



OAKVILLE

## REPORT

### Planning and Development Council

Meeting Date: September 13, 2021

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**FROM:** Planning Services Department

**DATE:** August 31, 2021

**SUBJECT:** Recommendation Report – Draft Plan of Subdivision and Zoning By-law Amendment, 3483 Sixth Line, EMGO III Corporation, File No.: 24T-20005/1315 and Z.1315.09, By-law 2021-066

**LOCATION:** 3483 Sixth Line

**WARD:** Ward 7

Page 1

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#### RECOMMENDATION:

1. That Draft Plan of Subdivision application and Zoning By-law Amendment application (File Nos. 24T-20005/1315 and Z.1315.09), submitted by EMGO III Corporation, be approved on the basis that the applications are consistent with the Provincial Policy Statement, conforms or does not conflict with all applicable Provincial plans, conforms with the Region of Halton Official Plan and the North Oakville East Secondary Plan, has regard for matters of Provincial interest, and represents good planning for the reasons outlined in the report from the Planning Services department dated August 31, 2021.
2. That By-law 2021-066 an amendment to Zoning By-law 2009-189, be passed.
3. That the Director of Planning Services be authorized to grant draft plan approval to the Draft Plan of Subdivision (24T-20005/1315) submitted by EMGO III Corporation, prepared by J.D Barnes Limited, dated March 3, 2021, subject to the conditions contained in Appendix "A".
4. That the Subdivision Agreement be prepared and finalized to the satisfaction of the Commissioner of Community Development and Town Solicitor or delegates, and executed in accordance with By-law 2013-057.
5. That staff be authorized to enter into construction access agreements or easements with this owner and any other owners within the Sixth Line

corridor which are necessary to complete the Sixth Line Road Widening project in respect of the future road widening lands not yet conveyed to the Town, or acquire such road widening lands prior to subdivision registration, provided such agreements, easements or transfers are at a nominal cost to the Town and on terms satisfactory to the Town Solicitor.

6. That notice of Council's decision reflect that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.
7. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.

**KEY FACTS:**

The following are key points for consideration with respect to this report:

- This report recommends approval of a proposed draft plan of subdivision and zoning by-law amendment which would have the effect of creating 28 townhouse dwellings including one live-work unit, a partial block for a future Park and School. The draft plan of subdivision also provides for the extension of Settlers Road East to Sixth Line, and the extension of Post Road to the north.
- Draft plan conditions have been recommended to address the conditions of approval based on department and agency comments and are attached as Appendix "A" to this report.
- The subject lands are designated as Neighbourhood Area, Park, and School within the North Oakville East Secondary Plan (Figure NOE2).
- Lands for road widening purposes are required abutting Sixth Line to facilitate the future right-of-way upgrades, currently underway.
- The lands are zoned Existing Development (ED) within Zoning By-law 2009-189, as amended
- Staff recommend approval of the zoning by-law amendment and draft plan of subdivision applications as the proposed development is consistent with the Provincial Policy Statement, conforms and does not conflict with the Growth Plan, conforms to the Region of Halton Official Plan and the North Oakville East Secondary Plan. The application conforms to the Town's Urban Structure as the proposed development aids in the achievement of complete communities.

- The applications will be considered under Bill 108, which provides for a 120-day timeline before an appeal can be filed for lack of decision. The applications were submitted on April 24, 2020. However, due to the COVID pandemic, the Province issued a regulation that effectively suspended this timeframe between March 17, 2020 and June 22, 2020. In consideration of this, the 120 day appeal timeframe would have ended on October 20, 2020.

### **BACKGROUND:**

The purpose of this report is to provide a full staff review of the application and a recommendation on a proposed draft plan of subdivision and zoning by-law amendment applications.

The Statutory public meeting was hosted by Oakville Town Council on October 5, 2020. No written submissions were received and no members of the public attended the Public Meeting. No new public comments have been received at the time of writing this report.

Since the public meeting, the applicant has addressed the matters of concern raised by staff and Council, and revised their proposal. The modifications have resulted in a decrease in the number of units from 35 residential units consisting of 32 townhouse units and three detached units, to 28 townhouse units and one live-work unit within the Activity Node at Settlers Road and Post Road. The Park and School block sizes have been modified and better coordinate with the lands to the north. There are also three residential reserve blocks that will be merged with abutting lands to create additional lots.

The current applications were submitted and deemed complete on April 24, 2020. The developer initiated a Public Information Meeting that occurred on December 16, 2019, where no members of the public attended.

### **Proposal**

The applicant has submitted a zoning by-law amendment and draft plan of subdivision application to develop a portion of Neighbourhood 9 within the North Oakville East Secondary Plan. The revised proposal would create 28 townhouse dwellings including one live-work unit, a partial Park block having an area of 2.69ha, a partial School block having an area of 2.0ha, the extension of Settlers Road East to Sixth Line, and the extension of Post Road to the north (shown in Figure 1). The development also includes an Activity Node at the intersection of Post Road and Settlers Road East.

