The Corporation of the TOWN OF MILTON

RECOMMENDATION:

THAT Town of Milton Council supports the granting of Draft Plan Approval by the Director of Planning and Development to the proposed residential plan of subdivision, Main Street Milton Corporation, attached as Figure 2, subject to standard and site-specific conditions;

THAT Planning and Development Department Report PD-061-11, outlining an amendment to Town of Milton Zoning By-law to change the existing site-specific Residential Medium Density 2 zone to a Residential Medium Density 2 Zone to permit the development of a residential plan of subdivision with 50 townhouses on lands legally described as Part of Lot 13, Concession I, NS (Trafalgar), BE APPROVED;

THAT the Provincial Ministers of Transportation, Education and Infrastructure receive a copy of this report with a request to review and accelerate plans for Provincial Highways, Transit Systems and school expansions;

AND THAT staff be authorized to bring forward an amending Zoning By-law in accordance with the draft By-law attached as Appendix 1 for Council adoption.
EXECUTIVE SUMMARY

Requested Amendments

The applicant has requested an amendment to the Town of Milton Zoning By-law, to change the zoning applicable to the subject lands from a site-specific Residential Medium Density 2 (RMD2*80) to Residential Medium Density 2 (RMD2) Zone, in order to permit the development of a residential plan of subdivision on the subject lands. The subdivision proposes the creation of 9 blocks with 50 townhouse dwelling units and an internal road system and completes the Heathwood subdivision.

Background

In 2008, the site was the subject of a zoning amendment application to permit a four storey retirement residence with 166 rental units. The applicant is not intending to proceed with the retirement residence and has made an application for a plan of subdivision for 50 townhouse dwellings, as outlined in report PD-040-11.

As a result of the agency circulation of the application for the plan of subdivision, it was identified that a zoning amendment is also required for the project to proceed as proposed. The site-specific provisions for the retirement residence are not appropriate for the proposed townhouse development. Accordingly, the applicant submitted an application for a zoning amendment to change the existing site-specific Residential Medium Density 2 Zone (RMD2*80) currently applicable to the lands to a Residential Medium Density 2 Zone (RMD2) as outlined in report PD-052-11.

This technical report deals with the applications for both the plan of subdivision and the associated zoning amendment.

Conclusions and Recommendations

Staff is satisfied that the plan of subdivision, subject to the standard conditions and the site-specific conditions, conforms to Provincial, Regional and local planning policy and achieves acceptable engineering and design standards. The Director of Planning and Development is prepared to grant draft plan approval to the proposed plan of subdivision processed under File 24T-11002/M, subject to conditions.

In addition, it is staff’s opinion that the proposed zone classifications and provisions, in conjunction with the approved architectural control guidelines, provide appropriate land
use controls. Planning staff is further satisfied that the proposed by-law is consistent with the policies of the Provincial Policy Statement and conforms to the Regional and local Official Plans. As such, staff recommends that the rezoning application be approved.

REPORT

Background

Owner/Applicant: Agent
Glen Schnarr & Associates Inc.
10 Kingsbridge Garden Circle, Suite 700
Mississauga ON L5R 3K6

Owner
Main Street Milton Corp.

Location
South of Main Street and west of Bronte Road

Legal Description:
Part of Lot 13, Concession I, NS (Trafalgar)
See Figure 1 – Location Map

Property Description:
Lot Frontage: 170 metres (along Whitmer Street)
Lot Area: 1.51 ha
Site Condition: flat

Surrounding Land Uses:
Subject Lands:
• vacant
• site specific Residential Medium Density 2 (RMD2*80) Zone

To the north:
• overland flow route to the stormwater management pond and future residential lands with an existing heritage house.
• Open Space (OS) and Future Development (FD) Zone
• Note: The future residential lands are the subject of a development application for two 6-storey apartment buildings
To the west:  
- medium density residential development  
- site-specific Residential Medium Density 1 (RMD1*79) Zone

To the south:  
- medium density residential development  
- site-specific Residential Medium Density 1 (RMD1*79) Zone

To the east:  
- stormwater management pond  
- Greenlands B (GB) Zone

Proposal

The applicant proposes to amend the Town of Milton Zoning By-law 144-2003, as amended, by replacing the existing site-specific Residential Medium Density 2 (RMD2*80) with a Residential Medium Density 2 (RMD2) Zone. The purpose of the requested amendment is to allow the development of a residential plan of subdivision on the subject lands (see Figure 2) consisting of 9 blocks with 50 townhouse dwelling units and an internal public road.

