



OAKVILLE

REPORT

Planning and Development Council

Meeting Date: May 16, 2022

FROM: Planning Services Department

DATE: May 3, 2022

SUBJECT: Recommendation Report, Zoning By-law Amendment and Draft Plan of Subdivision, Timsin Holding Corp., Part Lot 16, Concession 1 NDS, File No. Z.1316.11, 24T-21003/1316, By-law 2022-037

LOCATION: West side of Sixth Line, at and north of North Park Boulevard

WARD: Ward 7

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RECOMMENDATION:

1. That the Zoning By-law Amendment and Draft Plan of Subdivision application by Timsin Holding Corp., File No.: Z.1316.11, 24T-21003/1316, as revised, be approved on the basis that the application is 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 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 May 3, 2022.
2. That By-law 2022-037, 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 revised Draft Plan of Subdivision (24T-21003/1316) submitted by Matson Planning and Development Inc. dated November 8, 2021, subject to the conditions contained in Appendix D of the staff report prepared by Planning Services Department dated May 3, 2022.
4. That notice of Council's decision reflects that Council has fully considered all the written and oral submissions relating to this matter and that those comments have been appropriately addressed.

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5. That, in accordance with Section 34(17) of the *Planning Act*, no further notice is determined to be necessary.
 6. That staff be authorized to enter into agreement(s) as required with one or more property owners near or adjacent to Sixth Line in order to facilitate any financial compensation to the town for the design, construction and approval of local municipal services and utilities for works that would otherwise be carried out by the developer, provided such agreements are at nominal cost to the Town and on terms satisfactory to the Town Solicitor and the Director, Transportation & Engineering.

KEY FACTS:

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

- This report recommends approval of a proposed Zoning Bylaw Amendment and Draft Plan of Subdivision application submitted by Timsin Holding Corp.
- The proposal would have the effect of permitting the development of approximately 6 hectares of land for 58 residential units consisting of 22 detached dwellings, 14 semi-detached units, 22 lane based townhouse units, and two natural heritage system blocks associated with the West Morrison Creek subwatershed.
- Vehicular access to the site would be from the planned Argo subdivision to the north and the abutting southerly developed subdivision (Timsin Phase 1).
- Lands for road widening purposes are required abutting Sixth Line to facilitate future road re-construction works by the town.
- A Zoning By-law Amendment prepared by town staff for approval has been attached as Appendix “C”.
- Draft plan conditions have been recommended to address the conditions of approval based on agency comments and are attached as Appendix “D” to this report.
- The subject lands are designated Neighbourhood Area and Natural Heritage System Area within the North Oakville East Secondary Plan (Figure NOE2) and zoned Future Development (FD) within Zoning By-law 2009-189, as amended by Bylaw 2022-007.

Staff recommend approval of the Zoning By-law Amendment and Draft Plan of Subdivision application as the proposed development conforms to North Oakville East Secondary Plan and Master Plan. The proposal is also consistent with the Provincial Policy Statement 2020, conform to all applicable Provincial plans, the Region of Halton Official Plan as they establish applicable policies to guide development including the conveyance and protection of the natural heritage system

in accordance with the Town's established urban structure and aid in the achievement of complete communities.

BACKGROUND:

The purpose of this report is to provide a full staff review of the application and a recommendation on the proposed Zoning By-law Amendment and Draft Plan of Subdivision application.

The Zoning By-law Amendment (ZBA) and Draft Plan of Subdivision application was submitted on May 31, 2021 and deemed complete on June 17, 2021. Bill 108 provides for 120-day appeal timeframe, ending on September 28, 2021.

The Statutory Public Meeting was hosted by Council on September 13, 2021. No members of the public were in attendance or made submissions.

Proposal

The proposal relates to the redevelopment of approximately 6 hectares of land as follows:

- 58 residential dwellings comprising of 22 detached units, 14 semi-detached units and 22 lane based townhouses;
- two Natural Heritage System blocks (Blocks 37 and 38) of the West Morrison Creek; and,
- the public road network.

Vehicular access to the site would be from the planned Argo subdivision to the north and the abutting southerly developed subdivision – North Park Boulevard and Thistlewood Gate (Timsin Phase 1).

The applicant's revised Zoning By-law Amendment proposes to rezone the property from Future Development (FD), as amended by Bylaw 2022-007, to site specific Neighbourhood Centre (NC), General Urban (GU), Sub-Urban (S) and Natural Heritage System (NHS) zones with additional regulations.

