southern property line would be one to two storeys in height, and only have a direct impact on a few of the residential lots in the future residential plan of subdivision to the south, staff was still of the opinion that some additional separation should be provided.

As per Section 9.2, Table 9B, Institutional Zone Standards of the Town's Zoning By-law 016-2014, as amended, the required minimum interior side yard setback to abutting properties is 6.0 metres, and where abutting a residential zone an additional 3.0 metres is to be added. The intent of the increased setback is to ensure that both uses provide adequate setbacks to allow for natural light, views, privacy, greenspace, and to ensure that services can be accessed, the buildings can be properly maintained, grading can be accommodated appropriately, and neither use infringes upon one another. In addition, where residential rear yards are the only amenity areas for the residents' enjoyment, there is more potential of an impact to the resident with the building infringing that closely to the residential property line. Further, it is staff's opinion that a place of worship is a more intense use than the proposed adjacent residential uses with the potential for increased noise, privacy concerns, visual impacts, etc.

To address the concerns, the applicant adjusted their proposed site layout by moving the building to the rear of the property, relocating the parking to the front of the site, and increasing the landscaping along the street line. To accommodate the greatest setback to the future residential lots, staff accepted the proposed reduction in the interior side yard (north lot line) and the rear yard (west lot line) as each of those yards abut driveways and parking areas associated with the adjacent high school. Shadybrook Development Inc. agreed that the new proposal resolved some of their initial concerns, including the 1.5 metre setback to the residential lots, however they continued to have some concerns with the proposed siting and sizing of the place of worship. Shadybrook Development Inc. did note that the location of the proposed stairs, wheelchair ramp and the elevated landing, along with the waste collection area, specifically the loading and pick up of waste, proposed on the

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southern side of the building could have a negative impact on the neighbouring residential properties from a privacy, visual, odour and noise perspective.

From the outset, staff has recognized that the subject site is smaller than typical sites used for similar uses, and as a result, some concessions would have to be considered to accommodate the use. Planning staff is satisfied that the relocation of the building and the setbacks proposed to the aforementioned elements will be adequate with appropriate fencing placed between the uses. In addition, the applicant has provided a side walk along the southern property line to provide additional space between vehicles and rear yards, and to ensure that those visiting the place of worship have a safe place to walk. Overlook issues will be further prevented by the positioning of glazing on the southeast side of the building: only clerestory (upper part of the nave) windows and basement windows at grade will be present. The waste storage area will be fully enclosed and is not accessible by vehicle, and therefore, waste containers will be rolled out to a different location on the site or be part of the Region's curbside pick-up program. These matters will be further reviewed through the Site Plan Approval process.

Functional Servicing and Drainage

One of the issues identified by Shadybrook Development Inc. was post-development drainage and its potential impact on the residential properties in the Shadybrook Plan of Subdivision abutting the southern lot line of the subject site. Shadybrook Development Inc. noted in their correspondence that the applicant's proposal would have to provide either front-draining or split-draining with rear lot catch basins along the rear of each lot. Given the potential impacts on the development feasibility of a dwelling unit on specific lots, the residential developer requested that detailed design drawings be provided to them for further review. In addition, the residential developer requested copies of the latest technical studies to assist with other engineering matters including the determination of the ultimate water and wastewater servicing option that could be implemented to benefit both landowners.

The applicant has been working with Shadybrook Development Inc. on these matters and are hopeful that an agreement will be reached between the two landowners to assist in achieving and coordinating the best drainage and servicing options. Details will also be confirmed through the Site Plan Approval process.

Noise

A Noise Feasibility Study (TIS), prepared by HGC Engineering, dated June 20, 2023 that evaluated the impact of road and railway traffic noise on the proposed place of worship as well as the impact of the proposed building on nearby existing and future residences, was submitted and reviewed by Town staff. The results of the study indicated that with suitable

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noise control measures incorporated into the design of the place of worship (e.g. specific window and wall construction), it is feasible to achieve the indoor Ministry of Environment, Conservation and Parks (MECP) guideline sound levels from road and rail traffic noise sources. The study also concluded that that sound emissions originating from the building will be within applicable noise guideline limits of the MECP in relation to the existing and future residential units with an acoustic screen extending 0.3 metres above the two rooftop mechanical units. The applicant has included the appropriate screening within the proposal.

