



OAKVILLE

REPORT

Special Planning and Development Council

Meeting Date: February 15, 2022

FROM: Planning Services Department

DATE: February 1, 2022

SUBJECT: Public Meeting Report, Official Plan Amendment, April Investments Ltd., 527079 Ontario Ltd., Trans County Development Corporation Ltd., and Oakville Developments (2010) Inc., 560-584, 550, 530 Kerr Street and 131, 171 Speers Road, File No. OPA. 1616.56

LOCATION: Northwest corner of Kerr Street and Speers Road

WARD: Ward 2

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RECOMMENDATION:

1. That the public meeting report, prepared by the Planning Services Department dated February 1, 2022, be received.
2. That comments from the public with respect to the Official Plan Amendment application by April Investments Ltd., 527079 Ontario Ltd., Trans County Development Corporation Ltd., and Oakville Developments (2010) Inc., File No.: OPA. 1616.56, be received.
3. That staff consider such comments as may be provided by Council.

KEY FACTS:

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

- **Nature of the Application:** This is an application for Official Plan Amendment only. Applications for zoning by-law amendments and site plan approvals would be required prior to any development taking place. At this time, no such applications have been filed with the exception of a previous zoning by-law amendment application in respect of 550 Kerr Street which is subject to an appeal to the Ontario Land Tribunal.

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- **Location:** The subject lands are comprised of 4.8 ha (11.8 acres)¹, consisting of five property parcels which are occupied by commercial buildings and located at the northwest corner of Kerr Street and Speers Road.
 - **Applicants:** The applicants are comprised of the Owners of four of the five property parcels. While the Owner of 171 Speers Rd. is not an applicant, this property was included in the comprehensive development plan to demonstrate the potential full build-out of the whole block and coordinate implementation policies.
 - **Policy Context:** The subject lands are located within the Kerr Village Growth Area and designated 'Urban Core' which permits building heights ranging from eight to twelve storeys. Four storeys of additional height may be permitted pursuant to bonusing (total of 16 storeys). Within Kerr Village, the subject lands are located within the Upper Kerr Village District. This District is planned to be a transit-supportive, mixed use area. The subject lands require a comprehensive development plan which demonstrates potential full build out of the whole block. This includes, amongst other matters:
 - i. a complete local road network, including extensions of Shepherd Road and St. Augustine Drive;
 - ii. spatial distribution of buildings and building heights with appropriate building setbacks, transitions and tower separation;
 - iii. location and treatment of planned gateways at Kerr and Speers and Kerr and the northern limit of Upper Kerr Village at Kerr and the railway;
 - iv. location of planned urban square & park;
 - v. safe setbacks to rail line, utilities and pipelines;
 - vi. location of commercial space, including a food store; and,
 - vii. transit-supportive considerations such as adequate transit passenger amenities, minimal surface parking, bicycle infrastructure and walkable blocks.
 - **Planned Infrastructure Improvements:** Two Class Environmental Assessments have been completed for public infrastructure projects adjacent to the subject lands:
 - i. Kerr Street underpass project; and,
 - ii. Speers Road improvements.

The underpass project will lower grades across the Kerr Street frontage of the subject lands, shift the location of the Shepherd Street and Kerr Street

¹ After land expropriation by Metrolinx for the Kerr Street grade separation project.

intersection, and alter access to the subject lands from Kerr Street. The improvements planned to Speers Road are coordinated with frequent transit (priority bus) planned along Speers Road as part of the Metrolinx 2041 Regional Transportation Plan.

- **Proposal:** The Official Plan Amendment application proposes a broad policy framework to direct longer-term redevelopment of individual land parcels. The amendments are based on a draft comprehensive development plan applying to the subject lands which propose:
 - i. 11 new buildings ranging in height from 8 storeys to 28 storeys;
 - ii. a density of 3.4 FSI and a total of approximately 1,847 residential units together with 7,900 m² (85,000 ft²) of retail GFA inclusive of a grocery store;
 - iii. One 0.4 ha (1 acre) centrally located public park together with one urban square at the corner of Kerr St. and Speers Rd.;
 - iv. the addition of a new mid-block private road to the westerly extension of Shepherd Rd. and northerly extension of St. Augustine Dr.;
 - v. structured and underground parking facilities; and,
 - vi. development phasing and private landowner cost sharing policies.

Should this framework be approved, it would allow for implementing zoning by-law amendment, draft plan of subdivision and site plan applications to be submitted by individual landowners seeking redevelopment.

- **Public Consultation:** An applicant-initiated virtual Public Information Meeting (“PIM”) was held on January 19, 2022 and was attended by 86 residents. All public comments received as of the date of the report are appended as “**Appendix ‘A’**” to this report.
- **Timing:** The *Planning Act* provides for a 120 day timeline to make a decision on this application (March 12, 2022) failing which the applicants could file an appeal for non-decision. The applicants have agreed not to file an appeal for non-decision until after June 30, 2022 to allow additional time for the consideration of this application. It is anticipated that a recommendation report will be brought to Council for consideration at the June 11, 2022 Planning & Development Council meeting.

BACKGROUND:

The purpose of this report is to introduce the planning application in conjunction with the statutory public meeting. Council will hear public delegations on the application, ask questions of clarification and identify matters to be considered. The report is to

be received and no recommendations on the application are being made at this time.

The report outlines the proposed development and identifies matters raised to date through the technical review and public consultation. Following the statutory public meeting and once the review is complete, staff will bring forward a recommendation report for consideration by Planning and Development Council.

Ontario Land Tribunal Proceedings

A concurrent Zoning By-law Amendment application (Z.1616.55) applies to a portion of the subject lands (550 Kerr Street). The application proposes to rezone 550 Kerr Street to a site-specific MU4 zone to permit the development of 3 sixteen storey buildings with commercial uses at grade and a total of 472 dwelling units. For the reasons outlined in the staff report dated June 24, 2020 staff recommended refusal, and Council subsequently refused the rezoning application on July 6, 2020. This decision was appealed by the Owner of 550 Kerr Street (Ontario Land Tribunal Case No. PL200333). On March 8, 2021, the Tribunal held the first Case Management Conference and the hearing was originally scheduled to take place on November 29, 2021. The hearing was adjourned pending the outcome of the subject Official Plan amendment application. At this time, the Tribunal has not set new hearing dates.

A chronology of landowner coordination meetings is outlined in the 550 Kerr Street recommendation report dated June 24, 2020 (<https://pub-oakville.escribemeetings.com/filestream.ashx?documentid=25940>).