The revised draft plan of subdivision excerpt, Figure 1 below and contained within Appendix B, illustrates the proposed development for the site.

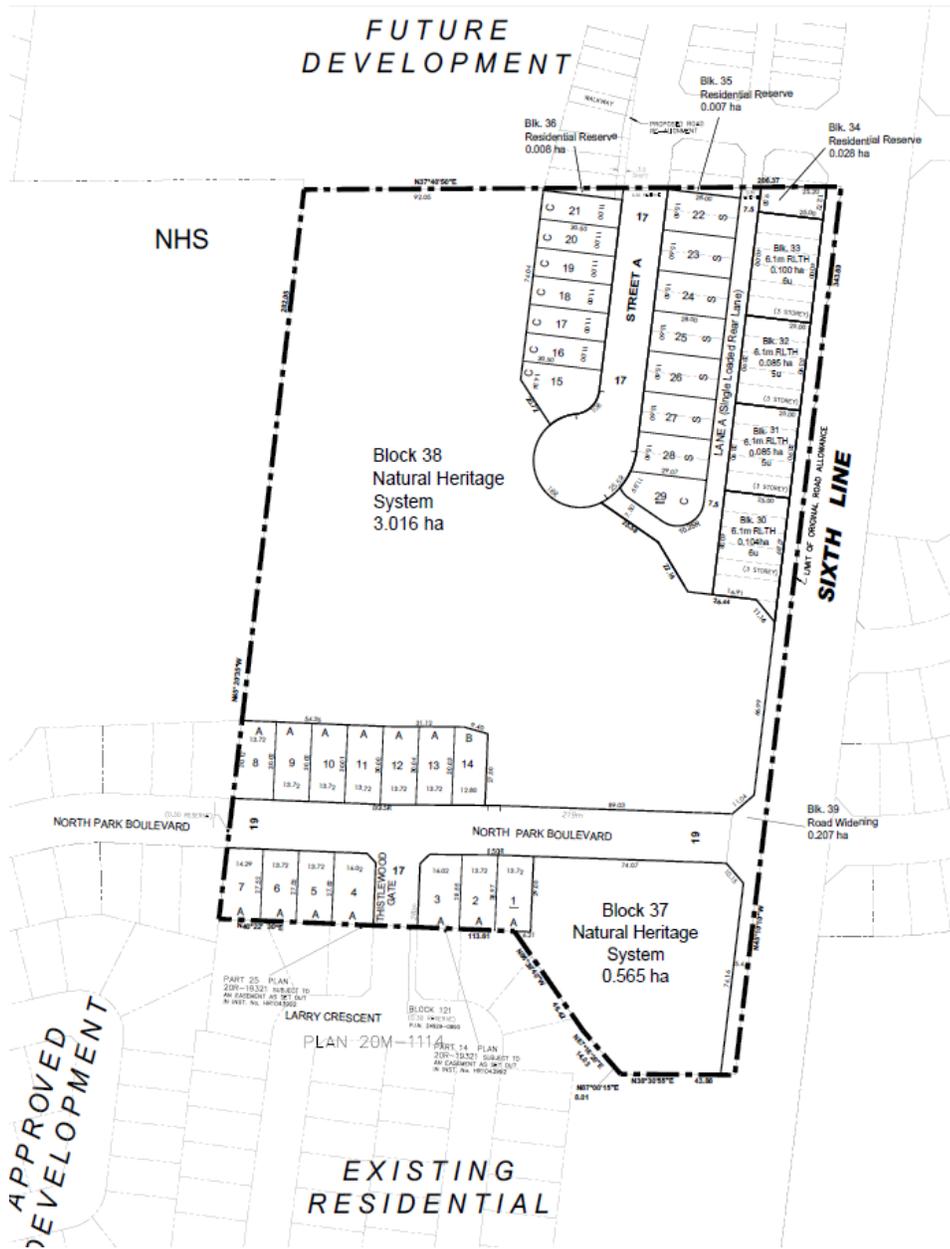


Figure 1 – Proposed Draft Plan Excerpt NTS

The draft plan of subdivision would create a range of lots for detached dwellings, semi-detached dwelling and townhouses.