The plan of subdivision is proposed to consist of the following:

<table>
<thead>
<tr>
<th>Land Use</th>
<th>No Lots/Blocks</th>
<th>No Units</th>
<th>Area (ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Townhouse Blocks</td>
<td>9</td>
<td>50</td>
<td>1.15</td>
</tr>
<tr>
<td>Internal road system</td>
<td></td>
<td></td>
<td>0.36</td>
</tr>
<tr>
<td><strong>Number of Residential Units</strong></td>
<td></td>
<td><strong>50</strong></td>
<td><strong>1.51</strong></td>
</tr>
</tbody>
</table>

The density for the proposed subdivision is approximately 43 units per net hectare. The overall density for those portions of the Heathwood subdivision within the Scott South Neighbourhood area is approximately 34.5 units per net hectare and is consistent with the densities contemplated in the Sherwood Survey Secondary Plan for this area.
**Supporting Documentation**

All of the technical reports in support of the proposed development were submitted with previous phases.

**Planning Policy**

**Provincial Policy**

The Provincial Policy Statement encourages the development of strong communities through the promotion of efficient land use and development patterns. The Provincial Policy Statement advocates densities which use land, resources, infrastructure and public service facilities efficiently and are supportive of public transit. It is Provincial policy to promote development standards which minimize land consumption and reduce servicing costs. An appropriate range of housing types and densities is to be provided in order to meet projected requirements of current and future residents of the regional market area. Healthy, active communities are to be promoted through the provision of public spaces, parks and open space.

The proposed plan of subdivision in combination with the earlier phases incorporates a mix of single detached, semi-detached and townhouse dwelling types while making efficient use of land, resources, infrastructure and public service facilities.

Additional components of the policy statement related to noise, cultural heritage and archaeological resources and human-made hazards have been reviewed through reports provided by the applicant.

**Region of Halton Official Plan**

Regional Planning staff reviewed this application in the context of the Regional Official Plan. The subject lands are located within the Urban Area. Within Urban Areas, policies in the Regional Plan state that the creation of new lots in the Urban Areas will be in accordance with Local Official Plans and Zoning By-laws. All development, however, shall be subject to the policies of this plan.

**Sixteen Mile Creek and Indian Subwatershed Studies**

The Subwatershed Plans are based on the Sixteen Mile Creek Watershed Plan (1995) and the Bronte Creek Watershed Plan (2002), which prescribes development and resource management principles, focused on the protection and preservation of the watershed-based ecosystem. They provide a greater level of detail with respect to the
approach to stormwater servicing, the type and location of management infrastructure, the approach to watercourse management and identify habitat to be protected, phasing considerations and study requirements.

All new development within the Sherwood Survey is to generally comply with the recommendations of the applicable subwatershed plan. To this end, prior to draft plan approval, Subwatershed Impact Studies are required for each of the subwatershed impact areas in order to achieve a greater level of detail regarding the integration of servicing and stormwater management and identification of loss and compensation of the natural heritage features and functions.

The Subwatershed Impact Study (SIS) for Area #6 has been approved.

Town of Milton Official Plan

The subject lands are located within the Residential Area land use designation as illustrated on Schedule B – Urban Area Land Use Plan.

The Residential Area designation provides for a mix of low and medium density residential development as well as a variety of special needs housing and local institutional, local commercial and park uses. The policies contain specific site, location, servicing and development criteria to assist in the evaluation of development proposals.

Within the Residential Area, the Official Plan contemplates densities of 35 units per net hectare or less in accordance with the Medium Density Residential I policies and 70 units per net hectare or less in accordance with the Medium Density Residential II policies. Section 3.2.1.4 sets out policies relating to the mix and distribution of housing types and densities in the urban expansion area. Specifically, it is intended that developments:

a) encourage an intermixing of unit types and low and medium density uses;
b) encourage a general distribution of street-oriented Medium Density I residential uses in small blocks of 15 to 30 units throughout the individual planning districts;
c) encourage a higher distribution of Medium Density I and II development adjacent to transit corridors; and
d) generally encourage medium density development that is street-oriented and discourage development on private streets or lanes.
The proposed plan of subdivision only consists of townhouses. However, in combination with earlier phases of the subdivision, the neighbourhood is consistent with the overall housing mix and density set out in the Official Plan. On the basis of the foregoing, staff is satisfied that the proposed plan of subdivision conforms to the Official Plan.

Sherwood Survey Secondary Plan

The current phase of the subdivision consists of lands with a Residential Area land use designation.