Proposal

The proposed redevelopment consists of:

- i. approximately 1,847 residential units in 11 buildings, seven of which seek increased height permissions for an additional 2 to 12 storeys height with bonusing (maximum building heights would range from 8 storeys to 28 storeys with bonusing in comparison to 8 to 16 storeys with bonusing under current policies);
- ii. addition of a new maximum density limit of 3.4 Floor Space Index ('FSI'), ranging between approximately 2.3 – 4.5 FSI on a block basis (current policies do not include a specific FSI limit);
- iii. maintaining the general location of at grade commercial uses, and a food store, previously identified in the Kerr Village Growth Area policies with the

- addition of minimum non-residential floor area requirements ranging from 500 m² – 2,000 m² on a block basis;²
- iv. maintaining the urban park previously identified in the Kerr Village Growth Area policies with the addition of a more specific location for the park, size (0.4 ha (1 acre)), and permissions for strata ownership;
- v. maintaining the urban square at the corner of Kerr St. and Speers Rd. while adding a minimum size of 500 m²;
- vi. maintaining the westerly extension of Shepherd Rd. and northerly extension of St. Augustine Dr. previously identified in the Kerr Village Growth Area policies with the addition of one new mid-block private road;
- vii. addition of more specific development phasing and new landowner cost sharing policies.

Figure 1 provides the applicant’s comprehensive development plan which illustrates conceptual massing together with site statistics:



Site by Property	Post Expropriation Land Area (ha)	Retail GFA (sq m)	Above Grade Parking (sq m)	Residential GFA (sq m)	Total GFA (sq m)	# of Units	Total NFA (sq m)	FSI
588 Kerr (AREA A)	0.9	1,000	6,500	40,000	47,500	430	40,380	4.5
550 Kerr (AREA B)	0.8	1,900	2,800	40,000	44,700	428	34,850	4.4
530 Kerr + 131 Speers (AREA C)	1.2	4,000	0	48,000	52,000	516	44,200	3.6
171 Speers (AREA D)	1.9	1,000	5,000	44,000	50,000	473	42,500	2.3
TOTAL	4.8	7,900	2,800	172,000	194,200	1,847	161,930	3.4

★ Not part of the landowner group seeking official plan amendment.
 Figure 1: Subject Site, Conceptual Massing View and Site Statistics from Applicant

The applicant’s demonstration plan provides a conceptual illustration of the proposed public realm and built form proposed:

² The draft official plan amendment would require a minimum of approximately 3,950 m² (42,517 ft²) of non-residential floor area whereas 7,900 m² (85,000 ft²) of retail floor area is proposed on the applicant’s comprehensive development plan.

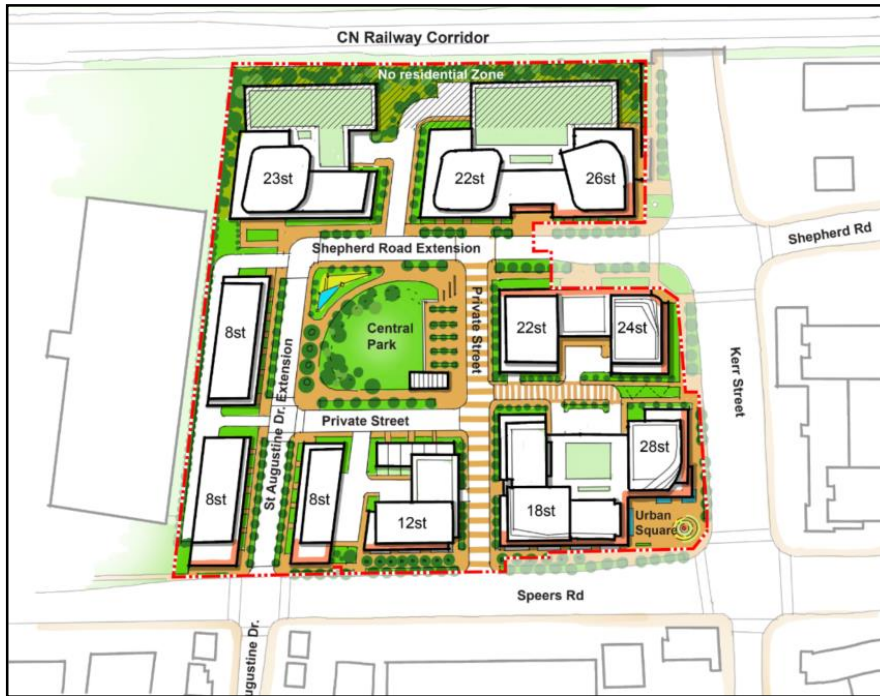


Figure 2: Applicant's Demonstration Plan

The proposed design is based on the applicant's 'six key moves', summarized as follows:

1. Extend Vibrancy of Kerr Street

The publicly accessible urban square required by Livable Oakville is proposed to be located at the northwest corner of Kerr St. and Speers Rd., which would interface with plans for a grocery store and connect to the proposed at grade animated street frontages north along Kerr Street and west along Speers Road, as illustrated by the applicant below:



Figure 3: Applicant's "Key Move 1"

2. Build a Gateway for Kerr Village

The highest building heights (28 and 26 storeys) would be directed to the two gateway locations previously identified at the intersection of Speers Road and Kerr Street and the future Kerr Street underpass and railway crossing. The location, orientation and design of these buildings is intended to create a strong gateway image, enhance the public realm immediately surrounding these buildings, and achieve a landmark development.



Figure 4: Applicant's "Key Move 2"

The building heights are proposed to transition downwards to eight storeys towards the southern edge of the site, which is separated by Speers Road from an existing low density neighborhood.