Revised Draft Plan Features	Number of Units	Area (ha)
Detached Dwellings	22	0.870
Semi-detached Dwellings	14	0.306
Multiple-attached Dwellings	22	0.374
Residential Reserve		0.043
NHS		3.581
Road widening		0.207
Road		0.829
TOTAL	58	6.224

The proposed housing types are outlined in the table below:

Proposed Unit Type	Total
Detached Dwellings (13.72m)	13
Detached Dwellings (12.5m)	1
Detached Dwellings (11m)	8
Semi-detached Dwellings (7.8 m)	14
Townhouse Dwellings (6.1 m lane based)	22
TOTAL	58

All application submission material are found on the town's website site at <https://www.oakville.ca/business/da-38424.html>.

Location/Site Description/Surrounding Land Uses (Figure 2)

The subject land is located on the west side of Sixth Line and on and north of North Park Boulevard.

These lands are remnant agricultural lands and reflect the extension of the Timsin subdivision (Phase 1) to the south.

The West Morrison Creek traverses the site, both in the agricultural field and within the Sixth Line roadside ditch. The creek is proposed to be relocated into the NHS blocks as proposed by this draft plan and similarly into the NHS blocks previously reviewed with Council on the Argo, Digram and Star Oak draft plans of subdivisions.

Lands to the north and east are proposed for residential development.

The Natural Heritage System, west of the site, is referred to as Core 5. Core 5, already owned by the Town of Oakville, is identified within the North Oakville Creeks Subwatershed Study and would abut the future creek block (Block 38).



Figure 2: Air Photo NTS

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

Provincial Policy Statement (2020)

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 (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 "Urban Area" in the Regional Official Plan (ROP) with portions of "Regional Natural Heritage System" (RNHS). 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.

Halton Region advised Town staff that they have no objection to the proposal subject to recommended conditions of draft plan approval and have requested a holding provision related to installation of regional municipal services. A copy of the Region's April 8, 2022 letter can be found in Appendix A.

North Oakville East Secondary Plan (NOESP)

Urban Structure

Schedule A1, Urban Structure, of the *Livable Oakville Plan* provides the basic structural elements for the Town and identifies the site as *Residential Areas* and *Natural Heritage System*. Official Plan Amendment 317 to the *North Oakville East Secondary Plan*, confirms the Town's existing urban structure. OPA 317 was approved by Halton Region on April 26, 2018 and deemed to conform to the Growth Plan and is consistent with the PPS.

Land Use Policies

The North Oakville East Secondary Plan (NOESP) was approved by the Ontario Municipal Board in 2008 through OPA 272 and was prepared to be consistent with the 2005 PPS and in conformity with the 2006 Growth Plan. The Secondary Plan includes detailed policies establishing general development objectives to guide the future development of the area covered by the Plan.

The subject land is designated *Neighbourhood Area* and *Natural Heritage System Area*, as illustrated on Figure 3a below.

