



The Corporation of the Town of Milton

Report To: Council

From: Jill Hogan, Commissioner, Development Services

Date: March 25, 2024

Report No: DS-017-24

Subject: Public Meeting and Technical Report: Town-initiated Housekeeping Amendment to Zoning By-law 144-2003, as amended (Town File HKA-01/24).

Recommendation: **THAT Staff Report DS-017-24 outlining the Town-initiated Housekeeping Amendment to Zoning By-law 144-2003, as amended, to update the zoning for the Century Grove subdivision 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 Staff Report DS-017-24 for Council adoption;

AND THAT the Commissioner of Development Services forward this report to the Provincial Ministers of Health, Education, Transportation and Infrastructures and Metrolinx with a request to review and plan for future Milton District Hospital, school and transportation expansions;

AND FURTHER THAT the Commissioner of Development Services forward a copy of the report and Decision to the Region of Halton for their information.

EXECUTIVE SUMMARY

The purpose of the proposed housekeeping amendment is to update the zoning for the subject lands to ensure compliance with an Ontario Land Tribunal Order (OLT-22-003226) issued for the subject lands. On September 9, 2014, the (former) Ontario Municipal Board (OMB) issued a Decision to approve an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision (File: 24T-07003/M) for the subject lands. The OMB withheld its Order pending the completion of private agreements being entered into and registered on title, in accordance with the Minutes of Settlement.

Since the time of the above-mentioned OMB Decision, revisions were made to the Draft Plan of Subdivision to address outstanding technical issues identified by Town staff and agency partners. In 2023, the applicant made a request to the Ontario Land Tribunal (OLT) (formerly OMB) to approve a revised Draft Plan of Subdivision and updated Draft Plan

EXECUTIVE SUMMARY

conditions, and to release the above-noted Order. On January 22, 2024, the OLT issued a Decision and Order to approve the Draft Plan of Subdivision and Draft Plan conditions for the Century Grove subdivision.

In response to the latest OLT Decision and Order, the Town has initiated a housekeeping amendment to update the zoning that applies to the subject lands to ensure compliance with the OLT approved Draft Plan of Subdivision.

Conclusion and Recommendations

Staff are satisfied that the proposed housekeeping amendment, attached as Appendix 1 to this Report, will conform to Provincial, Regional and Town planning policies. Staff are also of the opinion that these changes are technical in nature and represent changes that reflect the OLT approved Draft Plan of Subdivision. Therefore, staff recommends approval of the housekeeping zoning by-law amendment as presented through this Report.

REPORT

Background

Owners: 1321387 Ontario Inc. and Valleygrove Estates, 880 Jane Street, Vaughan ON L4K 2M9

Applicant: Rosemarie Humphries, Humphries Planning Limited, 190 Pippin Road, Suite A, Vaughan ON L4K 4X9

Location/Description: The subject lands, located in Ward 1 are legally described as Part of Lot 3, Concession 1, former Township of Esquesing, Town of Milton and are municipally known as 94 and 98 Peru Road. The subject lands are bound by No. 3 Side Road to the north, Peru Road to the east, the Sixteen Mile Creek valley lands to the south and the realigned Tremaine Road to the west. The subject lands comprise an area of 25.28 hectares and include two existing dwellings. The dwelling located at 94 Peru Road is a designated heritage house under the Ontario Heritage Act.

Figure 1 to this Report illustrates the location of the subject lands.

The lands located to the east of the subject lands are zoned General Industrial (M2) for industrial uses. The lands to the north and west are owned by Milton Meadows Properties Ltd. The lands along the north side of No. 3 Side Road are within an approved Draft Plan of Subdivision and the lands to the west are subject to an application for a Draft Plan of Subdivision that is currently under review. The Sixteen Mile Creek and valleylands are located to the south of the subject lands.

Proposal:

The proposed housekeeping amendment seeks to amend the zoning on the subject lands to comply with a Decision and Order issued by the OLT approving the Century Grove Draft



Background

Plan of Subdivision (OLT-22-003226). Figure 2 to this Report includes the approved Draft Plan of Subdivision.

