

REPORT

Planning and Development Council

Meeting Date: October 4, 2021

FROM: Planning Services Department

DATE: September 21, 2021

SUBJECT: Public Meeting and Recommendation Report - Town-initiated
Site Specific Zoning By-law Amendment to By-law 2014-014
(File: Z.1604.08) – 2175 Cornwall Road – By-law 2021-124

LOCATION: 2175 Cornwall Road

WARD: Ward 3

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RECOMMENDATION:

1. That By-law 2021-124, a by-law to make housekeeping modifications to Zoning By-law 2014-014, as amended, as directed by Council at its January 27, 2021 meeting, be passed.
2. That notice of Council's decision reflects that Council has fully considered all written and oral submissions relating to this matter and that those comments have been appropriately addressed.
3. That in accordance with Section 34(17) of the *Planning Act*, no further notice be required.

KEY FACTS:

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

- This report recommends approval of a Town-initiated amendment to Zoning By-law 2014-014, as directed by Planning and Development Council on January 27, 2021, for the subject site.
- The subject site is municipally known as 2175 Cornwall Road and is generally located west of Ford Drive and east of Maple Grove Drive between Cornwall Road and an active rail line.
- By-law 2021-124 would make site-specific amendments to By-law 2014-014, as amended, to the property at 2175 Cornwall Road which would include a maximum gross floor area and a maximum number of parking spaces on the property.

- This report has been prepared as a combined statutory public meeting and recommendation meeting to facilitate the implementation of the Council's January 27, 2021, direction.

BACKGROUND:

A Site Plan application was received in January 2020, to permit modifications to an existing building, the expansion of an existing parking lot and the introduction of a second driveway access from Cornwall Road. The required modifications are to meet the operational requirements of a new tenant on lands municipally known as 2175 Cornwall Road (Figure 1).



Figure 1: Location

On November 23, 2020, the site plan application was appealed by the applicant to the Local Planning Appeals Tribunal (now Ontario Land Tribunal “OLT”). A settlement hearing before the OLT took place on September 16, 2021.

On January 14, 2021, the applicant's legal counsel provided the municipality with a settlement offer that would cap the parking at 689 spaces and limit the size of the

building to 29,200 m² and various changes to the plan designed to limit impacts on area residents, including a noise wall and traffic lane improvements.

On January 27, 2021, at a Special meeting of Planning and Development Council, Council considered the settlement offer from the applicant's legal counsel and passed the following resolution:

1. *That a settlement of the site plan application for the redevelopment of 2175 Cornwall Road, in accordance with the Offer to Settle dated January 14, 2021 be approved, subject to:*
 - a) *Changes or conditions to address the matters raised by planning staff in their report and presentation, including the gaps identified in the peer reviews, and avoiding any disruption of the Town's Active Transportation Master Plan Facilities in the area.*
 - b) *Changes to the settlement offered by the applicant in their presentation to include the eastern access being relocated to Cardiff Drive subject to a detailed analysis of implications to the site plan including such items as landscaping, noise, stormwater and an assessment of the benefits to traffic function.*
 - c) *Changes to the settlement offered by the applicant in their presentation to include a request to the Minister of Municipal Affairs and Housing to include a maximum floor area of 29,200 m² and a maximum number of parking spaces, both internal and external of 689 within the Minister's Zoning Order.*
 - d) *An agreement documenting the settlement being finalized to the satisfaction of the Commissioner of Community Development and the Town Solicitor or delegates.*
2. *Request staff to seek best efforts by the applicant to achieve the following:*
 - a) *implement the infrastructure to accommodate electric vehicles on site;*
 - b) *seek a prohibition on the utilization of drones on site;*
 - c) *that the internal traffic flow be designed to reduce the need for vehicles reversing, negating the need for back up alarms which will impact the residential community;*
 - d) *encourage the tenant to use Beryl Road to access Winston Churchill Boulevard as their northerly route rather than Ford Drive; and*

e) encourage the tenant to avoid increased use of 'flex drivers' as a way of circumventing site limitations.

3. *That staff be directed to bring forward a zoning by-law amendment for Council's consideration capping the building size at 29,200 m² and the number of parking spaces at 689.*

By-law 2021-124, fulfills resolution #3 identified at the January 27, 2021, Special Planning and Development meeting.