While the results of the Noise Study may address some matters, Shadybrook Development Inc. did request some clarification from the applicant on two matters:

1. There appeared to be a discrepancy between the proposed architectural plans and the figures in the noise report whereby the architectural plans showed a masonry wall at the shared property line, but the noise report showed a wooden privacy fence. Shadybrook Development Inc. noted that it was their preference that a 2.6 metre masonry wall along the shared property line be implemented, as it would mitigate best against noise and other effects from the parking area and proposed use; and,
2. The addition of a second set of minarets were shown on the revised architectural drawings but the addition of these features were not recognized or assessed in the noise report figures.

The applicant responded to the above concerns by clarifying that the Noise Study had been completed prior to the contemplation of a masonry wall and that further discussion regarding the appropriate fence parameters would continue during the Site Plan Approval stage. With respect to the second matter noted above, the applicant noted that at this time there are no noise/speakers being contemplated with the minarets. Staff would like to confirm that proposed minarets are permitted through the height exemptions in the Zoning By-law and any noise generated from them will be subject to the Town's Noise Bylaw that is applicable to all properties within the Municipality.

It should be noted that Shadybrook Development Inc. will be required to construct a noise attenuation wall as a result of road traffic noise impacts from Bronte Street South on the future residential Plan of Subdivision. In order to avoid duplication in the construction of necessary fencing between the two properties, the applicant and Shadybrook Development Inc. have been coordinating the details regarding fence heights and materials to be placed along the mutual lot line and agreements associated with maintenance easements for the noise wall. Both parties are working towards mitigating noise and other areas of concern (e.g. vehicle lighting and raised entrance features) to minimize impacts on the future residential properties abutting the subject property.

Discussion

Property Values

There are many factors that impact the value of a property. Changes to the local context can both increase and decrease the value of a property. Provincial planning policies 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.

Amending Zoning By-law

In order to permit the proposed development, a zoning by-law amendment containing a Minor Institutional (I-A) Zone classification with site-specific provisions is required. A draft amending by-law is attached as Appendix 1 to this report.

Minor Institutional (I-A) Site Specific Zone

The amending by-law proposes variations in zone standards relating to lot frontage, lot area, rear yard and interior side yard setbacks and landscaped open space and buffers, and includes slight revisions to general provisions relating to setbacks applicable to parking areas and access routes to the main building, loading spaces, encroachments for ornamental projections, stairs, landings and accessible ramps, and the implementation of a minimum fence height along the southern lot line abutting future residential uses.

Variations in zone standards have been proposed to recognize existing lot characteristics and implement the proposed building as shown on the concept site plan, attached as Figure 2 to this report. Two of the more notable variations include:

- 1.5 metre rear yard and interior side yard (north) setbacks, whereas the Zoning By-law requires 7.5 metres and 6.0 metres, respectively; and,
- A minimum privacy fence height of 2.2 metres (7.2 feet) along the southern lot line to minimize impacts of the development on future abutting residential properties.

Although the setbacks have been reduced along the north and west sides of the proposed building, staff agrees with the applicants assessment that the proposed building is primarily one-storey in height, is located similarly to the existing oversized accessory building on the site, the built form makes up two thirds of the allowable 30% lot coverage, and given that both the proposed use and the school to the north are institutional uses, their relationship is more complimentary. In addition, the school site has a large setback from the mutual property lines, and a driveway on the school site adds an additional buffer to the subject site.

As per discussions with Shadybrook Development Inc., a minimum 2.2 metre high privacy fence has been proposed along the shared property line, where required (i.e. beyond the

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noise attenuation wall required to be implemented in relation to the adjacent residential subdivision). The remainder of the property line will contain a 1.8 metre high fence. It should be noted that there is no minimum required height for a fence in the Zoning By-law, only maximum heights. Further discussion regarding fencing will continue through the Site Plan Approval process.

Conclusion

Planning staff is of the opinion that the proposed place of worship containing a prayer hall, multi-purpose community hall, library and other ancillary uses, along with associated parking and landscaping, 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 - Concept Site Plan

Figure 3 - Floor Plans and Elevations

Appendix 1 - Draft Zoning By-law Amendment

Appendix 2 - Public Comments



The Corporation of the Town of Milton

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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.