

REPORT

Planning and Development Council

Meeting Date: May 10, 2021

FROM: Planning Services Department

DATE: April 27, 2021

SUBJECT: Public Meeting Report – Official Plan Amendment and Zoning By-law Amendment – 677 Burloak GP Inc. – File Nos. OPA.1635.10 and Z.1635.10 (May 10, 2021), 3538, 3540, 3542 and 3544 Wyecroft Road

LOCATION: 3538, 3540, 3542 and 3544 Wyecroft Road

WARD: Ward 1

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RECOMMENDATION:

1. That the public meeting report, prepared by the Planning Services Department dated April 27, 2021, be received.
2. That comments from the public with respect to the Official Plan Amendment and Zoning By-law Amendment by 677 Burloak GP Inc. File Nos. OPA.1635.10 and Z.1635.10, 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:

- The applicant has submitted an Official Plan Amendment and Zoning By-law Amendment to develop the lands for a range of commercial and employment uses.
- The proposal consists of four (4) buildings containing the following:
 - One (1) 370 m² Building for Drive-through restaurants, commercial uses;

- One (1) 370 m² Building for Commercial uses with potential for drive through restaurant/bank;
 - One (1) 790 m² Building for Commercial uses; and
 - One (1) 19,872 m² Building for Warehouse uses.
- The western portion of the subject lands is designated Business Commercial, and the eastern portion of the lands is designated Business Employment.
- Similarly, the western portion of the subject lands is zoned E4 and the eastern portion is zoned E2.
- The affect of the proposed amendments is to provide a uniform land use designation and Zoning to permit the proposed range of buildings and uses in a manner proposed by the applicant.
- The property abuts Metrolinx owned railway tracks to the south, and Natural Heritage System to the east.
- Access is provided from a signalized intersection at the eastern portion of the property, from Wynecroft Road.
- The applications were submitted and deemed complete on December 23, 2020. Bill 108 provides for a 120 day appeal timeframe, which would have ended on April 22, 2021.

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.

The current applications were submitted and deemed complete on December 23, 2020.

The subject lands are located within the Burloak Employment Area and are approximately five (5) hectares in size. The lands are situated at the south east corner of Burloak Drive and Wynecroft Road, south of the Queen Elizabeth Way (QEW) and north of the Metrolinx Railway Corridor. The lands are also south of the RioCan Centre which extends easterly from Burloak Drive to the end of Wynecroft

Road, which contains a wide variety of commercial uses including restaurants, movie theatre, grocery, and retail uses. The proposed development would accommodate additional employment and commercial uses within the Burloak Employment Area.

Proposal

The applicant has submitted an Official Plan Amendment and Zoning By-law Amendment to permit a range of commercial and employment uses over the entirety of the site as follows:

- One (1) 370 m² Building for Drive-through restaurants, commercial uses;
- One (1) 370 m² Building for Commercial uses with potential for drive through restaurant/bank;
- One (1) 790 m² Building for Commercial uses; and
- One (1) 19,872 m² Building for Warehouse uses.

The subject lands are currently designated Business Employment on the east side of the site, and Business Commercial on the west side of the site. The applicant proposes to amend the Official Plan to permit warehousing uses within the Business Commercial designation to align with the proposed building layout at shown in the proposed Site Plan below.