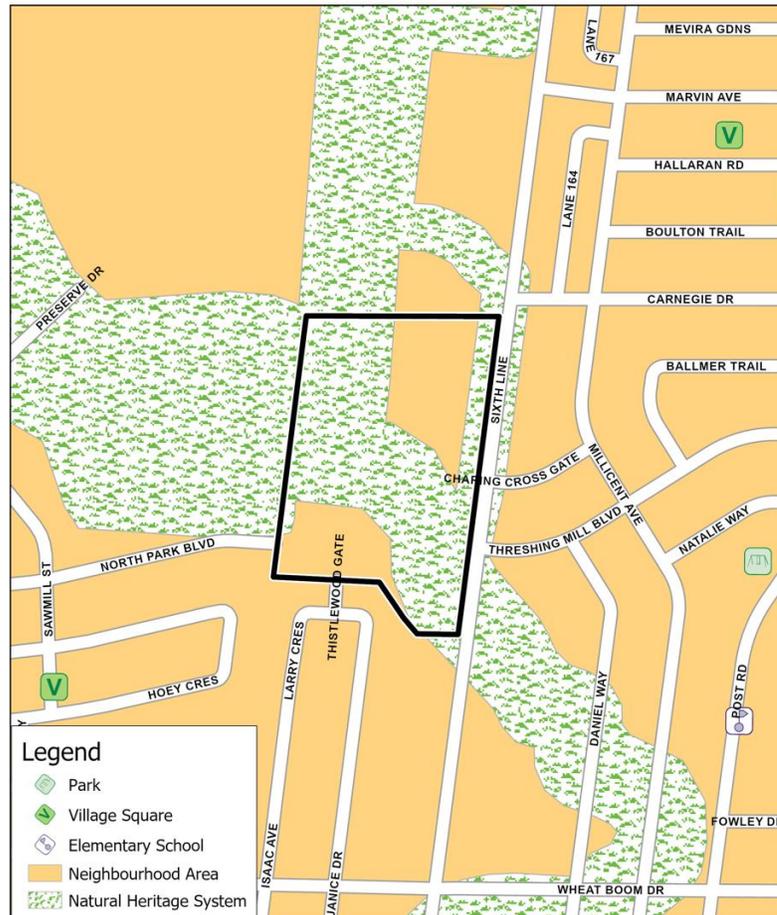


Figure 3a – North Oakville East Secondary Plan - Figure NOE2

Appendix 7.3 - Master Plan

The North Oakville Master Plan illustrates a 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 may be considered, assuming the general intent and direction of the Master Plan is maintained.

The land are further identified on the North Oakville Master Plan as *Natural Heritage System Area*, *Sub Urban*, *General Urban Area* and *Neighbourhood Centre Area*, (Figure 3b, excerpt below).

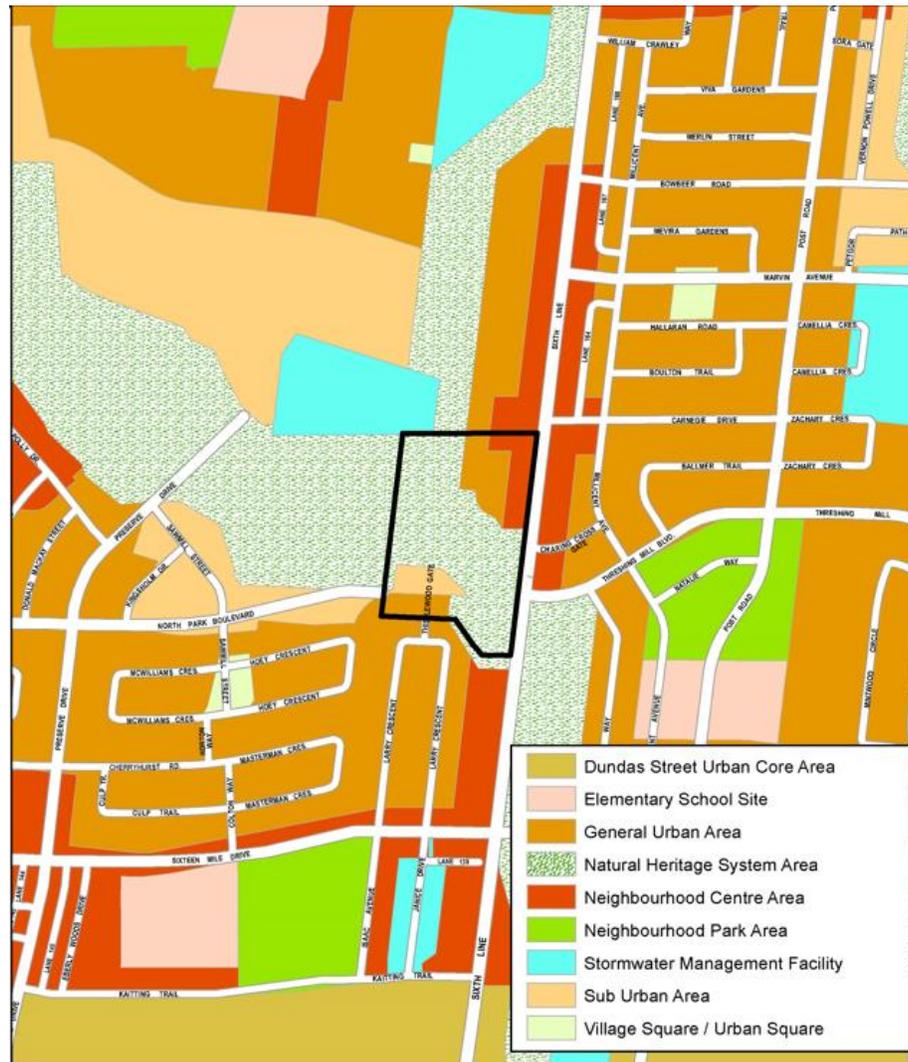


Figure 3b – North Oakville Master Plan Excerpt

OPA 321

In September 2018, Halton Region approved OPA 321, which was subsequently approved at the LPAT in July 2019, with modifications. The effect of OPA 321 was to implement policy directions focused on areas of concern identified through the North Oakville Secondary Plans Review.