Residential Area

The Secondary Plan policies contemplate a residential mix in accordance with the ultimate housing mix targets for the Urban Area and the density distribution policies of the Secondary Plan. Subsection C.8.5.1.1 identifies that:

a) Medium Density I residential uses shall have a minimum density of 20 units per net hectare and a maximum of 35 units per net hectare. Street-oriented Medium Density I residential uses shall be encouraged to be interspersed with single and semi-detached dwelling units throughout the Planning District in small blocks of from five to 30 units and particularly in areas adjacent to the Neighbourhood Centre Areas, as well as Village Squares and Greenlands A and B Areas;

b) Medium Density II uses shall be encouraged to locate adjacent to arterial roads and shall have a minimum density of 35 units per net hectare and a maximum of 70 units per net hectare; and

c) All individual residential units shall be encouraged to front on and have access to public roads; however, where development fronts on arterial roads, vehicular access may be provided from hybrid roads, lanes or service roads subject to the approval of the Town in consultation with the Region.

The subject lands are located within the Scott South Neighbourhood in which an overall density of 35 units per net hectare is contemplated.

Zoning By-law

The subject lands are presently within a site-specific Residential Medium Density 2 (RMD2*80) Zone, in accordance with Zoning By-law 144-2003, as amended. The intent of the site specific provisions was to allow for the development of the previously contemplated retirement residence. These site specific provisions are not appropriate for the currently proposed townhouse development. As the site-specific Residential Medium Density 2
(RMD2*80) Zone does not contemplate the form of development proposed, an amendment to the Zoning By-law is required in order to implement the proposed draft plan of subdivision.

Site Plan Control
Site plan control is not applicable.

Discussion

Public Consultation

Notice of a Public Meeting for the subdivision application was circulated to all persons assessed in respect of land within 120 m of the subject property on May 31, 2011. A notice sign was posted on the Whitmer Street frontage of the property. A notice for a second Public Meeting for the zoning application was circulated on July 26, 2011 and the sign was updated.

One resident attended the first public meeting and identified a drainage issue affecting the rear yard of 110 Bronte Street. The resident expressed concern about the adequacy of the existing drainage feature to accommodate additional flows resulting from development. Subsequent to the public meeting, the engineering consultant for the applicant provided a report which reviewed the drainage in this area, which has been reviewed by Engineering Services. This issue is further addressed under Engineering Services comments.

In addition, the adjacent landowner developing the lands to the north of the subject lands wrote in support of the application. And, one resident made a written inquiry about the zoning for the subject lands, particularly the permitted height of the existing site-specific RMD2*80 Zone.

Agency Consultation

The application was circulated to external agencies on April 26, 2011. The circulated agencies either offered no comment and/or objection to the application or requested that standard conditions be imposed upon draft plan approval.

Conservation Halton has no objection to the proposed plan of subdivision nor to the amending zoning by-law.
Halton Region

Regional Planning staff’s concerns in the Urban Area are mostly related to the availability and allocation of services. Policies in the Regional Plan limit development in Urban Areas to the ability and financial capability of the Region to provide urban services in accordance with its approved Development Charges Bylaws and to monitor servicing requirements of proposed developments.

Regional staff has no objection to approval of the amending Zoning By-law and the draft approval of the proposed Plan of Subdivision.

Engineering Services

Engineering Services has no objection to approval of the amending Zoning By-law and the draft approval of the Plan of Subdivision, subject to the creation of a separate block on Block 2 for an acoustic berm.

Drainage issue at 110 Bronte Street

Engineering Services staff has reviewed the drainage issue at 110 Bronte Street, the report prepared by the consultants for the applicant, and offer the following comments:

The Heathwood subdivision storm system and pond appear to be functioning correctly. The stormwater management pond outlets into a storm sewer at the south limit of the pond. The storm sewer flows in a southerly direction, crosses the CN Rail at the north end of the Dawson Crescent development and connects to a storm sewer that drains to the Bronte Street sewer.

North of the stormwater management pond, there is a small creek tributary which originates north of Main Street and drains to the drainage ditch along the west side of the CN Rail tracks. In line with the southerly end of the stormwater management pond, the drainage ditch passes through a culvert underneath the tracks and joins the drainage ditch on the east side of the tracks, just south of 110 Bronte Street. This creek and ditch system draws independently of the Heathwood system.

The drainage ditch on the east side of the CN tracks which runs parallel to the CN tracks empties into a ditch inlet catchbasin (DICB) adjacent to Bronte Street via a swale between 114 and 122 Bronte Street (both south of 110 Bronte Street). The property line swale and the DICB were installed at the time the apartment building was constructed.
on 122 Bronte Street, approximately 20 to 25 years ago. The swale is not in good condition.