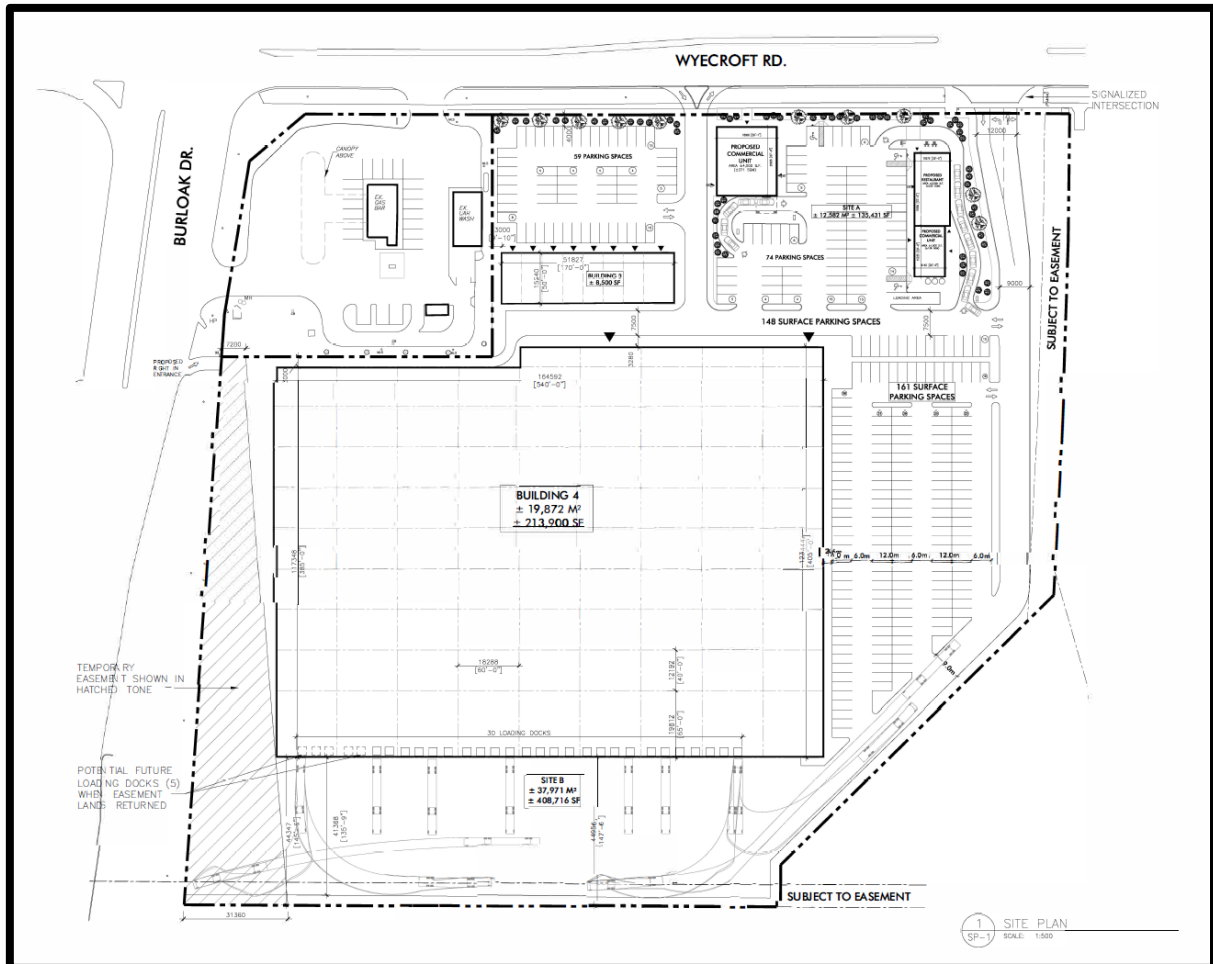


Figure 1 – Proposed Site Plan

The subject lands are zoned E2 (Business Employment) on the eastern portion of the site, and E4 (Business Commercial) on the western portion of the site. The applicant proposes to amend the Zoning By-law to permit the warehouse uses within the E4 zone, and remove the restrictions with respect to drive through facilities for both the E2 and E4 zones. This would provide additional flexibility for the occupancy of the proposed buildings. The proposed site plan demonstrates two (2) drive through facilities together with the stacking lanes, which may be subject to change through the future site plan application.

The applicant also proposes two additional access points including one right-in/right-out entrance on Wycroft Road, and one right-in only on Burloak Drive.

Location & Site Description

The lands are located to the south east of Burloak Drive and Wyecroft Road, abutting an existing gas station at the south east corner of the intersection. The lands are approximately 5 hectares in size, currently vacant and located within the Burloak Employment Area. The entirety of the lands are comprised of smaller blocks created from previous plans of subdivision. The lands in their entirety are known municipally as 3538, 3540, 3542 and 3544 Wyecroft Road.



Figure 2 – Aerial Photo

Surrounding Land Uses

North – Wyecroft Road, Commercial and Retail Uses
East – Natural Heritage System (Sheldon Creek)

South – Metrolinx Rail Corridor
West – Burloak Drive, Employment Uses

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
- 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. Planning authorities shall protect and preserve employment lands to provide opportunities for a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

Further, 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.