Other Applications - Parkway Belt West Plan (PBWP) and Minister's Zoning Order (MZO) Removal MMAH File No.: 24-PBWP-202202 & 24-MZOA-201746:

At the time of submission of the site plan application, the subject property was subject to (1) a Minister's Zoning Order, filed as Ontario Regulation 481/73 ("MZO"); and (2) the Parkway Belt West Plan ("PBWP") (applying to parts of the property). These instruments had been imposed in the 1970's to preserve the lands for possible acquisition and use for major infrastructure (road and power generation facility). In addition to the site plan application to the town, the Owner had submitted applications to the Ministry of Municipal Affairs and Housing to remove the subjects lands from each of these instruments (MMAH File No.'s 24-PBWP-202202 & 24-MZOA-201746).

The PBWP amendment was approved by the Minister on July 29, 2021, as Amendment No. 231. The effect of the Minister's decision is the removal of the remaining portions of the subject lands from the PBWP.

The applicant's request to remove the existing MZO was also approved. An order amending O. Reg. 481/73 was filed on July 30, 2021, as O. Reg. 548/21 (amending regulation).

The Minister also imposed a new MZO filed as O. Reg. 549/21 on July 30, 2021, which was made in response to Council's request for regulations to prevent further expansions of the use of the property. The new MZO has the effect of limiting the gross floor area of the existing building to 29,200 square metres and the total number of parking spaces to 689.

Proposal

A town-initiated Zoning By-law Amendment is proposed as a housekeeping amendment to Zoning By-law 2014-014, as amended. Approval of By-law 2021-124, would have the effect of imposing a maximum gross floor area of 29,200 m², and a maximum number of parking spaces (internal and external) of 689 spaces on site.

Location and Site Description

The subject lands are approximately 12 ha in size with 608 m of frontage on Cornwall Road. The lands are municipally known as 2175 Cornwall Road and currently contain a 29,200 m² warehouse building with 30 loading doors and approximately 170 parking spaces.

The site is generally located west of Ford Drive, east of Maple Grove Drive between Cornwall Road and an active CNR rail line and spur line. The eastern perimeter of the site contains an easement in favour of Enbridge Pipelines Inc.

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
- Livable Oakville Plan; and,
- Zoning By-law 2014-014, 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.

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 Town-initiated rezoning is consistent with the PPS (2020).

Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan (2019) 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 that it is to be read in its entirety, and the relevant policies are to be applied. When more than one policy is relevant, a decision maker should consider all of the relevant policies to ensure how they work together.

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 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, and expand convenient access to transportation options. On this basis, the proposed Town-initiated rezoning conforms with the Growth Plan.

Halton Region Official Plan

The subject lands are designated “Urban Area” in the Regional Official Plan (ROP). The Urban Area is “planned to accommodate the distribution of population and employment for the Region and the four Local Municipalities”. The policies of the Urban Area designation support a form of growth that is compact and supportive of transit, the development of vibrant and healthy mixed-use communities which afford maximum choices for residence, work and leisure. 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.

Livable Oakville Plan

Urban Structure

The *Livable Oakville* Plan is currently undergoing a 5-year Official Plan Review to ensure the policies are consistent with the Provincial and Regional policies, support the Town’s strategic goals, and reflect the visions and needs of the community.

Schedule A1, Urban Structure, of the *Livable Oakville* Plan provides the basic structural elements for the Town. The subject lands are identified as an Employment Area on Schedule A1.

Land Use Policies

The subject lands are currently designated within the *Livable Oakville* Plan as *Business Employment* on Schedule G – South East Land Use (Figure 2).

Permitted uses may include offices, and light industrial uses such as manufacturing, assembling, processing, fabricating, repairing, warehousing and wholesaling. Hotels, public halls and training facilities and commercial schools may also be permitted.