Prior to OPA 321, the Neighbourhood Centre Areas were predominately being developed for only residential uses. The vision within the NOESP 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 reinforced that vision 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 at least one mixed use or non-residential buildings at the intersection of each activity node. The Neighbourhood Centre Activity Node as envisioned by the North Oakville Master Plan has been relocated to the north on the Argo lands and centred on the intersection of Marvin Avenue and Sixth Line.

Zoning By-law

The North Oakville Zoning By-law (By-law 2009-189) sets zoning standards with the establishment of general regulations and zones, so as to implement the intent of the North Oakville East and West Secondary Plans. Town Council approved the North Oakville Zoning Bylaw on November 23, 2009.

The subject lands are zoned *Future Development (FD)*, as illustrated on Figure 4 below. The change from Existing Development to Future Development was part of the recent approval of Bylaw 2022-007. The *Future Development (FD)* zone only allows uses that legally existed on the date of the parent by-law came into effect.

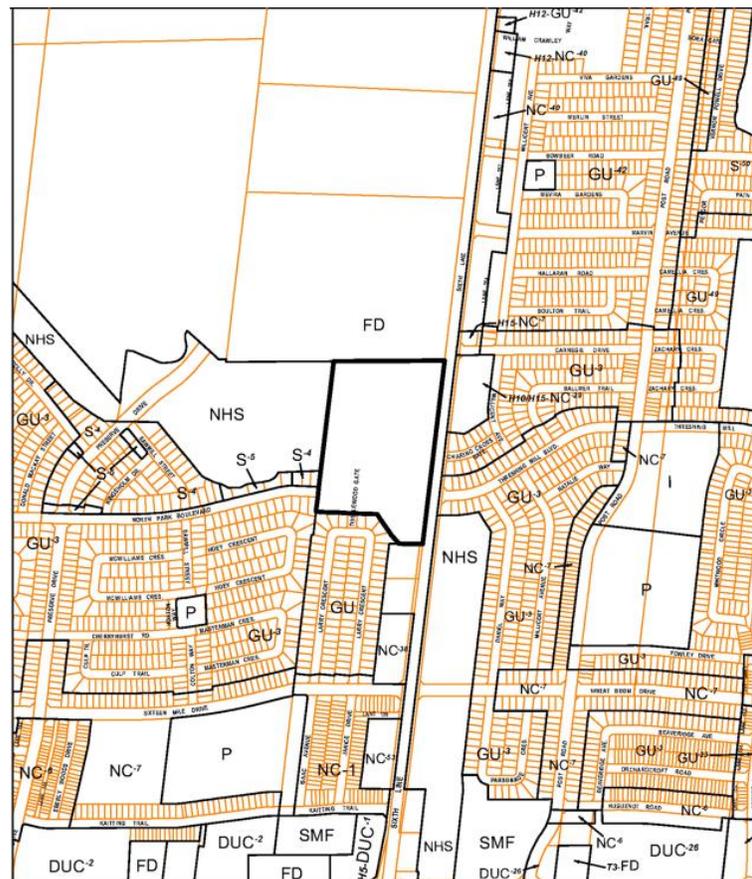


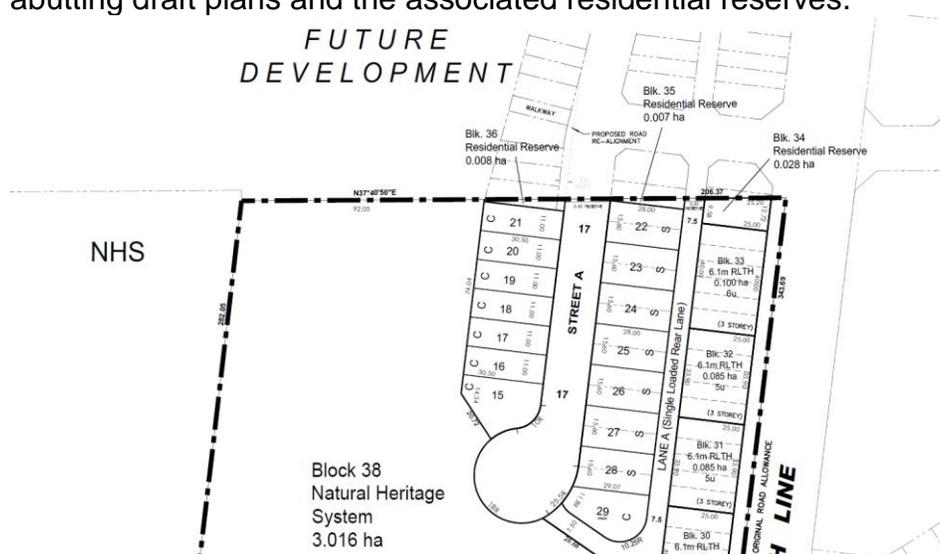
Figure 4 – Zoning By-law Excerpt

Proposed Zoning Bylaw Amendment

Staff have prepared a proposed Zoning By-law (By-law 2022-037) to rezone the lands from *Future Development (FD)* to site specific *Neighbourhood Centre (NC)*, *Sub-Urban*, *General Urban* and *Natural Heritage System (NHS)*. The proposed zoning would facilitate the development of the lands for approximately 58 residential units,

In addition to the map change reflecting the parent zones, staff's Zoning By-law Amendment proposes to:

- Amend the width regulation for encroachments for bay, box and bow windows to 4 metres in Section 4.21 and the percentage and vertical plan definition for porches in Section 4.27.
- Amend the 7 metre rear yard setback regulation for the semi-detached dwellings only in the General Urban zone to 6 metres. Staff consider this unique situation acceptable as the proposed lots back onto a public lane with a width of 7.5 metres. The proposed three storey lane-based townhouses on the opposite side of the lane require a minimum of 0.75 metre setback from the rear property limit. This unique situation maintains an appropriate separation distance between the two dwelling units;
- The proposed Timsin zoning has been coordinated with the northerly Argo (West Morrison) development to avoid any split zoning between the two abutting draft plans and the associated residential reserves.