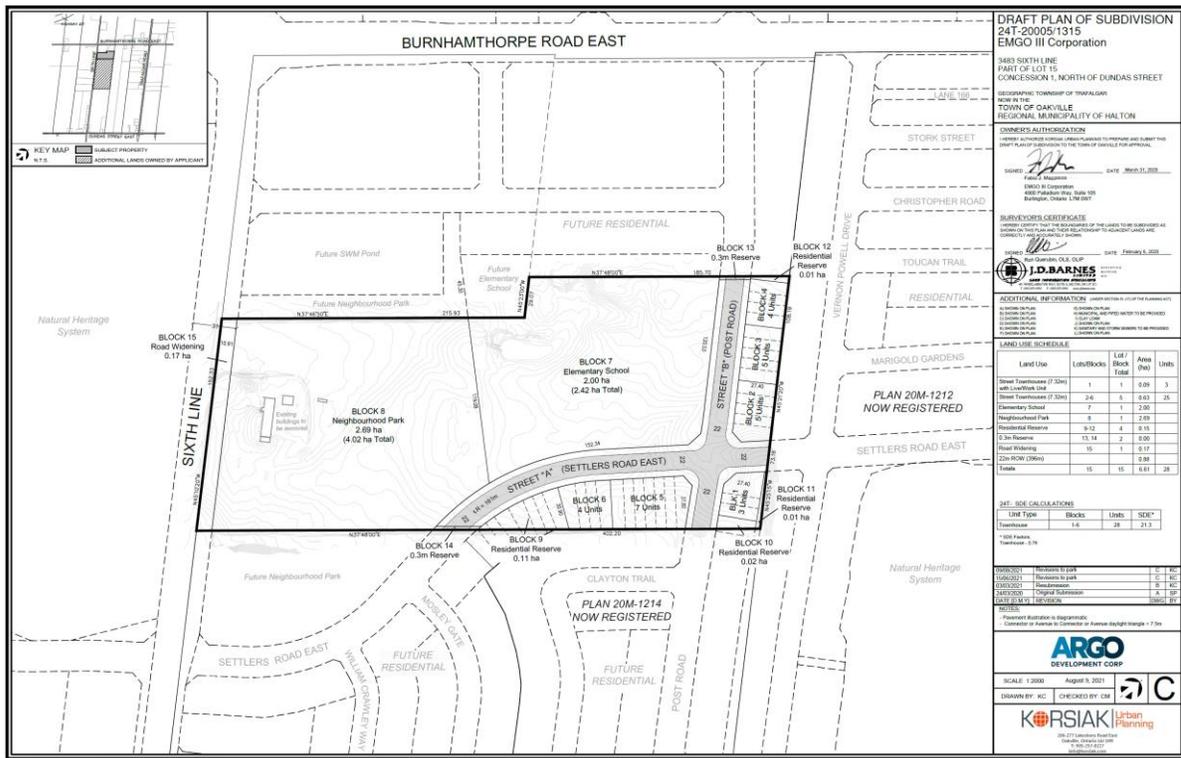


Figure 1 – Draft Plan of Subdivision

The additional lands required for the proposed School block will be created as part of a future draft plan of subdivision and zoning amendment from the abutting lands to the north, owned by different developers and known as Crosstrail Estates/TWDK Developments/Trafalgar (Oakville) Developments. The proposed Park block will also be combined with lands to the south which are also designated as a future park and currently owned by the same developer (EMGO (North Oakville I) Phase 2, 24T-12012).

The Town’s Sixth Line road widening project has commenced, and there are road widening lands from this owner (10.91m) and other owners in the Sixth Line corridor that have not yet been conveyed to the Town but may be required depending on the timing of the Town’s construction and the developer’s subdivision registrations. In some cases it may become necessary to enter into early construction access agreements or easements, or request the transfer of the road widening lands prior to the subdivision registration, in order to preserve the Town’s construction timelines. Therefore, staff are seeking authority from Council to enter into construction access agreements or easements with this owner and any other owners within the Sixth Line corridor which are necessary to complete the Sixth Line Road Widening project. These agreements will be at a nominal cost to the Town and will be negotiated on terms satisfactory to the Town Solicitor.

The materials submitted for the subject application can be found online at  
<https://www.oakville.ca/business/da-35514.html>

### **Location & Site Description**

The subject lands are generally located south of Burnhamthorpe Road East, and east of Sixth Line. The subject lands are 6.61ha in size with approximately 152 m of frontage on Sixth Line. The site is currently vacant and was previously used for agricultural uses and contained a detached dwelling that has been demolished (see Figure 2 below). The legal description of the lands is Part of Lot 15, Concession 1, N.D.S.

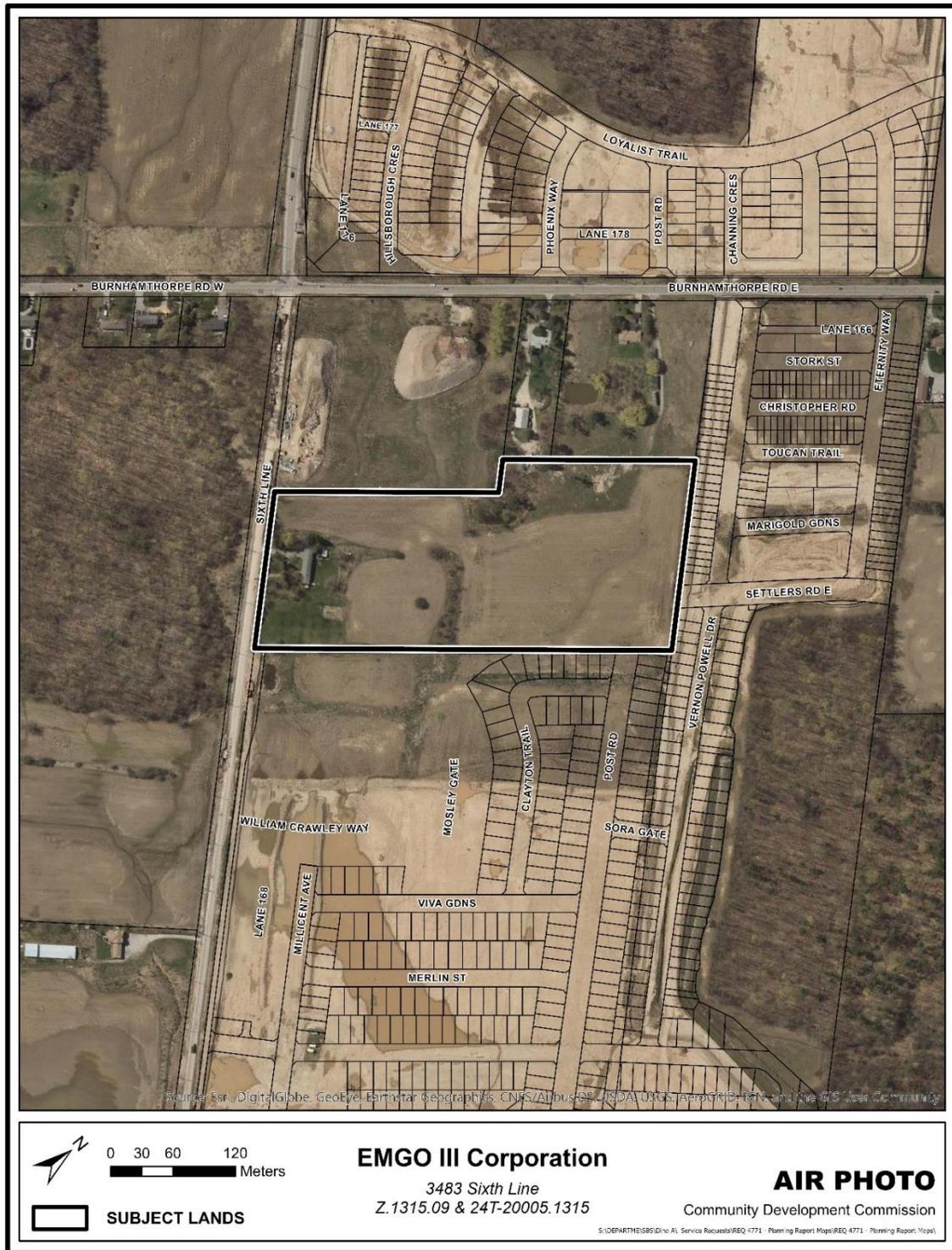


Figure 2 – Aerial Photo

## **Surrounding Land Uses**

The surrounding land uses are as follows:

North: Vacant lands designated as stormwater management pond, elementary school, and future residential uses.

East: Registered Plan of Subdivision 20M-1212 registered in 2019 and consists of 96 Blocks, including a stormwater management pond, natural heritage system area, neighbourhood park, village square, and a range of residential uses. This subdivision is currently under construction.