On September 9, 2014, the OMB (now OLT) issued its Decision to approve the applicable zoning on the subject lands (PL101316). The subject lands are currently zoned site-specific Business Commercial (C6*203), site-specific Business Commercial zones with a holding provision (C6*201-H14 and C6*202-H14), Greenlands A (GA), site-specific Greenlands A (GA*194), Greenlands B (GB), Open Space (OS), site-specific Residential Low Density with a holding provision (RLD*197-H14-H15) and site-specific Medium Density Residential 2 zones (RMD2*198-H14-H15, RMD2*199-H14-H15, RMD2*200-H14-H15 and RMD2*200-H14-H15-H17) under Zoning By-law 144-2003, as amended.

The housekeeping amendment proposes to update the zoning that applies to the existing dwellings, the stormwater management pond, a portion of the community park and the commercial block that fronts onto No. 3 Side Road, in accordance with the approved the Draft Plan of Subdivision.

Planning Policy

The subject lands are designated Urban Area and Natural Heritage System in the Halton Region Official Plan. Regional staff supported the approval of the revised Draft Plan of Subdivision and the updated Draft Plan Conditions that were approved by the OLT on January 22, 2024.

On September 9, 2014, the OMB (now OLT) issued its Decision to approve a Town of Milton Official Plan Amendment for the subject lands. The Official Plan Amendment had the effect of amending the Sherwood Survey Secondary Plan to establish land use designations and specific policies applicable to the future development on the subject lands.

The subject lands are designated Residential Area, Business Park Area and Natural Heritage System on Schedule B: Urban Area Land Use Plan in the Town of Milton Official Plan. In the Sherwood Survey Secondary Plan, the subject lands are designated Residential Area, Business Park Area, Community Park and Greenlands A on Schedule C-8-D: Sherwood Survey Secondary Plan - Land Use Plan.

In the Residential Area designation, a range of residential uses are permitted. In the Business Park Area designation, the permitted uses include light industrial and office uses, subject to a high quality of design. The Community Park Area designation applies to the park that will be situated on the south side of Peru Road on the subject lands. The Greenlands A designation applies to valleylands for the Sixteen Mile Creek.

Staff is of the opinion that the housekeeping amendment is consistent with OLT Decision and Order and conforms to the Halton Region Official Plan and the Town of Milton Official Plan.

Zoning By-law 144-2003, as amended

On September 9, 2014, the OMB (now OLT) issued its Decision to approve the applicable zoning on the subject lands (PL101316). The subject lands are currently zoned site-specific Business Commercial (C6*203), site-specific Business Commercial zones with a holding provision (C6*201-H14 and C6*202-H14), Greenlands A (GA), site-specific Greenlands A (GA*194), Greenlands B (GB), Open Space (OS), site-specific Residential Low Density with a holding provision (RLD*197-H14-H15) and site-specific Medium Density Residential 2 zones (RMD2*198-H14-H15, RMD2*199-H14-H15, RMD2*200-H14-H15 and RMD2*200-H14-H15-H17) under Zoning By-law 144-2003, as amended.

Since the 2014 OMB Decision, revisions were made to the Draft Plan of Subdivision and Draft Plan Conditions to address outstanding technical issues. Town staff from various departments and agency partners were involved in reviewing the submissions to address the outstanding technical issues that ultimately led to the revised Draft Plan of Subdivision and updated Draft Plan Conditions. The applicant returned to the OLT in late 2023 and, on consent of all Parties, requested approval of the revised Draft Plan of Subdivision and Draft Plan Conditions. On January 22, 2024, the OLT issued a Decision and Order to approve the Draft Plan of Subdivision and Draft Plan conditions for the Century Grove subdivision. As a result, certain zones in the applicable zoning by-law need to be updated to comply with the approved Draft Plan of Subdivision.

Below is an overview of the updates that were made to the Draft Plan of Subdivision.

The first revision to the Draft Plan of Subdivision was to Lot 6 which contains the existing house at 98 Peru Road. This lot was increased from 0.48 hectares to 0.50 hectares and the eastern boundary was reconfigured. This update was required to accommodate the driveway entrance to ensure adequate access to the property.