Applicable Policies have been included 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."

With respect to employment lands, the policies in the Growth Plan provides for flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource based Sectors. Further, the Plan includes policies that encourage development of employment areas within settlement areas, the establishment of complete communities, a diversity and mix of employment uses, and making more efficient use of vacant, underutilized lands and available infrastructure.

Applicable Policies have been provided in Appendix C.

Halton Region Official Plan

The subject lands are designated as “Urban Area” with an “Employment Area” overlay on Map 1: Regional Structure of the Plan. The subject site also abuts lands to the east designated “Regional Natural Heritage System”.

The policies of “Urban Area” designation support a range of uses and the development of vibrant and healthy mixed use communities which afford maximum choices for residence, work and leisure. Policy 76 states that the range of permitted uses and the creation of new lots in the Urban Area will be in accordance with Local Official Plans and Zoning By-laws. All *development*, however, shall be subject to the *policies* of this Plan.

The “Urban Area” and “Employment Area” objectives and policies of the ROP aim to protect lands designated for employment uses. In this regard, Policy 77.4 (1) prohibits non-employment uses including major retail uses in the “Employment Areas” except for under certain situations. Policy 77.4 (2) states that the Region will plan for, protect and preserve the “Employment Areas” for current and future use.

The railway corridor to the south of the property is identified as a “Commuter Rail Corridor” on Map 3 (Functional Plan of Major Transportation Facilities) of the Official Plan.

The Official Plan Amendment application does not propose a more sensitive land use. There is an existing Record of Site Condition (RSC) for a portion of the site from 2010. Considering the length of time since the RSC and potentially contaminating activities that has taken place (fill piles), a Phase II ESA investigation should be undertaken. In this case, Halton Region is particularly interested in any potential adverse impact to human health through direct contact with contaminated soil or water or inhalation risk pathways.

The Phase II ESA must be provided prior to a Council decision on the application. Further comments and requirements may follow the Region’s review of the Phase II report. However, should the Town choose to proceed prior to the receipt and review

of such a study, then an H-Holding symbol should be applied to the zoning of the lands in the implementing By-law with a condition that the H only be lifted upon submission of a satisfactory Phase II ESA and confirmation that the soil conditions of the site are suitable for their intended use, all to the satisfaction of the Region of Halton.

Further, the ROP also contains policies with respect to archaeological potential, and the preservation and mitigation and documentation of artifacts. Section 167.6 requires the submission of an Archeological Assessment where development is proposed in an area having archaeological potential. Both Stage 1 and Stage 2 reports were submitted with the application, and concluded that no further evaluation is required. Receipt of an acknowledgement from the Ontario Ministry of Heritage, Sport, Tourism and Culture, regarding their acceptance of the Stage 1 and 2 reports is requested prior to a Council decision on the application.

In accordance with Halton Region By-law 16-99 and following review of the proposed official plan amendment application, this application will be exempt from Halton Region approval. The Town will be required to formally obtain the Region's exemption of the OPA at the Recommendation Report stage of this proposal.

Livable Oakville Plan

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

Urban Structure

Schedule A1, Urban Structure, of the *Livable Oakville Plan* provides the basic structural elements for the Town and identifies the site as *Employment Area*.

Land Use Policies

The lands are designated *Business Employment* (east side) and *Business Commercial* (west side) as shown on Schedule F – South West Land Use Plan (Figure 3 below).