South: Vacant Draft Plan of Subdivision (24T-12012, EMGO (North Oakville I) Phase 2)) and Plan of Subdivision 20M-1214 (EMGO (North Oakville I) Phase 1) registered in 2019 and consists of a village square, partial park block, and a range of residential uses.

West: Sixth Line, beyond which are lands designated as Natural Heritage System

## **Surrounding Heritage Resources**

A cultural heritage resource located at 191 Burnhamthorpe Road East (north east of the subject lands), known as the Biggar Barn will be relocated to the future Neighbourhood 9 Park. Through the settlement discussions surrounding the heritage designation for the Barn, the town and the owner agreed to a conservation plan that results in the dismantling, salvaging, storing and reconstruction of an open-air park shelter within a town-owned park. The exactly location within the park will be established through the park design with the developer and the town.

## **PLANNING POLICY & ANALYSIS:**

The property is subject to the following policy and regulatory framework:

- Provincial Policy Statement (2020)
- Growth Plan for the Greater Golden Horseshoe (2019)
- Halton Region Official Plan
- North Oakville East Secondary Plan
- Zoning By-law 2009-189, as amended

### **Provincial Policy Statement**

The Provincial Policy Statement (2020)('PPS'), which came into effect on May 1, 2020, continues to recognize that there are complex relationships among

environmental, economic and social factors in land use planning. The PPS encourages the wise management of land to achieve efficient development and land use patterns by directing growth to settlement areas and encourages Planning authorities to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs for a time horizon of up to 25 years.

The PPS (2020) promotes the integration of land use planning, growth management and transit supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs. On this basis, the proposed development is consistent with the PPS (2020).

### **Growth Plan for the Greater Golden Horseshoe (2019)**

The Growth Plan for the Greater Golden Horseshoe ('Growth Plan') is a long-term plan that intends to manage growth, build complete communities, curb sprawl and protect cultural heritage resources and the natural environment.

The Growth Plan provides policies for where and how to grow, directing population and employment growth to urban areas and rural settlement areas with delineated built boundaries on full municipal services (policy 2.2.1). The subject lands are located within a "Designated Greenfield Area."

The policies of the Growth Plan are to be applied to support complete communities that feature a diverse mix of land uses with convenient access to local stores, services, and public service facilities, provide a diverse range and mix of housing options, expand convenient access to transportation options. On this basis, the proposed development is consistent with the Growth Plan.

### **Halton Region Official Plan**

The subject lands are designated as 'Urban Area', located within the Greenfield Area, as identified within the ROP. The policies of Urban Area designation support the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. The Urban Area policies also requires *development* in the *Greenfield Area* to contribute to achieving development density targets established by the Plan, contribute to healthy communities, and provide a range and mix of uses to support vibrant neighbourhoods. Policy 76 notes that the range of permitted uses is to be in accordance with Local Official Plans and Zoning By-laws. All development, however, is subject to the policies of the Regional Plan.

The applicant has secured sufficient allocation through the 2020 allocation program to support the proposed development. The Region has no objection to the proposed draft plan of subdivision and rezoning, and has provided appropriate draft plan conditions included in Appendix “A”. On this basis, the proposal conforms to the Regional Official Plan.

### **North Oakville East Secondary Plan (NOESP)**

The development of the North Oakville community is premised on a sustainable, design-first philosophy that promotes the protection of the natural environment, mixed-use development, and a modified grid road system that enhances transportation options for transit and pedestrians.

#### Urban Structure

Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town for both north and south of Dundas Street. The subject lands are identified on Schedule A1 – Urban Structure as being within the Town’s “Residential Areas”. Residential areas include low, medium and high density residential uses as well as a range of compatible facilities such as schools, places of worship, recreational and commercial uses that serve the residents of the Town.

#### NOESP Land Use Policies

The North Oakville East and West Secondary Plans (North Oakville Plans) provide a planning framework for the lands north of Dundas Street and south of Highway 407 between Ninth Line in the east and Tremaine Road in the west. The North Oakville Plans are not part of the Livable Oakville Plan but endure as amendments to the town’s 2006 Official Plan. The North Oakville Plans are intended to guide development in North Oakville to the year 2021. Recently, Council adopted Official Plan Amendment 34 and 37 to bring the North Oakville West Area (excluding the Hospital District Lands) into the Livable Oakville Plan framework, and is currently awaiting Regional approval.

The land use designations which apply to the subject lands consist of *Neighbourhood Area, Elementary School Site, and Park* on Figure NOE2, Land Use Plan as shown in Figure 3 below.