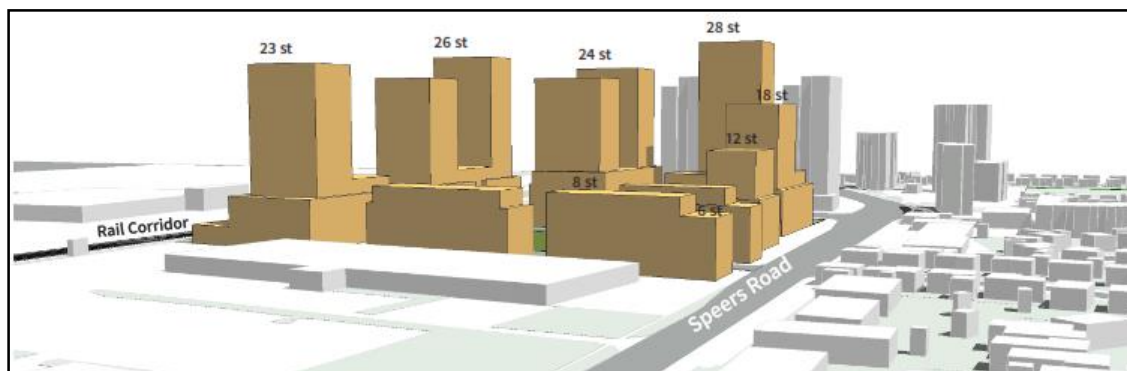


Figure 5: Applicant's Concept Perspective

3. Create a Central Park

The urban park required by Livable Oakville would be located in the middle of the subject lands and would be (0.4 ha (1 acre)) in size to provide a central gathering space. New permissions for strata ownership are proposed which would allow for private parking to be located under this proposed public park.



Figure 6: Applicant's "Key Move 3"

4. Complete the Movement Network

The westerly extension of Shepherd Rd. and northerly extension of St. Augustine Dr. required by Livable Oakville would be maintained, with the addition a mid-block publicly accessible private street and two mid-block pedestrian connections to link Kerr Street, Speers Road, and the central park.



Figure 7: Applicant's "Key Move 4"

5. Establish Urban Blocks

Urban blocks are proposed to be coordinated with the existing property boundaries to support phased development, and organized to support the proposed built form and transition of building heights to surrounding land use.

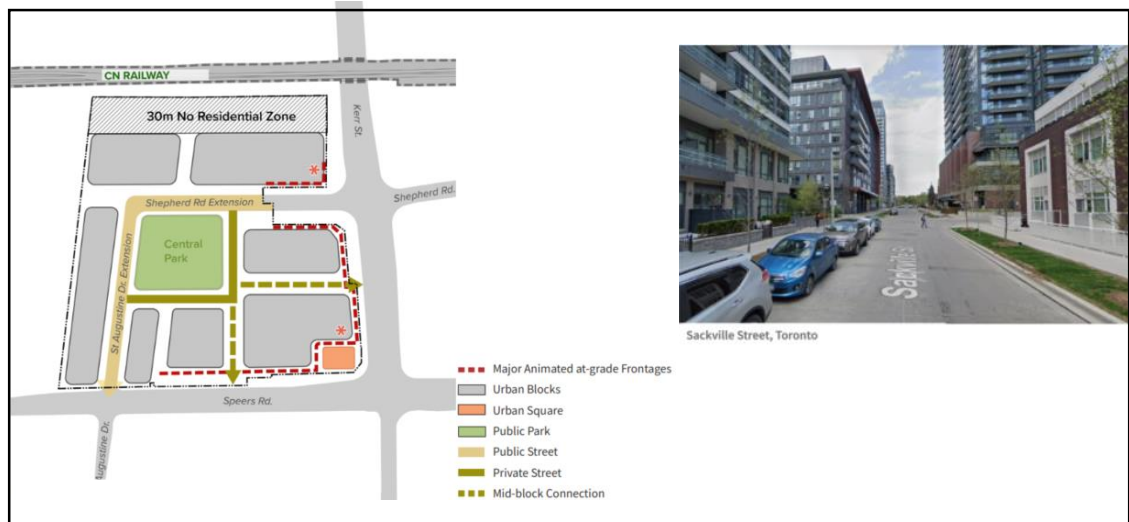


Figure 8: Applicant's "Key Move 5"

6. Create a Dynamic Built Form

A mix of mid-rise and tall buildings with building heights ranging from 8 to 28 storeys are proposed which generally transition lower from the two gateways to the central park and low-rise neighbourhood south of Speers Road at St. Augustine Drive. In comparison, the existing Livable Oakville policies would allow for building height within a range from 8 to a maximum of 16 storeys with bonusing.



Figure 9: Applicant's "Key Move 6"

Phasing

As previously noted, the subject lands are comprised of five separate ownership parcels (see Figure 11). Coordination amongst the landowners would be required to realize the draft comprehensive development plan described above. To that end, the draft comprehensive development plan contemplates phasing amongst the four landowners which are participating in the subject Official Plan Amendment application through a temporary cul-de-sac of a westerly extension of Shepherd Road, and an extension of the publicly accessible private road south to Speers Road to create an interim road network forming a crescent. The interim connection to Speers Road will be a right-in/right-out access.



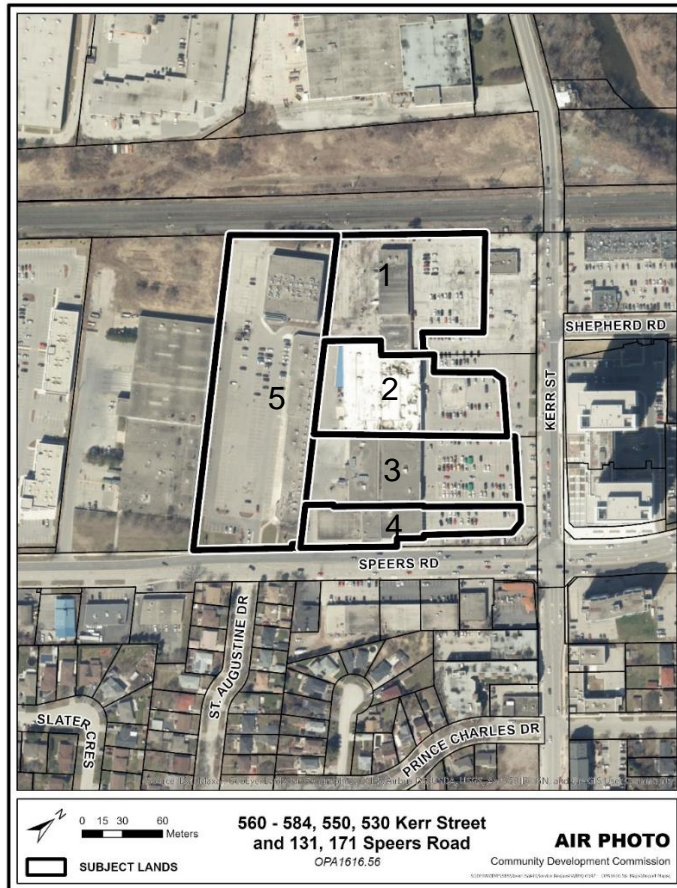
Figure 10: Applicant's Phasing Plan (without 171 Speers Road)

In addition, the official plan amendment proposes to provide further direction with respect to sharing of related development costs.