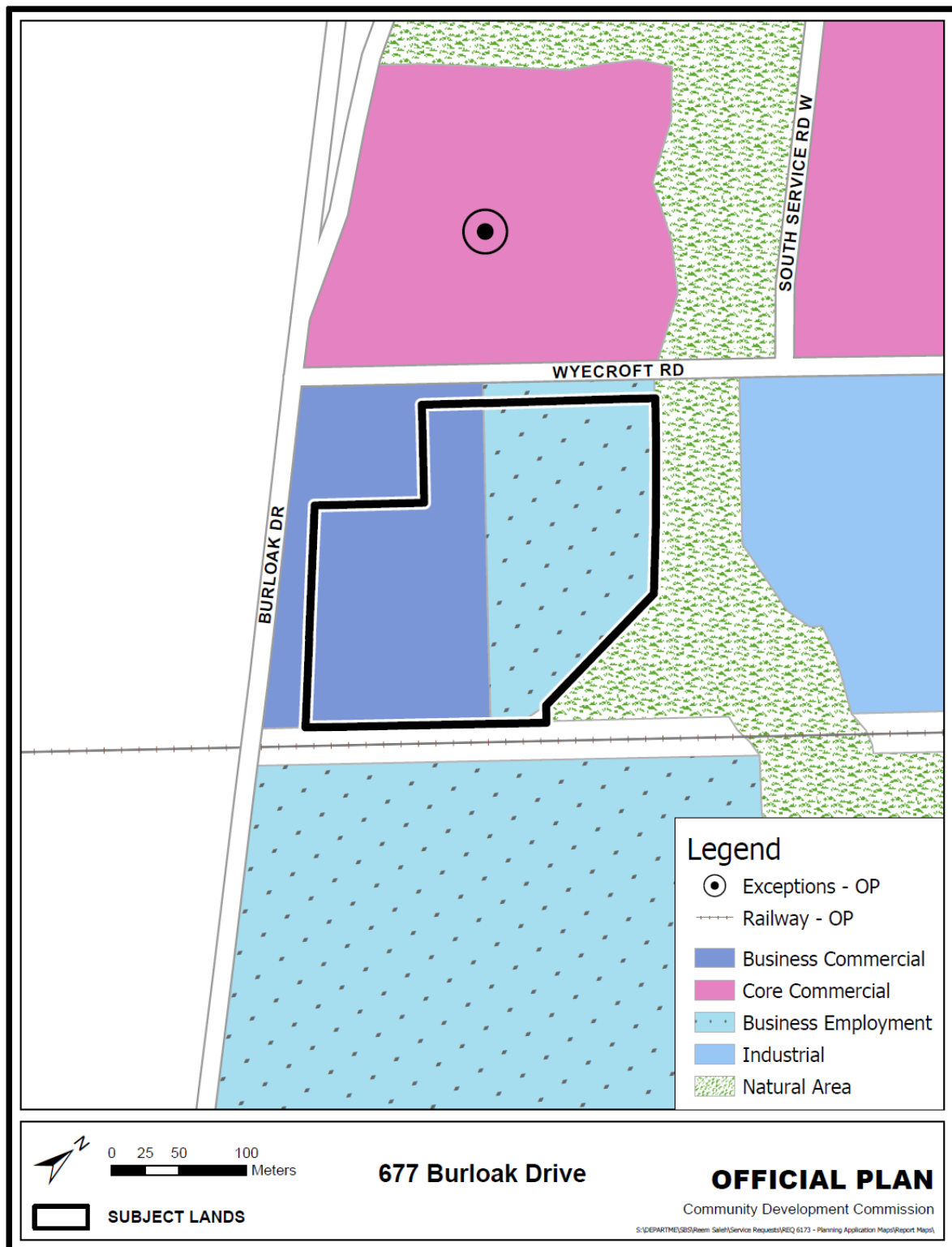


Figure 3 – Official Plan

In accordance with Section 14 Employment areas are intended to provide a range of industrial, business and office uses, which will be the major source of employment opportunities in the Town. The Employment land use designations accommodates a variety of form, scale, and intensity of development that is compatible and in appropriate locations. The Business Commercial designation provides service commercial uses for the surrounding employment areas or for the travelling public. Further, certain services commercial uses, such as drive-through facilities may be permitted within the Employment land use designation.

The Business Commercial designation complements the Business Employment designation, as it provides for service commercial and convenience retail uses to support the surrounding employment areas and the travelling public.

Policy 14.6.1 states:

“Uses permitted in the Business Commercial designation may include hotels, public halls, training facilities and commercial schools, motor vehicle related uses, convenience retail and service commercial uses, including restaurants. Offices may also be permitted.”

Further, Policy 14.6.5 states:

“Business Commercial areas shall apply primarily to existing service commercial uses located along major arterial roads.”

The lands are currently vacant and intended to accommodate both Business Employment and Business Commercial uses on the site. To facilitate the proposed building orientation for the subject lands, the applicant proposes an amendment to the Official Plan to permit a warehousing use within the Business Commercial designation. The applicant’s proposed Official Plan Amendment is provided in Appendix “A”.