- Introduce two holding provisions related to the reconstruction of Sixth Line and installation of regional services for the area north of Block 38, the NHS block, north of North Park Boulevard.

Staff's proposed Zoning By-law Amendment can be found within Appendix C.

Resolution of Issues

Confirmation of being a member of the North Oakville East Developers Group and party to the Cost Sharing Agreement

The landowner has been confirmed as a member in good standing with the North Oakville East Development Group. A condition has also been included within the draft plan conditions to ensure that prior to registration the landowner is still a member in good standing with the landowners group.

Consistency with the Provincial Policy Statement, 2020 and conformity to the 2019 Growth Plan for the Greater Golden Horseshoe, Region of Halton Official Plan, North Oakville East Secondary Plan.

The proposed development is an extension of the draft approved plans to the south and east 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.

Does the EIR/FSS appropriately implement the North Oakville Creeks Subwatershed Study? Has the Natural Heritage System limits (the West Morrison Creek block) been appropriately defined?

Both Conservation Halton and Town staff have reviewed the West Morrison Creek EIR/FSS. It has been deemed acceptable as related to the subject property and is consistent with the North Oakville Creeks Subwatershed Study.

Urban design - built form, lot sizes, transitions and compatibility with adjacent properties, interface with public realms and vehicular access.

The applicant has submitted an Urban Design Brief that complies with the Livable by Design Manual. Conditions of draft plan approval are included that requires the applicant to submit elevation drawings (all façades), typical floor plans (all levels) including garage floor plans showing vehicle spaces and storage areas and typical lotting plans for all models on lots not subject to Site Plan Approval for review by the Planning Services Urban Design staff prior to marketing or selling on any units. The applicant is also required to select a control architect who shall ensure all development that is exempt from the Site Plan Approval process, proceeds in accordance with the Town-approved Urban Design Brief.

Vehicular access to this subdivision will be from the Argo subdivision to the north, North Park Boulevard and Thistlewood Gate.

Justification for the proposed modifications to the parent zoning by-law ensuring the proposed zoning by-law amendment appropriately implements the vision of the North Oakville East Secondary Plan.

Staff consider the proposed modifications to the zoning maintain the vision of the NOESP.

Appropriate residential and on-street parking.