The applicant's proposed Official Plan Amendment is appended as "**Appendix 'B'**" to this report. Application submission material can also be found on the town's website site at <https://www.oakville.ca/business/da-39836.html>

Location & Site Description

The subject lands are located at the northwest corner of Kerr Street and Speers road, are approximately 4.8 ha (11.8 acres)³, and are occupied by commercial plazas.



Parcel No.	Municipal Address	Post Expropriation Land Area (ha)
1	560-584 Kerr Road	0.9
2	550 Kerr Road	0.8
3	530 Kerr Road	0.8
4	131 Speers Road	0.4
5	171 Speers Road*	1.9

*Not part of the landowner group seeking official plan amendment.

Figure 11: Air Photo and Parcel Ownership

Area Infrastructure Projects

Class Environmental Assessments have been completed for two public infrastructure projects adjacent to the subject lands:

- a) the Kerr Street Underpass Project (the **'Underpass'**)

The Underpass consists of a widening and lowering Kerr Street under the Metrolinx railway (Lakeshore GO West); and, shifting the road alignment westerly toward the subject lands. This shift resulted in approximately 2,210 sq.m. of land being acquired by Metrolinx from the original boundaries of subject lands. These lands will be conveyed to the Town upon completion of the project. Aside from the land

³ Post land expropriation by Metrolinx for the Kerr Street grade separation project.

expropriation, the Underpass will result in two immediate land use planning considerations:

Grades: The Underpass will lower grades across the Kerr Street frontage of the Block. More specifically, the existing Speers Road / Kerr Street intersection will be maintained at existing grade, then the proposed new road profile will follow an approximately 3.5% grade and will be approximately 3 m below existing grade at the Kerr Street / Shepherd Road intersection and approximately 7 m below the railway tracks.

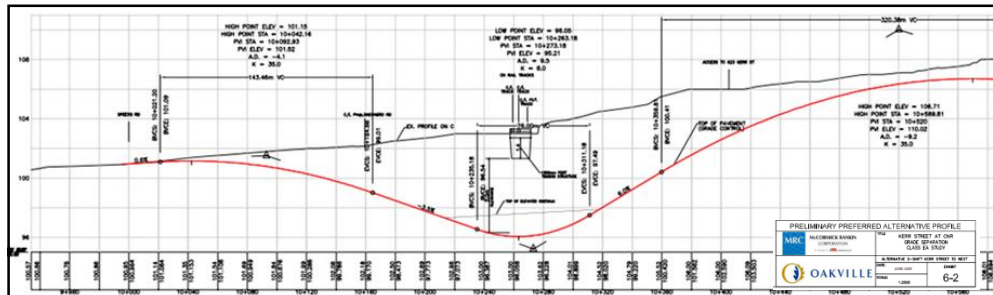


Figure 12: Section Illustrating Changes to Grade along Kerr Street

Access: the two existing full moves accesses to the subject lands from Kerr Street will be replaced with one new ramp from the new Kerr Street elevation opposite the realigned Shepherd Road up approximately 3.0 m to the existing drive aisle of the Commercial Plaza.⁴ This “ramp” will be a public roadway.

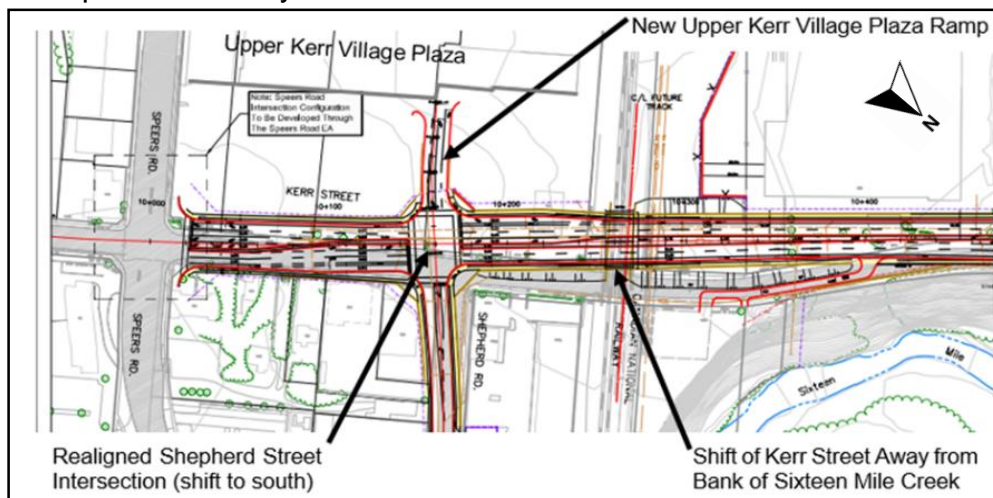


Figure 13: Plan Illustrating Alignment of Kerr Street and Access to Subject Lands

b) Speers Road Improvements

The Class Environmental Assessment Study for improvements to Speers Road from Bronte Road to Kerr Street (Phase 2) was completed in December of 2009 (the ‘Speers EA’). The preferred design includes a five lane cross section (2 lanes in each

⁴ Kerr Street at CNR Grade Separation Class Environmental Assessment Study, June 2009

direction and one centre turn lane), new bike lanes and sidewalks on both sides of the road, and a stub for a planned extension of the public road network into the subject lands at St. Augustine Road. Land dedication for road widening purposes will be required from the subject lands, as outlined in the Speers FA.