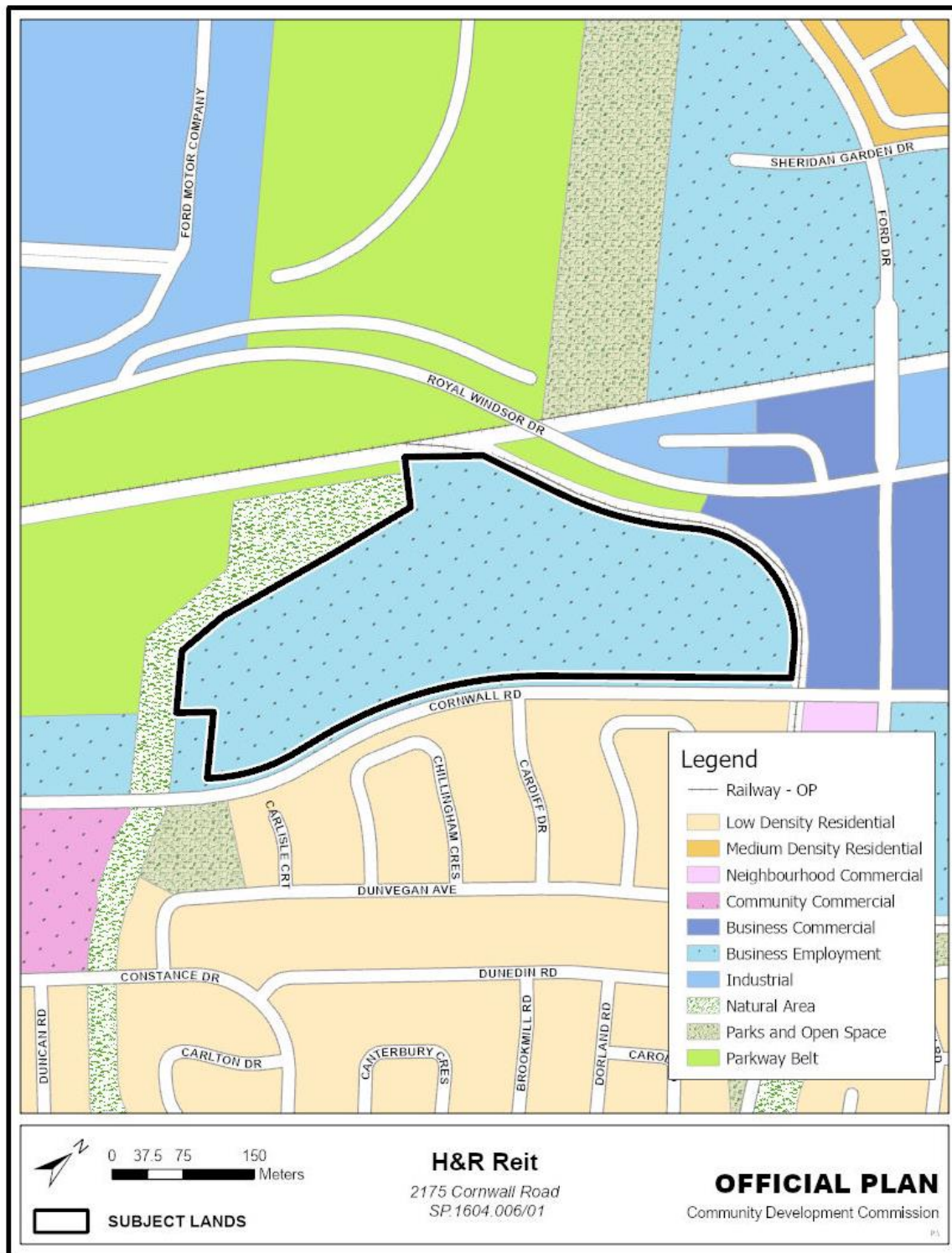


Figure 2: Official Plan Extract

In accordance with Section 28.1.1 of the Livable Oakville Plan, Zoning By-laws shall be used to implement the objectives and policies of the Plan by regulating the use of land, buildings or structures in accordance with the provisions of the *Planning Act* and may be more restrictive than the provisions of the Livable Oakville Plan.

By-law 2021-124, applies additional restrictions which further regulate the use of the land and buildings on the subject site. It would not result in a change in use.

Zoning By-law

Zoning By-law 2014-014, as amended, applies to the lands south of Dundas Street and north of Highway 407. It was passed by Council on February 25, 2014, and partially deemed in force by the Ontario Municipal Board on February 23, 2015. Since then, the majority of the By-law has been deemed in force by the Board. Certain sections of the by-law are not yet in force and outstanding appeals continue to be adjudicated (OMB File No. PL140317).

The property is zoned as *E2 – Business Employment* under Zoning By-law 2014-014, as amended (Figure 3).