The second revision to the Draft Plan of Subdivision was the relocating of the stormwater management pond and buffer block to the east side of the park block immediately adjacent to Peru Road right-of-way. The change directly affected the community park block and the existing listed heritage house, which are further described below. The original location of the stormwater management pond required extensive infrastructure through the community park that would have required a servicing block through the community park that would not have been considered part of the required parkland dedication. The relocated stormwater management pond and buffer block were identified by Town staff as the preferred location.

The third revision to the Draft Plan of Subdivision was the reconfiguration of the community park (as a result of the relocated stormwater pond) and the reduction in the size of the community park (from 3.12 hectares to 2.96 hectares) to accommodate the stormwater management pond, buffer block and outfall block. The community park block is now situated closer to the proposed residential community and the revised shape and orientation of the community park is also better suited for parks programming and overall reflects a more useable block to serve the community. Should any further changes be made to the community park block to reduce its size, the owner would be responsible for

Background

providing cash-in-lieu in accordance with the Phase 2C Financial Agreement with the Town of Milton.

As a result of the revisions noted above, the existing designated heritage house is now within the stormwater management pond block. The entirety of the stormwater management pond block is required for the construction of the stormwater management pond to service the subdivision. This means that the designated heritage house will need to be relocated to the Commercial block along No. 3 Side Road. The relocation of the designated heritage house to the lands designated as Business Park Area had previously been considered, if it was determined that the house would not remain in situ. The Town's heritage staff are supportive in principle of the relocation and adaptive reuse of the designated heritage house. A Heritage Easement Agreement will be required which would include a heritage conservation plan, a moving plan and a mothballing plan.

On the basis of the above, the housekeeping amendment proposes to:

- Adjust the boundary of the site-specific Residential Low Density (RLD*197-H14-H15) zone that applies to Lot 6 (existing house);
- Move the Greenlands B (GB) zone that applies to the stormwater management pond and buffers to the east adjacent to Peru Road;
- Rezone the GB zone that applied to the previous location of the stormwater management pond to the Open Space (OS) zone; and,
- Delete the site-specific Business Commercial (C6*203) zone that applies to the designated heritage house and move the zoning provisions that apply to the designated heritage house to the site-specific Business Commercial (C6*201-H14) zone that is fronting onto No. 3 Side Road.

Appendix 1 to this Report includes a draft housekeeping zoning by-law amendment.

Site Plan Approval

Following the registration of the subdivision, site plan approval will be required. Detailed site plan drawings addressing matters such as building elevations, lot grading and drainage, site design, lighting and landscaping will be required for review and approval. The owner 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

In accordance with the Planning Act requirements and Town policies, notice for the statutory Public Meeting was provided on March 4, 2024 through written notice to all properties within 200 metres, the posting of a sign on the subject lands (near the existing dwelling at 94 Peru Road) as well as a notice posted on the Town's website. Notice was



Discussion

also provided to the Parties involved in the 2014 OMB Hearing, in accordance with the Minutes of Settlement. As of the date of writing this Report, Town staff have not received any written comments on the proposed Housekeeping Amendment.

Agency Consultation

The proposed housekeeping amendment was circulated to relevant internal and external commenting agencies. Halton Region, Conservation Halton, Town Departments and other agencies offered no objection to the applications. Development of the lands will be required in accordance with the current policies and regulations.

Conclusion

Staff is satisfied that the housekeeping amendment, attached as Appendix 1 to this Report, will conform to Provincial, Regional and Town land use planning policy. Therefore, staff recommends approval of the housekeeping zoning by-law amendment.

Financial Impact

None arising from this report.

Respectfully submitted,

Jill Hogan
Commissioner, Development Services

For questions, please contact: Jessica Tijanic, MSc., MCIP, Phone: Ext. 2221
RPP, Senior Planner,
Development Review

Attachments

Figure 1 - Location Map

Figure 2 - Approved Draft Plan of Subdivision

Appendix 1 - Housekeeping Zoning By-law Amendment

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.