Additional applicable policies provided in Appendix C.

Zoning By-law

The subject lands are zoned E2 (Business Employment – east side) and E4 (Business Commercial – west side) as shown in Figure 4 below. The applicant proposes a zoning by-law amendment to permit warehouse uses within the E4 Zone, and to reduce the limitations related to drive-through facilities.

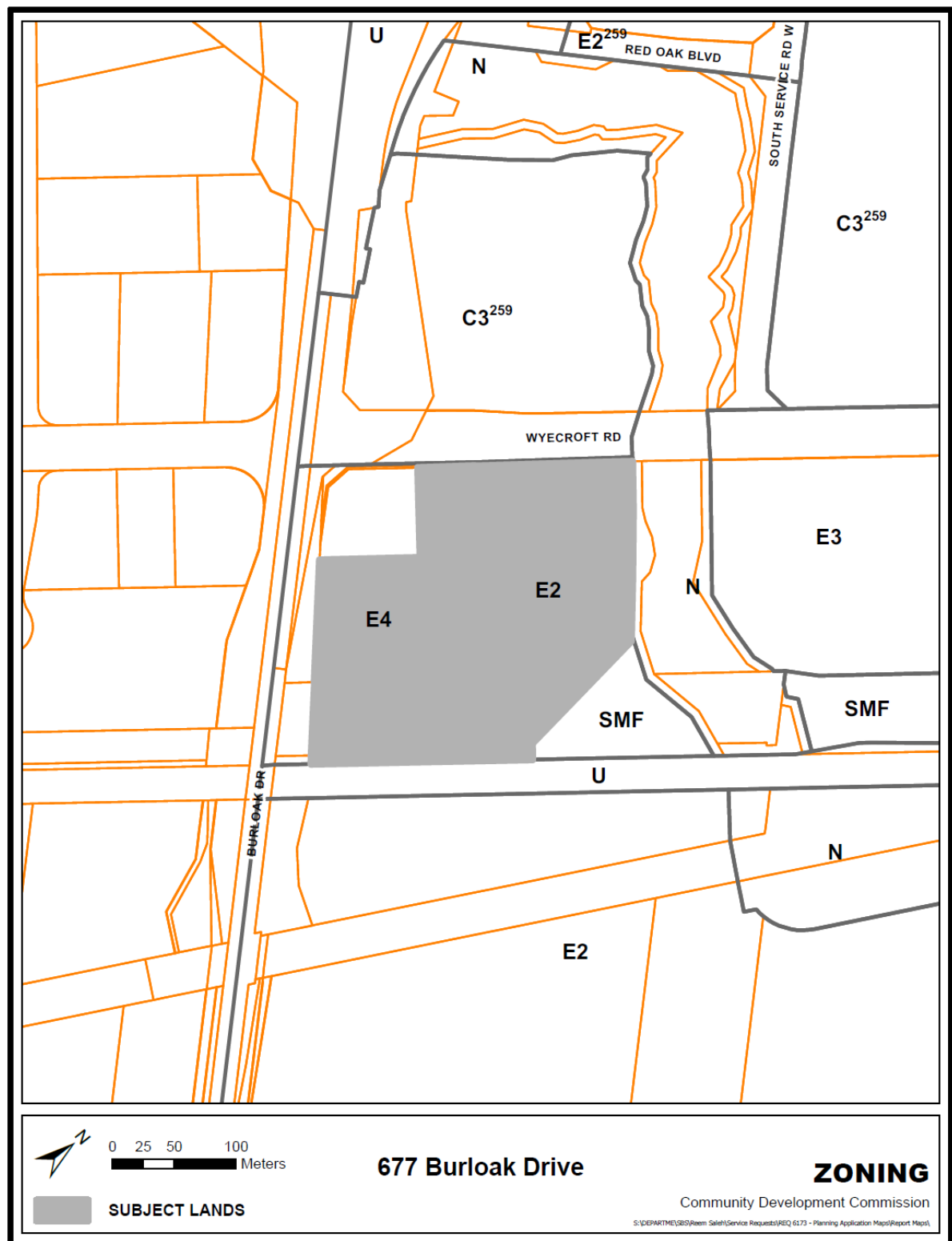


Figure 4 - Zoning

The following table provides a comparison with respect to the applicable land uses and requirements:

Table 1 – Zoning Comparison

Zone Regulation	E2 Zone	E4 Zone	Applicant's Modification
Drive-Through Facility	Permitted subject to additional regulations (6,7,8)	Permitted subject to additional regulations (8)	Permitted without additional regulations
Business/Medical Office	Permitted without additional regulations	Permitted without additional regulations	Unchanged
Restaurant	Permitted subject to additional regulations (6,7)	Permitted without additional regulations	Unchanged
Retail	Not permitted	Permitted subject to additional regulations (11)	Unchanged
Financial Institution	Permitted subject to additional regulation (6,7)	Permitted without additional regulations	Unchanged
Warehouse	Permitted	Not Permitted	Permitted

The additional regulations which impact the proposed uses include:

6. a) *A maximum of 30% of the total net floor area on the lot shall be cumulatively occupied by all uses subject to this footnote. (PL 140317)*
- b) *No net floor area may be occupied by uses subject to this footnote without prior construction having occurred of an equal amount of net floor area for any other use permitted that is not subject to this footnote.*
7. a) *Notwithstanding footnote 6, a stand-alone building that legally existed on the effective date of this By-law containing a use legally existing on the effective date of this By-law that is subject to this footnote shall be permitted.*
- b) *There shall be no maximum net floor area applicable to that building.*
8. *Shall not be permitted on a lot abutting any Residential Zone.*

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11. *The maximum net floor area on a lot for all uses subject to this provision shall be 2,500.0 square metres.*

The affect of the applicant's proposed rezoning would remove the limitation on the maximum floor area related to drive-through facilities only as it relates to the E2 zone. Further, the applicant's proposal would permit warehouse uses within the E4 zone. The proposed rezoning is to facilitate the arrangement of uses on the property as it relates to the two different zones on the subject lands.

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-37175.html>):

- Air Photo
- Survey
- Site Plan and Details
- Planning Justification Report
- Urban Design Brief
- Draft OPA and ZBA
- Archaeological Assessment
- Transportation Impact Assessment
- Arborist Report
- Functional Servicing Plan
- Phase 1 ESA
- Landscape Plan and Details

Issues Under Review / Matters to be Considered

The following issues and matters have been identified to date for further review and consideration. Not all circulation comments have been received to date, but will be considered in the future recommendation report.

- Consistency with the Provincial Policy Statement, 2020 and conformity to the Growth Plan for the Greater Golden Horseshoe, 2019;
- Conformity to the Region of Halton Official Plan;

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- Conformity with the Livable Oakville Plan and its policies related to Employment land uses;
 - Conformity with all applicable urban design policies, on matters such as built form, transitions and compatibility with adjacent properties, interface with public realms and vehicular access;
 - The adequacy of the site to be serviced by the existing municipal infrastructure;
 - Sidewalk design and construction along Wyecroft Road and Burloak Drive;
 - Impacts of the proposed development onto the existing easements along the west side of the property and north;
 - Confirm the limits of the flooding hazard and associated regulatory allowance along the southern edge of the property associated with Sheldon Creek;
 - Conflicts with the railway corridor to the south and the future grade separation on Burloak Drive adjacent to the subject lands; and
 - Status of current Record of Site Condition relative to the proposed development.

Public Comments

The applicant hosted a virtual Public Information Meeting on November 17, 2020. Two members of the public were in attendance and well as the Ward Councillor.

Questions/concerns were raised relating to:

- The impact of the proposed warehouse building on employment; and
- The future tenant of the warehouse building.

As of the date of this report, no public comments were received.

CONSIDERATIONS:

(A) PUBLIC

Notice for this meeting was distributed to all properties within 120 m of the subject property including the local resident's association. A sign was also posted on the property.

The applicant undertook a community consultation process, wherein a virtual public information meeting was held on November 17, 2020. Two members of the public attended the virtual meeting. Minutes of the meeting are contained within Appendix “D” to this staff report.

At the time of writing this report, no written submissions have been received.

(B) FINANCIAL

Development charges and parkland dedication would be applicable to this development.

(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:
Make Oakville the most livable 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 - Applicant's Official Plan Amendment
- Appendix B - Applicant's Zoning By-law Amendment
- Appendix C - Applicable Policies
- Appendix D - Applicant Hosted Public Information Meeting

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