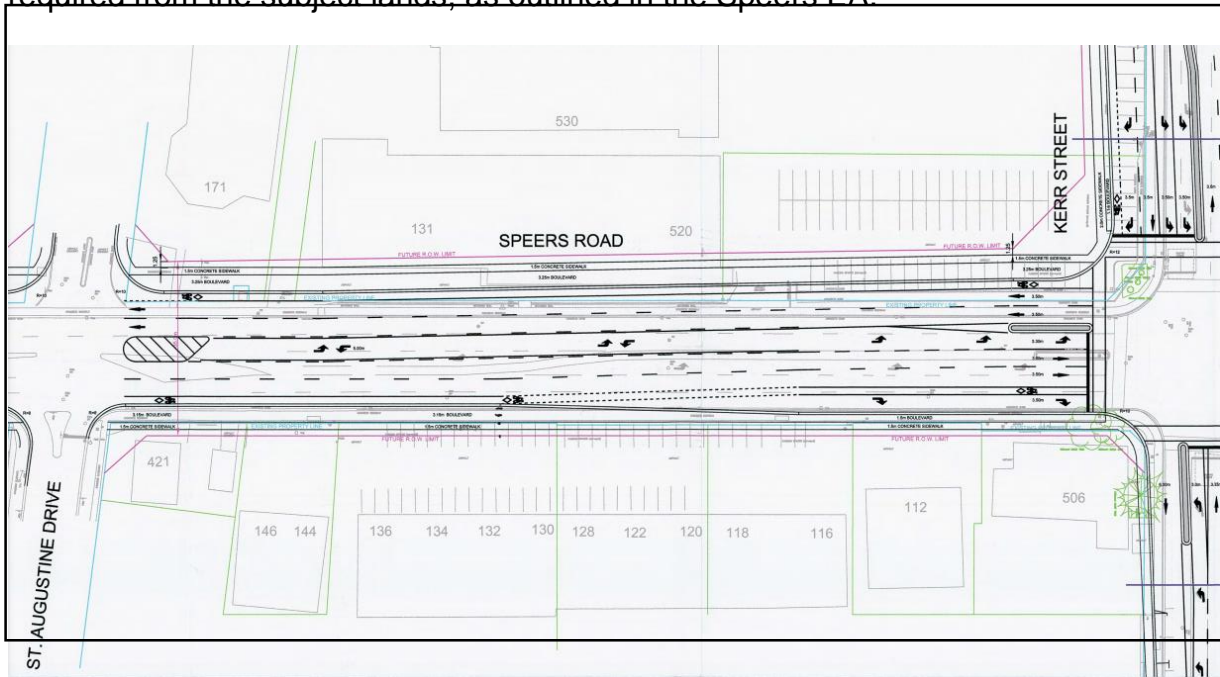


Figure 14: Extract from Speers Road Environmental Assessment Study (Drawing 6 – Morden to Kerr Street)

Surrounding Land Uses

Surrounding the subject lands are the following:

- North: rail corridor then business employment lands;
- East: commercial plaza and mixed use condominiums;
- South: commercial and low density residential; and,
- West: business employment.

PLANNING POLICY & ANALYSIS:

Provincial Policy Statement

The Provincial Policy Statement ('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.

A summary of applicable policies is appended to this report as “**Appendix ‘C’**”.

Growth Plan

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 the “Delineated Built-Up Boundary”.

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.

A summary of applicable policies is appended to this report as “**Appendix ‘D’**”.

Halton Region Official Plan

The subject lands are designated “Urban Area” in the Halton Region Plan. Lands within the “Urban Area” are intended for residential and employment growth. 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.

As the subject lands are within the Kerr Village Growth Area in the Livable Oakville Plan, it is considered an “Intensification Area” under the ROP policies. Intensification Areas are a component of the overall urban structure and are identified as locations where intensification and mixed-uses are to be directed such that they develop into transit-supportive areas with integrated active transportation facilities. It is the objective of the ROP for Intensification Areas to, among other matters, create a vibrant, diverse and pedestrian-oriented urban environment; cumulatively attract a significant portion of population and employment growth; provide high quality public

open spaces with site design and urban design standards that create attractive and vibrant places; generally, achieve higher densities than the surrounding areas; and, achieve an appropriate transition of built form to adjacent areas.

Livable Oakville Plan

The Livable Oakville Plan was approved by the Ontario Municipal Board on May 10, 2011. 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.

OP Objectives

Kerr Village has been the subject of detailed and comprehensive land use studies which have resulted in detailed goals, objectives and policies. The overall goal for Kerr Village is to revitalize it as a vibrant business district and cultural area.⁵

The following objectives for Kerr Village are intended to be used in the process of reviewing planning applications, and to guide decisions.⁶

Create opportunities for new, sustainable growth by promoting compact urban form with higher density development through compatible development and redevelopment opportunities.

Enhance the mobility of all users with the provision of transit priority measures and increase levels of service through the development process by:

- a) promoting pedestrian and cycling-oriented mixed use development, with improved connections to the Downtown as well as the GO train station and proposed employment hub in Midtown Oakville;*
- b) improving circulation, connections and access for cyclists, pedestrians and public transit; and,*
- c) increasing efficiencies for alternate modes of transportation by encouraging compact urban form.*

Create an attractive public realm by:

- a) promoting high quality streetscapes and open spaces to create a comfortable, accessible and unique community; and,*
- b) ensuring appropriate transitions occur between the main street areas and the lower density residential neighbourhoods.*

⁵ Section 23.1, Livable Oakville

⁶ Section 23.2, Livable Oakville

The general objectives outlined for urban design (Section 6) focus on providing:

- a) diversity, comfort, safety and compatibility with the existing community;*
- b) attractive, barrier-free, and safe public spaces, such as streetscapes, gateways, vistas and open spaces;*
- c) innovative and diverse urban form and excellence in architectural design;*
and,
- d) the creation of distinctive places and locales, including Midtown Oakville, the other Growth Areas and high profile locations such as gateways to the Town.*

Urban Structure

Schedule A1, Urban Structure, of the Livable Oakville Plan provides the basic structural elements for the Town and identifies the subject lands as part of a Node and Corridor, Main Street Area, and located on a Regional Transit Priority Corridor (Speers Road).

While higher intensity forms of mixed use growth are directed towards Nodes and Corridors, Kerr Village is recognized in the urban structure as a main street area for its distinctive character and is intended to accommodate relatively lesser amounts of intensification than the Town's primary growth areas.⁷ Regional Transit Priority Corridors provide a town-wide network that connects transit systems throughout the Region as well as to local destinations. Land uses adjacent to Regional Transit Priority Corridors provide a key focus for transit-supportive development.