As the swale is constructed on private property and the Town does not have an easement over this drainage swale, Engineering Services is of the opinion that the maintenance and drainage concerns related to the swale between 114 and 122 Bronte Street are a private property issue.

Zoning Comments

Zoning has identified the need for additional information to verify that the minimum lot depth provisions are complied with for Block 6, that the minimum lot frontage provisions are complied with for Block 4 and that the distance of the driveway is adequately setback from the intersection for Block 5. The comments have been forwarded to the applicant and these issues will be addressed through the detailed design of the subdivision and the dwelling units. Minor adjustments to the final Plan of Subdivision may be required.

Planning and Development Department Comments

Urban Design

The subdivision design and architectural character for the development has largely been determined with earlier phases of the Heathwood subdivision. In support of the current application, the applicant has provided elevations of the proposed townhouse dwellings.

Residential Development

The proposed amending zoning by-law places the blocks for townhouse units in a Residential Medium Density 2 Zone. The standard provisions for the RMD2 Zone will apply and no site-specific provisions are required for the proposed townhouse development.

Conclusions

Planning staff is satisfied that the policies and criteria found in the Official Plan and Secondary Plan are met in this proposal. In addition, no issues relating to conformity have been identified with respect to either Provincial or Regional planning policy.
Staff recommends that the draft Zoning By-law, attached as Appendix 1, be brought forward for Council adoption.

**Relationship to the Strategic Plan**

The proposed development is consistent with the phasing for the Sherwood Survey and thereby contributes to the efficient use of land to make the best use of infrastructure and services under Direction 3 “Encourage cost effective and timely municipal/community infrastructure development”.

**Financial Impact**

Should the application be approved, some change in the assessed value of the subject lands for property tax purposes is anticipated. In addition, development charges would be payable upon building permit issuance.

Respectfully submitted,

W. F. Mann, MCIP, RPP, OALA, RPF  
Director of Planning and Development

MS

If you have any questions on the content of this report: Maria Smith, 905-878-7252 ext. 2311

Attachments:  
- Figure 1 – Location Map  
- Figure 2 – Concept Plan  
- Figure 3 – Storm Drainage Plan  
- Figure 4 – Elevations  
- Appendix 1 – Draft Zoning By-law

CAO Approval: ____________________________
Appendix 1 to Report PD-061-11

THE CORPORATION OF THE TOWN OF MILTON

BY-LAW NO. -2011

BEING A BY-LAW TO AMEND THE TOWN OF MILTON COMPREHENSIVE
ZONING BY-LAW 144-2003, AS AMENDED, PURSUANT TO SECTION 34 OF
THE PLANNING ACT, AS AMENDED, IN RESPECT OF THE LANDS DESCRIBED
AS PART OF LOT 13, CONCESSION I, NS (TRAfalgar), FILE: Z-09/11

WHEREAS the Council of the Corporation of the Town of Milton deems it
appropriate to amend Comprehensive Zoning By-law 144-2003, as amended;

AND WHEREAS the Town of Milton Official Plan provides for the lands affected by
this by-law to be zoned as set forth in this by-law;

NOW THEREFORE the Council of the Corporation of the Town of Milton hereby
enacts as follows:

1) THAT Schedule A to Comprehensive Zoning By-law 144-2003, as amended, is
hereby amended by changing the existing Residential Medium Density 2 Special
80 (RMD2*S0) zone symbol to a Residential Medium Density 2 (RMD2) zone
symbol on the land shown on Schedule A attached hereto.

2) THAT Section 13.1, Subsection 13.1.1.80, is deleted.

3) If no appeal is filed pursuant to Section 34(19) of the Planning Act, R.S.O. 1990,
c. P.13, as amended, or if an appeal is filed and the Ontario Municipal Board
dismisses the appeal, this by-law shall come into force on the day of its passing.
If the Ontario Municipal Board amends the by-law pursuant to Section 34 (26) of
the Planning Act, as amended, the part or parts so amended come into force
upon the day the Board’s Order is issued directing the amendment or
amendments.

READ A FIRST, SECOND AND THIRD TIME and FINALLY PASSED this
day of , 2011.

G.A. Krantz
Mayor

T. McHarg
Town Clerk
SCHEDULE A
TO BY-LAW No. 2011
TOWN OF MILTON
Part of Lot 13, Concession 1, Trafalgar

THIS IS SCHEDULE A
TO BY-LAW No. PASSED
THIS DAY OF , 2011

MAYOR - Gordon A. Krantz

CLERK - Troy McHarg

RMD2 - Medium Density Residential II Zone