Surface parking will be provided in accordance with the Town of Oakville Parking Zoning By-Law requirements for various residential units. Additional on-street parking will be provided on Sixth Line as part of the town's Sixth Line reconstruction project.

The location and number of on-street parking stalls for the subdivision is subject to minor changes and will be confirmed as part of the detailed engineering submission.

Coordination with the town's Sixth Line reconstruction project. Have all road widenings been appropriately identified?

Phasing for construction is shown in Figure 5 below.

Phase 1 of the road reconstruction is presently underway and is targeted for completion in Fall 2022.

Phase 2 engineering drawings are nearing completion. The project is expected to commence with the relocation of hydro services in Fall 2022. The target startup date for the reconstruction of the road is April/May 2023.

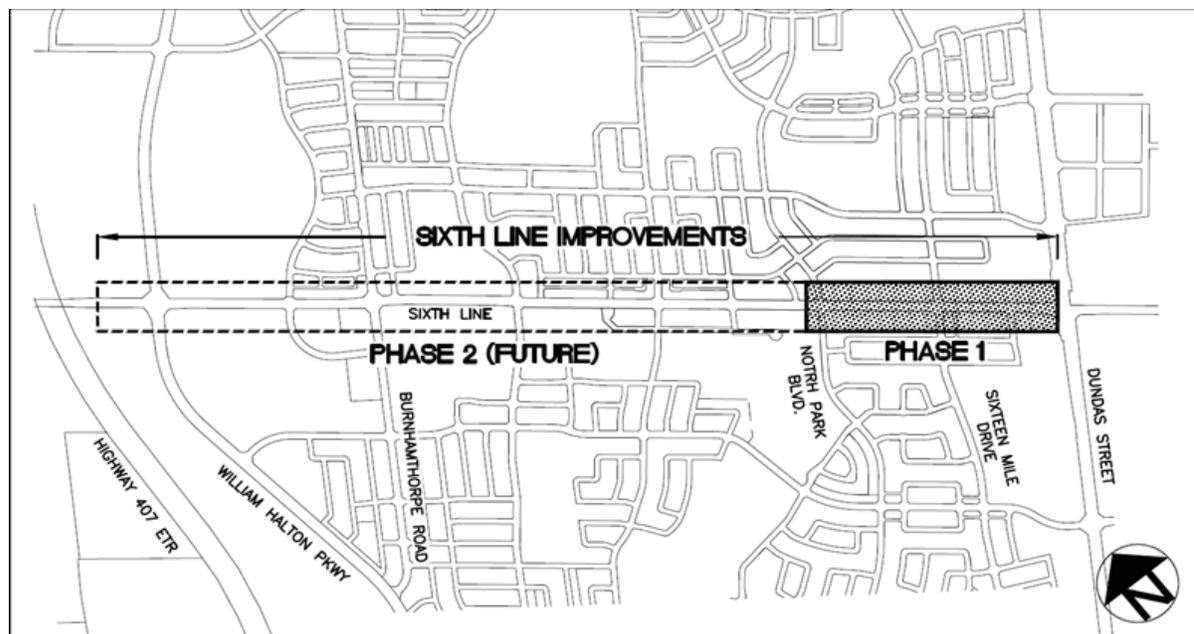


Figure 5 – Sixth Line Reconstruction Phases

As part of the previous Emgo III subdivision that was reviewed by Council at the September 13, 2021 Planning and Development meeting, the following recommendation was approved:

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.

This allowed staff to address the matter of additional lands (future road widenings shown on abutting draft plans) necessary to reconstruct Sixth Line. Block 39, the Sixth Line road widening, is required to be conveyed to the town.

Regarding the Phase 2 road reconstruction, local municipal services and utilities that benefit the individual developments are the expense of the affected developer(s) and traditionally are built by that developer. However with Sixth Line being a town road and its reconstruction in the near future, staff have put forth a recommendation below.

That staff be authorized to enter into agreement(s) as required with one or more property owners near or adjacent to Sixth Line in order to facilitate any financial compensation to the town for the design, construction and approval of local municipal services and utilities for works that would otherwise be carried out by the developer, provided such agreements are at nominal cost to the Town and on terms satisfactory to the Town Solicitor and the Director, Transportation & Engineering.