As part of urban structure amendments approved through Official Plan Amendment 15 ('**OPA 15**'), the following criteria was added to evaluate site-specific amendments to Livable Oakville:⁸

Submissions must demonstrate that the proposed amendment:

- a) is consistent with the Town's mission and guiding principles;*
- b) does not undermine the Town's urban structure in terms of:*
 - i. directing growth to identified nodes and corridors, and ensuring their timely development in a manner that makes effective and efficient use of existing and planned investment and achieves the planned objectives for these areas;*
 - ii. protecting natural heritage systems;*
 - iii. protecting waterfront open space, parks and other public open space;*
 - iv. conserving cultural heritage resources; and,*

⁷ Section 3.6, Livable Oakville

⁸ Section 28.2, Livable Oakville

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- v. *the maintenance of the character of established Residential Areas, Employment Areas and major commercial areas;*
- c) *is consistent with Provincial, Regional and Town plans for multi-modal transportation systems, municipal services, infrastructure and public service facilities;*
- d) *does not result in adverse fiscal impacts for the Town;*
- e) *is an appropriate use for the land;*
- f) *is compatible with existing and planned surrounding land uses;*
- g) *is not more appropriately considered under a required comprehensive Official Plan review or a municipal comprehensive review;*
- h) *does not establish an undesirable precedent if approved;*
- i) *satisfies all other applicable policies of this Plan.*

Land Use Policies

As part of the Town's Official Plan Review, the land use designations and policies that apply to Kerr Village were studied and reviewed. This review was considered by Council in December of 2017 where Council passed By-law 2017-119 to adopt Official Plan Amendment 19 ('**OPA 19**'). OPA 19 was then approved by Halton Region and it came into effect on June 19, 2018. This changed part of the land use designation of the subject lands from 'Urban Centre' to 'Urban Core' on Schedule O1, in the Livable Oakville Plan "**Appendix 'D'**". Accordingly, all of the subject lands are now designated 'Urban Core'.

Within Kerr Village, the subject lands are located within the Upper Kerr Village District. The Upper Kerr Village District (the '**District**') is planned to be a transit-supportive and mixed use area where higher density forms of development are permitted to achieve the critical mass required for enhanced transit. The District is also planned to include appropriate gateway features, an urban park with pedestrian mid-block connections and opportunities for affordable housing⁹.

Pursuant to section 12.5.2 of the Livable Oakville Plan, buildings within the Urban Core designation of between eight storeys to twelve storeys are permitted. Section 23.8.2 provides that the town may allow up to four storeys of additional height (total of 16 storeys) beyond the maximum permitted in exchange for the provision of public benefits as listed in section 28.6.2, with priority given to those public benefits noted in section 23.8.2 d). This includes: affordable housing units and/or rental housing units; community service/facility space; non-profit child care facilities; public art; enhanced streetscape/public open space improvements; and, enhanced green building and energy conservation technology.

The subject lands are also subject to an exception. Section 23.7.1 of Livable Oakville provides that the following additional policies apply to certain lands on Schedule O1, Kerr Village:

⁹ Policy 23.3.1, Livable Oakville Plan

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- a) *As part of any development approval, development and redevelopment shall be based on a comprehensive development plan which demonstrates the potential full build out of the lands.*
 - b) *Redevelopment of existing low-rise commercial uses may occur gradually in a phased manner. Notwithstanding the minimum building heights required by this Plan, building additions, alterations and/or replacements may be permitted where they can be demonstrated not to preclude the long-term redevelopment of the properties as set out in this Plan; and,*
 - c) *On the west side of Kerr Street abutting the railway, any requirement for, and the size and location of, retail, service commercial and office uses on the ground floor of buildings shall be determined through the development process and regulated by the implementing zoning.*

The westerly extension of Shepherd Road along the northern portion of the subject lands is planned to connect with the northerly extension of St. Augustine Drive which will be a 'secondary street', as identified on Schedule O2. As such, Shepherd Road is required to be planned for as a pedestrian-oriented streetscape through the use of wide sidewalks, landscaping and furnishings¹⁰. Pursuant to policy 23.5.3 c) buildings along secondary streets, should:

- i. *incorporate a high degree of transparency on the ground floor;*
- ii. *provide building openings and principal entrances facing the street; and,*
- iii. *contain commercial, office, community or cultural uses adjacent to the street which support the main street district, and may also contain residential uses on the ground floor.*

Pursuant to Section 23.5.4 of the Livable Oakville Plan, three gateways are proposed in Upper Kerr Village. These locations are to provide gateway treatments which may include well designed built form or structures, distinctive streetscape treatments, landscaping, and/or public art.

¹⁰ Policy 2.5.3 a), Livable Oakville Plan

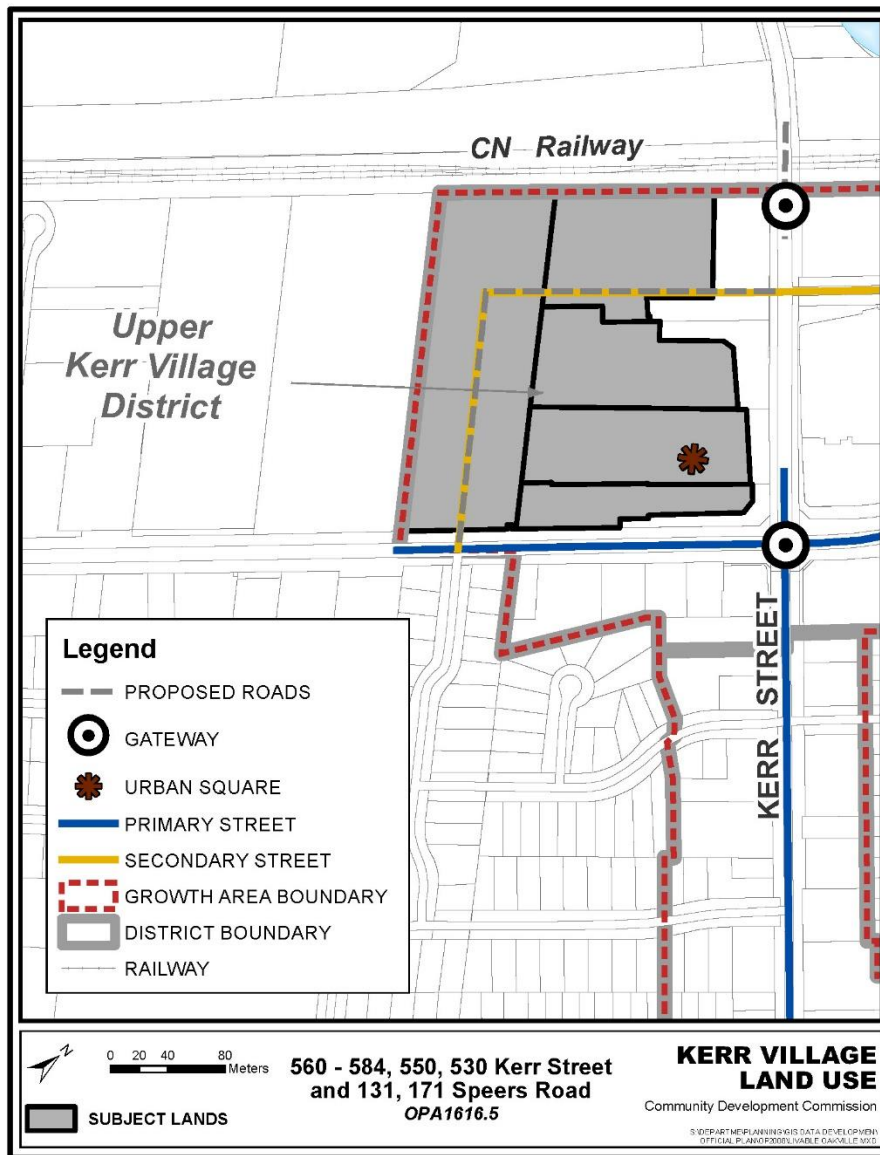


Figure 15: Extract from Kerr Village Urban Design Schedule O2

Pursuant to 23.8.3 c) of the Livable Plan, an urban park is proposed in the Upper Kerr District, west of Kerr Street, north of Speers Road which:

- i. may be located within the site bound by the Shepherd Road extension to the north, Kerr Street to the east, Speers Road to the south and St. Augustine Road extension to the west;
- ii. may provide public underground parking facilities with a “green roof” at street level forming the urban park portion of the site;
- iii. may be accessed at street level via mid-block pedestrian connections and from Kerr Street, Speers Road and the north Gateway; and,
- iv. is encouraged to be maintained through a public-private partnership.

Section 23.6.2 of the Livable Oakville Plan encourages the maintenance of a food store in any redevelopment of lands within the Urban Core designation.

Section 23.4.1 a) of the Livable Oakville Plan provides for transit service improvements to be introduced at an early stage in the development of Upper Kerr Village District. To support the foregoing, transit passenger amenities, minimal surface parking, and other travel demand management strategies are to be implemented to encourage transit ridership¹¹. Further, access to parking and servicing areas should not occur from Kerr Street but from local streets, service lanes and to the side or rear of buildings¹². Bicycle facilities are also encouraged throughout Kerr Village with the appropriate signage and infrastructure such as bicycle racks and bicycle lockers¹³.

The urban design policies in Section 6 also provide direction with respect to: public realm, complete streets, streetscapes and street design; gateways; urban squares; built form; and, pedestrian circulation and vehicular access and circulation.

The Livable Oakville Plan provides that development within Kerr Village will likely occur gradually over the long-term and be coordinated with the provision of infrastructure, including¹⁴:

- i) transit;
- ii) transportation improvements;
- iii) water and wastewater services;
- iv) stormwater management facilities;
- v) pedestrian and cycling facilities; and,
- vi) utilities.

A summary of applicable policies is appended to this report as “**Appendix ‘F’**”.

The applicant seeks to amend the Livable Oakville Plan to replace policies 23.7.1 and 23.8.2 a), both area-specific policies applying to the subject lands, with site-specific policies and schedules to implement their comprehensive development plan described herein. The proposed amendment is structured on a development block basis, which recognizes the fragmented ownership of the subject lands, and includes several policies which build on the in force policy framework and several new policies. More specifically, the proposed amendment provides for:

¹¹ Policy 24.4.1 b), Livable Oakville Plan

¹² Section 24.4.1 c) ii), Livable Oakville Plan

¹³ Section 24.4.1 d), Livable Oakville Plan

¹⁴ Section 23.8.1, Livable Oakville Plan

- i. the overall spatial distribution of buildings and building heights including seven ‘Tower Zones’ with increased height permissions ranging from 22-28 storeys;
- ii. a maximum density limit of 3.4 FSI, ranging between approximately 2.3 – 4.5 FSI on a block basis;
- iii. additional urban design direction including at-grade animated frontages, at-grade retail locations, tower floor plates, mid-block pedestrian connections; and treatment of above ground parking structures;
- iv. minimum non-residential floor area requirements on a block basis ranging from 500 m² – 2,000 m² (overall minimum 3,950 m² non-residential floor area);
- v. general location and size of 4,037 m² (1 acre) public park, with permissions for private parking below (stratified ownership);
- vi. location of two mid-block publicly accessible pedestrian connections to park space;
- vii. location of urban square at northwest corner of Kerr Street and Speers Road with minimum size (500 m²);
- viii. designation of subject lands as a Class 4 Area pursuant to Ministry of the Environment and Climate Change (“MOECC”) Environmental Noise Guideline Stationary and Transportation Noise Sources – Approval and Planning (“NPC-300”) ¹⁵
- ix. general location and treatment of one mid-block private road;
- x. placeholder for bonusing provisions; and,
- xi. phasing plan and cost sharing agreement requirements.

Zoning By-law

The subject lands are zoned H1-MU3 and H1-MU4, as shown in “**Appendix ‘G’**”. Both mixed use zones permit a mix of uses including apartment dwellings with building heights ranging from 6 to 8 storeys (MU3) and 8-12 storeys (MU4).

As previously noted, Livable Oakville permits an additional 4 storeys of height, pursuant to bonusing provisions. It is noted that Bill 108 will remove Section 37 density / height bonus provisions in the *Planning Act* when the Town passes a CBC By-law, or on September 18, 2022. The foregoing changes to the *Planning Act* will be considered in the review of this subject planning application.

The conditions of removal of holding provision ‘H1’, which applies to the subject lands, are provided below:

¹⁵ NPC 300 was released in 2013 and replace and consolidate previous related noise guidelines. It introduced a new Class 4 Area, which is meant to be a tool to allow municipalities to approve a noise sensitive land use with relaxed noise limit levels in an area of existing stationary noise sources to promote intensification as compared to the typical Class 1 Area designation which is applied to residential areas. A Class 4 Area would relax (higher) daytime and night time sound level limits from that otherwise permitted in an urban area, for both indoor and outdoor areas.

16.3.1.3 Conditions for Removal of the “H”	
The “H” symbol shall, upon application by the landowner, be removed by Town Council passing a By-law under Section 36 of the <i>Planning Act</i> . The following conditions, if and as applicable, shall first be completed to the satisfaction of the Town of Oakville:	
a)	That sufficient water and wastewater services are available to the satisfaction of the Regional Municipality of Halton and the <i>Town of Oakville</i> .
b)	The owner has entered into any required servicing agreement(s) with the <i>Town</i> regarding stormwater management.
c)	The completion of detailed design drawings required for the construction of <i>road</i> and <i>infrastructure</i> improvements.
d)	Registration on title of an agreement between the owner and the <i>Town</i> with respect to the <i>road</i> and <i>infrastructure</i> improvements. This agreement shall also address security and advancing of funds, or a letter of credit for the full cost of the <i>road</i> and <i>infrastructure</i> improvements.
e)	The registration on title of a Section 37 Agreement per the <u>Planning Act</u> .
f)	All required land conveyances have been undertaken.