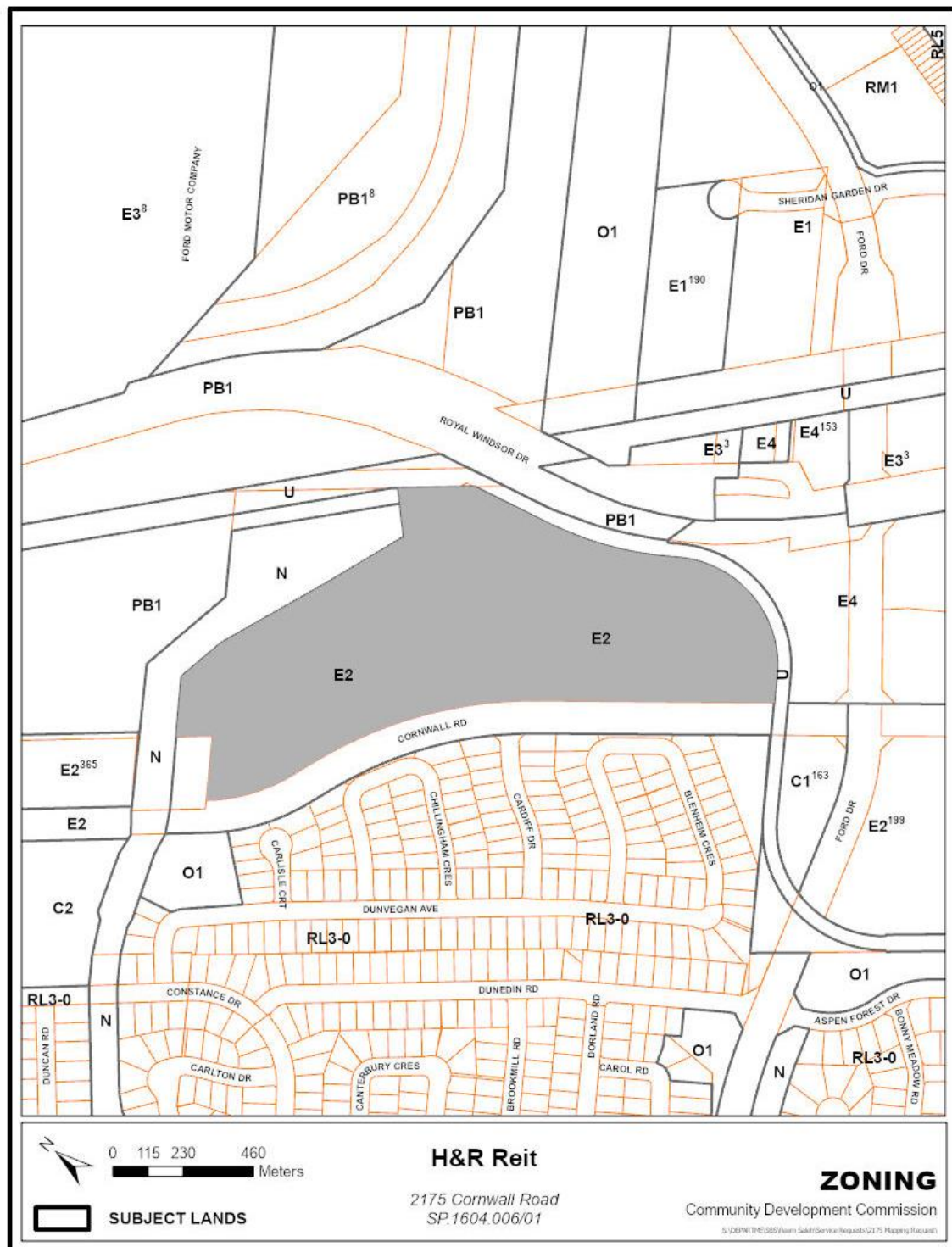


Figure 3: Zoning Extract

Purpose of By-law 2021-124:

The purpose of the proposed amendment to the Town of Oakville Zoning By-law 2014-014, as amended, is to make housekeeping modifications that would align with the new Minister's Zoning Order and limit the expansion of the proposed use on the subject lands.

Effect of By-law 2021-124:

The effect of the amendment to Zoning By-law 2014-014, as amended, proposes the following regulations:

Regulation	Existing E2 Zone	Proposed E2 SP 409
Maximum gross floor area	No maximum provided	29,200m ²
Maximum number of parking spaces	No maximum provided	689 (internal and external to the building)

All other E2 regulations will continue to apply.

CONCLUSION:

Staff recommends approval of the Town-initiated site-specific zoning by-law amendment which would impose further restrictions on the lands municipally known as 2175 Cornwall Road, in accordance, with the Council's January 27, 2021, resolution.

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 and conforms to the Livable Oakville Plan.

By-law 2021-124 is included within Appendix 'A'.

CONSIDERATIONS:

(A) PUBLIC

Notice for the meeting 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. In addition, the notice was published in the Oakville Beaver on September 9, 2021.

(B) FINANCIAL

No financial impacts are arising from this report.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The proposed zoning by-law amendment was written in collaboration with the internal departments. No concerns were raised prior to the finalization of this report.

(D) CORPORATE STRATEGIC GOALS

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

- be the most livable town in Canada

(E) CLIMATE CHANGE/ACTION

A Climate Emergency was declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints. The amendment of By-law 2014-014 does not impact the Town's climate initiatives.

APPENDICES:

Appendix A – By-law 2021-124

Prepared and Recommended by:
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Submitted by:
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