This recommendation allows for the coordination of local servicing with the timing of the town's capital project in order to reduce the amount and duration of construction activity on Sixth Line, avoids future disruptions for the installation of local services and ensures financial compensation for installation of local municipal services and utilities that would benefit the individual developments in Phase 2. This is a road reconstruction coordination matter.

As mentioned above, a holding provision has also been included into the proposed zoning related to the reconstruction of Sixth Line.

Alignment with the Climate Emergency

The proposed subdivision provides opportunities for various non-motor vehicle options including cycling, transit usage (along Sixth Line and along Marvin Avenue) sidewalks along Sixth Line and North Park Boulevard, trails through the NHS and around the proposed stormwater management pond. In addition, an important link for transit circulation will be built as part of this subdivision connecting North Park Boulevard to Sixth Line.

Town Council Resolution – September 13, 2021

Provide overview of co-ordination with widening of existing roads and new roads, how the timing is worked out among the Town, Halton Region, and the development industry.

The Sixth Line road reconstruction matter is discussed earlier in this report. Regarding North Park Boulevard, the developer will be responsible as part of the subdivision construction to extend North Park Boulevard to Sixth Line, save and except the West Morrison Creek culvert that is presently being constructed by the town.

Work with the developer regarding what climate change initiatives can be incorporated into the design of the subdivision, and identify construction materials for new buildings that will help address climate change issues.

The developer and builders has been made aware of this matter and is encouraged to go beyond the minimum requirements of the *Ontario Building Code*. The subdivision design addresses alternative modes of travel with the provision of sidewalks, trails, transit, and the protection of the NHS.

Public Comments

No public comments were submitted to staff related to the recommendation report.

The Statutory Public meeting was held on September 13, 2021.

CONCLUSION:

Staff recommends approval of Draft Plan of Subdivision and ZBA, which would have the effect of developing approximately 6 hectares of land for 58 residential units consisting of 22 detached dwellings, 14 semi-detached units, 22 lane based townhouse units, and two natural heritage system blocks associated with the West Morrison Creek subwatershed. The proposed subdivision 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.

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 conforms to the Town's approved Urban Structure, and the principles and overall policy direction of the North Oakville East Secondary Plan.

Staff recommend approval of the Draft Plan of subdivision subject to the conditions in Appendix "D" and that By-law 2022-037 be passed as the following additional requirements have been satisfied:

- A full circulation has been undertaken and there are no outstanding financial or planning issues to be resolved. Issues raised by the Conservation Halton and the Region of Halton have been addressed through conditions of approval.
- The proposal implements the vision, development objectives, community design strategy and land use strategy of the North Oakville East Secondary Plan.
- The draft plan of subdivision is necessary to facilitate future land division into individual residential lots, is appropriate for the orderly development of the lands and to secure the needed lands for the reconstruction of Sixth Line.
- The proposed plan of subdivision meets the criteria established in Section 51(24) of the Planning Act.
- Comments from Council have been appropriately addressed.

By-law 2022-037 is attached as Appendix "C".

CONSIDERATIONS:

(A) PUBLIC

The Public Meeting notice for September 13, 2021 meeting was mailed out to all properties within 120 metre radius of the site and placed on the sign on the property. Resident Associations were notified along with property owners in accordance with the *Planning Act* regulations and Town practices. No concerns were raised by the public.

(B) FINANCIAL

Development Charges would be applicable to this development. Parkland dedication is applicable and may be satisfied following confirmation that the developer is in good standing with the North Oakville East Developers Group and party to the Cost Sharing Agreement.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

The application was circulated to internal and external departments and agencies for comment.

Draft plan conditions have been provided in Appendix E to this report. Additional review will be required prior to 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 development generally complies with the Town's sustainability goals and objectives of the North Oakville East Secondary Plan. The proposal has also been reviewed in the context of Council declaring a Climate Change Emergency on June 24, 2019 to provide opportunities to reduce the development footprint of the proposal.

APPENDICES:

- Appendix A – Regional comments
- Appendix B – Draft Plan of Subdivision
- Appendix C – By-law 2021-037
- Appendix D – Conditions of Draft Plan Approval

Prepared by:

Robert Thun, MCIP, RPP, Senior Planner, Current Planning, West District

Recommended by:

Paul Barrette on behalf of Charles McConnell, MCIP, RPP, Manager. Current Planning, West District

Submitted by:

Gabe Charles, MCIP, RPP, Director, Planning Services