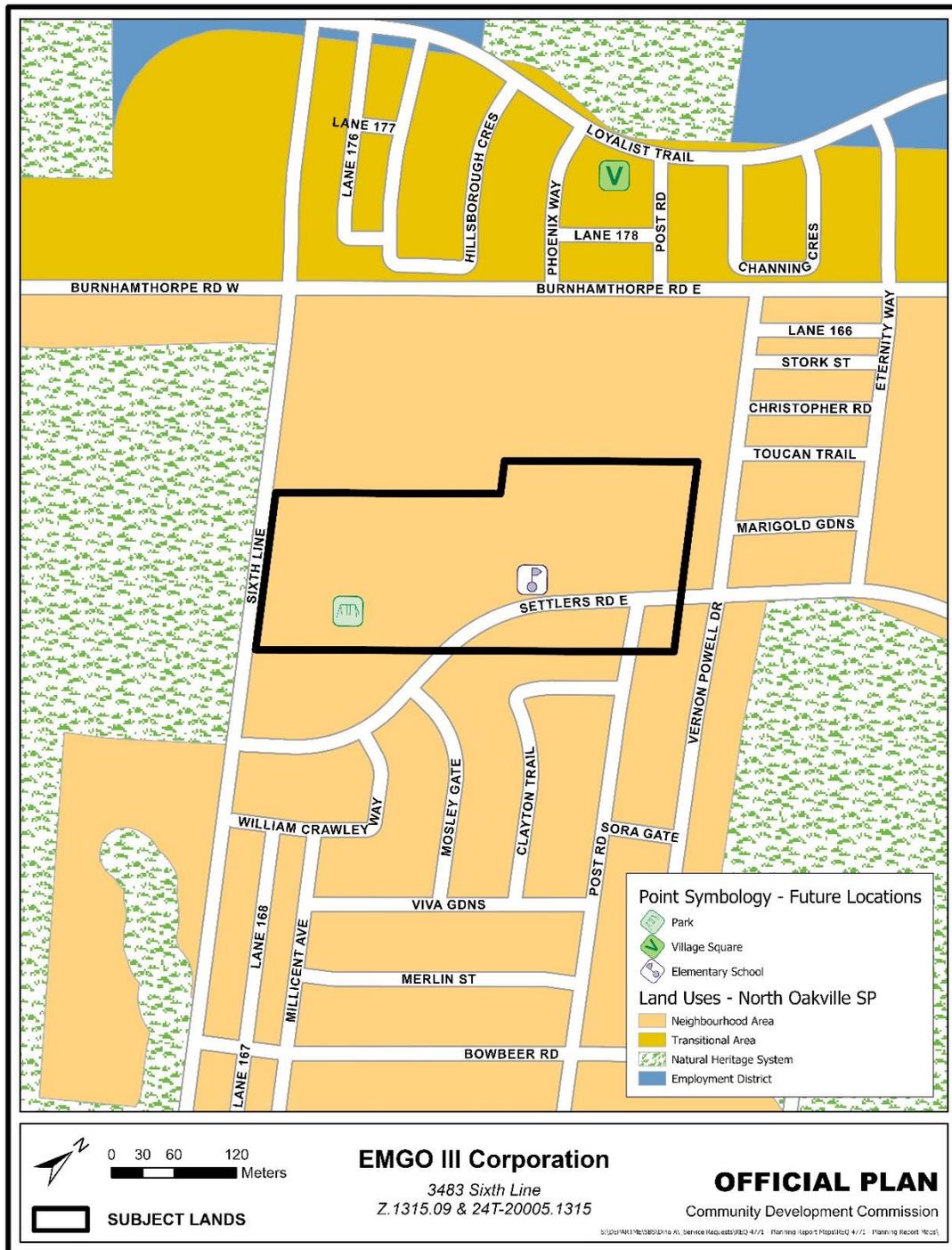


Figure 3 – Extract North Oakville East Secondary Plan – Figure NOE2

### Master Plan – Appendix 7.3

The North Oakville Master Plan is intended to assist in providing guidance and coordination of local roads and adjacent land uses for the North Oakville Planning Area. Development applications are reviewed to ensure general coordination and consistency with the intent of the Master Plan. Minor modifications are permitted provided the general intent and direction of the Master Plan are maintained (Section 7.5.2).

The North Oakville Master Plan, identified in Appendix 7.3 of the NOESP, illustrates the conceptual design and land use categories for the North Oakville East planning area. Development applications are reviewed in the context of the Master Plan in order to evaluate consistency. Minor variations from the Master Plan, including road network alterations may be considered, assuming the general intent and direction of the Master Plan is maintained. Policy 7.7.2.1 b) acknowledges that road alignments are diagrammatic, and an amendment to this Plan will not be required for changes in a road alignment provided that the general intent and purpose of this Plan are maintained.

Appendix 7.3 North Oakville Master Plan further categorizes the lands as Neighbourhood Centre Area (red), Elementary School (teal), Neighbourhood Park (light green), and includes a neighbourhood centre activity node (purple circle) at the intersection of Settlers Road East and Post Road, shown in Figure 4 below.

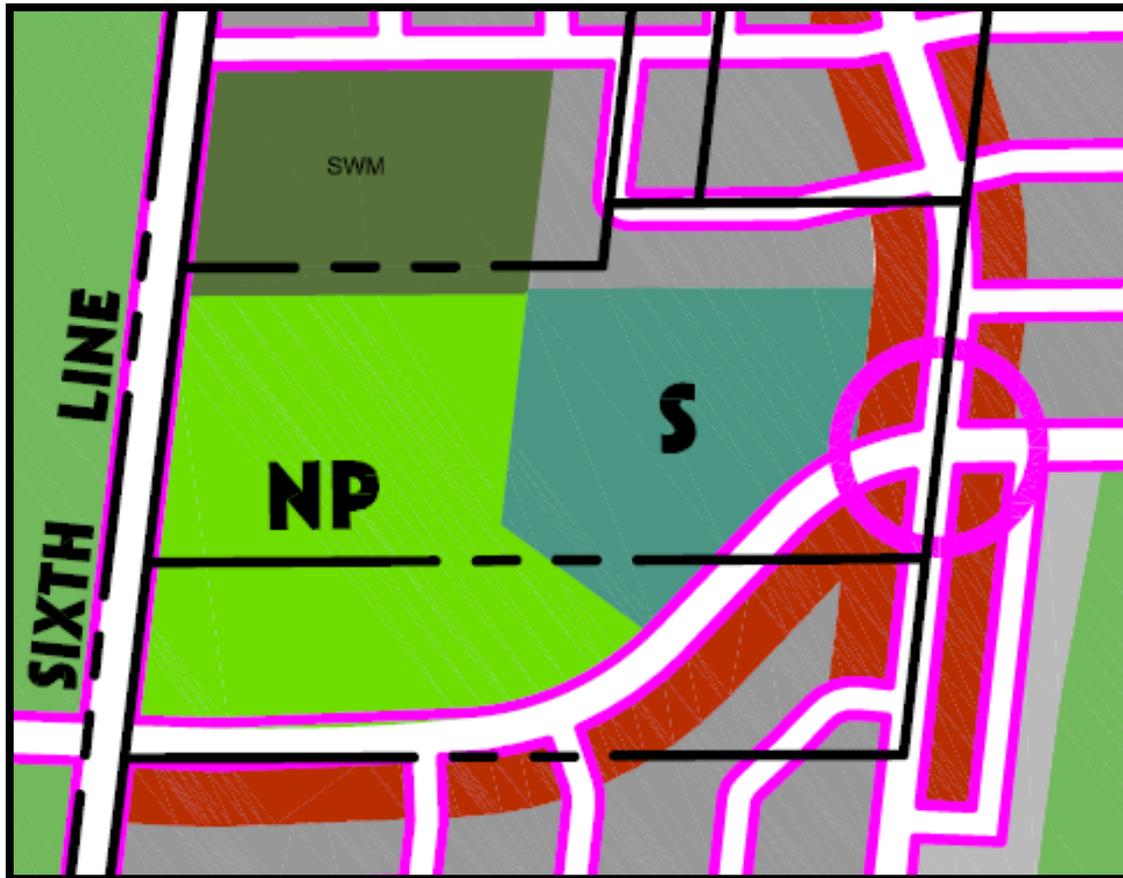


Figure 4 – Master Plan land use

### OPA 321

Prior to OPA 321, the majority of Neighbourhood Centre Areas were being predominately developed with only residential uses. In these areas, the planned vision was to provide for a mix of small-scale retail and service commercial uses in close proximity to the neighbourhoods which was not being achieved. OPA 321, revised the policies and Section 7.6.7.1 states that the intention is to accommodate a range of medium density residential, mixed use, and limited commercial and civic uses to serve neighbourhood residents from a central neighbourhood activity node. An additional policy was included as part of OPA 321 that requires one mixed use or non-residential building at the intersection of each activity node.

Additionally, the definition for Medium Density Residential Development was updated to remove detached, semi-detached and duplex dwellings as permitted uses.

Further discussion on the conformity of the proposal with the NOESP is provided later in this report. The proposed subdivision results in a logical extension of the approved

developments to the east and south. Further, the extension of Post Road to the north will facilitate the development of neighbouring lands. The lands to the north are currently subject to similar development applications, currently under review. Together, the development of the subject lands and the lands to the north will provide for a neighbourhood park and school block, and facilitate the completion of Neighbourhood 9. On this basis, it is staff's opinion that the proposed draft plan of subdivision and zoning by-law amendment conforms to the policies of the North Oakville East Secondary Plan.