TECHNICAL & PUBLIC COMMENTS:

The proponent has provided numerous studies in support of the application which have been circulated to various public agencies and internal Town departments, and which are under review. The following supporting documents are accessible on the town’s website (<https://www.oakville.ca/business/da-39836.html>):

- Concept Plan;
- Draft Official Plan Amendment;
- Planning Justification Report;
- Survey;
- Traffic Impact Assessment; and,
- Urban Design Brief.

Issues Under Review/Matters to be Considered

A complete analysis of the application will be undertaken and includes a review of the following matters, which have been identified to date:

i. climate change

- Alignment with the climate emergency declared by Council in June 2019 for the purposes of strengthening the Oakville community commitment in reducing carbon footprints.

ii. suitability of comprehensive development plan including:

- demonstration of the potential full build out of subject lands, within the context of Livable Oakville, including the following elements:
 - a) landowner coordination;
 - b) overall spatial distribution of buildings and building heights with appropriate building setbacks, transitions and tower separation;
 - c) complete local road network;
 - d) appropriateness of proposed private road;
 - e) review of shadow study;
 - f) location and treatment of planned gateways at Kerr and Speers and Kerr and the northern limit of Upper Kerr Village at Kerr and the railway;
 - g) location and size of planned urban square & public park;
 - h) safe setbacks to rail line, utilities and pipelines;
 - i) location and distribution of commercial space, including a food store;
 - j) incorporation of transit-supportive development including adequate transit passenger amenities, minimal surface parking, bicycle infrastructure and walkable blocks; and,
 - k) appropriateness of private parking under proposed public park.

iii. suitability of land for intended use including:

- environmental suitability of lands for proposed use (sensitive land use / contamination); and,
- archaeological (whether such matters have been appropriately investigated, identified and protected).

iv. impact/integration of the proposed development on adjoining properties including:

- whether the proposed density, building height, and design of the proposed development is appropriate given the existing and planned surrounding context.
- transportation impact to adjacent roadways and intersections;
- adequacy of proposed sanitary, water and stormwater management servicing and consistency with applicable engineering standards;

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- pedestrian circulation and integration with larger network;
 - capacity of existing transportation, water, sanitary and other infrastructure to support the proposed development and broader planned redevelopment in Kerr Village;
 - appropriateness of designation of subject lands as a Class 4 Area pursuant to NPC 300; and,
 - land use compatibility (noise and vibration in relation to railway corridor and employment lands).

v. Appropriateness of phasing including cost sharing:

- coordination of proposed growth with planned infrastructure improvements;
- appropriateness of phasing / coordinating the proposed development with the provision of necessary infrastructure improvements in consideration of the proposed density;
- suitability of phasing policies to allow for the orderly redevelopment of the subject lands, including the continuation of part or parts of the existing commercial plazas; and,
- appropriate cost sharing policies.

vi. urban design and function of site including:

- built form, massing, building setbacks, overall design;
- shadow impact in relation to existing and future development;
- consideration of active at-grade uses to provide safety, animation and attractive building façades;
- treatment of the Kerr Street frontage with proposed elevation changes proposed through the realignment of Kerr Street;
- provision of publicly accessible private open space and other private open space in an urban context; and,
- conformity with the urban design policies of the Livable Oakville Plan and consistency with the Livable by Design Manual.

vii. consistency / conformity with applicable Provincial, Regional and Town policy including:

- whether the proposed development is designed appropriately to support the full build out of the District together with provision of planned features, amenities and infrastructure.
- whether the proposed density and built form of development supports the urban structure of the town and is appropriate given the existing and planned context;

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- Consistency with the Provincial Policy Statement, conformity with the Growth Plan, Halton Region Official Plan, Livable Oakville Plan and related guidelines.
 - Bonusing / community benefits given pending changes to section 37 of the *Planning Act*¹⁶.

Next Steps

As previously mentioned, the Ontario Land Tribunal hearing (Case No. PL200333) regarding 550 Kerr Street was adjourned to allow for the subject Official Plan Amendment application to be considered. Following this statutory public meeting, staff will consider all comments provided by Council and the public and continue to review this Official Plan Amendment Application. It is anticipated that a recommendation report will be brought forward for consideration by Planning and Development Council on June 11, 2022. The meeting date will be confirmed through formal notice.

Pursuant to the current Livable Oakville policies, or the proposed Official Plan Amendment, site-specific zoning matters and detailed site plan matters such as construction staging, landscaping, design of the proposed urban square and public park, and wind studies would be reviewed through future development applications.

CONSIDERATIONS:

(A) PUBLIC

Notice for this meeting was distributed to all properties within 240 m of the subject property including the local resident's association, residents that participated in the January 19, 2022 virtual PIM meeting and is included on the three signs posted at the site.

The applicant initiated a community consultation process, wherein a virtual Public Information Meeting (PIM) was held on January 19, 2022. 86 members of the public attended the virtual meeting.

All written submissions received as of the date of this report are included in **Appendix "A"**.

(B) FINANCIAL

None arising from this report.

¹⁶ Section 37 of the *Planning Act* remains in effect until the Town passes a Community Benefit Charge ("CBC") By-law or until September 18, 2022. Transition provisions would allow for a site-specific Zoning By-law that describes required Section 37 contributions, enacted before the end of this transition period, to continue to apply after the CBC By-law is enacted.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for review. The application remains in technical review.

(D) CORPORATE STRATEGIC GOALS

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

- To be the most liveable town in Canada

(E) CLIMATE CHANGE/ACTION

The proposed development will be reviewed to ensure compliance with the Town's sustainability objectives of the Livable Oakville Plan.

CONCLUSION:

Planning staff will continue to review and analyze the proposed application and address all technical matters along with submitted public comments, and report to Council at a future meeting. No further notice is required, however, written notice of any future public meetings will be provided to those who have made written and/or verbal submissions.

APPENDICES:

- Appendix A – Written Public Comments
- Appendix B – Applicant's Official Plan Amendment
- Appendix C – Provincial Policy Statement Extracts
- Appendix D – Growth Plan Extracts
- Appendix E – Livable Oakville Schedule
- Appendix F – Livable Oakville Extracts
- Appendix G – Zoning By-law

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