### **Zoning By-law (2009-189)**

The North Oakville Zoning By-law sets the zoning standards with the establishment of general regulations and zones reflecting the North Oakville East and West Secondary Plans. Town Council approved the North Oakville Zoning By-law (By-law 2009-189) on November 23, 2009. The subject property is zoned Existing Development (ED) which allows uses that legally existed on the date the parent by-law came into effect. The purpose of the ED zone is to allow for the future zoning of the land to be considered in the context of a new application and the policies within the NOESP. A zoning amendment is required to implement the proposal.

#### Proposed Zoning

The applicant proposes to change the zoning from ED (Existing Development) to P (Neighbourhood Park), I (School) SP 103, NC (Neighbourhood Centre) SP 102, and NC (Neighbourhood Centre) SP 40, GU (General Urban) SP 42, and GU (General Urban) SP 49, more clearly shown in Figure 5 below. By-law 2021-066 is attached as Appendix "B" to this report.

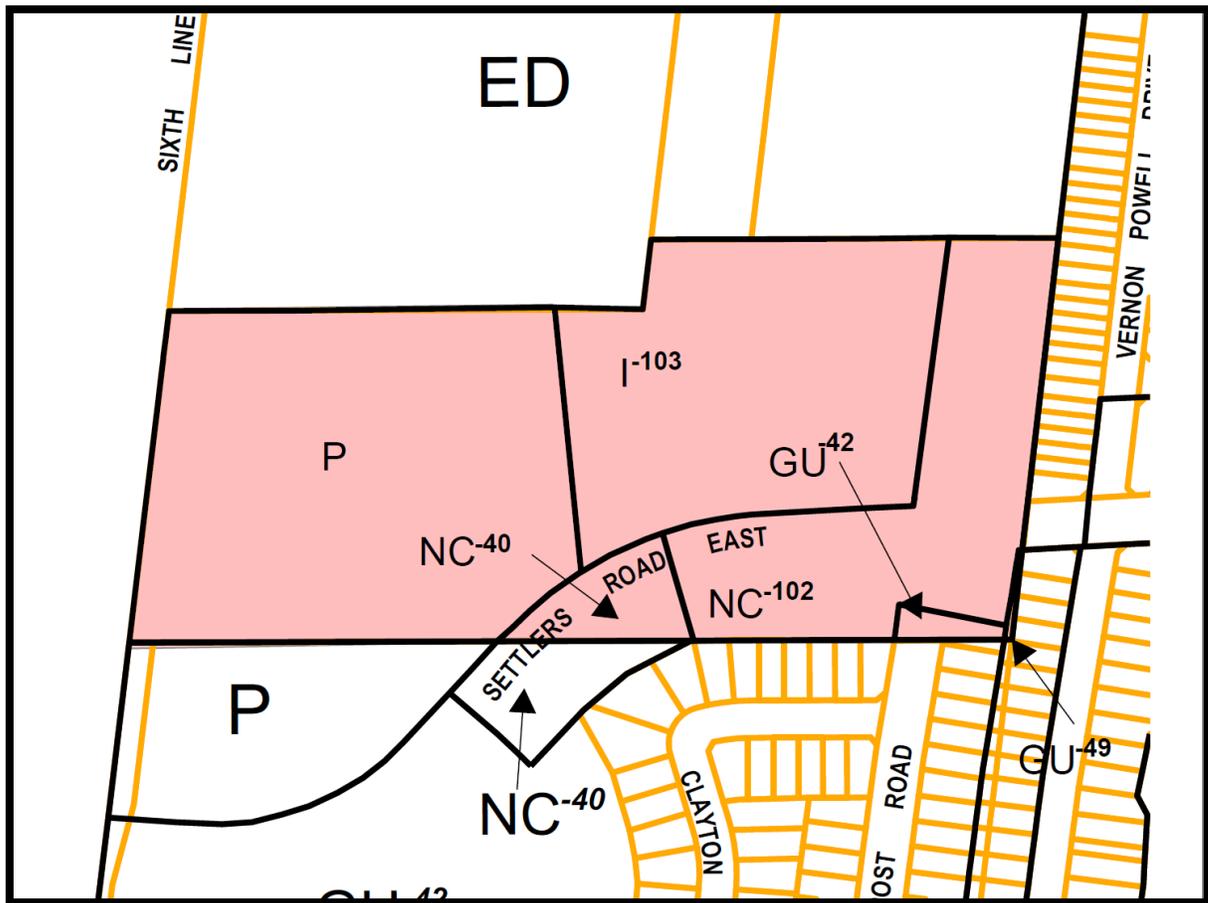


Figure 5 – Proposed Zoning

The special provisions for the proposed development are reflective of the existing development pattern. The table below provides an analysis of the purpose of each special exception.

**Table 1 – Zoning Analysis**

Proposed Zone	Special Provision Details	Purpose
NC 40	Permits townhouse units and utilizes existing regulations within the Zoning By-law, which related to setbacks,	To coordinate with existing zoning to the south, and support land consolidation.
NC 102	Permits townhouse units, and incorporates NC40 regulations and provides for provisions related to the Live-Work Unit, as it relates to parking orientation	To provide for regulations that better coordinate with the proposed uses and the live-work unit, while being consistent with the existing zoning to the south

GU 42	Permits detached dwellings and utilizes existing regulations within the Zoning By-law	To provide for regulations that better coordinate with the abutting land uses and support land consolidation
GU 49	Permits detached dwellings and utilizes existing regulations within the Zoning By-law	To provide for regulations that better coordinate with the abutting land uses and support land consolidation
I 103	Permits schools, and to provide daycare uses with a reduced floor space index.	To provide flexibility in the nature of uses occurring within the school block.
P	Permits parks and open space uses	To align with the park block to the south to create a new Neighbourhood Park.

The proposed zoning provisions implement the policies of the North Oakville East Secondary Plan and will result in a development that will facilitate the completion of Neighbourhood Park 9.

## **TECHNICAL & PUBLIC COMMENTS**

The applicant has provided numerous studies in support of the application which have been circulated to various public agencies and internal town departments. A full circulation and assessment of the application were undertaken to ensure that all technical matters have been satisfactorily addressed.

The following studies and supporting documentation are also accessible on the town’s website (<https://www.oakville.ca/business/da-35514.html>)

- Draft Plan of Subdivision
- Archaeological Assessment
- Density Designation Plan
- Draft Zoning By-law Amendment
- Environmental Implementation Report and Functional Servicing Study
- Environmental Site Screening Questionnaire
- Parking Facility Plan
- Pedestrian Circulation Plan
- Planning Justification Report
- Tree Canopy Coverage Analysis
- Urban Design Brief

A statutory public meeting was held on October 5, 2020, and no members of the public attended. No written submissions from the public have been received. The following is an overview of the matters that were identified:

- Confirmation that the applicant is a member in good standing with the North Oakville Developers Landowners Association and is a party to the Cost Sharing Agreement.
- Consistency with the Provincial Policy Statement 2020 and conformity to the 2019 Growth Plan for the Greater Golden Horseshoe.
- Conformity and coordination of the draft plan of subdivision with the NOESP and Master Plan. The changes to the configuration and alignment of the proposed Settlers Road East and Post Road has impacted the location and size of the required Neighbourhood Park and Elementary School Blocks. The applicant would be required to coordinate their proposal with the future development of the lands to the north.
- The design and functionality of the mixed use block located at the neighbourhood activity node. The neighbourhood activity node requires at least one mixed use or non-residential building. The applicant has interpreted the Town's policies in a manner which establishes that the future elementary school would satisfy this requirement. Staff note that the school is designated separately from the neighbourhood activity node and has its own set of policies.
- The coordination of residential reserve blocks with the adjacent plans of subdivision and zoning.
- Environmental Implementation Report/Functional Servicing Study needs to be updated prior to providing draft plan conditions.

In addition to the matters for consideration raised by staff, Council had raised the following additional concerns:

- Confirm what allocation program this is coming from.
- Confirm schools status with respect to provincial funding and its expected opening date.
- Confirm if bike lanes and all aspects of active transportation will be included in the final design of Settlers Way.
- Confirm if a "Kiss and Drop" will be accommodated on the school site.

## Resolution of Issues:

### North Oakville East Developers Group

Parkland dedication requirements shall be in accordance with Section 7.7.4.5 of the North Oakville East Secondary Plan and the North Oakville East Secondary Plan Master Parkland Agreement.

In accordance with Section 7.9.4 of the North Oakville Secondary Plan, documentation was submitted with the application from the Trustee for the North Oakville East Developers Group Cost Sharing Agreement and North Oakville East Master Parkland Agreement confirming that EMGO III Corporation is a party in good standing under both agreements.

### Consistency with the PPS and Conformity with the Growth Plan, Regional Official Plan, and North Oakville East Secondary Plan

The proposed development is an extension of the draft approved plans to the east and south and the uses are contemplated by the NOESP. It is staff's opinion that the proposal is consistent with the Provincial Policy Statement 2020 and conforms to the 2019 Growth Plan, the Region of Halton Official Plan, and the NOESP.

### Conformity and Coordination with the Master Plan

As discussed earlier in this report, minor changes to the road alignment of Settlers Road and Post Road required further coordination with land owners to the north, to accommodate an adequately sized Park and School block on the subject lands. The application for the lands to the north is under review and a revised concept has been submitted that provides additional lands needed to achieve a park block size of 4.02 hectares and school block size of 2.42 hectares. The applicant for the subject lands has revised their plan accordingly to reflect the alignment of the blocks to correspond with the proposed park block on the lands to the north and south, as shown in Figure 6 below.

The North Oakville East Secondary Plan contemplates a total of ten Neighbourhood Parks. The proposed park is within Neighbourhood 9. Policy 7.6.12.3 states:

- “a) *Ten Neighbourhood Parks will be provided in North Oakville East. The conceptual designation of Neighbourhood Parks on Figure NOE2 will be refined during the preparation of detailed plans of subdivision. The Town shall carry out a Parks Facilities Distribution Plan as set out in Section 7.7.4.2 to determine the function and facilities which will be developed for each park. Where a Neighbourhood Park is not developed on all or*

*a portion of a particular site, uses permitted in the underlying land use designation on Figure NOE2 shall be permitted.*

- b) The size and configuration of each park shall be consistent with the policies of the Town and this Plan. Neighbourhood Parks shall generally meet the following criteria: Walk to and/or drive to facilities; Designed and located to be well served by transit facilities; Generally located within neighbourhood boundaries as shown on Figure NOE1; Approximately 4.25 ha in size with a minimum of 2 major sports fields, but may range from 4.0 ha. to 4.5 ha.*
- c) Whenever possible, to minimize impacts on residential development, Neighbourhood Parks shall be: located adjacent or abutting non-residential uses including elementary school sites, places of worship, commercial development and/or Core or Linkage Preserve Areas, and, designed to mitigate the impacts of activities which generate light and noise on residential properties through the use of measures such as separation distances within the park, directional lighting and buffering such as landscaping and fences.*

As mentioned above, the park block is shared over three different developments. The subject lands (known as EMGO III) and lands to the south (known as EMGO North Oakville I, Phase 2) have the same owner, and the lands to the north are owned by other parties (Crosstrail Estates, TWKD Developments, and Trafalgar Road (Oakville) Developments). Between these three developments, three portions of the park will be consolidated to create the entirety of the Neighbourhood 9 Park.

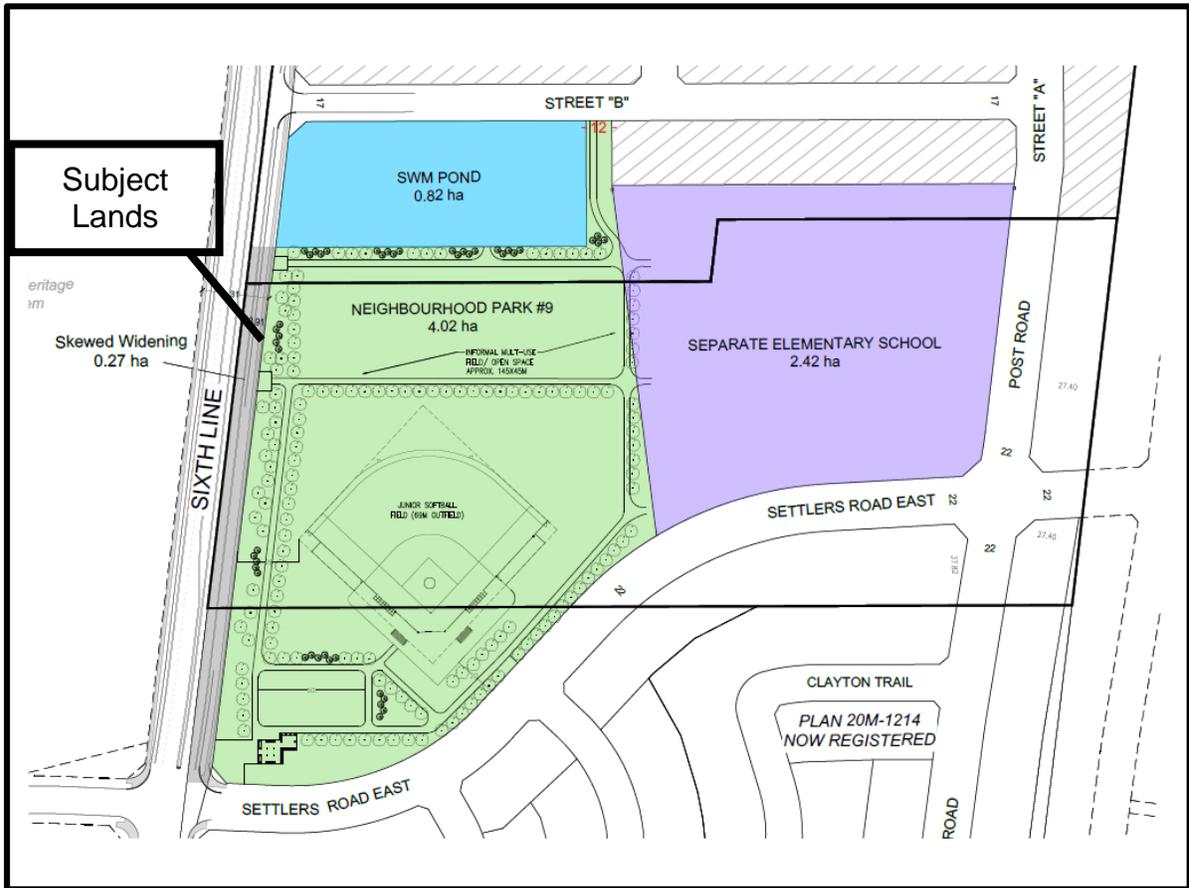


Figure 6 – Park and School Concept

The applicant has provided a conceptual Facility fit plan (Figure 6). The ultimate design and layout of both blocks are still under review by Parks and Open Space staff and the School Board. The School Board has advised that these lands will be needed to accommodate a school (North Oakville #3 Catholic Elementary School) for the 2024-2025 school year. A future site plan application will be required for the new school. However, the timeline for proceeding with a new school is subject to development growth, student yields, and Ministry funding and approval. Facility fit designs will be further refined and completed by town staff and the School Board respectively based on the block configurations provided above. During this exercise, the town and the Board may discuss opportunities for shared facilities such as open space and sports fields.

The applicant has also revised their proposal to reduce the total number of units by increasing the width of the proposed townhouse dwellings. As on-street parking is not permitted immediately adjacent to the future school block, the increased lot width provides additional opportunities for on-street parking on the south side of Settlers Road East, and east side of Post Road, as shown on Figure 7 below.



Figure 7 – On-street Parking Concept

The on-street parking concept demonstrates up to 27 on-street parking spaces within the right-of-way. This would be in addition to the parking spaces accommodated on each lot.

### Activity Node

As discussed above, OPA 321 implemented new criteria on permitted uses within the Neighbourhood Centre area, and also prescribes at least one non-residential use within the Activity Node.

Policy 7.3.3 states:

*“Residential neighbourhoods as designated on Figure NOE1 (Community Structure Plan) are comprised of a range of residential densities including significant areas appropriate for ground related housing and live/work opportunities:*

- a) *Neighbourhood Centre Neighbourhood Centres are located in the centre of each neighbourhood, within walking distance of most residents. While predominately residential in character, Neighbourhood Centres will permit a range of uses. These uses will be*

*permitted throughout the area but will be focused at a central activity node for the neighbourhood. Neighbourhood Centres have denser development than other parts of the neighbourhood but are predominantly ground related, and, in addition to residential development, will include a range of convenience and service commercial, civic, institutional and live-work functions in buildings at a scale and with a design appropriate to the area.”*

Further, Policy 7.5.12 states:

*“Figure NOE1 identifies the neighbourhood structure for North Oakville East. Each neighbourhood will have distinctive characteristics, but with the following common features:*

- a) Each neighbourhood will include at its centre, approximately a five minute walk from most areas of the neighbourhood, a neighbourhood activity node which would include a transit stop and other public facilities which serve the neighbourhood such as central mail boxes or mail pickup facilities. In addition, convenience commercial facilities or similar uses will be encouraged to locate at the neighbourhood activity node.*
- b) Neighbourhoods shall be primarily residential in character, but will include mixed use development including commercial, institutional, live-work and civic facilities;”*

The applicant proposes townhouse dwelling units on the south side of Settlers Road East, opposite the future park, as a continuation of the townhouse units already approved through previous applications for lands to the south. This is consistent with the Neighbourhood Centre Area policies. The applicant has also made revisions to their proposal, to provide a live-work unit at the south east corner of Settlers Road East and Post Road, within the Activity Node. The live-work unit will contain approximately 90m<sup>2</sup> of floor area for commercial uses, and provide the required commercial parking spaces with access from Settlers Road, as shown in Figure 8 below. The original proposal anticipated detached dwellings in this location which is contrary to OPA 321 and as such the applicant revised the proposal to remove detached dwellings from the activity node.

Additionally, transit stops are proposed to be located at the south east corner of Settlers Road and Post Road within the Activity Node (in proximity to the live-work unit) and on the north west corner of Activity Node adjacent to the school block. This further promotes enhanced pedestrian connectivity to the commercial use and transit, which is consistent with the objectives of the NOESP.



Figure 8 – Live-work siting concept

The amending zoning by-law, attached as Appendix “B”, ensures that the live-work unit will be provided. On this basis, it is staff’s opinion that the live-work unit, and arrangement of land uses in the Activity Node satisfactorily addresses the policies of the North Oakville East Secondary Plan, as amended by OPA 321, and provides a range of uses that support the community.

#### Coordination with abutting developments

The proposed development abuts a registered plan of subdivision to the east (known as Petgor Phase 2 (20M-1212)), a registered subdivision and a draft approved plan of subdivision to the south (known as EMGO (North Oakville I) Phase 1 (20M-1214), and 2 respectively), and a proposed subdivision currently under review to the north (Crosstrail/TWKD Developments/Trafalgar (Oakville)

Developments). Developments to the south and east include portions of lands held in reserve for future development as well as the extension of roads to support the proposed subdivision. The subject lands will facilitate the completion of 11 lots for residential uses and the extension of Settlers Road East and Post Road. The proposed zoning by-law has been prepared to implement the appropriate zoning for the reserve blocks. Further, the proposed development has been coordinated with the lands to the north to ensure sufficient lands have been allocated for the future Park and School blocks. Reserve Block 12 on the subject site will be developed in conjunction with the lands to the north.

Further, staff have coordinated the proposed development with the timing and requirements of the Sixth Line upgrades. As discussed above, Sixth Line is currently undergoing right-of-way improvements. A 10.91m road widening dedication will be required through the proposed draft plan of subdivision. Appropriate conditions of approval are included as Appendix “A”.

On this basis, staff are satisfied that the proposal coordinates with the surrounding developments, servicing and road works.

#### Environmental Implementation Report/Functional Servicing Study

The majority of the site drains to the Upper East Morrison Creek watershed. This area was studied and included in the previous EIR/FSS completed to support the EMGO (North Oakville I) and Petgor Phase 2 developments. A small portion of the subject lands drains to the Upper West Morrison Creek and is accommodated through Pond 17A on the lands to the north. The Upper West Morrison Creek EIR/FSS is still under review as it relates to other developments within the watershed.

To coordinate the plans, Pond 17A (located on the Crosstrail/TWKD Developments/Trafalgar (Oakville) Developments lands to the north) has been modified to accommodate additional lands for the Park and School blocks. Revised technical materials were provided to town staff, Region and Conservation Halton for review. The EIR/FSS as it relates to the subject lands and Pond 17A has advanced and supports the proposed development of the subject lands. Appropriate draft plan conditions and subdivision agreement conditions have been included in Appendix “A” and are related to the completion and implementation of the EIR/FSS. On this basis, staff are satisfied that the EIR/FSS as it relates to the subject lands has been adequately addressed and staff support the issuance of draft plan approval at this time.

### Allocation

Halton Region has implemented a servicing allocation program that requires proponents of residential development applications to secure servicing allocation from Halton Region through a formal Allocation Agreement.

The proposed development is subject to the 2020 Regional Allocation program.

On June 17, 2020, Regional Council passed By-law 34-20 which confirmed the Regional allocation agreement conditions and requirements have been met and the appropriate financial commitments by all the parties are in place. On this basis, the proposal conforms to the Regional Official Plan.

Halton Region in a letter dated August 18, 2021 advised Town staff that they have no objection to the proposal subject to the recommended conditions of draft plan approval, On this basis, staff are satisfied that the proposal has sufficient allocation to support the development.

### School

The proposal includes a block for a future elementary school for the Halton Catholic District School Board, having an area of approximately 2 hectares. The block will be combined with additional lands from the proposed development to the north to provide a total school block size of 2.42 hectares. As discussed above, based on current projections, the School Board has identified that the lands will be needed to accommodate the North Oakville #3 CES for the 2024-2025 school year. The timeline for proceeding with a new school is subject to development growth, student yields, and Ministry funding and approval. As funding is approved, a future site plan application will be submitted to the town and the facility fit plan will be finalized.

Due to the projected timeframe for construction, the School Board and the town's Parks and Open Space staff may have further discussions regarding opportunities for shared facilities. Additionally, facilities such as "Kiss and Drop", and lay-by bus drop off will be discussed with town Transportation staff through the future site plan process.

On this basis, staff and the school board are satisfied that sufficient area has been allocated for the school block. Construction of the school and associated facilities will be managed through a future site plan application.

### Transportation and Parking

Through the development of the proposed draft plan of subdivision, Post Road will be extended to the north, and Settlers Road East will be extended to the east. Both

Settlers Road East and Post Road have a right of way width of 22m and are classified as “Avenue/Transit Corridor”. Post Road and Settlers Road East are also identified as a “Signed Bike Route” in the North Oakville Trails Plan.

Most roads in North Oakville have right-of-way widths approved as part of the secondary plan that did not provide an opportunity to implement formal on-road bike lanes with the accommodation of on-street parking when the North Oakville Trails Plan was established and approved. Staff can investigate the opportunity for designated on-road bike lanes for Settler’s Road as part of the next Active Transportation Master Plan update (or Transportation Master Plan update), tentatively scheduled to commence in 2022.

Design of the rights-of-way will require balancing a variety of facilities such as a 1.5m sidewalk on both sides, travel lanes, on-street parking, and possibly the demarcation of a bike lane. The developer will be responsible for the construction of the roadway and its facilities through the subdivision process, to the satisfaction of the town. On this basis, it is staff’s opinion that the proposed development will not present any negative impacts to the design and function of the right-of-way, and it will be sized to accommodate a variety of transportation options.

## **CONSIDERATIONS:**

### **(A) PUBLIC**

A Public meeting was held on October 5, 2020. Notice for the meeting regarding this development application was provided through a mailing of all properties within 120 metres of the subject lands. Resident Associations were notified along with property owners in accordance with the *Planning Act* Regulations and Town practices. No written correspondence from the public has been received at the time of the writing of this report.

### **(B) FINANCIAL**

Development Charges would be applicable to this development. The costs for the neighbourhood park will be included in the capital forecast and funded from development charges.

### **(C) IMPACT ON OTHER DEPARTMENTS & USERS**

The application was circulated to internal and external departments and agencies for review. Draft plan conditions have been provided as Appendix A to this report. Additional review will be required in advance of registration of the draft plan.

**(D) CORPORATE STRATEGIC GOALS**

This report addresses the corporate strategic goal(s) to:

- be the most livable town in Canada

**(E) CLIMATE CHANGE/ACTION**

The proposed subdivision provides opportunities for various mobility options including cycling, transit usage, and sidewalks which, may limit motor vehicle usage to and from neighbourhood amenities and employment beyond the surrounding area. Further opportunities to improve or mitigate the effects of climate change remain with the developer, and cannot be enforced by the municipality at this time.

**CONCLUSION:**

Staff recommends approval of draft plan of subdivision and zoning by-law amendment which would have the effect of creating 28 new residential lots for townhouse dwellings, a partial Park and School block, and the extension of Post Road and Settlers Road East. The lot configuration is appropriate and compatible with the adjacent land uses and in keeping with the intent of the land use policies of the North Oakville East Secondary Plan.

The proposal is a complementary extension of the surrounding development in the area and facilitates the creation of complete communities.

The subject subdivision was reviewed in relation to Section 51(24) of the *Planning Act* and has been deemed to satisfy the requirements of this section.

Staff is satisfied that the proposed development is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2019) and the Halton Region Official Plan, has regard for matters of Provincial interest and represents good planning. Further, the application is consistent with the principles and overall policy direction of the North Oakville East Secondary Plan. On this basis, staff recommend approval of the draft plan of subdivision subject to the conditions in Appendix “A” as the following requirements have been satisfied:

- The proposed development does not conflict with the Provincial Policy Statement and Growth Plan and conforms to the Region of Halton Official Plan.
- The proposed development would assist in achieving healthy, liveable and safe community objectives of the PPS and is consistent with the policies of the PPS.

- The proposed draft plan of subdivision and zoning by-law amendment facilitates the logical extension of the abutting registered plans of subdivisions to the east and south, and the draft approved plan of subdivision to the south, and coordinates with the proposed development to the north.
- The Park and School blocks have been adequately sized to meet the objectives of the North Oakville East Secondary Plan and the Parks Master Plan, and can accommodate the required facilities.
- The development provides sufficient parking on each lot, as well as provide opportunities for up to 27 additional parking spaces within the right-of-way.
- The Activity Node at Settlers Road East and Post Road contains both residential and non-residential uses, consistent with the policies and objectives of the NOESP.

By-law 2021-066 is attached as Appendix “B”.

**APPENDICES:**

Appendix “A” – Draft Plan of Subdivision and Subdivision Agreement Conditions  
Appendix “B” – By-law 2021-066  
Appendix “C” – Applicable Policies  
Appendix “D” – Draft Plan

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